

By Senator Mitchell

4-1243-00

See HB

1                                   A bill to be entitled  
2           An act relating to the Baker County Development  
3           Commission, an independent special district in  
4           Baker County; providing for codification of  
5           special laws regarding special districts  
6           pursuant to chapter 97-255, Laws of Florida;  
7           providing legislative intent; codifying and  
8           reenacting chapter 57-1129, Laws of Florida, as  
9           amended by chapter 59-1061, Laws of Florida;  
10          providing district status and boundaries;  
11          providing definitions; providing for  
12          membership; authorizing Baker County and its  
13          incorporated municipalities to contract with  
14          the Commission; prescribing the Commission's  
15          powers and duties, including the power to issue  
16          and validate revenue-anticipation certificates;  
17          providing restrictions; providing for audits;  
18          providing construction; providing an allocation  
19          from Baker County's share of tax on racing;  
20          providing a saving clause in the event any  
21          provision of the act is deemed invalid;  
22          providing an effective date.

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

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26           Section 1. Intent.--Pursuant to chapter 97-255, Laws  
27 of Florida, this act constitutes the codification of all  
28 special acts relating to the Baker County Development  
29 Commission. It is the intent of the Legislature in enacting  
30 this law to provide a single, comprehensive special act  
31 charter for the Commission, including all current legislative

1 authority granted to the Commission by its several legislative  
2 enactments and any additional authority granted by this act.

3 Section 2. Codification.--Chapter 57-1129, Laws of  
4 Florida, and chapter 59-1061, Laws of Florida, relating to the  
5 Baker County Development Commission, are codified, reenacted,  
6 amended, and repealed as herein provided.

7 Section 3. The Baker County Development Commission is  
8 re-created and the charter for such commission is re-created  
9 and reenacted to read:

10 Section 1. Status and boundaries.--The Baker County  
11 Development Commission is hereby declared to be an independent  
12 special district, a public corporation of the State of  
13 Florida, within the statutory boundaries of Baker County.

14 Section 2. Definitions.--When used in this act, the  
15 following words and terms, unless a different meaning appears  
16 clearly from the context, shall have the following meanings:

17 (1) "Commission" shall mean the Baker County  
18 Development Commission created by this act.

19 (2) "Project" shall mean and include the acquisition  
20 of lands, properties, and improvements for development,  
21 expansion, and promotion of industry, commerce, agriculture,  
22 natural resources, and vocational training, and the  
23 construction of buildings and plants for the purpose of  
24 selling, leasing, or renting such structures to private  
25 persons, firms, or corporations.

26 (3) "Cost of project" shall embrace the cost of  
27 construction, the cost of all land, properties, easements,  
28 rights, and franchises acquired, the cost of machinery and  
29 equipment, financing charges, interest prior to and during  
30 construction, cost of engineering, architectural, and legal  
31 expense, and plans and specifications and other expenses

1 necessary or incident to determining the feasibility or  
2 practicability of the project, administrative expenses, and  
3 such other expenses as may be necessary or incident to the  
4 financing herein authorized for the construction of any  
5 project and placing the same in operation.

6 Section 3. Commission; creation and purpose.--For the  
7 purpose of performing such acts as shall be necessary for the  
8 sound planning for, and development of, Baker County, there is  
9 created a body corporate and politic to be known as the Baker  
10 County Development Commission, which is deemed to be a public  
11 corporation by that name, which body may contract and be  
12 contracted with and sue and be sued in all courts of law and  
13 equity.

14 Section 4. Membership; appointment, term of  
15 office.--The Commission shall be composed of seven members,  
16 each of whom shall be a freeholder and a qualified elector of  
17 the County. Members of the Commission shall be appointed by  
18 the Governor as follows: one member from each of the County  
19 Commission districts of the County as they are now or may  
20 hereafter be constituted, and two members from the County at  
21 large. Two of the members must be women. All appointments  
22 shall be from the same district as the outgoing member and  
23 shall be for 4-year terms except appointments to fill  
24 vacancies, which shall be for the unexpired term only. Any  
25 member of the Commission whose term has expired may remain in  
26 office until a replacement is appointed by the Governor.

27 Section 5. Ex officio members.--The mayor of each  
28 incorporated municipality and the chair of the Board of County  
29 Commissioners shall be ex officio members of the Commission.

30 Section 6. Chair and vice chair.--The Commission shall  
31 elect from its membership at its organizational meeting, and

1 annually thereafter, a chair and a vice chair who shall act as  
2 secretary for the Commission.

3 Section 7. Quorum; transaction of business.--Any four  
4 members shall constitute a quorum for the transaction of the  
5 ordinary business of the Commission. However, any action with  
6 respect to any project of the Commission must be approved by  
7 not less than four affirmative votes. No business shall be  
8 transacted except at regularly called meetings and duly  
9 recorded in the minutes thereof.

10 Section 8. Compensation, travel expenses.--Members of  
11 the Commission shall serve without compensation but shall be  
12 reimbursed for travel expenses incurred in the performance of  
13 their duties as members of the Commission.

14 Section 9. Authority of County and Cities to  
15 contract.--Baker County and all incorporated Cities therein  
16 are expressly authorized to enter into contracts with the  
17 Commission as a public corporation.

18 Section 10. Powers and duties.--The Baker County  
19 Development Commission shall have the following powers:

20 (1) To have a seal and alter the same at pleasure.

21 (2) To acquire, hold, and dispose of personal  
22 property, including the stock of other corporations, for its  
23 corporate purposes.

24 (3) To enter into contracts with Baker County and all  
25 incorporated Cities therein.

26 (4) To acquire in its own name by purchase, on such  
27 terms and conditions and in such manner as it may deem proper,  
28 real property or liens or easements therein or franchises  
29 necessary or convenient for its corporate purposes, and to use  
30 the same, and to lease or make contracts with respect to the  
31 use or disposition of same in any manner the Commission deems

1 to its best advantage. If the Commission shall deem it  
2 expedient to construct any project, or use any project already  
3 constructed, on lands the title to which shall then be in  
4 Baker County or in one of its incorporated Cities, the  
5 governing authorities of such County and Cities are  
6 authorized, in their discretion, to convey title to such  
7 lands, including any improvements thereon, to the Commission.

8 (5) To select and appoint agents and employees,  
9 including engineers, architects, builders, and attorneys, and  
10 to fix their compensation.

11 (6) To make contracts and to execute all instruments  
12 necessary or convenient, including contracts for construction,  
13 lease, rental, and sale of projects, or contracts with respect  
14 to the use of projects which it erects or acquires.

15 (7) To construct, erect, acquire, own, repair,  
16 remodel, maintain, extend, improve, equip, operate, and manage  
17 projects, self-liquidating or otherwise, located on property  
18 owned or leased by the Commission, and to pay the costs of any  
19 such projects from the proceeds of revenue-anticipation  
20 certificates of the Commission or from any grant from Baker  
21 County or any of the incorporated Cities therein, or from any  
22 grant from the State, or from any contribution or loan by  
23 persons, firms, or corporations, all of which the Commission  
24 is hereby authorized to receive and accept and use.

25 (8) To borrow money for any of its corporate purposes  
26 and to execute notes, mortgages, deeds to secure debt, trust  
27 deeds, and such other instruments as may be necessary or  
28 convenient to evidence and secure such borrowing.

29 (9) To exercise any power granted by the laws of  
30 Florida to public or private corporations performing similar  
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1 functions which is not in conflict with the State Constitution  
2 and the laws of Florida.

3 (10) To do all things necessary or convenient to carry  
4 out the powers expressly conferred by this act.

5 (11) To adopt, alter, or repeal its own bylaws, rules,  
6 and regulations governing the manner in which its business may  
7 be transacted and in which the power granted to it may be  
8 enjoyed as the Commission may deem necessary or expedient in  
9 facilitating its business.

10 (12) To issue revenue-anticipation certificates for  
11 the purpose of paying all or any part of the cost of any  
12 project of the Commission. Such revenue-anticipation  
13 certificates shall be issued and validated under and in  
14 accordance with the applicable provisions of the laws of  
15 Florida.

16 (13) To perform such powers and duties as may from  
17 time to time be authorized by the Legislature.

18 Section 11. Creation of State and County debts  
19 prohibited.--The Commission shall not be empowered or  
20 authorized in any manner to create a debt as against the  
21 State, Baker County, or any of the incorporated Cities  
22 therein.

23 Section 12. Audit.--The books and records of the  
24 Commission shall be audited annually when revenues or  
25 expenditures are greater than \$50,000, at the expense of the  
26 Commission, by a competent auditor. The Commission shall  
27 furnish copies of said audit to Baker County.

28 Section 13. Construction.--This act, being for the  
29 purpose of developing and promoting the public good and the  
30 welfare of Baker County and the incorporated Cities therein  
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1 and their inhabitants, shall be liberally construed to effect  
2 the purposes thereof.

3 Section 14. There is hereby appropriated, for the  
4 purposes contained in this act, the first \$10,000 after the  
5 first \$58,000 of the moneys accruing to Baker County under the  
6 provisions of chapter 550, Florida Statutes.

7 Section 15. It is declared to be the legislative  
8 intent that if any section, subsection, sentence, clause, or  
9 provision of this act is held invalid, the remainder of the  
10 act shall not be affected.

11 Section 4. Chapters 57-1129 and 59-1061, Laws of  
12 Florida, and all laws or parts of laws in conflict with the  
13 provisions of this act are hereby repealed.

14 Section 5. This act shall take effect upon becoming a  
15 law.

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