

By Senator Latvala

19-295C-98

1 A bill to be entitled
2 An act relating to Pinellas County; providing a
3 short title; providing background and purpose
4 of the act; providing for the annexation of
5 certain small enclaves within the
6 municipalities of Pinellas County; providing
7 for the act to apply to a specified type of
8 enclave; providing prerequisites for
9 annexation; requiring the governing body of a
10 municipality to provide certain incentives
11 within the area to be annexed; providing for
12 certain exemptions; providing for expiration of
13 specified provisions of the act; providing
14 severability; providing an effective date.

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

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18 Section 1. Short title.--This act may be cited as the
19 "Act to Provide for the Annexation of Certain Small Enclaves
20 in Pinellas County."

21 Section 2. Background.--Consistent with the expressed
22 policy of the state to eliminate small enclaves, as set forth
23 in section 171.046(1), Florida Statutes, the Pinellas County
24 Legislative Delegation established an Annexation Study
25 Committee. The Annexation Study Committee conducted public
26 meetings and received detailed reports and input and
27 established that:

28 (1) Certain small enclaves are a significant problem
29 of a long-standing nature in Pinellas County.

30 (2) The existing provisions of law are inadequate and
31 do not resolve the problem concerning such small enclaves.

1 (3) The continuation of certain small enclaves is
2 counterproductive to effective growth management and the
3 straightforward provision of uniform and complete urban
4 services.

5 (4) The current pattern of unincorporated small
6 enclaves surrounded by an incorporated municipal jurisdiction
7 is confusing and inefficient and results in disparate
8 regulations and services.

9 Section 3. Purpose.--It is the purpose of this act to
10 provide a limited, one-time solution to the problem of small
11 enclaves in Pinellas County by enabling the governing body of
12 a municipality to annex certain small enclaves, subject to the
13 parameters set forth in this act and distinct from the
14 requirements set forth in chapter 171, Florida Statutes.

15 Section 4. Authority.--The governing body of a
16 municipality within Pinellas County may annex, by municipal
17 ordinance, a small enclave surrounded by the respective
18 municipal jurisdiction in accordance with, and limited to, the
19 following:

20 (1) This act applies only to a type A enclave in
21 existence on the effective date of this act. The term "type A
22 enclave" means an unincorporated improved or developed area
23 that is enclosed within and bounded on all sides by a single
24 municipality.

25 (2) A type A enclave that is three acres or less in
26 size and is not otherwise exempt under section 8 of this act
27 may be annexed by the governing body of the surrounding
28 municipal jurisdiction upon notice, public hearing, and
29 adoption of the requisite ordinance, in accordance with the
30 otherwise applicable provisions of municipal law set forth in
31 section 166.041, Florida Statutes.

1 (3) In exercising authority under this act, a
2 municipal governing body shall determine the eligibility of,
3 and legal description for, each type A enclave to be annexed
4 through the prescribed process for adopting a municipal
5 ordinance, as set forth in section 166.041, Florida Statutes.

6 Section 5. Prerequisites.--The authority for municipal
7 annexation provided under this act is subject to the
8 following:

9 (1) A new type A enclave may not be created within
10 Pinellas County after the effective date of this act. In order
11 to ensure that a new enclave is not created, each annexation
12 during the effective period of this act must be reviewed by
13 the Pinellas Planning Council and the Countywide Planning
14 Authority who shall determine whether an annexation is
15 consistent with this subsection. If a type A enclave is
16 created after the effective date of this act, the enclave may
17 not be annexed under this act.

18 (2) This act is only available to, and may only be
19 used by, a municipal governing body that has established a
20 completely defined and exclusive planning area in accordance
21 with the applicable provisions of section 163.3171, Florida
22 Statutes. Each annexation authorized under this act must be
23 within the defined, exclusive planning area of the respective
24 municipal jurisdiction that is subject to annexation.

25 (3) A municipal governing body that initiates an
26 annexation procedure under this act must determine that it has
27 the capability to provide, in a timely manner, the requisite
28 urban services to the area to be annexed, consistent with the
29 established need and an identified schedule for urban
30 services.

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1 Section 6. Financial incentives.--In order for the
2 governing body of a municipality to exercise the authority
3 provided under this act, the governing body shall establish
4 incentives by which to mitigate any one-time costs applicable
5 to an existing developed property within the area to be
6 annexed, which incentives must include the following:

7 (1) The municipal jurisdiction shall pay for all of
8 the initial cost of extending public water and sewer service
9 to a property for which such services are not currently
10 provided.

11 (2) The municipal jurisdiction shall pay the total
12 cost of any applicable impact fees for an existing structure.

13 Section 7. Interpretation.--This act shall be
14 construed to be consistent with and further the purpose of
15 chapter 171, Florida Statutes, and the Home Rule Charter for
16 Pinellas County.

17 (1) This act does not limit the availability of the
18 otherwise applicable provisions of section 171.044, Florida
19 Statutes.

20 (2) The words and terms used in this act are
21 consistent with the definitions contained in section 171.031,
22 Florida Statutes.

23 Section 8. Exemptions.--

24 (1) The governing body of a municipality within
25 Pinellas County may not annex by municipal ordinance any
26 unincorporated area that contains more than 1,000 residential
27 dwelling units managed, or to be managed, by a single
28 condominium association, unless each condominium unit owner in
29 the area proposed to be annexed signs a petition proposing
30 that the area be annexed by municipal ordinance.

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1 (2) Any water well or septic tank within the enclave
2 to be annexed which meets state health standards on the
3 effective date of this act shall be deemed to meet the
4 municipal code requirements of the annexing municipal
5 jurisdiction. The annexing municipal jurisdiction may not
6 require a person who owns property within the enclave on the
7 date of annexation to connect to the municipal water system or
8 wastewater system for the period that the person continues to
9 own the property if the well water or septic tank, as
10 applicable, receives a satisfactory biennial inspection
11 conducted at the property owner's expense.

12 Section 9. Sunset provision.--This act is designed to
13 address the existing enclave problem in Pinellas County and to
14 allow sufficient time for a structured and equitable solution
15 to be put in place. Sections 1-6 of this act shall expire June
16 30, 2000.

17 Section 10. Severability.--If any provision of this
18 act or the application thereof to any person or circumstance
19 is held invalid, the invalidity does not affect other
20 provisions or applications of the act which can be given
21 effect without the invalid provision or application, and to
22 this end the provisions of this act are declared severable.

23 Section 11. This act shall take effect upon becoming a
24 law.