

By Senator Alexander

17-1112-04

1 A bill to be entitled
2 An act relating to Hardee County; creating the
3 Hardee County Economic Development Authority;
4 providing a purpose; providing definitions;
5 providing for composition and procedures;
6 proving powers; providing for an office and
7 staffing, including legal assistance and
8 reimbursement to the county therefor; providing
9 that the Chief Financial Officer transfer
10 certain funds levied as an excise tax upon the
11 severance of phosphate rock to the authority;
12 providing duties for the Clerk of the Circuit
13 Court; providing for grants, including
14 application, review, and awards; providing
15 severability; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Creation.--

20 (1) The Hardee County Economic Development Authority
21 is created in accordance with section 211.3103(3)(b)3.,
22 Florida Statutes, as amended from time to time, as a body
23 corporate. The powers granted by this act are declared to be
24 public and governmental functions exercised for public
25 purposes and are matters of public necessity.

26 (2) The purpose of the authority is to solicit, rank,
27 and fun projects that provide economic development
28 opportunities and infrastructure within the geographic
29 boundaries of Hardee County and to otherwise maximize the use
30 of federal, local, and private resources as provided by
31 section 211.3103(5), Florida Statutes, as amended from time to

1 time, and for its administrative and other costs as further
2 provided by this act.

3 Section 2. Definitions.--As used in this act, the
4 term:

5 (1) "Authority" means the Hardee County Economic
6 Development Authority.

7 (2) "Clerk" means the clerk of the court serving in
8 the capacity of chief financial officer of the county.

9 (3) "Commission" means the Board of County
10 Commissioners of Hardee County.

11 (4) "County" means Hardee County.

12 Section 3. Authority composition; procedures.--

13 (1) The authority shall consist of nine members
14 serving staggered terms and selected in the following manner:

15 (a) The President of the Hardee County Farm Bureau or
16 the president's designee for an initial term of 3 years;

17 (b) The Secretary of the Florida Department of
18 Community Affairs or its successor agency or the secretary's
19 designee for an initial term of 2 years;

20 (c) The chairman of Enterprise Florida or its
21 successor agency or the chairman's designee for an initial
22 term of 2 years;

23 (d) The chairman of the Florida Phosphate Council or
24 the chairman's designee for an initial term of 3 years;

25 (e) The president of the Hardee County Chamber of
26 Commerce or the president's designee for an initial term of 3
27 years; and

28 (f) Four members appointed by the commission. Two of
29 these shall be designated at-large, and of these one shall
30 serve an initial term of 3 years and one shall serve an
31 initial term of 2 years. One of the remaining commission

1 appointments shall be designated Seat 8 and the appointee
2 shall be appointed for an initial term of 2 years; the last
3 commission appointment shall be designated Seat 9 and the
4 appointee shall be appointed for an initial term of 3 years.
5 Persons appointed to Seat 8 and Seat 9 shall be selected from
6 a pool of nominees consisting of two persons designated by the
7 governing body of each municipality in the county. All members
8 except the members designated under paragraphs (b) and (c)
9 must be residents of the county. Initial terms of office begin
10 January 1, 2005.

11 (2) After completion of the initial term, each
12 appointed member shall serve a term of 3 years. If a vacancy
13 occurs during the term of an appointed member, the appointing
14 authority shall fill the appointment for the remainder of the
15 term. A member may serve successive terms.

16 (3) The members shall elect a chair from their number
17 for a period of 2 years and may elect such other officers as
18 they designate in the written bylaws of the authority. The
19 at-large member designated by the commission for an initial
20 3-year term shall serve as interim chair for the purpose of
21 calling the first meeting of the authority. A majority of the
22 members constitute a quorum. Each member is entitled to one
23 vote. An action of the authority is not binding unless it is
24 taken at a meeting at which a majority of the members cast
25 their votes in favor. The fiscal year of the authority begins
26 October 1.

27 (4) Each member of the authority shall serve without
28 compensation, except that a member who resides outside the
29 county may be reimbursed for travel and per diem expenses as
30 provided by general law and as further provided by this act.

31

1 Section 4. Authority powers; mandatory and
2 discretionary.--

3 (1) The authority shall:

4 (a) Adopt rules in conformance with chapter 120,
5 Florida Statutes, the Administrative Procedure Act.

6 (b) Meet not less frequently than once each quarter,
7 beginning with the first quarter of calendar year 2005, unless
8 modified in advance at a regularly scheduled meeting of the
9 authority, and hold public hearings and other meetings, each
10 of which must be open to the public and in accordance with
11 general law.

12 (c) Establish procedures for the solicitation and
13 awarding of grants as further provided by this act and any
14 rules adopted by the authority.

15 (d) Direct the clerk to expend funds upon receipt of
16 any voucher signed by not fewer than two members of the
17 authority as further provided by the bylaws of the authority.

18 (e) Create by rule a standardized application form for
19 grants to be awarded by the authority as further provided by
20 this act.

21 (f) Perform the duties required by this act and any
22 rules adopted in accordance with this act.

23 (2) The authority may:

24 (a) Appropriate funds that have been paid by the state
25 Chief Financial Officer, the first such payment to occur in
26 calendar year 2006, to the clerk, in the distribution of the
27 tax on severance of phosphate rock pursuant to section
28 211.3103, Florida Statutes, as amended from time to time, for
29 the administrative costs, including payroll costs and other
30 expenses as provided by this act, of the authority and for
31

1 economic development and infrastructure projects in the
2 county.

3 (b) Conduct the business of the authority and receive
4 funds on its behalf, including those transferred by the state
5 Chief Financial Officer and any others that may have been made
6 by loan, gift, or grant.

7 (c) Sue and be sued.

8 (d) Approve or amend and approve time and costs sheets
9 submitted by specified county employees for payment as well as
10 travel and per diem expenses submitted by a member of the
11 authority as further provided by this act.

12 (e) Establish written bylaws for its internal
13 governance, including the signatures required for the
14 expenditure of funds from any of its authorized accounts.

15 (f) Enter into contracts, interlocal agreements, and
16 other written documents necessary to conduct the business of
17 the authority.

18 (g) Perform any other acts reasonable and necessary to
19 implement and enforce the provisions of this act and any rules
20 adopted in accordance with this act.

21 Section 5. Office and staffing.--

22 (1) The commission shall direct the county manager to
23 appoint one or more staff persons to assist the authority in
24 conducting its business and provide a mailing address,
25 telephone and fax numbers, and e-mail address for the
26 authority. That person or persons shall work at the direction
27 of the interim chair, if any, or the chair of the authority
28 in:

29 (a) Organizing and holding meetings required of the
30 authority as well as in responding to inquires to the
31 authority.

1 (b) Preparing and placing advertisements in the county
2 in a newspaper of general circulation as defined by chapter
3 50, Florida Statutes, as amended from time to time when
4 required in conjunction with giving notice of public meetings
5 and hearings.

6 (c) Preparing the agenda for each meeting and ensuring
7 that the meeting is appropriately recorded, minutes are
8 prepared, and the public record maintained thereafter.

9 (d) Making copies of the records of the authority upon
10 request in accordance with general law, except those which may
11 be exempt pursuant to general law.

12 (e) Receiving and presenting to the authority any
13 requests for reimbursement for mileage and per diem, placing
14 them before the authority for approval, and then sending
15 approved vouchers to the clerk for payment along with the
16 signatures required by the bylaws of the authority to
17 authorize such payment.

18 (f) Maintaining accurate records of the hours spent in
19 working for the authority, preparing a bill for same at the
20 hourly rate attributable, plus benefits calculated at 30
21 percent of the hourly rate to each such employee, presenting
22 such costs annually at a time established by the authority for
23 approval, and thereafter send approved vouchers to the clerk
24 for reimbursement from the account further described by this
25 act.

26 (g) Maintaining accurate records of other operating
27 costs of the authority, except those of the county attorney,
28 and seeking reimbursement in the same manner as provided in
29 paragraph (f).

30 (h) Performing any other duties directed by any
31 interim chair and thereafter the chair of the authority.

1 (2) The commission shall direct the county attorney to
2 assist the authority in conducting its business by appointing
3 himself or herself or an assistant county attorney who shall
4 also attend each meeting of the authority unless otherwise
5 directed by the chair or interim chair of the authority. The
6 county attorney shall bill and request reimbursement in the
7 same manner as provided in paragraphs (1)(f) and (g) as the
8 employee or employees appointed by the county manager.

9 Section 6. (1) The clerk shall receive funds
10 forwarded by the Chief Financial Officer in accordance with
11 section 211.3103, Florida Statutes, as amended from time to
12 time, and deposit them, into a restricted, interest-bearing
13 account for the sole use of the authority as provided by this
14 act. The clerk shall also deposit any funds received by the
15 authority through loan, gift, or grant into the account
16 maintained on behalf of the authority. The clerk shall also
17 provide a quarterly statement of account to the chair or any
18 interim chair of the authority. Funds not expended by the end
19 of each fiscal year may be carried forward for use by the
20 authority during any succeeding year.

21 (2) The clerk shall disburse funds from the
22 restricted, interest-bearing account only upon receipt of a
23 voucher, signed by the chair and at least one other member as
24 provided in the bylaws of the authority, authorizing such
25 disbursement.

26 (3) The clerk may charge the authority any statutory
27 fees available to the clerk's office for the administration of
28 the account on behalf of the authority, and the authority
29 shall authorize payment of such fees.

30 Section 7. Grants; application; review; awards.--

31 (1) APPLICATION PROCEDURES.--

1 (a) Applications for grants-in-aid from the authority
2 shall be signed by the person or persons with legal authority
3 to obligate the applicant and shall be made on an authority
4 grants-in-aid application form.

5 (b) Applicants may submit more than one application
6 for grant assistance. An application grant project must be
7 limited to a single site or group of sites in which all the
8 properties have the same owner or owners.

9 (c) The authority may request additional information
10 or clarification on any application that is submitted. Such
11 request may be made to the applicant by letter or by telephone
12 and shall indicate the date by which the information or
13 clarification is needed.

14 (d) Applications shall be submitted to the authority
15 and shall include the original and the number of complete
16 copies the authority requires.

17 (e)1. To be considered for funding, applications must
18 be received by the authority office on or before 5:00 p.m. on
19 the deadline specified in the grant solicitation letter or be
20 clearly postmarked or show evidence of submission to an
21 express mail service on or before the deadline.

22 2. At least 30 days before each grant solicitation
23 period, the authority shall publish in the Florida
24 Administrative Weekly and as otherwise determined by the
25 authority notification of the impending grant application
26 period. This notification shall include a mailing address and
27 telephone number through which application forms and
28 additional information may be obtained.

29 (2) APPLICATION REVIEW.--

30 (a) Upon receipt of grant applications, the authority
31 shall review and evaluate each application for completeness

1 and eligibility. Each application shall be assigned an
2 identification number.

3 (b) The authority shall send a copy of each
4 application to the chair of the governing body of the county
5 and of each municipality in the county and to the chair of the
6 board of any nonprofit corporation which may have been formed
7 pursuant to section 378.036(6), Florida Statutes, as amended
8 from time to time, with a request for a response which may not
9 be required less than 30 calendar days after the date of
10 posting to the entities.

11 (c) Each governing body and the board of directors
12 described in paragraph (b) may review the projects and then
13 rank them in the order that each would prefer to be funded,
14 with "1" being the first priority and each subsequent higher
15 number being of lesser importance. Each may include
16 documentation as to the reasons for the ranking, and any such
17 ranking and documentation must be received by the authority by
18 the date prescribed to be considered by the authority.

19 (d) The authority shall convene at least one public
20 meeting to review all applications for grants for economic
21 development and infrastructure projects in the county,
22 including any rankings received as provided in paragraphs (b)
23 and (c) and any public testimony that is received at the
24 hearing.

25 (e) Thereafter, the authority shall evaluate each
26 application based on the criteria relating to the site
27 involved, the prospective grantee, and the anticipated public
28 benefit as follows:

29 1. Criteria related to the site shall be established
30 by the authority prior to any solicitation for grant
31 applications.

- 1 2. CRITERIA RELATED TO THE GRANTEE:
- 2 a. Administrative capability, including personnel,
3 facilities, and organization, adequate to complete the project
4 and meet the administrative requirements of the grant.
- 5 b. Financial resources adequate to carry project costs
6 as necessary pending receipt of reimbursements from grant
7 funds.
- 8 c. Availability of professional and technical services
9 required to carry out the project work.
- 10 3. Criteria related to public benefit:
- 11 a. Compatibility with countywide economic development
12 and infrastructure priorities, including equitable geographic
13 and demographic distribution of available funds.
- 14 b. Anticipated economic benefits, including direct
15 impact on the local economy and the stimulation of additional
16 private-sector interest and investment in the county.
- 17 c. Public use or other public good resulting from the
18 project.
- 19 (f) The authority shall develop a priority listing of
20 all project applications, including consideration of the
21 information received from the county, the municipalities, the
22 nonprofit corporation, if any, and the public, by ranking each
23 project relative to the others and shall establish funding
24 levels and any appropriate special conditions for each
25 individual project. When developing its priority listing, in
26 addition to considering other criteria used in evaluating
27 project applications, the authority may give special
28 consideration to projects for which the county has undertaken
29 to provide matching funds.
- 30 (g) Grant funds shall be awarded in accordance with
31 the final priority listing of the applications considered for

1 grant assistance by the authority, and funds shall not be
2 provided for projects that were not applied for, reviewed, and
3 recommended in accordance with procedures outlined in this
4 act.

5 (h) The authority may decline to fund any or all
6 requested projects in any fiscal year if the projects fail to
7 adequately meet the authority's evaluation criteria. Moneys
8 received from the state Chief Financial Officer for that year
9 shall be carried forward for distribution in a following
10 fiscal year.

11 (3) GRANT AWARD AGREEMENT.--

12 (a) All grant awards that have been approved in
13 accordance with this act shall be formalized through a grant
14 award agreement that is incorporated by reference.

15 (b) The grant award agreement shall contain conditions
16 governing the grant award.

17 (c) The project work may not be initiated before the
18 effective date of the grant award agreement unless authorized
19 by the council.

20 (d) Funds remaining in any grant allocation as a
21 result of early termination or from completion of the project
22 at less than anticipated cost shall revert to the
23 interest-bearing restricted account established by this act to
24 be distributed to any other project or projects in accordance
25 with this act.

26 Section 8. If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 invalidity does not affect other provisions or applications of
29 the act which can be given effect without the invalid
30 provision or application, and to this end the provisions of
31 this act are declared severable.

1 Section 9. This act shall take effect upon becoming a
2 law.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31