

A SPECIAL ACT  
ESTABLISHING THE PINELLAS PLANNING COUNCIL  
AND  
COUNTYWIDE PLANNING AUTHORITY  
FOR  
PINELLAS COUNTY, FLORIDA

This document consolidates Chapter 73-594, Laws of Florida, as amended by Chapters 74-584, 74-586, 76-473, 88-464, and 90-396, Laws of Florida. See also Chapter 88-458, Laws of Florida, amending Article II, Home Rule Charter for Pinellas County. This is an unofficial compilation of these statutory provisions and is intended only to conveniently locate the cumulative amended provisions in one, easily discernible document.

The individual statutory provisions should be referenced and cited for any official citation.

SECTION 1. COUNTY PLANNING COUNCIL CREATED.--there is hereby created a countywide planning and coordinating council to be known as the "Pinellas County Planning Council", hereinafter referred to as the "council".

SECTION 2. PURPOSE OF COUNCIL; LEGISLATIVE INTENT;  
DEFINITIONS.--

(1) The legislature recognizes the social and economic interdependence of the people residing within Pinellas County and the common interest they share in its future development. The legislature also recognizes that individual plans and decisions heretofore made by local governments within the county have affected the welfare of the entire county as well as neighboring jurisdictions and, therefore, the legislature intends that the purpose of this act is to provide a means for:

(a) The formulation and execution by the council of the objectives and policies necessary for the orderly growth, development and environmental protection of Pinellas County as a whole.

(b) The coordination by the council of all planning and development in Pinellas County with regional planning objectives in the Tampa Bay area as developed by the Tampa Bay Regional Planning Council.

(c) The coordination by the council of all planning and development in Pinellas County with the Department of Community Affairs.

(2) The legislature further recognizes that the future of Pinellas County, its permanent residents and the millions of tourists who annually visit the county is dependent upon the way the natural and man-made resources of land, air and water are guided into use and re-use through zoning, subdivision regulations, wastewater treatment systems, water resource management, transportation systems, recreational facilities, solid waste disposal systems, urban development and redevelopment, and all other comprehensive planning activities.

(3) As used in this act, the term:

(a) "Local government" means the county or any municipality within the county.

(b) "Countywide comprehensive plan" means materials in such descriptive form, written or graphic, as may be appropriate to the prescription of principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development of Pinellas County. The countywide comprehensive plan shall include a countywide future land use plan and those additional elements enumerated in this act.

(c) "Countywide future land use plan" means a land use map supplemented by policies and objectives which designate proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land.

(d) "Land development regulation" means an ordinance enacted by a local government for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, or building construction regulation or any other regulation controlling the development of land.

### SECTION 3. MEMBERSHIP OF COUNCIL; TERMS OF OFFICE; VACANCIES, ETC.--

(1) The council shall be composed of 13 members, to be selected and appointed as follows:

(a) One member shall be appointed by a majority vote of the board of county commissioners. Such appointee shall be a member of said board of county commissioners and shall serve for a term of two years.

(b) One member shall be a representative of the City of St. Petersburg and shall be appointed by the city council of St. Petersburg. Such appointee shall serve for a term of two years.

(c) One member shall be a representative of the City of Clearwater and shall be appointed by the city commission of Clearwater. Said appointee shall serve for a term of two years.

(d) One member shall be a representative of the City of Dunedin and shall be appointed by the city commission of Dunedin. Said appointee shall serve for a term of two years.

(e) One member shall be a representative of the City of Pinellas Park and shall be appointed by the city council of Pinellas Park. Said appointee shall serve for a term of two years.

(f) One member shall be a representative of the City of Largo and shall be appointed by the city commission of Largo. Said appointee shall serve for a term of two years.

(g) One member shall be a representative of the following group of municipalities: St. Petersburg (sic) Beach, Treasure Island, and Madeira Beach. The governing body of each named municipality shall submit nominations to the board of county commissioners. Said board of county commissioners shall appoint one person from those nominated for a term of two years.

(h) One member shall be a representative of the following group of municipalities: Indian Rocks Beach, Redington Shores, Redington Beach, Belleair Beach, Indian shores, North Redington Beach, and Belleair Shores (sic). The governing body of each named municipality shall submit nominations to the board of county commissioners. Said board of county commissioners shall appoint one person from those nominated for a term of two years.

(i) One member shall be a representative of the following group of municipalities: Gulfport, Kenneth City, Belleair, South Pasadena, Belleair Bluffs, and Seminole. The governing body of each named municipality shall submit nominations to the board of county commissioners. Said board of county commissioners shall appoint one person from those nominated for a term of two years.

(j) One member shall be a representative of the Pinellas County School Board and shall be appointed by the school board. Said appointee shall serve for a term of two years.

(k) One member shall be a representative of the City of Tarpon Springs. One member shall be a representative of the City of Oldsmar. One member shall be a representative of the City of Safety Harbor. Each said appointee shall be appointed by the respective city commission and shall serve for a term of two years.

(2) The terms of all appointees to the present council shall expire on the effective date of this act. Initial appointments to the council shall be made by the appointing agency within thirty days after the effective date of this act. The term of each appointee shall begin on the date of his appointment and shall expire at midnight, December 31, 1990. Thereafter, all appointments shall be made by the appointing agency on or before January 1, biennially, and all terms shall begin on January 1 of the calendar year.

(3) Where nominations are required, they shall be submitted no later than thirty days prior to the last day appointments may be made. Failure to receive nominations by the time specified shall not impair the duty of the board of county commissioners to make appointments required by this section, provided, however, when an appointment is made by said board of county commissioners after failing to receive nominations, said appointee shall be qualified by residence to serve the body he is appointed to represent and shall meet all other requirements of this section.

(4) Each member shall be an elected official and a member of the governing body or one of the governing bodies that he represents.

(5) Any member of the council may be removed by the appointing authority for malfeasance, misfeasance, non-feasance (sic), misconduct, or for more than three unexcused absences during the calendar year from regular council meetings. Any vacancy in the membership of the council shall be filled for the unexpired term in the same manner as the initial appointment.

#### SECTION 4. OFFICERS; MEETINGS; RECORDS; QUORUM; EXPENSES--

(1) The council shall elect one of its members as chairman, one of its members as vice chairman, one of its members as treasurer and one of its members as secretary, each of whom shall serve for the year or until a successor is elected. No person elected chairman shall serve more than two consecutive years in that capacity.

(2) The council may meet at least once each month, at such place and at such other times, in special session, as the council, by a majority vote, shall determine, and at any other time at the call of the chairman. The council shall adopt operating procedures for the transaction of business and keep a record of its transactions, resolutions, findings,

determinations, recommendations and orders, which record shall be a public record.

(3) At all meetings of the council, a quorum shall consist of eight members. No official business of the council may be transacted unless a quorum is present. No vacancy in the council shall impair the right of a quorum of the council to exercise all the rights and perform all the duties of the council. Except as otherwise provided in this act, all actions of the council shall be a majority vote of those members present.

(4) Members of the council shall be entitled to receive from the council their traveling and other necessary expenses incurred in connection with the business of the council, as provided by law, but they shall draw no salaries or other compensation.

SECTION 5. POWER AND DUTIES.--In the performance of its duties and in the execution of its functions under this act, the council has and shall exercise the following powers and duties:

(1) To maintain a permanent office at the place or places within Pinellas County as it may designate. Additional sub-offices may be maintained at such place or places within Pinellas County as it may designate.

(2) To employ and to compensate such personnel, consultants, and technical and professional assistants as it may deem necessary.

(3) To make and enter into contracts and agreements.

(4) To hold public hearings and sponsor public forums.

(5) To sue and to be sued in its own name.

(6) To accept and expend funds and grants from and accept and use services from:

(a) The federal government or any agency thereof;

(b) The state government or any agency thereof;

(c) The county government or any agency thereof, including the district school board;

- (d) The several municipalities in Pinellas County or agencies thereof;
  - (e) The Tampa Bay Regional Planning Council; and
  - (f) Civic groups, non-profit agencies, etc.
- (7) (a) To develop a countywide future land use plan with a countywide managed growth perspective and compatible with the other elements of the comprehensive plan.
- (b) To develop rules, standards, policies, and objectives that will implement the countywide future land use plan. The rules, standards, policies, and objectives shall establish parameters that will be used to determine whether or not local governments' comprehensive plans and land development regulations are consistent with the countywide future land use plan and the land use categories within the plan. Each land use category shall be defined in terms of the types of uses included and specific standards for the density or intensity of use. A continuum established by rule or standard shall be formulated by the council which shall specifically identify which land uses are more intense than others. At a minimum, the rule or standard shall include intensity concepts such as maximum floor area to land area ratios, impervious surface provisions, and traffic generation rates.
- (8) To develop other elements of a countywide comprehensive plan which shall include:
- (a) A countywide capital improvements element;
  - (b) A countywide traffic circulation element that includes mass transit and other transportation facilities and that recognizes the responsibilities of the metropolitan planning organization as defined by law and joint agreement;
  - (c) A countywide general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element;
  - (d) A countywide housing element;
  - (e) A countywide conservation element;

- (f) A countywide recreation and open space element:
- (g) A countywide coastal management element;
- (h) A countywide intergovernmental coordination element; and
- (i) Any other elements determined by the council to be necessary to establish effective countywide planning.

The council shall develop the elements described in this paragraph in sufficient detail to provide a basis for reviewing local governments' comprehensive plans, including the local governments' future land use plan elements. These elements are not required to comply with sections 163.3177 and 163.3178, Florida Statutes; however, they shall not conflict with these provisions.

(9) To coordinate countywide growth management issues and procedures consistent with this act.

(10) To review each element of the countywide comprehensive plan with the local governments on a routine basis, in order to assure coordination with local goals and policies and to identify specific countywide growth management problem areas and to determine progress towards solutions to identified problems.

(11) When processing amendments to the countywide comprehensive plan, to consider the countywide future land use plan; the rules, standards, policies, and objectives contained in that plan; and the other elements of the comprehensive plan.

(12) To review and make a recommendation to the affected municipality of each proposed annexation within Pinellas County to such municipality with reference to the ability of said municipality to provide municipal services to the territory which is proposed to be annexed provided that no review or recommendation shall be required hereunder for parcels of less than 10 acres in size.

(13) To act as the countywide land planning agency for Pinellas County. This act does not prevent the Pinellas County Board of County Commissioners from designating a local planning agency for the county.

## SECTION 6. COUNTYWIDE PLANNING DEPARTMENT--

(1) The council shall establish a planning department. The administrative head of the council's planning staff shall be a planning professional serving as the executive director of the council. The executive director shall serve at the pleasure of the council. Pursuant to subsection (2) of section 5 of this act, the council shall employ such other staff as may be needed for the planning department. The executive director shall have the sole authority to manage the activities of the planning staff. Nothing herein shall prevent the executive director and the planning staff from being classified or exempt employees of the Pinellas County Unified Personnel System.

(2) Directors of individual local government planning departments shall automatically become members of the Planners Advisory Committee. Said committee may, at the direction of the council, perform a professional planning review of the council planning staff recommendations of plans that are to be acted upon by the council. The committee may perform such other duties assigned to it by the council but may not be involved in the administration or executive functions of the council. For the purpose of this act, the term "individual local government planning departments" means the planning departments now maintained by the local governments. In the performance of local planning, each unit of local government shall either establish a professional planning department, retain a profession planning consulting firm, or contract with the Pinellas County Planning Council for professional services.

(3) The planning department, as recognized herein, shall prepare all plans or other documents that the council may direct under the provisions of this act and shall assist any committee and the executive director in day-to-day activities. Said department shall be governed by such operating procedures as may from time to time be set forth by the council.

## SECTION 7. BUDGET, FISCAL YEAR, APPROPRIATIONS, CONTRIBUTIONS, ETC.; ANNUAL AUDITS AND REPORTS.--

(1) The executive director of the council shall annually prepare the budget of the council. Said budget shall be kept within the limit of funds annually available to the council, and each item in the budget shall be fully explained. The council shall approve and adopt the annual budget,

and all deliberations on the budget by the council shall be done at meetings open to the public. Each organization contributing to the maintenance of the council shall be provided a copy of the proposed and adopted budget. Copies of the proposed and adopted budget shall be supplied to the governing body of each local government unit and to the news media of Pinellas County. The fiscal year of the council shall be the same as the board of county commissioners of Pinellas County. Notwithstanding the above, the board of county commissioners of Pinellas County shall have the right to review the budget, raising or reducing it as it deems necessary.

(2) The tax collector of Pinellas County shall remit directly to the council from the total taxes collected from the millage certified by the board of county commissioners of Pinellas County for county purposes, an amount equal to the annual budget but not to exceed one-sixth (1/6) of a mill on each dollar of the assessed valuation of taxable property made annually by the property appraiser of Pinellas County. The funds collected pursuant to this subsection shall only be expended for Pinellas County Planning Council purposes.

(3) Any person or civic group may contribute monetarily to special studies performed by the council, provided that the council approves said contribution.

(4) In the event the auditor general does not audit each year, the council or the board of county commissioners of Pinellas County shall cause an independent audit to be performed, to be paid for by the council. The council shall also prepare an annual progress report on its activities as a whole.

#### SECTION 8. PUBLIC HEARINGS; NOTICE.--

(1) At least one public hearing shall be required prior to the adoption or amendment of any plans, rules, standards, policies, objectives, or operating procedures of the council. More than one public hearing may be required at the discretion of the council. The location of public hearings shall be determined by the council.

(2) At least two weeks prior to a scheduled hearing, notice of the time and place of the hearing shall be given in writing to the local governments. Notice shall be sent to any other federal, state, public, semipublic, civic, or public body that the council determines has an interest in the scheduled public hearing. At least two weeks' (sic) notice

of the time and place of the scheduled hearing shall also be given by publication in a newspaper of general circulation in Pinellas County.

SECTION 9. ADOPTION OF PLANS, RULES, STANDARDS,  
POLICIES, OBJECTIVES, OR OPERATING  
PROCEDURES.--

(1) The adoption of any plan, rule, standard, policy, objective, or operating procedure as provided in this act shall be by an affirmative vote of the majority plus one of the entire council. Any amendment of such plan, rule, standard, policy, objective, or operating procedure shall be by an affirmative vote of a majority of the members present and constituting a quorum.

SECTION 10.

(1) COUNTYWIDE PLANNING AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS.--The countywide planning authority of the Pinellas County Board of County Commissioners is limited to the authority provided for in the county charter and as provided herein.

(2) PLAN ADOPTION BY THE STATE OF FLORIDA.-- The Pinellas Planning Council Countywide Land Use Plan, including related documents and elements of such plan, as adopted by the Board of County Commissioners of Pinellas County on May 17, 1988, and filed pursuant to the records of minute book 163, page 977, is incorporated by reference and adopted herein. All local governments' comprehensive plans and land development regulations shall be consistent with the countywide comprehensive plan. The board of county commissioners shall have the authority to enforce the countywide comprehensive plan. Amendments to the countywide comprehensive plan adopted pursuant to this subsection shall be made pursuant to this act. Paragraph (a) of subsection (3) applies to subsequent plan adoptions.

(3) PLAN ADOPTION BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS.--

(a) The board of county commissioners shall adopt the countywide future land use plan and the elements enumerated in subsection (8) of section 5 of this act prepared by the council by a majority vote of the entire board. A majority plus one of the entire board of county commissioners is required to make any amendments, additions, or deletions to the future land use plan

and the elements enumerated in subsection (8) of section 5 of this act as recommended for adoption by the council.

(b) Upon adoption by the board of county commissioners, the countywide future land use plan and the elements enumerated in subsection (8) of section 5 of this act will have the full force and effect of law countywide. All local governments' comprehensive plans and land development regulations shall be consistent with the countywide comprehensive plan. The board of county commissioners shall have the authority to enforce the countywide comprehensive plan.

(c) Local governments' future land use plans shall be considered to be consistent with the countywide future land use plan if the local governments' land use designations are less intense or at a lower density. If a local government's future land use plan provides for a less intense land use or a lesser density, the local plan shall regulate development for the subject property as to the less intense or lower density use of the property. However, a local future land use plan or subject property is not exempt from such other standards, rules, or procedures of the countywide comprehensive plan as are applicable.

(4) AMENDMENTS.--

(a) Amendments to the adopted countywide future land use plan relating to a land use designation for a particular parcel of property may be initiated only by a local government that has jurisdiction over the subject property. Amendments to a rule, standard, policy, or objective of the countywide future land use plan or the elements enumerated in subsection (8) of section 5 of this act may be initiated by the council or any local government. All amendments initiated by a local government or the council shall be transmitted to the board of county commissioners with a recommendation by the council. A majority plus one of the entire board of county commissioners is required to take any action on the proposed amendment which is contrary to the council's recommendation. A recommendation shall be received by the board of county commissioners prior to its taking action on an amendment.

(b) The council shall have sixty days after the day an application is filed with the council to act on that amendment and forward the recommendation to the board of county commissioners. Action by the council may include recommendation for approval, denial, continuation, or an alternative compromise amendment, any of which shall constitute action by the council within the stipulated sixty-day period. Provision for the council to make a recommendation for an alternative compromise amendment shall be as approved and set forth in the rules concerning the administration of the countywide future land use plan.

(c) If the council recommends denial of a proposed amendment to the countywide future land use plan relating to a change in a land use designation for a particular parcel or a change in the rules, standards, policies, or objectives, of the countywide future land use plan, any substantially affected person may seek a hearing pursuant to chapter 120, Florida Statutes. Any substantially affected person may participate in the hearing. At the conclusion of the hearing, the hearing officer's recommended order shall be forwarded to and considered by the board of county commissioners in a final hearing. The basis for the board of county commissioners' approval or denial of the proposed amendment is limited to the findings of fact of the hearing officer. This paragraph does not apply to any amendments made to the elements enumerated in subsection (8) of section 5 of this act.

(d) If the council recommends approval of a proposed amendment to the countywide future land use plan relating to a change in a land use designation for a particular parcel or a change in the rules, standards, policies, or objectives of the countywide future land use plan, the recommendation shall be directly forwarded to the board of county commissioners. After a hearing is held, if the board of county commissioners votes by a majority plus one to deny the amendment, any substantially affected person, the council, or the board of county commissioners may seek a hearing pursuant to chapter 120, Florida Statutes. Any substantially affected person may participate in the hearing. At the conclusion of the hearing, the hearing officer's recommended order shall be forwarded to and considered by the board of county commissioners in a final hearing. The basis for the board of county commissioners' final decision approving or denying the proposed amendment is limited to the findings of fact of the hearing officer.

This paragraph does not apply to any amendments made to the elements enumerated in subsection (8) of section 5 of this act.

(e) The council may contract with the Department of Administration to provide the hearing officers required by this act. The council shall be responsible for compensating the Department of Administration for costs incurred by the department in the hearing process. Except as provided in paragraphs (c) and (d), the council and the board of county commissioners are not subject to chapter 120, Florida Statutes.

(f) An administrative hearing under paragraph (c) or paragraph (d) is limited to a review of the facts pertaining to the subject property, the countywide future land use plan, and those rules, standards, policies, and procedures applicable thereto. An administrative hearing is not the appropriate forum for a constitutional challenge.

(g) Decisions by the board of county commissioners, acting in its capacity under this act, are legislative in nature. Decisions made by the board of county commissioners subsequent to a final order pursuant to a hearing under paragraph (c) or paragraph (d) may be challenged by writ of certiorari in a court of competent jurisdiction.

(5) PUBLIC HEARING AND NOTICE REQUIREMENTS.--An ordinance adopted by the board of county commissioners which adopts or amends the provisions of the countywide comprehensive plan or the countywide future land use plan shall be enacted or amended pursuant to the following procedure:

(a) For an adoption of or amendment to plans, rules, standards, policies, or objectives of the countywide comprehensive plan pursuant to section 9 or an amendment to the adopted countywide future land use plan relating to a land use designation for a particular parcel of property involving more than 5 percent of the county:

1. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance. At least one of the hearings shall be held after 5 p.m. on a weekday, and the first shall be held approximately 7 days after the day that the first advertisement is

published. The second hearing shall be held approximately 2 weeks after the first hearing and shall be advertised approximately 5 days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.

2. The required advertisement may not be less than one-quarter page in a standard size or a tabloid size newspaper, and the headline in the advertisement may not be in a type smaller than 18 point. The advertisement may not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to chapter 50, Florida Statutes, not one of limited subject matter. The advertisement shall be in the following form:

NOTICE OF ... (adoption or amendment) ... OF PLANS, RULES,  
STANDARDS, POLICIES, OR OBJECTIVES OF THE  
COUNTYWIDE COMPREHENSIVE PLAN

The Board of County Commissioners, acting as the Countywide Planning Authority, proposes to adopt or change a regulation affecting the use of land for the area shown in the map in this advertisement.

A public hearing on the regulation affecting the use of land will be held on ... (date and time) ... at ... (meeting place) ...

The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the area.

3. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance. Such notice must clearly explain the proposed ordinance and shall notify

the person of the time, place, and location of both public hearings on the proposed ordinance.

(b) For an amendment to the adopted countywide future land use plan relating to a particular parcel of property involving less than 5 percent of the county, the board of county commissioners shall direct its clerk to notify, by mail, each real property owner whose land is affected by the change in land use designation enacted by the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice must state the substance of the proposed ordinance or resolution as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance or resolution. Such notice must be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept available for public inspection during the regular business hours of the office of the board of county commissioners.

SECTION 11. CONTRACTUAL SERVICES.--The council and local governments shall have the authority to contract with one another, with the Tampa Bay Regional Planning Council, or with the Department of Community Affairs for the furnishing of such services and assistance as may be necessary or proper under (the furnishing of such services and assistance as may be necessary or proper under sic) the provisions of this act. The council may make available any plan, code, or regulation to any other county federal agency, planning agency, or municipality upon such terms as may be mutually agreed upon.

SECTION 12. SEVERABILITY.--It is declared to be the intent of the legislature that, if any section, subsection, sentence, clause or provision of this act is held invalid by any court of competent jurisdiction, the remainder of the act shall not be affected.

SECTION 13. CHAPTER 163, PART II.--Nothing in Chapter 73-594, as amended, shall be construed to allow any municipality or county to adopt a local government comprehensive plan required by Chapter 163, Part II, or any amendment to such plan, that does not comply with Chapter 163, Part II, or any applicable rule or regulation adopted by the Department of Community Affairs to implement Chapter 163, Part II. In addition, nothing in Chapter 73-594, as amended, shall be construed to allow any development order, as defined in s. 163.3164, to be issued by the county or any municipality in the county that is not consistent with the plans adopted pursuant to Chapter 163, Part II, and any applicable rule

or regulation adopted by the Department of Community Affairs to implement Chapter 163, Part II.

SECTION 14. EFFECTIVE DATE.--This Act, adopted by Chapter 73-594, is as amended through and including the amendments in Chapter 90-396, Laws of Florida, effective June 1, 1990.