



## MEMORANDUM

**TO:** Pinellas County Charter Review Commission  
**FROM:** Kurt Spitzer  
**DATE:** July 14, 2005  
**RE:** July 18<sup>th</sup> Meeting Materials and Other Information

The purpose of this Memorandum is to provide you with information concerning your meeting set for Monday, July 18<sup>th</sup>.

### Follow-up or Continuation of June 20<sup>th</sup> Issues

#### 1. Citizen Initiative

You asked that I provide you with information on practices in other charter counties regarding the adoption of ordinances by petition of the electorate. A table on that subject is attached for your review.

#### 2. Process Amendments

There are two procedural amendments that could be considered by the CRC. If adopted, they would not result in any immediate changes in governance or structure in Pinellas County. They would, however, change the way in which amendments are presented to or adopted by the electorate in the future. One (legislative oversight on future amendments concerning county constitutional officers) was discussed during the June meeting of the CRC.

The other process amendment concerns removal of the requirement for a “dual vote” for amendments authorizing countywide policy. The Florida Constitution requires a single countywide vote when a charter amendment authorizes the BCC to set a specific policy countywide. In practice, charters address specific policy areas (e.g. water quality protection) and then permit municipalities to have more stringent standards. Such amendments recognize that

policies and programs in one area of a county effect people and programs in another area, and the need for a single jurisdiction to set policy on a regional basis in certain circumstances.

The charter already grants the ability to adopt countywide policy to the BCC in a number of areas. Removing the “dual vote” requirement in the charter would bring the Pinellas Charter into consistency with the other 18 charters and the Florida Constitution.

### 3. Repeal of the Charter

Like most (if not all) other charters, the Pinellas Charter has no mechanism by which it may be repealed. A citizen initiative or amendment from the CRC might likely be challenged in court as being unauthorized. The charter could be amended to authorize consideration of an initiative to repeal or repeal/reconstitute the charter in the future.

### Draft Amendments or Resolutions

There are several proposed amendments and/or resolutions that are attached for your review and consideration.

#### A. Annexation

There are three proposals concerning annexation. First is a Resolution of the CRC supporting the concept of charter authority over referendum annexations. This would require authorization from the Legislature, which could be accomplished in one of two different manners - a Special Act effecting Pinellas County and a general law affecting all charter counties.

The second proposal is a revision to general law authorizing the creation of “preservation areas” which would not be available for annexation by adjacent municipalities.

The final proposal concerns the addition of definitions as relates to voluntary annexations. Should the CRC be interested in pursuing this policy, there are two different directions to take. One is to adopt a resolution urging the Board of County Commissioners to utilize the recommendations of the Annexation Task Force of the Pinellas Assembly process. The other proposal would directly embed definitions in the charter itself.

#### B. Technical Revisions

An amendment proposing a series of housekeeping amendments is attached. It deletes obsolete language and renames certain districts.

#### C. Special Districts

You have previously voted to support measures to bring the functions of the Mosquito Control and Water and Navigation Control Districts directly into the charter. Amendments to accomplish this are attached.

#### D. Legislative Oversight of County Constitutional Officers

This is a process amendment changing how future amendments to the charter may be presented to the voters for their consideration. The current procedure is that such amendments first must be approved by the Legislature as a Special Act (after being first adopted by the CRC, the BCC or citizen petition) before being considered by the electorate of the county. The revision deletes the requirement to present the recommendation to the Legislature for their approval before consideration by the electorate. It brings the Pinellas charter into consistency with the other 18 county charters. It has no effect on the current powers, duties or independence of the county officers.

#### E. Future Charter Review Commissions

A draft amendment concerning charter review commissions is attached. It provides that the CRC is constituted every eight years and that any recommendations are placed on the ballot during Presidential elections. The duration of the CRC is increased, a requirement for public hearings is added, etc. You may wish to consider other revisions or additions thereto.

attachments

# Ordinances by Petition

| <i>County</i> | <i>Year Adopted</i> | <i>Population 2004</i> | <i>Ordinance by Petition</i>                     | <i>Charter Amendments (petition)</i>               |
|---------------|---------------------|------------------------|--|--|
| Alachua       | 1987                | 236,174                | 7% qual. to vote in last election;<br>6 months   | 10% qual. last gen. election; single subject       |
| Brevard       | 1994                | 521,422                | 5% (3 of 5 districts) qual. to vote;<br>9 months | 5% in each district; single subject; exclusions    |
| Broward       | 1975                | 1,723,131              | 7% of electors during last election              | (same as for ordinances)                           |
| Charlotte     | 1986                | 156,985                | 10% qual. to vote in last election;<br>6 months  | 10% qual. last gen. election; single subject       |
| Clay          | 1991                | 163,461                | 10% of voters in last election; 6 months         | 10% qual. last gen. election; single subject       |
| Columbia      | 2002                | 60,453                 | 7% qual. to vote in last election                |  |
| Duval         | 1968                | 840,474                |  |  |
| Hillsborough  | 1983                | 1,108,435              | silent   | 8% total and in half of BCC districts; single subj |
| Lee           | 1996                | 521,253                | 5% qual. to vote in last election;<br>6 months   | 7% qual. last gen. election; single subject        |
| Leon          | 2002                | 263,896                | 10% qual. in each district                       |  |
| Miami-Dade    | 1957                | 2,379,818              | 4% of current electors; 2 months                 | 10%; even years only; held during gen. Elect.      |

| <i>County</i> | <i>Year Adopted</i> | <i>Population 2004</i> | <i>Ordinance by Petition</i>                     | <i>Charter Amendments (petition)</i>                  |
|---------------|---------------------|------------------------|--|---|
| Orange        | 1986                | 1,013,937              | 7% qual. to vote in each district;<br>6 months   | 10% in majority of districts; 6 months                |
| Osceola       | 1992                | 225,816                | 7% qual. to vote in last election;<br>6 months   | 10% qual. last gen. election; single<br>subject       |
| Palm Beach    | 1985                | 1,242,270              | 7% qual. to vote in last election                | 7%; considered only in presidential<br>election years |
| Pinellas      | 1980                | 943,640                | silent   | 10 % with no more than 30% in a<br>single district    |
| Polk          | 1998                | 528,389                | 6% from each district                            | 7% from each district; similar<br>exclusions as ord's |
| Sarasota      | 1971                | 358,307                | silent   | 5% of registered voters                               |
| Seminole      | 1989                | 403,361                | 5% (3 of 5 districts) qual. to vote;<br>6 months | 7.5% in 3 of 5 districts; single subject              |
| Volusia       | 1971                | 484,261                | silent   | 5% from each district                                 |

RESOLUTION NO. \_\_\_\_\_

WHEREAS, with the active cooperation and support of the municipalities, and pursuant to statutory authority, the Pinellas County Charter has been amended to provide for an exclusive method of voluntary annexation, by ordinance of the Board of County Commissioners and further provides for the delineation of exclusive annexation boundaries; and

WHEREAS, with the active cooperation and support of the municipalities, the Pinellas County Board of County Commissioners adopted an ordinance to implement that charter based annexation authority; and

WHEREAS, with over four years of experience in administration of the ordinance interjurisdictional disputes that have had an impact on economic development have been reduced. However, it has been recognized by the Board of County Commissioners and the Annexation Task Force of the Pinellas Assembly that the statutory limitation of charter authority to only voluntary annexation makes the exclusive annexation boundaries illusory and of little practical planning significance; and

WHEREAS, the first step in eliminating this barrier to real and practically functional annexation controls be to expand the scope of charter/special act/general law authority so that they were empowered to governed referendum annexation and contraction; and

WHEREAS, one way to accomplish this would be to, in the following manner, move and rewrite Section 171.044(5) Fla. Stat. of the general law to eliminate its applicability to only voluntary annexation:

1. Eliminate Section 171.044(5) Fla. Stat; and
2. move the above-referenced subsection (5) from the section governing voluntary annexation to the general preemption section with slight amendments to read as follows:

171.021Preemption; effect on special laws..

(5) The methods of annexation and contraction provided by this chapter shall be supplemental to any other procedure provided by general or special law, except that this chapter shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation to be implemented by ordinance of the Board of County Commissioners.

WHEREAS, a second way authorized by Article VIII Section 2(c) of the Florida Constitution would be to adopt a special act governing Pinellas County that provides for the same charter authority to read as follows:

The methods of annexation and contraction provided by Chapter 171 Florida Statutes for all forms of annexation and contraction shall be supplemental to any other procedure provided for in the Pinellas County

Charter and subsequently implemented by Pinellas County ordinance. In the event of a conflict between the County Ordinance adopted to implement this authority and the Provisions of Chapter 171 Florida Statutes, the Pinellas County Ordinance shall govern.

WHEREAS, the methods of annexation and contraction provided by this Chapter 171 Fla. Stat. shall be supplemental to any other procedure provided for in the Pinellas County Charter and implemented by Pinellas County Ordinance.

WHEREAS, the Pinellas County Charter Review Commission was convened pursuant to the Pinellas County Charter and has reviewed the countywide annexation issues and the report of the Annexation Task Force of the Pinellas Assembly and has determined that legislative action to support the continued expansion of home rule control of annexation issues is desirable.

NOW THEREFORE, BE IT RESOLVED that the Pinellas County Charter Review Commission agrees with the recommendations of the Annexation Task Force of the Pinellas Assembly and joins them in urging the legislative delegation to eliminate the remaining barrier to effective home rule over inherently local annexation issues by fully implementing County charter based annexation authority.

BE IT FURTHER RESOLVED that this Resolution be included in the final report to the citizens of the Pinellas County Charter Review Commission and that this Resolution be forwarded to the Pinellas County Legislative Delegation for its consideration in the 2006 legislative session.

This Resolution shall become effective upon its adoption.

Commissioner \_\_\_\_\_ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner \_\_\_\_\_, and upon roll call the vote was [unanimous] or:

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

Absent and not Voting \_\_\_\_\_

1 CHAPTER 2006-\_\_\_\_  
2

3 Senate bill NO. \_\_\_\_\_  
4

5 An act relating to Pinellas County; providing authority to the board of county  
6 commissioners of Pinellas County to amend the Pinellas County charter to  
7 provide for charter-based annexation and contraction procedures to which general  
8 law will be supplemental; providing severability; providing an effective date  
9

10 Be it Enacted by the Legislature of the State of Florida and pursuant to Article VIII, Section 2(c)  
11 of the Florida Constitution:  
12

13 Section 1. The methods of annexation and contraction provided by Chapter 171 Florida  
14 Statutes for all forms of annexation and contraction shall be supplemental to any other procedure  
15 provided for, now or in the future, in the Pinellas County Charter and subsequently implemented  
16 by Pinellas County ordinance. In the event of a conflict between the County Ordinance adopted  
17 to implement this authority and the Provisions of Chapter 171 Florida Statutes, the Pinellas  
18 County Ordinance shall govern.  
19

20 Section 2. If any provision of this act or its application to any person or circumstance is held  
21 invalid, the invalidity does not affect other provisions or application, and to this end the  
22 provisions of this act are declared severable.  
23

24 Section 3. This act shall take effect upon becoming law.  
25

26 Approved by the Governor \_\_\_\_\_  
27 Filed in Office of Secretary of State \_\_\_\_\_  
28



1 CHAPTER 2006-\_\_\_\_

2  
3 Senate bill NO. \_\_\_\_\_

4  
5 An act relating to annexation regulation authority; repealing Section 171.044(4)  
6 Florida Statutes; amending Section 171.021 Florida Statutes by adding a new  
7 subsection 5 to provide that Chapter 171 Florida Statutes is supplemental to any  
8 annexation provisions enacted by general and special law and to exempt charter-  
9 based annexation methods from the provisions of Chapter 171, Florida Statutes;  
10 providing severability; providing an effective date

11  
12 Be it Enacted by the Legislature of the State of Florida:  
13

14 Section 1. Section 171.044(4) Florida Statutes is hereby repealed and subsections (5)  
15 and (6) are renumbered as subsections (4) and (5), respectively.  
16

17 Section 2. Section 171.021 Florida Statutes is hereby amended to create a new subsection (5)  
18 to read as follows:  
19

20 171.021 Preemption; effect on special laws..  
21

22 (5) The methods of annexation and contraction provided by this Chapter shall  
23 be supplemental to any other procedure provided by general or special  
24 law, except that this chapter shall not apply to municipalities in counties  
25 with charters, which provide for an exclusive method of municipal  
26 annexation to be implemented by ordinance of the Board of County  
27 Commissioners.  
28

29 Section 3. If any provision of this act or its application to any person or circumstance is held  
30 invalid, the invalidity does not affect other provisions or application, and to this end the  
31 provisions of this act are declared severable.  
32

33 Section 4. This act shall take effect upon becoming law.  
34

35 Approved by the Governor \_\_\_\_\_

36 Filed in Office of Secretary of State \_\_\_\_\_  
37

# DRAFT

## A bill to be entitled

An Act relating to exemption from annexation; creating the “Community Preservation Act”; amending s. 125.01 F.S. to authorize counties to exempt portions of their unincorporated areas from annexation; amending s. 171.021 to add the preservation of communities to the purposes of The Municipal Annexation Act; amending s. 171.031 to add definition of “preserved community”; amending s. 171.0413 to add “non-exempt” to conditions for annexation.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the “Community Preservation Act.”

Section 2. Section 125.01(1), Florida Statutes, is amended by adding a new subsection (dd) which reads:

125.01(1)(dd) Establish, and thereafter, alter or abolish, by ordinance, preserved community areas in the unincorporated portions of the county which either consist of identifiable communities which have expressed an interest in preserving their unincorporated character. These preserved community areas shall not be subject to annexation by any municipality under any procedure otherwise permitted by law.

Section 3. Section 171.021, Florida Statutes, is amended by adding a new subsection (5)

which reads:

171.021(5) Ensure that communities which wish to preserve their unincorporated character and significant county facilities are protected from annexation.

Section 4. Section 171.031, Florida Statutes, is amended by adding a new subsection

(14) which reads:

171.031(14) “Preserved Community” shall mean any portion of the unincorporated property of a county which has been designated by the county as a preserved community exempt from municipal annexation.

Section 5. Section 171.0413, Florida Statutes, is amended to read:

171.0413 Annexation procedures. – Any municipality may annex contiguous, compact, unincorporated territory, which has not been designated a “preserved community” as defined in this chapter, in the following manner...”

RESOLUTION NO. \_\_\_\_\_

WHEREAS, with the active cooperation and support of the municipalities, and pursuant to statutory authority, the Pinellas County Charter has been amended to provide for an exclusive method of voluntary annexation, by ordinance of the Board of County Commissioners and further provides for the delineation of exclusive annexation boundaries; and

WHEREAS, with the active cooperation and support of the municipalities, the Pinellas County Board of County Commissioners adopted an ordinance to implement that charter based annexation authority; and

WHEREAS, with over four years of experience in administration of the ordinance, jurisdictional disputes that have had an impact on economic development have been reduced. However, it has been recognized by the Board of County Commissioners that the definitions for "contiguity" and "compact" provided in the county ordinance which mirror those in the Florida Statutes serve, on occasion, not only to perpetuate haphazard, ad hoc, and undisciplined decision-making but continue to foster inefficient municipal and county jurisdictional boundaries; and

WHEREAS, inefficient municipal and county jurisdictional boundaries result in waste in the delivery of services which translates into higher taxes; and

WHEREAS, efficient municipal and county jurisdictional boundaries results in efficiencies that should translate into lower taxes; and

WHEREAS, definitions have been proposed by the Board of County Commissioners but without counter proposals, were totally rejected by the Pinellas Planning Council; and

WHEREAS, after rejection by the Pinellas Planning Council the Board of County Commissioners on January 11, 2005 adopted those proposals as guidelines for review in their "Approved Policy Guidelines for Evaluating Proposed Voluntary Annexations." Those guidelines are attached as Exhibit "A" to this Resolution; and

WHEREAS, one of the bases for rejection of the definitions was that in certain unique circumstances and boundary patterns a proposed annexation would not meet the strict letter of the definitions but would not exacerbate the efficiencies in delivery of services and would be a logical and desirable extension of municipal boundaries; and

WHEREAS, not unlike all forms of regulation of land use, it is recognized that trying to govern the unlimited combination of patterns of possible municipal annexations with a single definition, strictly applied and without a basis for variance may lead to unduly burdensome results; and

WHEREAS, the definitions proposed by the Board of County Commissioners serve as a logical restriction, if moderated by a variance provision such as that attached as Exhibit "B," that will foster more orderly and efficient extensions of municipal boundaries through annexation; and

WHEREAS, the placement of such detailed and technical definitions in the Pinellas County Charter will make desirable modifications identified through experience difficult to accomplish and thus unduly frustrate annexation efforts.

WHEREAS, the Pinellas County Charter Review Commission was convened pursuant to the Pinellas County Charter and has reviewed the countywide annexation issues and the report of the Annexation Task Force of the Pinellas Assembly and putting technical annexation definitions in the Pinellas County Charter would make them difficult to amend through the lessons of experience.,

NOW THEREFORE, BE IT RESOLVED that the Pinellas County Charter Review Commission agrees with the recommendations of the Annexation Task Force of the Pinellas Assembly and joins them in urging the Board of County Commissioners to amend the County's ordinance to incorporate the definitions contained in the "Approved Policy Guidelines for Evaluating Proposed Voluntary Annexations" and to incorporate a variance provisions to mitigate unintended applications of the definitions in a manner that would create an undue hardship on continued municipal expansion.

BE IT FURTHER RESOLVED that this Resolution be included in the final report to the citizens of the Pinellas County Charter Review Commission and that this Resolution be forwarded to the Pinellas County Legislative Delegation for its consideration in the 2006 legislative session.

This Resolution shall become effective upon its adoption.

Commissioner \_\_\_\_\_ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner \_\_\_\_\_, and upon roll call the vote was [unanimous] or:

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

Absent and not Voting \_\_\_\_\_

## Exhibit "A"

### **APPROVED POLICY GUIDELINES FOR EVALUATING PROPOSED VOLUNTARY ANNEXATIONS (January 11, 2005)**

#### **Background:**

In Pinellas County, voluntary annexations are subject to the provisions of County Ordinance No. 00-63 as a result of an amendment to the County Charter approved by the electorate in November 2000. Ordinance No. 00-63 requires that a proposed voluntary annexation meet the following basic requirements:

- (a) that the property proposed for annexation is located within the annexing municipality's planning area, is contiguous to the annexing municipality, is reasonably compact, and does not create an enclave; or
- (b) that the property is located within the annexing municipality's planning area, is located within and reduces an enclave existing on the effective date of the ordinance, and neither involves a property that is subject to an existing annexation agreement nor provides the basis for annexing an adjoining property that is subject to an annexation agreement.

Proposed voluntary annexations must also comply with the procedural requirements of County Ordinance No. 00-63.

The County ordinance allows for a limited review of proposed voluntary annexations by the Pinellas Planning Council, and provides an opportunity for an affected party (which includes Pinellas County) to petition the Council and the Countywide Planning Authority (CPA) to conduct a full review of a proposed voluntary annexation for consistency with the criteria and procedures of Ordinance No. 00-63. The criteria for determining whether a proposed annexation is consistent with the basic requirements for annexation rely upon terms that are not clearly defined. While "compact", "contiguous", and "enclave" are defined in the Ordinance using definitions from the Florida Statutes (the definition of "enclave" was simplified), these definitions leave considerable room for differences in interpretation. There were no clear and agreed upon guidelines established by the CPA for determining when these annexation requirements have been satisfied.

On January 11, 2005, the Pinellas County Board of County Commissioners, in their role as the Countywide Planning Authority, directed County staff to use the following policy guidelines that are quantified when reviewing proposed voluntary annexations for compliance with the annexation criteria in Ordinance No. 00-63. The present criteria will remain in the Ordinance and County staff will follow the

policy guidelines so that it is predictable what is an immediately acceptable annexation and what will be held out for further scrutiny.

**Approved Voluntary Annexation Guidelines:**

1. "Contiguous" means that a substantial part of a boundary of the area to be annexed is coterminus with a part of the boundary of the annexing municipality. This requirement would be satisfied when 50% or more of a boundary on a single side of the annexation area is coterminus with the boundary of the annexing municipality.
2. To ensure that annexation results in a municipal area that is reasonably compact, the following guidelines will be used:
  - At least 18% of the total perimeter of the proposed annexation area must be coterminus to the annexing municipality. All areas of the annexing municipality that are coterminus to the proposed annexation area are considered when determining whether this guideline has been met. This percentage is based on the typical dimensions of an R-3 residential lot (60' by 100'), which would meet the 18% requirement if its shortest side were adjacent to the municipal boundary.
  - Annexations are prohibited from creating pockets. A "pocket" would be created when an unincorporated area is enclosed along more than 82% of its perimeter by a single municipality. Pockets would include public ROW.
3. Experience has shown that, while individual annexations may satisfy the Ordinance requirements for contiguity and compactness, the cumulative impact of annexations over time in a specific area can result in municipal boundaries that are arguably inconsistent with these requirements. Therefore, the expansion of municipal boundaries through the aggregation of individual annexations in a specific area will be evaluated using the above guidelines as applied to the aggregated annexation area. While implementation of this requirement will require some judgment and must be reasonably applied, it will generally require that proposed annexations be evaluated in the context of the aggregated annexations back to where they have their smallest connection (as a percentage of the total perimeter of the aggregated annexation area) with the rest of the municipality. This cumulative application of the annexation criteria means that a municipality can continue to annex property in a certain area as long as the connection between the aggregated annexation area and the rest of the municipality constitutes at least 18% of the total perimeter of the aggregated annexation area. If the aggregated annexation area with or without the proposed annexations does not meet the voluntary annexation guidelines, then expansion of this area through further voluntary annexations could

not occur unless the proposed annexation would reduce the size of an existing pocket or increase the contiguity of the aggregated annexation area with the rest of the municipality.

4. The prohibition about creating “finger areas” should be adequately addressed through use of the voluntary annexation guidelines discussed above.

G:/AnnexReviewCriteria 1-11-05



## Exhibit "B"

**Variance** In order to authorize any variance to the applications of these definitions the following criteria shall be considered by the Pinellas Planning Council, the Board of County Commissioners and the annexing local government's governing body:

- (1) **Special conditions.** That special conditions and circumstances exist which are peculiar to the land including the nature of and to what extent these special conditions and circumstances may exist as direct results from actions by the applicant.
- (2) **No special privilege.** That granting the variance requested will not confer on the applicant any special privilege that is denied by the definitions to other similar lands.
- (3) **Unnecessary hardship.** That literal interpretation of the definitions would deprive the applicant of rights commonly enjoyed by other similarly situated properties.
- (4) **Purpose and intent compliance.** That the grant of the variance will be in harmony with the general intent, purpose, and spirit of allowing annexation while at the same time preserving and enhancing the efficient delivery of service.
- (5) **Detriment to public welfare.** That such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (6) **Reduction of Problems** That such variance would reduce the size of an existing pocket or increase the contiguity of the aggregated annexation area with the rest of the municipality.

## ARTICLE II.

### POWERS AND DUTIES OF THE COUNTY

#### **Sec. 2.04. Special powers of the county.**

(t) All powers necessary to establish by ordinance the exclusive method and criteria for voluntary municipal annexation, including the delineation of areas eligible for annexation, to the extent provided by general law. The ordinance shall require that properties proposed for annexation be contiguous and that the resulting municipal area is compact. The following definitions shall apply:

1. An area proposed for annexation is “Contiguous” to a municipal boundary if 50% or more of a boundary on a single side of the area to be annexed is coterminous with a part of the boundary of the annexing municipality.
2. An area proposed for annexation maintains a municipal area that is compact if:
  - a. At least 18% of the total perimeter of the proposed annexation area is coterminous to the annexing municipality. All areas of the annexing municipality that are coterminous to the proposed annexation area are considered when determining whether this guideline has been met.
  - b. A proposed annexation does not create a pocket by enclosing an unincorporated area, including public rights-of-way, along more than 82% of its perimeter.
  - c. The length of contiguity of an aggregation of prior annexations, together with a proposed annexation back to where the area has its smallest connection to the municipal boundary constitutes at least 18% of the total perimeter of the aggregated annexation area together with the proposed annexation.

Variance      In order to authorize any variance to the applications of these definitions the following criteria shall be considered by the Pinellas Planning Council, the Board of County Commissioners and the annexing local government’s governing body:

- (1) Special conditions. That special conditions and circumstances exist which are peculiar to the land including the nature of and to what extent these special conditions and circumstances may exist as direct results from actions by the applicant.
- (2) No special privilege. That granting the variance requested will not confer on the applicant any special privilege that is denied by the definitions to other similar lands.
- (3) Unnecessary hardship. That literal interpretation of the definitions would deprive the applicant of rights commonly enjoyed by other similarly situated properties.

- (4) Purpose and intent compliance. That the grant of the variance will be in harmony with the general intent, purpose, and spirit of allowing annexation while at the same time preserving and enhancing the efficient delivery of service.
- (5) Detriment to public welfare. That such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (6) Reduction of Problems                      That such variance would reduce the size of an existing pocket or increase the contiguity of the aggregated annexation area with the rest of the municipality.

BALLOT TITLE:    PROVIDE DEFINITIONS FOR CONTIGUOUS AND COMPACT FOR THE REGULATION OF ANNEXATION INCLUDING A VARIANCE PROVISION

BALLOT QUESTION: Shall Article II, Section 2.04(t), be amended to add definitions for the terms “compact” and “contiguous” and standards for approving variances from those definitions all to be used in determining a property’s eligibility for annexation?

\_\_\_\_\_ YES FOR APPROVAL

\_\_\_\_\_ NO FOR DISAPPROVAL

**Draft Amendment – Technical Revisions**

Article II, Section 2.04 of the Pinellas County Charter, as created by Chapter 80-590 Laws of Florida, as amended, is hereby amended by deleting Section 2.04(m) and relettering Sections 2.05(n) through (t) to read as follows:

“Section 2.04 Special Powers of the county.

\* \* \* \* \*

~~(m) Operation of motor vehicle inspection facilities, including inspection of auto emissions systems.~~

~~(nn)~~ Production and distribution of water, exclusive of municipal water systems and in accordance with existing and future interlocal agreements.

~~(on)~~ Implementation of programs for regulation of charitable solicitations.

~~(op)~~ All powers necessary to provide municipal services in the unincorporated areas of the county and in accordance with any existing and future interlocal agreement.

~~(pq)~~ All powers necessary to transfer the functions and powers of any other governmental agency upon approval by the governing body of that agency and the board of county commissioners.

~~(qr)~~ All power necessary, upon approval of a vote of the electors, to levy a one-mill increase in ad valorem taxes in order to make funds available to be used solely to acquire beachfront and other property to be dedicated as public parks for recreational use. This subsection shall in no manner limit a municipality from levying any such tax under any authorization it might have at this time or may receive in the future.

(~~rs~~) Countywide planning authority as provided by special law. In the event of a conflict between a county ordinance adopted pursuant to the county's countywide planning authority as provided by special law and a municipal ordinance, the county ordinance shall prevail over the municipal ordinance; however, a municipal ordinance shall prevail over a county ordinance in the event a municipal ordinance provides for a less intense land use or a lesser density land use within the corporate boundaries of the municipality than that provided by county ordinance.

(~~st~~) All powers necessary to establish by ordinance the exclusive method and criteria for voluntary municipal annexation, including the delineation of areas eligible for annexation, to the extent provided by general law.

Article V, Section 5.02(b) of the Home Rule Charter for Pinellas County, as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to delete dissolved special districts and revise the titles of renamed special districts, to read as follows:

#### Section 5.02 Special Laws

\* \* \* \* \*

(b) This document shall in no manner change the status, duties or responsibilities of the following boards, authorities, districts and councils: Pinellas Suncoast Transit Authority, Emergency Medical Services Authority, Fresh Water Conservation Board, ~~Indian Rocks Special~~ Pinellas Suncoast Fire Control and Rescue District, Juvenile Welfare Board, License Board for Children's Centers and Family Day Care Homes, Mosquito Control District of Pinellas County, ~~Ozona-Palm Harbor-Crystal Beach Special~~ Fire Control and Rescue District, Pinellas County Construction Licensing Board, ~~Pinellas County Industry Council~~, Pinellas County

Planning Council, Pinellas County Personnel Board, Pinellas County Water and Navigation Control Authority, Pinellas Park Water Management District, and Pinellas Police Standards Council, ~~and Pinellas Sports Authority.~~

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on \_\_\_\_\_, 200\_\_.

BALLOT TITLE: AMENDS CHARTER TO DELETE  
DISSOLVED PROGRAMS AND SPECIAL DISTRICTS AND  
REVISE THE TITLES OF RENAMED SPECIAL DISTRICTS

BALLOT QUESTION: Shall Sections 2.04 and Section  
5.02(b) of the Pinellas County Charter be amended to delete  
dissolved programs and special districts and revise the titles of  
renamed Special Districts.

[ ] YES FOR APPROVAL

[ ] NO FOR REJECTION

ORDINANCE NO. 05-\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS ADDING SECTION 2.04(t) TO THE PINELLAS COUNTY CHARTER RELATING TO THE COORDINATION AND IMPLEMENTATION OF COUNTYWIDE MOSQUITO CONTROL PROGRAMS; AMENDING SECTION 5.02(b) OF THE PINELLAS COUNTY CHARTER BY DELETING THE MOSQUITO CONTROL DISTRICT OF PINELLAS COUNTY FROM SAID SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE AND REFERENDUM QUESTION.

WHEREAS, Pinellas County has the authority to adopt an ordinance amending the Pinellas County Charter pursuant to the Florida Constitution, Article VIII, Section 1(g), of the Florida Constitution, Section 125.01(1)(t) Florida Statutes Sections 2.01 and Section 6.01 of the Pinellas County Charter; and

WHEREAS, eliminating the provision of governmental services through special districts governed by special laws of the State of Florida, and granting special powers to the County to provide said services will facilitate the efficient and effective delivery of governmental services on a countywide basis, including the development and operation of countywide mosquito control programs; and

WHEREAS, in order to promote the efficient and effective delivery of countywide services, the 2005/2006 Charter Review Commission has adopted a proposed amendment to the Charter which would add the development and operation of countywide mosquito control programs to the enumerated special powers of the County, and delete the Mosquito Control District from the list of boards, authorities, districts and councils whose status, duties or responsibilities may not be changed by the Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this \_\_\_\_ day of \_\_\_\_\_, 2005, as follows:

Section 1. Article II, Section 2.04(t) of the Home Rule Charter for Pinellas County as created by Chapter 80-590, Laws of Florida, as amended, is added to read:

Sec. 2.04. Special Powers of the County

\* \* \* \* \*

(t) Development and operation of countywide mosquito control programs.

Section 2. Article V, Section 5.02(b) of the Home Rule Charter for Pinellas County as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read:

(b) This document shall in no manner change the status, duties or responsibilities of the following boards, authorities, districts and councils: Pinellas Suncoast Transit Authority, Emergency Medical Services Authority, Fresh Water Conservation Board, Indian Rocks Special Fire Control District, Juvenile Welfare Board, License Board for Children's Centers and Family Day Care Homes, ~~Mosquito Control District of Pinellas County~~, Ozona-Palm Harbor-Crystal Beach Special Fire Control District, Pinellas County Construction Licensing Board, Pinellas County Industry Council, Pinellas County Planning Council, Pinellas County Personnel Board, Pinellas County Water and Navigation Control Authority, Pinellas Park Water Management District, Pinellas Police Standards Council, and Pinellas Sports Authority.

Section 3. Conversion of Special Laws to Ordinances.

Upon the effective date of the repeal of the following Special Laws, Special Laws of the State of Florida relating to the Mosquito Control District of Pinellas County, including but not limited to Chapter 67-1920, Laws of Florida, shall become county ordinances of Pinellas County and shall remain in full force and effect to the extent they are not in conflict with the Charter, subject to amendment or repeal by the board of county commissioners, as provided in Section 5.02(a) of the Charter.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 5. Codification.

The provisions of Section 1 and 2 of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

Section 6. Filing of Ordinance, Effective Date.

Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners.

Except for this Section, which shall take effect upon becoming law, the ballot question shall be as follows:



BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR THE DEVELOPMENT AND OPERATION OF COUNTYWIDE MOSQUITO CONTROL PROGRAMS.

BALLOT QUESTION: Shall Sections 2.04 and Section 5.02(b) of the Pinellas County Charter be amended to add countywide mosquito control programs as a special power of the county, and delete the Mosquito Control District of Pinellas County from the listing of districts whose status, duties or responsibilities may not be changed by the Charter.

☐ YES FOR APPROVAL

☐ NO FOR REJECTION

This Ordinance shall become effective upon approval by a majority vote of the electors of Pinellas County voting in a referendum election, which shall be called by the board of county commissioners prior to \_\_\_\_\_, 200\_\_.

ORDINANCE NO. 05-\_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS ADDING SECTION 2.04(u) TO THE PINELLAS COUNTY CHARTER RELATING TO THE COORDINATION AND IMPLEMENTATION OF COUNTYWIDE WATER AND NAVIGATION CONTROL PROGRAMS; AMENDING SECTION 5.02(b) OF THE PINELLAS COUNTY CHARTER BY DELETING THE PINELLAS COUNTY WATER AND NAVIGATION CONTROL AUTHORITY FROM SAID SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE AND REFERENDUM QUESTION.

WHEREAS, Pinellas County has the authority to adopt an ordinance amending the Pinellas County Charter pursuant to the Florida Constitution, Article VIII, Section 1(g), of the Florida Constitution, Section 125.01(1)(t) Florida Statutes Sections 2.01 and Section 6.01 of the Pinellas County Charter; and

WHEREAS, eliminating the provision of governmental services through special districts governed by special laws of the State of Florida, and granting special powers to the County to provide said services will facilitate the efficient and effective delivery of governmental services on a countywide basis, including the development and operation of countywide water and navigation control programs; and

WHEREAS, in order to promote the efficient and effective delivery of countywide services, the 2005/2006 Charter Review Commission has adopted a proposed amendment to the Charter which would add the development and operation of countywide water and navigation control programs to the enumerated special powers of the County, and delete Pinellas County Water and Navigation Control Authority from the list of boards, authorities, districts and councils whose status, duties or responsibilities may not be changed by the Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this \_\_\_\_ day of \_\_\_\_\_, 2005, as follows:

Section 1. Article II, Section 2.04(u) of the Home Rule Charter for Pinellas County as created by Chapter 80-590, Laws of Florida, as amended, is added to read:

Sec. 2.04. Special Powers of the County

\* \* \* \* \*

(u) Development and operation of water and navigation control programs, including: (1) regulating and exercising control over the dredging and filling of all submerged bottom lands in the waters of Pinellas County, together with all islands, sandbars, swamps and overflow lands including sovereignty lands, and regulating and exercising control over the construction of docks, piers, wharves, mooring piles and buoys therein; and (2) performing all things necessary to undertake projects for the construction, maintenance and improvement of portions of the Intracoastal Waterway and other channels within the navigable water of Pinellas County; and (3) undertaking programs for the dredging and maintenance of waterway channels within the incorporated and unincorporated areas of Pinellas County which have become or have been nonnavigable.

Section 2. Article V, Section 5.02(b) of the Home Rule Charter for Pinellas County as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read:

(b) This document shall in no manner change the status, duties or responsibilities of the following boards, authorities, districts and councils: Pinellas Suncoast Transit Authority, Emergency Medical Services Authority, Fresh Water Conservation Board, Indian Rocks Special Fire Control District, Juvenile Welfare Board, License Board for Children's Centers and Family Day Care Homes, Mosquito Control District of Pinellas County, Ozona-Palm Harbor-Crystal Beach Special Fire Control District, Pinellas County Construction Licensing Board, Pinellas County Industry Council, Pinellas County Planning Council, Pinellas County Personnel Board, ~~Pinellas County Water and Navigation Control Authority~~, Pinellas Park Water Management District, Pinellas Police Standards Council, and Pinellas Sports Authority.

Section 3. Conversion of Special Laws to Ordinances.

Upon the effective date of the repeal of the following Special Laws, Special Laws of the State of Florida relating to the Pinellas County Water and Navigation Control Authority, including but not limited to Chapter 31182, Laws of Florida, Chapter 72-662, Laws of Florida, Chapter 74-588, Laws of Florida, Chapter 78-602, Laws of Florida, and Chapter 85-493, Laws of Florida, shall become county ordinances of Pinellas County and shall remain in full force and effect to the extent they are not in conflict with the Charter, subject to amendment or repeal by the board of county commissioners, as provided in Section 5.02(a) of the Charter.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 5. Codification.

The provisions of Section 1 and 2 of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

Section 6. Filing of Ordinance, Effective Date.

Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment by the Board of County Commissioners.

Except for this Section, which shall take effect upon becoming law, the ballot questions shall be as follows:

BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR THE DEVELOPMENT AND OPERATION OF WATER AND NAVIGATION CONTROL PROGRAMS.

BALLOT QUESTION: Shall Sections 2.04 and Section 5.02(b) of the Pinellas County Charter be amended to add water and navigation control programs as a special power of the county, and delete the Pinellas County Water and Navigation Control Authority of Pinellas County from the listing of districts whose status, duties or responsibilities may not be changed by the Charter.

[ ] YES FOR APPROVAL

[ ] NO FOR REJECTION

This Ordinance shall become effective upon approval by a majority vote of the electors of Pinellas County voting in a referendum election, which shall be called by the board of county commissioners prior to \_\_\_\_\_, 200\_\_.

## **PROPOSED SPECIAL ACT**

A bill to be entitled

An act relating to Pinellas County; repealing Chapter 67-1920, Laws of Florida, relating to the Mosquito Control District of Pinellas County; providing for the conversion of special laws to ordinances of Pinellas County; providing for assumption of the assets and obligations of the special district; repealing Chapter 31182, Laws of Florida, Chapter 72-662, Laws of Florida, Chapter 74-588, Laws of Florida, Chapter 78-602, Laws of Florida and Chapter 85-493, Laws of Florida relating to the Pinellas County Water and Navigation Control Authority; providing for the conversion of special laws to ordinances; providing for the assumption of assets and obligations of the special district; providing for a referendum; providing for an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Special Laws of the State of Florida relating to the Mosquito Control District of Pinellas County, including but not limited to Chapter 67-1920, Laws of Florida, are repealed, and shall become county ordinances of Pinellas County, as provided in Section 5.02(a) of the Pinellas County Charter.

Section 2. All assets and obligations of the Mosquito Control District of Pinellas County are transferred to Pinellas County.

Section 3. Special Laws of the State of Florida relating to the Pinellas County Water and Navigation Control Authority, including but not limited to Chapter 31182, Laws of Florida, Chapter 72-662, Laws of Florida, Chapter 74-588, Laws of Florida, Chapter 78-602, Laws of Florida, and Chapter 85-493, Laws of Florida are repealed, and shall become county ordinances of Pinellas County, as provided in Section 5.02(a) of the Pinellas County Charter.

Section 4. All assets and obligations of the Pinellas County Water and Navigation Control Authority are transferred to Pinellas County.

Section 5. A referendum election will be called pursuant to the Pinellas County Charter and Florida Statutes, and the ballot titles and questions shall be substantially as follows:

**BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR  
THE DEVELOPMENT AND OPERATION OF COUNTYWIDE  
MOSQUITO CONTROL PROGRAMS.**

BALLOT QUESTION: Shall Sections 2.04 and Section 5.02(b) of the Pinellas County Charter be amended to add countywide mosquito control programs as a special power of the county, and delete the Mosquito Control District of Pinellas County from the listing of districts whose status, duties or responsibilities may not be changed by the Charter.

☐ YES FOR APPROVAL

☐ NO FOR REJECTION

BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR THE DEVELOPMENT AND OPERATION OF WATER AND NAVIGATION CONTROL PROGRAMS.

BALLOT QUESTION: Shall Sections 2.04 and Section 5.02(b) of the Pinellas County Charter be amended to add water and navigation control programs as a special power of the county, and delete the Pinellas County Water and Navigation Control Authority of Pinellas County from the listing of districts whose status, duties or responsibilities may not be changed by the Charter.

☐ YES FOR APPROVAL

☐ NO FOR REJECTION

Section 6. This Act shall take effect only upon its approval by a majority vote of those qualified electors of Pinellas County, Florida, voting in the referendum to be called by the Board of County Commissioners of Pinellas County to be held prior to December 31, 2006, in accordance with the provisions of law relating to elections currently in force, except that this Section shall take effect upon this Act becoming Law.

## Draft Amendment – Removal of Legislative Oversight of Future Amendments Concerning County Constitutional Officers

### Sec. 2.06. Limitation of powers.

The county shall not have the power, under any circumstances, to abolish any municipality or in any manner to change the status, duties, or responsibilities of the county officers specified in section 1(d), art. VIII of the state constitution. The county shall exercise its powers to ensure that property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas, nor shall property situate in unincorporated areas be subject to taxation for services provided by the county exclusively for the property or residents within municipalities, all in accordance with the laws of the State of Florida and the Constitution of the State of Florida as they now provide or as they may be amended from time to time.

### ~~Sec. 4.03. County officers.~~

~~This document [Charter] shall in no manner change the status, duties, or responsibilities of the [following] county officers of Pinellas County:~~

~~The clerk of the circuit court, property appraiser, tax collector, sheriff, and supervisor of elections.~~

### Sec. 4.03. Elected County Constitutional Offices.

The offices of Clerk of the Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector, shall remain as independent, elected constitutional officers and the powers, duties and functions shall not be altered by this Home Rule Charter. The Constitutional officers shall perform their executive and administrative functions as specified by general law.

### Sec. 6.04. [Placement on ballot.]

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, ~~except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter,~~ charter amendments proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments need to be referred to or approved by the Legislature prior to any such placement on the ballot. However, any charter amendment affecting any change in function, service, power, or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee. Such amendments proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

(Laws of Fla. ch. 99-451, § 1)

**Editors Note:** The additions authorized by Laws of Fla. ch. 99-451 were approved by referendum Nov. 2, 1999.





**Draft Amendment – Charter Review Commissions**

**Sec. 6.03. Charter review commission.**

(a) Not later than June 1 of the year 2011 and every eighth year thereafter, ~~During the month of December, 1985 and every six (6) years thereafter,~~ there shall be established a charter review commission composed of thirteen (13) members. The members of the commission shall be appointed by the board of county commissioners of Pinellas County from the following groups:

- (1) One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;
- (2) One (1) constitutional officer;
- (3) One (1) member from the elected city officials;
- (4) One (1) member from the elected board of county commissioners;
- (5) Nine (9) members from the public at large, none of whom shall be an elected official or an employee of a local government or county officer.

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(b) Each charter review commission shall meet within 30 days after being appointed ~~prior to the end of the third week in January 1986, and every six (6) years thereafter~~ for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to

the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified by a majority vote of the commission and forwarded to the board of county commissioners for payment from the general fund of the county. The charter review commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable. ~~The board of county commissioners shall provide space, secretarial and staff assistance.~~ The board of county commissioners may accept funds, grants, gifts, and services for the charter review commission from the state, the government of the United States, or other sources, public or private.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government in order to recommend amendments to this Charter, if any.

(e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, ~~2012-1986~~, and each eight (8) ~~six (6)~~ years thereafter. Included within the report shall be any proposed amendments to the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments may, at the discretion of the charter review commission, be included in a single question or multiple questions. If an amendment or revision to the charter is to be recommended, the charter review commission shall conduct three (3) public hearings, at intervals of not less than ten (10) days but not more than twenty (20) days, immediately prior to the transmittal of its recommendations to the board of county commissioners. The board of county commissioners shall call a referendum election to be held in conjunction with the ~~2012 -1986~~ general election and each eight (8) ~~six (6)~~ years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or

amendments as submitted in the report of the charter review commission, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment. The charter review commission may remain in existence until the general election for the purpose of conducting or supervising educational efforts concerning the proposed amendments but shall cease to exist as of the date of the general election.