

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 90-102 OF THE PINELLAS COUNTY CODE RELATING TO THE DEFINITION OF ENVIRONMENTAL LANDS; AMENDING SECTION 90-112 OF THE PINELLAS COUNTY CODE DESIGNATING COUNTY-OWNED ENVIRONMENTAL LANDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT A PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, protecting environmental lands in Pinellas County supports a sustainable natural environment to meet the needs of present and future generations; and

WHEREAS, consistent with this countywide regulatory authority over county-owned lands granted in the Pinellas County Charter, as provided in Pinellas County Ordinance No. 08-_____, the Board of County Commissioners proposes to further amend the Pinellas County Charter to require referendum approval by a majority vote of the electorate of Pinellas County to sell, convey or transfer county-owned environmental lands or to remove the environmental lands designation from county-owned lands as provided herein; and

WHEREAS, the approval of the maps of county-owned real property designated as environmental lands as provided herein will establish the boundaries of county-owned environmental lands subject to the Charter provision, if approved by referendum.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this _____ day of _____, 2008, as follows:

Section 1: Section 90-102, Pinellas County Code, definition of "environmental lands" is hereby amended to read as follows:

Sec. 90-102. Definitions.

When used herein, the following definitions shall apply:

Environmental lands means all preserves and management areas managed by the department of environmental management, including, but not limited to, the county-owned real property identified as environmental lands in Section 90-112 of this article, and any real property leased, subleased, or licensed to the County and identified as environmental lands in the management plan for the individual preserve or management area.

Section 2. Section 90-112, Pinellas County Code, is hereby amended to read as follows:

Sec. 90-112. Territory embraced; identification of county-owned environmental lands subject to charter restrictions.

(a) All territory designated by the board as an environmental land, including buildings, and facilities thereon, whether located in unincorporated or incorporated areas of the county, shall be embraced by the provisions of this article.

(b) County-owned environmental lands in the following preserves and management areas are hereby designated as environmental lands subject to the provisions of Section 2.08, Pinellas County Charter, as further described in the maps appended hereto and as Appendix C to this Code:

- (1) Allen's Creek Management Area
- (2) Alligator Lake Management Area
- (3) Anclote Islands Management Area
- (4) Brooker Creek Preserve
- (5) Cabbage Key Management Area
- (6) Cow Branch Management Area
- (7) East Lake Management Area
- (8) Joe's Creek Management Area
- (9) King Islands Management Area
- (10) Lake Seminole Management Area
- (11) Lake Tarpon Management Area
- (12) Lake Tarpon West Management Area
- (13) Long Branch Management Area
- (14) Mariner's Point Management Area
- (15) Mobbly Bayou Preserve
- (16) Ozona Management Area
- (17) Shell Key Preserve
- (18) Travatine Island Management Area
- (19) Weedon Island Preserve

Section 3. Inclusion in the Pinellas County Code.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 4. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the valid portions thereof. The county hereby declares that it

would have adopted this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of this ordinance shall not abate, reduce, or otherwise affect any consideration or obligation required hereunder.

SECTION 5. Effective Dates of Ordinance and Charter Amendment.

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board. This Ordinance shall become effective January 1, 2009, only if the Charter Amendment adding Section 2.08 to said Charter is approved by a "yes" vote by a majority of those voting on the question posed at the referendum at the general election scheduled for November 4, 2008. If a majority of those voting on the proposed Charter Amendment do not vote "yes", this Ordinance shall not take effect and shall be of no force and effect.

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on _____ relative to:

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA AMENDING SECTION 90-102 OF THE PINELLAS COUNTY CODE RELATING TO THE DEFINITION OF ENVIRONMENTAL LANDS; AMENDING SECTION 90-112 OF THE PINELLAS COUNTY CODE DESIGNATING COUNTY-OWNED ENVIRONMENTAL LANDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT A PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; PROVIDING AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this ____ day of _____, 2008.

KEN BURKE
Clerk of the Circuit Court and
Ex-officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

(SEAL)