

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1231 East Lake Tarpon Community, Pinellas County  
**SPONSOR(S):** Local Administration & Veterans Affairs Subcommittee, Latvala  
**TIED BILLS:** **IDEN./SIM. BILLS:**

| REFERENCE  | ACTION              | ANALYST     | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|--|---------------------|-------------|--|
| 1) Local Administration & Veterans Affairs<br>Subcommittee | 16 Y, 0 N, As<br>CS | Mwakyanjala | Miller                                   |
| 2) State Affairs Committee                                 |                     | Mwakyanjala | Williamson                               |

### SUMMARY ANALYSIS

A municipality may propose to annex any area of contiguous, compact, unincorporated territory by ordinance or may be petitioned for annexation by owner(s) of "contiguous... and reasonably compact" real property. An area may only be annexed by ordinance if the annexation is approved by the majority of electors within the affected area voting in a referendum, while an area may be annexed by petition only upon unanimous consent of the landowners.

East Lake Tarpon Community is a predominately residential area in the unincorporated area of northern Pinellas County. Most of the residents of East Lake Tarpon Community reside within deed-restricted communities.

Chapter 2012-243, Laws of Florida, defines the area of the East Lake Tarpon Community and provides that a municipality within Pinellas County may not annex unincorporated territory within the Community without approval by a majority vote of all electors of East Lake Tarpon Community voting in a referendum on the issue. That act expires on September 30, 2022.

The bill revises the boundaries of East Lake Tarpon Community and removes the expiration date that is currently in ch. 2012-243, Laws of Florida.

The economic impact statement projects the bill has no economic impact.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Municipal Annexation

A municipality may propose to annex any area of contiguous, compact, unincorporated territory by ordinance or may be petitioned for annexation by owner(s) of “contiguous... and reasonably compact” real property.<sup>1</sup> An area is considered “contiguous” if a substantial part of its boundary is coterminous with a part of the boundary of the municipality.<sup>2</sup> An area is compact if it is concentrated in a single area and does not create enclaves, pockets, or finger areas.<sup>3</sup> All lands to be annexed must be in the same county as the annexing municipality.<sup>4</sup>

The governing body of a municipality may only propose annexation of an area that is contiguous, reasonably compact, and is either:<sup>5</sup>

- Developed for “urban purposes;”<sup>6</sup>
- Lies between the municipal boundary and an area developed for “urban purposes”; or
- Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and areas developed for “urban purposes.”

A municipality may begin the annexation process by adopting a non-emergency ordinance.<sup>7</sup> The municipality is required to hold two advertised public meetings before the adoption of the ordinance, one held on a weekday at least seven days after the publication of the first advertisement and one held on a weekday at least five days after the publication of the second advertisement. At least 10 days prior to the first public meeting, the governing body of the municipality must provide written notice to all residents and property owners in the area proposed for annexation.<sup>8</sup> The notice must contain the annexation proposal, the time and location of the public meeting, and locations where the proposed ordinance may be inspected by the public.

Before adopting an annexation ordinance, a municipality must prepare a report that contains:<sup>9</sup>

- Plans to provide urban services to the area to be annexed;
- A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;
- A statement certifying the area meets the annexation criteria specified in s. 171.043, F.S.; and
- A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation.

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<sup>1</sup> Ss. 171.0413(1) and 171.044(1), F.S.

<sup>2</sup> S. 171.031(11), F.S. An area may be contiguous to a municipality even if it is separated by a county-owned public park, a right-of-way, a body of water, or other minor geographic division, as long as those areas do not prevent the annexing municipality and the area being annexed from being a “unified whole with respect to municipal services.”

<sup>3</sup> S. 171.031(12), F.S.

<sup>4</sup> S. 171.045, F.S.

<sup>5</sup> S. 171.043, F.S.

<sup>6</sup> S. 171.043(2), F.S., defines “urban purposes” as any area having a resident population or at least two persons per acre, having a resident population of at least one person per acre if the area is subdivided into lots where at least 60 percent of the total number of lots are one acre or less in size, or at least 60 percent of the total number of lots meet one of the preceding definitions and at least 60 percent of the total acreage not used for non-residential “urban purposes” is subdivided into lots of five acres or less.

<sup>7</sup> S. 171.0413(1), F.S. A non-emergency ordinance is adopted using standing procedures specified by s. 166.041, F.S.

<sup>8</sup> S. 171.042(3), F.S.

<sup>9</sup> S. 171.042(1), F.S.

The governing body of the municipality must file a copy of the report with the governing body of the county within 15 days of the commencement of annexation procedures.<sup>10</sup> Failure to submit the report to the county in a timely manner may invalidate the annexation.

The municipality must submit the adopted annexation ordinance to a referendum in the area to be annexed.<sup>11</sup> The municipality may also choose to submit the ordinance to the voters of the municipality for approval. If more than 70 percent of the area to be annexed is not owned by registered voters, the municipality must obtain the consent of landowners owning at least 50 percent of area to be annexed before conducting the referendum.<sup>12</sup> The referendum may be conducted during the next regularly scheduled election or at a special election.<sup>13</sup> The referendum must not be held until at least 30 days after the adoption of the ordinance and must be advertised in a newspaper of general circulation in the area to be annexed.<sup>14</sup> If the referendum is approved by the voters, the annexation occurs on the effective date provided by the ordinance.<sup>15</sup> If the voters reject annexation, the municipality may not propose annexation of the same area in the two years following the referendum.

Alternatively, the owner(s) of real property in a contiguous, reasonably compact, and unincorporated area of the county may petition a municipality for annexation.<sup>16</sup> The municipality must determine that all land owners in the area to be annexed have signed the petition and publish notice of the annexation before passing an ordinance annexing the area. A copy of the ordinance, including a map and a metes-and-bounds legal description of the area, must be filed with the clerk of the circuit court, the chief administrative officer of the county, and the Department of State within seven days after adopting the annexation ordinance. An area may not be annexed using this process if the annexation would result in the creation of an enclave.<sup>17</sup>

### East Lake Tarpon Community

East Lake Tarpon Community (Community) is a predominately residential area in the unincorporated area of northern Pinellas county. It is bordered to the west by Lake Tarpon, to the east by the Brooker Creek Preserve, to the north by the Pasco County boundary, and to the south by Tampa Road. East Lake Tarpon is home to a limited number of small businesses and commercial venues.<sup>18</sup> The area has a population of 32,344.<sup>19</sup> Most of the residents of the Community reside within deed-restricted communities. The residents of East Lake Tarpon pay ad valorem taxes to support and receive fire control services from the East Lake Tarpon Fire Control District.<sup>20</sup>

On January 24, 2012, the Board of County Commissioners of Pinellas County (Board) adopted a community overlay defining the boundary of the Community and recognizing the Community's distinctive character. The Board provided that maintaining the Community's quality of life, low density residential character, and expansive open spaces are to be considered before any zoning changes or implementing changes that would increase the density of the Community.<sup>21</sup>

In 2012, ch. 2012-243, Laws of Florida, was enacted. The law provides that a municipality within Pinellas County may not annex any unincorporated territory within the defined boundaries of the Community unless the annexation of the territory is approved by a majority vote of the electors of the

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<sup>10</sup> S. 171.042(2), F.S.

<sup>11</sup> S. 171.0413(2), F.S.

<sup>12</sup> S. 171.0413(5), F.S.

<sup>13</sup> S. 171.0413(2)(a), F.S.

<sup>14</sup> S. 171.0413(2)(a)-(b), F.S.

<sup>15</sup> S. 171.0413(2)(e), F.S.

<sup>16</sup> S. 171.044, F.S.

<sup>17</sup> S. 171.044(5), F.S.

<sup>18</sup> Board of County Commissioners of Pinellas County, Florida, *East Lake Tarpon Community Overlay*, available at [https://www.cncnpc.org/images/stories/East\\_Lake\\_Tarpon\\_Community\\_Overlay\\_V1.6-Final20110124.pdf](https://www.cncnpc.org/images/stories/East_Lake_Tarpon_Community_Overlay_V1.6-Final20110124.pdf) (last visited January 27, 2022).

<sup>19</sup> U.S. Census Bureau, *QuickFacts East Lake CDP, Florida*, population as of April 1, 2020. Available at <https://www.census.gov/quickfacts/eastlakecdpflorida> (last visited on January 26, 2022).

<sup>20</sup> Ch. 2000-477, ss. 3, 8, Laws of Fla., as amended by ch. 2003-336, Laws of Fla.

<sup>21</sup> *Supra* note 17.

Community voting in a referendum on that issue. The law provided that the act is to expire on September 20, 2022.

### **Effect of the Bill**

The bill revises the boundaries of East Lake Tarpon Community and removes the expiration date of September 30, 2022.

#### **B. SECTION DIRECTORY:**

Section 1: Amends sections 2 and 3 of ch. 2012-243, Laws of Florida, revising the boundaries of East Lake Tarpon Community and removing the expiration date of the law.

Section 2: Provides an effective date of upon becoming a law.

### **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 5, 2021

WHERE? The *Tampa Bay Times*, a newspaper of daily circulation published in Pinellas County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither requires no provides authority for administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On February 2, 2022, the Local Administration & Veterans Affairs Subcommittee adopted an amendment to the bill and reported the bill favorably as a committee substitute. The amendment corrected a technical drafting error by removing language referencing the expiration date of the existing law and making another technical change.

This analysis is drafted to the committee substitute adopted by the Local Administration & Veterans Affairs Subcommittee