

STORAGE NAME: h1577.ca

DATE: March 15, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1577

RELATING TO: Pinellas County

SPONSOR(S): Representative Bradley

COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) COMMUNITY AFFAIRS

(2)

(3)

(4)

(5)

I. SUMMARY:

The bill amends the home rule charter of Pinellas County to delete the reference to general law as controlling the composition of the county commission. The bill increases the number of county commissioners and provides for redistricting in accordance with a constitutional provision. The bill provides for a transition, ballot title and question, and a special referendum.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Background: On October 7, 1980, Pinellas County voters approved State legislation , Chapter 80-590, Laws of Florida, providing for a Home Rule Charter. Prior to the home rule charter, the County government had been operating under laws passed by the State Legislature specifically spelling out what the County could do. Any situation not directly covered by the State laws had to be submitted to the Legislature for authorization to submit the issue to the electorate for approval.

The charter is essentially a carbon copy of the former County government. The major innovation is that County government may submit matters of local interest directly to the voters without first going to the Legislature for permission to do so.

Pinellas County Board of County Commissioners:

The Board of County Commissioners (BCC) is the legislative and governing body of Pinellas County. The five-member Commission is responsible for establishing policies to protect the health, safety and general welfare of Pinellas County residents.

Commissioners are elected countywide to serve four-year terms and each must reside in his/her geographic district. Commission members take office two weeks after they are elected. The November General Elections are held every two years and fall on the first Tuesday in November.

Commission members select a chairman to preside over the County Commission meetings and a vice-chairman to assume these duties in the absence of the chairman.

Chapter 80-590, Laws of Florida:

ARTICLE III, Section 3.01 Board of County Commissioners: -The legislative body of County government is the board of County Commissioners in accordance with general law. The composition, election, term of office and compensation of members must be in accordance with general law.

Section 1(e), Article VIII, Florida Constitution:

Except when otherwise provided by county charter, the governing body of each county must be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners must divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district must be elected as provided by law.

Section 124.01, Florida Statutes:

- There shall be five county commissioners' districts in each county, which shall be numbered one to five, inclusive, and shall be as nearly equal in proportion to population as possible.
- There shall be one county commissioner for each county commissioner's districts, who shall be elected by the qualified electors of the county, as provided by s. 1(e), Art. VIII of the State Constitution.
- The board of county commissioners shall from time to time, fix the boundaries of the above districts so as to keep them as nearly equal in proportion to population as possible; provided, that changes made in the boundaries of county commissioner districts pursuant to this section shall be made only in odd-numbered years.
- County commissioners' districts now existing shall remain as now constituted until changed by the board of county commissioners, as provided by the constitution and in this chapter.
- This section shall not apply to Dade county.

B. EFFECT OF PROPOSED CHANGES:

The bill amends the home rule charter of Pinellas County as follows:

- Deletes the reference to general law as controlling the composition of the county commission;
- Increases the number of county commissioners from five to seven;
 - Designates four of the seven county commissioners to be elected from single-member districts;
 - Designates three of the seven county commissioners to be elected at large.
- Provides residency requirements for the at-large members;
- Provides for redistricting in accordance with constitutional provision, to conform;
- Provides for transition;
- Provides for a ballot title and question;
- Provides for legislative intent;
- Provides for a special referendum

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 80-590, Laws of Florida

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill increases the number of county commissioners from five to seven.

The bill requires that a special referendum be held prior to November 30, 1999.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends section 3.01 of Article III of the Home Rule Charter for Pinellas County, Florida, as created by section 1 of chapter 80-590, Laws of Florida, as follows:

- Deleting the requirement that the legislative body of the county government, the Board of County Commissioners, must be organized in accordance with general law.
- Providing for the organization of the Board of County Commissioners, as follows:
 - The board will be increased from five commissioners to seven commissioners.
 - Four of the seven commissioners are to be elected from single-member districts. The four districts together must cover the entire county. Each district must be as nearly equal in population as practicable.
 - Three of the seven are to be elected at-large. Each of the three at-large commissioners must reside in one of each of three districts, and the three districts together must cover the entire county. Each district must be as nearly equal in population as practicable.

- Initial redistricting of the county will be accomplished by the Board of County Commissioners in accordance with Section 1(e) of Article VIII of the Florida Constitution.

Section 2: Provides, as follows:

- County commission district seats filled in the 1998 election will stay in effect until the normal expiration date of that term in office.
- All subsequent commissioners will be elected for a 4-year term which must be staggered so that, alternately, the commissioners elected from either the odd-numbered or even-numbered single-member districts and one or two of the commissioners elected at large from the entire county are elected every 2 years. Any commissioner may be elected to an initial term of less than 4 years if necessary to achieve or maintain the system of staggered terms.

Section 3: Provides that at the required special referendum, the ballot title and question must be substantially as follows:

BALLOT TITLE: INCREASES COUNTY COMMISSIONERS TO SEVEN; PROVIDES FOUR SINGLE-MEMBER DISTRICTS AND THREE AT-LARGE DISTRICTS

BALLOT QUESTION: Shall the Board of County Commissioners of Pinellas County, Florida, be increased from five to seven members, with four of the seven members to be elected to office from single-member districts by electors residing in each of those districts only, and with the three remaining members being elected by all electors within the county at large, amending Section 3.01 of Article III of the Home Rule Charter for Pinellas County, Florida?

YES FOR APPROVAL

NO FOR REJECTION

Section 4: Provides the Legislative intent of this act is to propose amendments to Section 3.01 of Article III of the Home Rule Charter for Pinellas County, Florida, as created by section 1 of chapter 80-590, Laws of Florida. Provides that it is not the intent of the Legislature to in any way effectuate or to interfere with the effectuation of any amendment that has previously occurred outside the legislative process to the extent that such amendment is ultimately deemed effective or not effective.

Section 5: Provides that this act will take effect only upon its approval by a majority vote of the qualified electors of Pinellas County voting in the referendum election to be called by the Board of County Commissioners of Pinellas County. Provides that the election is to be held prior to November 30, 1999, in accordance with the provisions of law relating to elections currently in force. This section and section 3 (the ballot title and question), will take effect upon this act becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? Prior to November 30, 1999

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

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D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] No []

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Tonya Sue Chavis, Esq.

Joan Highsmith-Smith