

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 one acres or less in size  
26 and is not otherwise exempt under section 8 of this act may be  
27 annexed by the governing body of the surrounding municipal  
28 jurisdiction upon notice, public hearing, and adoption of the  
29 requisite ordinance, in accordance with the otherwise  
30 applicable provisions of municipal law set forth in section  
31 166.041, 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, 2001.

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 on July 1,  
24 1999.