

By Representatives Wiles, Hogan, Kravitz and Pickens

1 A bill to be entitled
 2 An act relating to Clay County; providing for
 3 codification of special acts pursuant to s.
 4 189.429, F.S., relating to the Clay County
 5 Development Authority, an independent special
 6 district; providing legislative intent;
 7 codifying, reenacting, and amending chapters
 8 57-1226, 61-2004, 63-1223, and 72-504, Laws of
 9 Florida; providing for minimum charter
 10 requirements; providing for liberal
 11 construction; providing a saving clause in the
 12 event any provision of the act is deemed
 13 invalid; repealing chapters 57-1226, 61-2004,
 14 63-1223, and 72-504, Laws of Florida, 10 days
 15 after effective date of act; providing an
 16 effective date.

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

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 20 Section 1. Intent.--Pursuant to section 189.429,
 21 Florida Statutes, this act constitutes the codification of all
 22 special acts relating to the Clay County Development
 23 Authority. It is the intent of the Legislature in enacting
 24 this law to provide a single, comprehensive special act in
 25 accordance with section 189.429, Florida Statutes, including
 26 all current legislative authority granted by its several
 27 legislative enactments and any additional authority granted by
 28 this act.

29 Section 2. Codification.--Chapters 57-1226, 61-2004,
 30 63-1223, and 72-504, Laws of Florida, relating to the Clay
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1 County Development Authority, are codified, reenacted,
2 amended, and repealed as herein provided.

3 Section 3. The charter for the Clay County Development
4 Authority is re-created and reenacted to read:

5 Section 1. Short title.--This act may be cited as the
6 "Clay County Development Authority Act."

7 Section 2. Definitions.--The following words and
8 phrases as used in this act shall have the respective meanings
9 set forth unless a different meaning is plainly required by
10 the context:

11 (1) "Authority" shall mean the Clay County Development
12 Authority created by this act.

13 (2) "Project" shall be deemed to mean and include the
14 acquisition of lands, properties, and improvements for
15 development, expansion, and promotion of industry, commerce,
16 agriculture, natural resources, and vocational training and
17 the construction of buildings and plants for the purpose of
18 selling, leasing, or renting such structures to private
19 persons, firms, or corporations.

20 (3) "Cost of project" shall embrace the cost of
21 construction, the cost of all lands, properties, easements,
22 rights, and franchises acquired, the cost of machinery and
23 equipment, financing charges, interest prior to and during
24 construction, cost of engineering, architectural, and legal
25 expense, and plans and specifications and other expenses
26 necessary or incident to determining the feasibility or
27 practicability of the project, administrative expenses, and
28 such other expenses as may be necessary or incident to the
29 financing herein authorized for the construction of any
30 project and placing the same in operation.

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1 Section 3. Authority, creation, and purpose.--For the
2 purpose of performing such acts as shall be necessary for the
3 sound planning for and development of Clay County, there is
4 created a body corporate and politic to be known as the Clay
5 County Development Authority which shall be deemed to be a
6 public corporation by the name, which body may contract and be
7 contracted with and sue and be sued in all courts of law and
8 equity.

9 Section 4. Membership; appointment; term of office.--

10 (1) The Authority shall be composed of ten members,
11 each of whom shall be a qualified elector of Clay County.
12 Beginning in 1975, the Governor shall appoint five members for
13 2 years and five members for 4 years. Thereafter, the Governor
14 shall appoint all members of the Authority to a 4-year term.
15 Such appointment shall be made by the Governor from the county
16 at large, except appointments to fill vacancies shall be for
17 the unexpired term only.

18 (2) The provisions of this section shall not affect
19 the terms of office of those members of the Authority whose
20 terms expire in 1975.

21 Section 5. Officers.--The Authority shall elect from
22 its membership at its organizational meeting, and annually
23 thereafter, a chair, a vice chair, a secretary, and a
24 treasurer. The Authority may also elect an assistant secretary
25 who is not a member of the Authority and who shall be
26 authorized to act as secretary for the board in the event of
27 the absence or unavailability of the secretary.

28 Section 6. Quorum; transaction of business.--Any five
29 members shall constitute a quorum for the transaction of the
30 ordinary business of the Authority. However, any action with
31 respect to any project of the Authority must be approved by

1 not less than five affirmative votes. Business shall only be
2 transacted at regularly scheduled or emergency meetings and
3 duly recorded in the minutes thereof.

4 Section 7. Compensation; travel expenses.--Members of
5 the Authority shall serve without compensation but shall be
6 reimbursed for travel expenses incurred in the performance of
7 their duties as members of the Authority.

8 Section 8. Authority of county and cities to
9 contract.--The County of Clay and all incorporated cities
10 therein are expressly authorized to enter into contracts with
11 the Authority as a public corporation.

12 Section 9. Powers and duties.--The Clay County
13 Development Authority shall have the following powers:

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

15 (2) To acquire, hold, and dispose of personal
16 property, including the stock of other corporations, for its
17 corporate purposes.

18 (3) To enter into contracts with the County of Clay
19 and all incorporated cities therein.

20 (4) To acquire in its own name by purchase, on such
21 terms and conditions and in such manner as it may deem proper,
22 real property or liens or easements therein or franchises
23 necessary or convenient for its corporate purposes, and to use
24 the same, and to lease or make contracts with respect to the
25 use or disposition of same in any manner the Authority deems
26 to its best advantage. If the Authority shall deem it
27 expedient to construct any project, or use any project already
28 constructed, on lands the title to which shall then be in the
29 County of Clay or any one of its incorporated cities, the
30 governing authorities of such county and cities are
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1 authorized, in their discretion, to convey title to such
2 lands, including any improvements thereon, to the Authority.

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

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

10 (7) To construct, erect, acquire, own, repair,
11 remodel, maintain, extend, improve, equip, operate, and manage
12 projects, self-liquidating or otherwise, located on property
13 owned or leased by the Authority, and to pay the cost of any
14 such project from the proceeds of revenue-anticipation
15 certificates of the Authority or from any grant from the
16 County of Clay or any of the incorporated cities therein, or
17 from any grant from the state, or from any contribution or
18 loan by persons, firms, or corporations, all of which the
19 Authority is hereby authorized to receive and accept and use.

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

24 (9) To exercise any power granted by the laws of
25 Florida to public or private corporations performing similar
26 functions which is not in conflict with the State Constitution
27 and the laws of Florida.

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

30 (11) To adopt, alter, or repeal its own bylaws, rules,
31 and regulations governing the manner in which its business may

1 be transacted and in which the power granted to it may be
2 enjoyed as the Authority may deem necessary or expedient in
3 facilitating its business.
4 (12) The Clay County Development Authority is hereby
5 authorized to issue negotiable revenue bonds or negotiable
6 revenue certificates to finance in whole or in part the cost
7 of any of the projects, works, undertakings, improvements, or
8 facilities expressed in this act, and to pledge to the
9 payments of said bonds or certificates and the interest
10 thereon all or any part of the revenues of any one or more of
11 such projects, works, undertakings, improvements, or
12 facilities, and may mortgage or pledge any of its real estate,
13 personal property, or franchises to secure the payment of the
14 bonds or certificates issued for money borrowed to finance
15 such projects, works, undertakings, improvements, or
16 facilities. Said Authority shall have the power to make all
17 contracts, execute all instruments, and do all things
18 necessary or convenient in the exercise of the power herein
19 granted, or in the performance of its covenants and duties, or
20 in order to secure the payment of such bonds or certificates,
21 provided no encumbrance, mortgage, or pledge of property of
22 the County of Clay or of any municipality or district therein
23 is created hereby, and provided no debt on the credit of the
24 State of Florida, the County of Clay, or any municipality is
25 incurred in any manner for any purpose. Such revenue bonds or
26 certificates shall bear interest at such rate or rates, not
27 exceeding the maximum rate of interest per annum as then
28 provided for by applicable law for such obligations, shall be
29 payable semiannually, may bear such date or dates, may mature
30 at such time or times, not exceeding 30 years from their
31 respective dates, may be payable at such place or places, may

1 contain such registration privileges, may be subject to such
2 terms of redemption, may be executed in such manner, may
3 contain such terms, covenants, and conditions, and may be in
4 such form, either coupon or registered, as the resolution
5 authorizing the issuance thereof may provide. They may be sold
6 at either public or private sale at not less than 95 per
7 centum of their par value, with accrued interest to date of
8 delivery, and if sold at public sale, the Authority may
9 prescribe the manner of giving notice of such sale.

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

12 Section 10. Creation of state and county debts
13 prohibited.--The Authority shall not be empowered or
14 authorized in any manner to create a debt as against the State
15 of Florida, the County of Clay, or any of the incorporated
16 cities therein.

17 Section 11. Audit.--The books and records of the
18 Authority shall be audited at least annually, at the expense
19 of the Authority, by a competent auditor. The Authority shall
20 furnish copies of said audit to the County of Clay.

21 Section 12. Minimum charter requirements.--In
22 accordance with section 189.404(3), Florida Statutes, the
23 following subsections shall constitute the minimum charter
24 requirements of the Clay County Development Authority:

25 (1) The Authority is organized and exists as an
26 independent special district of the State of Florida, for all
27 purposes set forth in this act and chapter 189, Florida
28 Statutes, as they may be amended from time to time.

29 (2) The powers, functions, and duties of the Authority
30 regarding bond issuance, other revenue-raising capabilities,
31 budget preparation and approval, and contractual agreements

1 shall be as set forth in this act and in chapter 189, Florida
2 Statutes, or any other applicable general or special law, as
3 they may be amended from time to time.

4 (3) The Authority was originally created by special
5 act of the Legislature through the enactment of chapter
6 57-1226, Laws of Florida, pursuant to the petition process
7 formerly contained in chapter 390, Florida Statutes (1951).

8 (4) The Authority's charter may be amended only by
9 special act of the Legislature.

10 (5) The requirements for members who constitute the
11 governing board of the Authority shall be as set forth in
12 section 4. The organization of the members of the governing
13 board of the Authority shall be as set forth in section 5,
14 with such additional committees of the board comprised of
15 members as appointed from time to time by the chair of the
16 Authority. The quorum requirements for action by the governing
17 board of the Authority shall be as set forth in section 6.

18 (6) The maximum compensation of the members of the
19 Authority shall be as set forth in section 7.

20 (7) The administrative duties of the members of the
21 Authority shall consist of attending regularly scheduled and
22 emergency meetings of the governing board of the Authority,
23 regularly scheduled and emergency committee meetings on which
24 such member serves, and otherwise as permitted and authorized
25 by this act, chapter 189, Florida Statutes, and any other
26 general or special law, as they may be amended from time to
27 time.

28 (8) The Authority shall comply with all applicable
29 financial disclosure, noticing, and reporting requirements.

30 (9) The Authority shall be authorized to issue bonds
31 as provided for in section 9(12).

1 (10) The methods of financing the Authority shall be
2 those authorized by this act, and any other methods permitted
3 by applicable general or special laws, as the same may be
4 amended from time to time.

5 (11) The Authority may collect sums due to it in any
6 manner authorized by this act, or as otherwise authorized by
7 any applicable general or special laws, as the same may be
8 amended from time to time.

9 (12) The Authority may engage in any planning
10 activities and functions consistent with its public purpose.

11 (13) The geographic boundaries of the Authority shall
12 be the same as the geographic boundaries of Clay County,
13 Florida.

14 Section 4. Construction.--This act, being for the
15 purpose of developing and promoting the public good and the
16 welfare of the County of Clay and the incorporated cities
17 therein and their inhabitants, shall be liberally construed to
18 effect the purposes thereof.

19 Section 5. Invalidity.--It is declared to be the
20 legislative intent that if any section, subsection, sentence,
21 clause, or provision of this act is held invalid, the
22 remainder of the act shall not be affected.

23 Section 6. Repeal of prior special acts.--Chapters
24 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida,
25 relating to the Clay County Development Authority, shall be
26 repealed 10 days after the effective date of this act.

27 Section 7. This act shall take effect upon becoming a
28 law.

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