

Pinellas County Charter Review Commission
April 24, 2006
Agenda Item #3

Proposed Recommendations

Pinellas County Charter Review Commission
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Discussion of Proposed Recommendations

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Tab 1 – Abolishment of Dependent Districts

Pinellas County Charter Review Commission

Charter Amendment #1

Mosquito Control Programs

Section 1. Section 2.04 of Article II of the Pinellas County Charter, as created by Chapter 80-590 Laws of Florida, as amended, is hereby amended by adding Section 2.04(t) to read as follows.

Section 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, is 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.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

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

BALLOT QUESTION: Shall Sections 2.04 and 5.02(b) of the Home Rule Charter for Pinellas County 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

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Pinellas County Charter Review Commission

Charter Amendment #2

Water and Navigation Control Programs

Section 1. Section 2.04 of the Pinellas County Charter, as created by Chapter 80-590 Laws of Florida, as amended, is hereby amended by adding Section 2.04(u) to read as follows.

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

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 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.

These amendments shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

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

BALLOT QUESTION: Shall Sections 2.04 and 5.02(b) of the 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 from the listing of districts whose status, duties or responsibilities may not be changed by the Charter?

YES FOR APPROVAL

NO FOR REJECTION

Tab 2 – General Charter Amendments

Pinellas County Charter Review Commission

Proposed Charter Amendment #3

County Administrator Employment Powers

Section 4.01(a) of the Pinellas County Charter as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read as follows:

Sec. 4.01. County administrator.

(a) There shall be a county administrator selected and appointed by the affirmative vote of five (5) members of the board of county commissioners, who shall serve until such time as the county administrator shall be removed either by a vote for removal of four (4) members of the board of county commissioners voting for removal in two (2) consecutive, regularly scheduled meetings of the board, or by a vote ~~for~~ removal of five (5) members of the board of county commissioners at any one meeting of the board.

(b) The county administrator shall be a full-time position. He or she shall serve at the pleasure of the board of county commissioners and shall be appointed solely on the basis of his or her executive and administrative qualifications.

(c) The county administrator shall have the following duties:

(1) To administer and carry out the directives and policies issued to him or her by the board of county commissioners, acting as an official body, except that he or she shall not be directed or given authority to make appointments of members to any county boards, commissions or agencies.

(2) ~~Subject to the provisions of county merit or civil service plans, to select and employ personnel to fill all vacancies, positions or employment after the board of~~

county commissioners has authorized that such vacancies, positions or employment be filled. Employment of persons in unclassified positions shall be subject to confirmation by the board of county commissioners. To select and employ personnel to fill all vacancies or positions under his or her control and authority, and to supervise said personnel, subject to the provisions and limitations of the county civil service plan.

- (3) ~~To supervise all departments, department heads and employees of the board of county commissioners and, in his discretion, to terminate for cause the employment of any employees of the board of county commissioners.~~ Termination of persons in unclassified positions shall be subject to confirmation by the board of county commissioners. For those personnel under his or her control and authority;

a) to terminate the employment of executive, management, supervisory, professional and other exempt personnel, without confirmation by the board of county commissioners, and

b) subject to the provisions and limitations of the county civil service plan, to terminate the employment of classified personnel.

- (4) After policy has been established by the board of county commissioners, to supervise all aspects of carrying into effect such policy to its completion. He or she shall thereupon report or order a full report to the board of county commissioners of the action taken upon such policy and directives of the board of county commissioners.

- (5) To act as the county budget officer and carry out the duties of such budget officer

as required by law or as directed by the board of county commissioners.

- (6) To perform such other duties as may be required of him or her by the board of county commissioners, acting as an official body, or by this Charter.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER TO ADDRESS GENDER REFERENCES AND COUNTY ADMINISTRATOR'S EMPLOYMENT AUTHORITY

BALLOT QUESTION: Shall Sections 4.01(c)(2) and 4.01(c)(3) be amended to allow the County Administrator to select, employ, supervise, and terminate, without confirmation by the Board of County Commissioners, those executive, management, supervisory, and other employees who are under his control and authority, and who are exempt from coverage by the county's civil service plan?

YES FOR APPROVAL

NO FOR REJECTION

Pinellas County Charter Review Commission

Charter Amendment #4

Future Charter Review Commissions

Section 6.03 of the Pinellas County Charter, as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read as follows:

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. Elected officials and, ~~none of whom shall be an elected official~~ employees of a local government, county officer or the Legislature may not serve as a member of a charter review commission.~~

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 the 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 pursuant to the rules of the ~~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 board of county commissioners shall provide space, secretarial and staff assistance, provided that the charter review commission may employ staff, and consult or retain experts as it deems necessary and desirable. . 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 and the charter 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 at least two (2) 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 informational or educational efforts concerning the proposed amendments but shall cease to exist as of the date of the general election.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER TO CHANGE CHARTER REVIEW COMMISSION MEMBERSHIP, REQUIRE HEARINGS, AND REDUCE FREQUENCY OF CONVENING

BALLOT QUESTION: Shall Section 6.03 of the Charter be amended to prohibit elected officials and government staff from serving on a Charter Review Commission, require hearings, and reduce frequency of convening Charter Review Commission from every 6 to 8 years, permit employment of independent staff and experts, and allow Charter Review Commissions to remain in existence until the general election to supervise informational or educational efforts?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Pinellas County Charter Review Commission

Proposed Charter Amendment #5

Repeal of the Requirement for Dual Vote

Section 6.04 of the Pinellas County Charter as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended as follows:

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.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER TO DELETE DUAL VOTE REQUIREMENTS FOR AMENDMENTS TRANSFERRING SERVICES OR REGULATORY AUTHORITY.

BALLOT QUESTION: Shall Section 6.04 of the Charter be amended to delete the provision requiring the affirmative vote of the electors of a transferring and receiving jurisdiction concerning amendments affecting any change or transfer in function, service, power, or regulatory authority of the county, a municipality, or a special district so that the charter will follow policies and procedures as contained in the Florida Constitution?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Tab 3 – Annexation

Pinellas County Charter Review Commission

Proposed Charter Amendment #6 Annexation - Miscellaneous Controls

Section 2.07 of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended to add three subsections to read as follows:

Sec. 2.07. Annexation.

1) Notwithstanding any other provision of law, no municipality in Pinellas County may subject any property to an annexation pursuant to Section 171.0413(5) or (6) without obtaining the consent required thereunder or as otherwise required by law pursuant to the following procedure:

- a. Consent must be express and written and may be revocable up until the closing of the public hearing at the final adoption hearing before the local government.
- b. Such consent shall be obtained by the local government proposing the annexation and shall be secured no earlier than 150 days and no later than 120 days prior to any referendum required pursuant to Section 171.0413(5) Florida Statutes or, in the case of annexations pursuant to Section 171.0413(6) Florida Statutes, no earlier than 60 days and no later than 30 days prior to the final adoption of the required ordinance. The acreage of consenting special districts, municipalities, the county or the state shall not count toward satisfaction of the percentage of property owner approval requirements contained in Section 171.0413(5) or (6) Florida Statutes or any other applicable law.

2) Notwithstanding any other provision of law, without the current property owner's written permission, no municipality in Pinellas County, may subject any property to an annexation referendum pursuant to Section 171.0413 Florida Statutes, for a period of seven (7) years from the last date that such property was last subject to a referendum annexation.

3) In addition to any notice otherwise required by law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413 Florida Statutes unless individual notice has been provided by certified mail to all property owners within the potential

annexation area at least 60 days prior to the first public hearing. The notice shall refer the recipient to a phone number or website on the internet where, at a minimum, comprehensive information concerning the financial impact of the proposed annexation on an individual property can be obtained and advising them that there will be additional newspaper notice of the exact area proposed for annexation.

This amendment shall take effect upon the approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER AND APPROVES LEGISLATIVE ACT TO ENHANCE ANNEXATION PROCEDURES RELATING TO NOTICE AND CONSENT

BALLOT QUESTION: Shall Section 2.07 of the Charter be amended to restrict annexation without the owner's consent, by requiring an informative mail notice prior to all non-voluntary annexations, restrict repetitive annexation attempts, regulate aspects of obtaining consent and shall special acts of the legislature be approved to implement said restrictions?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Pinellas County Charter Review Commission

**Proposed Charter Amendment #7
Annexation Incentives**

Section 2.07 of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended to add new subsections to read as follows:

Sec. 2.07. Annexation.

Notwithstanding any other provision of law, neither an annexing municipality nor the County may offer, negotiate, agree to provide, or provide, any material incentives or inducements to property owners in conjunction or connection with an annexation proposal. Material incentives or inducements may include, but not be limited to, and by way of example, cash or other expenditures or improvements that do not provide a paramount public purpose. Expenditures in furtherance of the closure of enclaves represent a public purpose.

This amendment shall take effect upon the approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS COUNTY CHARTER AND APPROVES LEGISLATIVE ACT TO MODIFY ANNEXATION PROCEDURES RELATING TO INCENTIVE EXPENDITURES

BALLOT QUESTION: Shall Section 2.07 of the Charter be amended to restrict the expenditure of public funds to induce annexation and shall special acts of the legislature be approved to implement said restrictions?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Pinellas County Charter Review Commission

**Proposed Charter Amendment #8
Annexation - Consent Controls**

Section 2.07 of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended by adding a subsection to read as follows:

Sec. 2.07. Annexation.

Notwithstanding any other provision of law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413(6) Florida Statutes where: 1) a property owner has not given express consent to be annexed unless fifty percent (50%) of the perimeter of that owner's property is surrounded by a combination of either incorporated territory of the annexing jurisdiction or property owners that are subject to the proposed annexation that consent to the proposed annexation; and 2) the total percentage of consenting property owners in the entire proposed annexation area, on both a parcel and acreage basis, exceeds sixty-six percent (66%).

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER AND APPROVES IMPLEMENTING LEGISLATIVE ACT TO RESTRICT ANNEXATION WITHOUT CONSENT

BALLOT QUESTION: Shall Section 2.07 of the Pinellas County Charter be amended to restrict annexation without the owner's consent and shall a special act of the legislature be approved to implement said restrictions?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Tab 4 – Fire Policy

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**Countywide Fire Standards
Options for Consideration by CRC**

Option	Procedure	Comments
1. Charter Amendment	CRC places amendment on November 2006 general election ballot.	Requires passage by "dual vote" provisions of the charter. Effective January 1, 2007.
2. Charter Amendment Recommended to BCC	CRC recommends that the BCC place the amendment on the November 2008 general election ballot.	Assumes that: 1) the 2006 recommendation to delete the charter's requirement for a "dual vote" is adopted by electorate; and, 2) the BCC will place the Fire Standards amendment on the 2008 ballot. (Since the CRC ceases to exist no later than December 1, 2006, it has no power to place amendments on ballots after this November.) Effective January 1, 2009.
3. Charter Amendment preceded by Special Act	CRC recommends the adoption of a special act in 2007 Session. If passed by the Delegation, ballot question will be considered during November 2008 general election.	Requires both vote of the public and passage of special act. Assumes the Legislative Delegation will adopt the special act in 2007 to be presented to voters in November 2008. Effective January 1, 2009.

Pinellas County Charter Review Commission
Recommended Charter Amendment
(November 2008 Ballot)
Countywide Fire Protection Services Plan

Section 1. Section 2.04(1) of the Pinellas County Charter as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read as follows:

Section 2.04 Special Powers of the County

(1) Coordination and implementation of fire protection for the unincorporated areas of the county, and establishment of a countywide fire protection services plan, which shall at a minimum include service delivery areas designed to provide the most cost efficient and effective fire protection system within the area based upon standards of coverage established by the board of county commissioners within each planning area after review and recommendation of the area fire protection service providers; provided nothing herein shall authorize the board of county commissioners to abolish any municipal fire department.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election in November 2008.

BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR COUNTYWIDE FIRE PROTECTION PLANNING, COORDINATION, AND REGULATORY AUTHORITY.

BALLOT QUESTION: Shall Section 2.04 of the Home Rule Charter for Pinellas County be amended to provide that countywide fire protection, planning, coordination and regulation is a special power of the County?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Pinellas County Charter Review Commission

RECOMMENDED SPECIAL ACT #1

(2007 Session)

Countywide Fire Protection Services Plan

A bill to be entitled

An act relating to Pinellas County; amending chapter 80-590, Laws of Florida; amending the county charter to provide for the establishment of a countywide fire protection services plan; providing for a referendum; providing for an effective date.

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

Section 1. Section 2.04(1) of the Pinellas County Charter as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read:

Sec. 2.04. Special Powers of the county.

(l) Coordination and implementation of fire protection for the unincorporated areas of the county, and establishment of a countywide fire protection services plan, which shall at a minimum include service delivery areas designed to provide the most cost efficient and effective fire protection system within the area based upon standards of coverage established by the board of county commissioners within each planning area after review and recommendation of the area fire protection service providers; provided nothing herein shall authorize the board of county commissioners to abolish any municipal fire department.

Section 2. Section 6.05 is added to Article VI of the Home Rule Charter of Pinellas County as created by Chapter 80-590, Laws of Florida, as amended by Chapter 99-451, Laws of Florida, to read:

Notwithstanding any other Section of the Pinellas County Charter, including Section 6.04, the charter amendment to Sections 2.04(1) provided for herein shall not be subject to the requirement that a change in function, service, power, or regulatory authority may only occur after approval of a vote of the electors of each transferor and approval of a vote of the electors of each transferee. Approval of the charter amendment to Section 2.04(1) shall take effect only upon the approval by a majority vote of those qualified electors of Pinellas County voting in the general election to be held in November 2008, as provided in Section 3 herein.

Section 3. A referendum election will be called pursuant to the Charter and Florida Statutes, and the ballot title and question shall be substantially as follows:

BALLOT TITLE: AMENDS CHARTER PROVIDING FOR COUNTYWIDE FIRE PROTECTION PLANNING, COORDINATION, AND REGULATORY AUTHORITY

BALLOT QUESTION: Shall Sections 2.04 and 6.05 of the County Charter be amended to provide that countywide fire protection planning, coordination and regulation is a special power of the County which can be established without the application of dual voting requirements of Section 6.04 of the County Charter.

Section 4. This act shall take effect upon its approval by a majority vote of those qualified electors of Pinellas County, Florida, voting in a referendum election to be called by the Board of County Commissioners of Pinellas County to be held in conjunction with the general election in November 2008, 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.

Pinellas County Charter Review Commission

Recommended Special Act #2

(2007 Session)

Dissolution of Independent Fire Special Districts

AN ACT RELATING TO PINELLAS COUNTY; DECLARING
LEGISLATIVE INTENT AND PURPOSE; PROVIDING FOR
THE MERGER OF INDEPENDENT FIRE DISTRICTS,
SUCCESSION; PROVIDING TRANSITION PROVISIONS

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

Section 1. Pinellas County Countywide Fire Protection District.

Article I. Declaration of legislative intent and purpose.

(1) The legislature finds and declares that it is mandatory to protect the life and property of all citizens of Pinellas County by providing a means of establishing fire protection within the County in the most efficient and effective manner, as well as promoting improved fire prevention throughout the County.

(2) It is the intent of this act to dissolve existing independent fire districts in the event that the Board of County Commissioners establishes one or more dependent fire districts as municipal service taxing districts for unincorporated areas of Pinellas County that encompass an independent fire district, which dependent fire districts can also offer fire protection services to

participating cities, to implement objectives, which shall include but not be limited to the following:

- (a) The consolidation and extension of fire protection to residents of Pinellas County.
- (b) The utilization of necessary personnel and facilities and the upgrading of present facilities to meet the growing responsibilities of an expanded population in all areas of the county that are provided fire protection services through the district created herein, and to achieve higher local service ratings in an effort to achieve lower insurance rates.
- (c) Providing for a single point of coordination, management and command in the delivery of fire protection services to unincorporated residents of this county.

Article II. Definitions. For purposes of this act, the following definitions of terms shall apply:

(1) "Cities" means the following municipal governments in Pinellas County: Town of Belleair; City of Belleair Beach; City of Belleair Bluffs; Town of Belleair Shore; City of Clearwater; City of Dunedin; City of Gulfport; City of Indian Rocks Beach; City of Kenneth City; Town of Indian Shores; City of Largo; City of Madeira Beach; Town of N. Redington Beach; City of Oldsmar; City of Pinellas Park; Town of Redington Beach; Town of Redington Shores; City of Safety Harbor; City of Seminole; City of St. Pete Beach; City of St. Petersburg; City of South Pasadena; City of Tarpon Springs; and City of Treasure Island.

(2) "County" means Pinellas County, a political subdivision of the State of Florida.

(3) “Successor Fire District” means any municipal services taxing or benefit unit established by the Board of County Commissioners to provide Fire Protection Services, the boundary of which includes the unincorporated areas of one or more of the Former Fire Districts.

(4) “Fire Protection Services” means the response of firefighting apparatus, units and personnel to the scene of a fire, life safety emergency, man-made or natural disaster or public service request. Fire Protection Services include the command and control of the emergency scene, the containment of any fire and the mitigation of any hazards and may include specialized rescue, rescue response service, and related services including fire and arson investigation, inspections and code enforcement and public education.

(5) “Former Fire Districts” means the following independent special districts in Pinellas County: Eastlake Tarpon Special Fire Control District, Lealman Special Fire Control District, Palm Harbor Special Fire Control District, and Pinellas Suncoast Fire & Rescue District.

Article III. Establishment; boundaries; succession; merger of former fire districts; governing board.

(1) ESTABLISHMENT. In the event that, pursuant to Section 125.01(q) Florida Statutes, the Board of County Commissioners creates one or more municipal service taxing or benefit units for the purpose of providing Fire Protection Services and facilities for the unincorporated citizens, and to the extent that any one of the municipal services taxing or benefit units is a Successor Fire District, any Former Fire District so included shall stand dissolved one year after the effective date of the Successor Fire District subject to the merger provisions of subsection (2) immediately below.

(2) MERGER OF FORMER FIRE DISTRICTS.

(a) In the event that pursuant, to Section 125.01(q) Florida Statutes, the Board of County Commissioners creates one or more municipal service taxing or benefit units for the purpose of providing Fire Protection Services and facilities for unincorporated citizens, and to the extent that the municipal services taxing or benefit unit is a Successor Fire District, the Former Fire Districts so included, if more than one, are hereby merged together and consolidated into and with the Successor Fire District, and their duties shall be assumed by and be the sole responsibility of the Successor Fire District; provided however, to the extent that a Successor Fire District includes unincorporated areas of the Pinellas Suncoast Fire & Rescue District, that Successor Fire District so created shall be responsible for providing Fire Protection Services in the unincorporated areas only of the Pinellas Suncoast Fire & Rescue District, and any Cities located within the Pinellas Suncoast Fire & Rescue District upon the date of the merger may elect to either provide Fire Protection Services or participate in the Successor Fire District as provided in Section 125.01(q).

(b) The assets and obligations of the independent special districts set out above shall be assumed by the Successor Fire District as provided herein upon the merger provided for herein.

(4) SUCCESSION. The Successor Fire District created by the Board of County Commissioners shall succeed to and possess all the properties, rights, capacities, privileges, powers, franchises and immunities relating to the provision of Fire Protection Services, and be

subject to all of the liabilities, obligations and duties relating to the provision of Fire Protection Services, for the included Former Fire Districts in accordance with the following provisions:

- (a) Employees. All employees providing Fire Protection Services who, by reason of the merger provisions of subsection (2) become employees of Pinellas County shall have the same rights of continued employment at the salary and benefits as provided herein.
 - (i) As provided for in the County's Unified Personal System, the County shall implement a pay and classification plan that ensures fair and equitable compensation.
 - (ii) For purposes of providing retirement benefits, the County shall have all such rights to establish, administer and maintain retirement and pension plans as provided herein pursuant to Chapter 121, Florida Statutes. The Successor Fire District shall have the sole authority to establish pension plans for its employees. Former employees of the Cities who are included within the Successor Fire District, and Former Fire Districts, shall be entitled to continue to participate in the pension plan in which they were participating before the effective date of this act with all benefits and rights provided by those plans. The retirement and pension plans shall constitute an obligation and liability of the County and such plans shall continue to be administered according to their terms. The County may enhance, improve, reduce or eliminate prospective benefits to active participants or retirees in these plans, but in no

event may the accrued benefits earned or actual benefits received decrease without the prior consent of the employee.

(iii) Elimination of duplication of functions shall be addressed through attrition and reassignments to the extent possible, as determined by the Board of County Commissioners.

(b) Real Estate and Fire Protection Services Equipment. All real property, personal property, and equipment owned by the County and the encompassed Former Fire Districts in a Successor Fire District and utilized to provide Fire Protection Services on the effective date of the merger and consolidation of the Former Fire Districts with the Successor Fire District (together sometimes referred to as "Property") shall become the property of the Successor Fire District.

(c) Debts of Former Fire Districts and County. Any outstanding obligations or debts encumbering the Property shall be assumed by the Successor Fire District. When ad valorem taxes have been pledged to meet the debt service requirements of any bonds issued by the Former Fire Districts, the County or any participating City which relate to the acquisition or improvement of the Property or the lease thereof, the Successor Fire District shall levy taxes or special assessment for the payment of such bonds only on the Property which is located in the area where Property was taxable for the payment of such bonds immediately prior to the effective date of this act.

(d) In the event that the Board of County Commissioners either divides or merges any dependent fire districts, the succession provisions established by the Board of County Commissioners shall govern the assumption of assets and obligations of the dependent fire districts.

(5) GOVERNING BOARD. The governing board of any Successor Fire District shall be the Pinellas County Board of County Commissioners.

Article IV. Transition Provisions. Transition provisions shall be as established by the Board of County Commissioners.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor _____

Filed in Office Secretary of State _____

Tab 5 – Repeal Authority

Pinellas County Charter Review Commission

RECOMMENDED SPECIAL ACT #3

(2007 Session)

Authority for Repeal of the Charter

A bill to be entitled

An act relating to Pinellas County; amending chapter 80-590, Laws of Florida; amending home rule charter of the county to provide for local power to repeal the Charter without future reference to the Legislature; providing for a referendum; providing for an effective date.

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

Section 1. Section 6.01 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.01. Proposed by county.

The board of county commissioners by ordinance passed by an affirmative vote of not less than majority plus one (1) member shall have the authority to propose amendments to this Charter or to propose the repeal of the Charter. Any such amendment to or repealer of the Charter shall be subject to referendum at the next scheduled countywide election; provided, however, the board of county commissioners may call a special referendum election for said purpose. Said referendum shall be called by the board of county commissioners and notice of

said referendum, together with the exact language of the proposed amendment or repealer, shall be published 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 to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment.

Section 2. Section 6.02 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, as amended, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.02. Charter initiative.

1) Amendments to or repeal of the Charter may be proposed by a petition signed by registered electors equal to at least ten (10) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified.

Each such proposed amendment or repealer shall embrace but one (1) subject and matter directly connected therewith. Each charter amendment or repealer proposed by petition shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the

requisite number of signatures has been verified. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the exact language of the proposed amendment or repealer as submitted on the petition, 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 to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment.

2) The sponsor of a petition amendment or repealer shall, prior to obtaining any signatures, submit the text of the proposed amendment or repealer to the supervisor of elections, with the form on which the signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.

3) If approved by a majority of those electors voting on the amendment or repealer at the general election, the amendment or repealer shall become effective on the date specified in

the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 3. Section 6.03 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, as amended, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.03. Charter review commission.

(a) 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.

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

(b) Each charter review commission shall meet 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 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 and shall have the authority in order to recommend amendments to or repeal of 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, 1986, and each six (6) years thereafter. Included within the report shall be any proposed amendments to or repeal of the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments to or repeal of the Charter may, at the discretion of the charter review commission, be included in a single question or multiple questions. The board of county commissioners shall call a referendum election to be held in conjunction with the 1986 general election and each 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 or repealer 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 to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment or repealer.

Section 4.Section 6.04 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, and amended by chapter 99-451, Laws of Florida, is amended as follows:

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 to or repeal of the Charter 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 to or repeal of the Charter 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 or repealer

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.

Section 5. A referendum election will be called pursuant to the Charter and Florida Statutes, and the ballot title and question shall be substantially as follows:

BALLOT TITLE: AMENDS CHARTER TO AUTHORIZE REPEAL OF THE CHARTER BY REFERENDUM OF THE ELECTORATE.

BALLOT QUESTION: Shall Sections 6.01, 6.02, 6.03, and 6.04 of the Charter be amended to provide for local authority to repeal the Charter without future reference to the Legislature, subject to referendum approval by vote of the electorate?

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 during the November 2008 general election 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.