

1 A bill to be entitled
 2 An act relating to St. Lucie County; creating the St.
 3 Lucie County Research and Education Authority, an
 4 independent special district in St. Lucie County;
 5 providing definitions; providing for a governing board and
 6 powers; providing for a research and educational
 7 facilities benefit assessment; providing for exemption
 8 from taxation; providing minimum charter requirements;
 9 providing for a referendum; providing for construction and
 10 severability; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Legislative findings and intent.--

15 (1) The purposes of this act are to:

16 (a) Create an independent research and education authority
 17 within St. Lucie County to promote and stimulate economic
 18 development and employment opportunities within St. Lucie County
 19 and throughout the Treasure Coast.

20 (b) Provide a dedicated funding source to be utilized by
 21 the St. Lucie County Research and Education Authority to fund
 22 education and research initiatives in St. Lucie County,
 23 including enhancement of existing facilities and programs and
 24 development of new facilities and programs to provide a sound
 25 basis for economic development and employment in St. Lucie
 26 County.

27 (c) Provide a funding incentive for public-private
 28 partnerships to develop research and education facilities and
 29 programs within St. Lucie County and the Treasure Coast.

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30 (d) Determine that the creation and operation of the St.
 31 Lucie County Research and Education Authority is in the public
 32 interest.

33 (2) The Legislature finds that:

34 (a) The creation of research and educational facilities
 35 will attract high-technology businesses and related research
 36 enterprises to St. Lucie County and provide and maintain a job
 37 base of highly compensated scientists, technicians, and
 38 administrators to the county.

39 (b) The creation of new research and educational
 40 facilities and the attraction and maintenance of a high-
 41 technology, strong, high-paying job base in the county
 42 especially benefit the value of real property in the county by
 43 helping to maintain its value and stimulate growth in value over
 44 time as the property is sold or resold.

45 (c) It is appropriate and equitable for the purchaser or
 46 seller of benefited real property whose value is enhanced by the
 47 creation of research and educational facilities and maintenance
 48 of a strong job base in St. Lucie County to pay a research and
 49 educational facilities benefit assessment at the time of
 50 property transfer that is proportional to and not in excess of
 51 the benefit received from the referenced facilities.

52 (3) The Legislature hereby intends to create an
 53 independent special district and grant to it the authority
 54 contained in this act to receive and spend research and
 55 educational facilities benefit assessments collected pursuant to
 56 this act specifically for the creation of research and
 57 educational facilities that will stimulate the growth of high-
 58 technology businesses and employment in St. Lucie County and

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59 protect and enhance real property value in the county.

60 Section 2. Creation.--Pursuant to chapter 189, Florida
 61 Statutes, the St. Lucie County Research and Education Authority
 62 is hereby created as a public body and independent special
 63 district the boundaries of which are coterminous with the
 64 boundaries of St. Lucie County.

65 Section 3. Definitions.--As used in this act:

66 (1) "Board" means the governing board of the St. Lucie
 67 County Research and Education Authority.

68 (2) "Authority" means the St. Lucie County Research and
 69 Education Authority.

70 (3) "Elector" means a person who is a resident of the
 71 Authority and is qualified to vote in a general election within
 72 St. Lucie County.

73 (4) "Research and educational facilities benefit
 74 assessment" means a non-ad valorem assessment as defined in
 75 section 197.3632, Florida Statutes.

76 Section 4. Governing board; membership; qualification;
 77 officers; meetings.--

78 (1) The board of the authority shall at all times consist
 79 of seven members, two of whom shall be elected by and from the
 80 Board of County Commissioners of St. Lucie County, two of whom
 81 shall be elected by and from the City Commission of the City of
 82 Fort Pierce, two of whom shall be elected by and from the City
 83 Council of the City of Port St. Lucie, and one of whom shall be
 84 appointed by the Governor.

85 (2) Within 90 days after the effective date of this act,
 86 the members shall be elected by their respective board,
 87 commission, or council as set forth in subsection (1) and the

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88 Governor shall make his or her appointment to the board as set
 89 forth in subsection (1).

90 (3) The terms of office of the two members from the Board
 91 of County Commissioners of St. Lucie County, the two members
 92 from the City Commission of the City of Fort Pierce, and the two
 93 members from the City Council of the City of Port St. Lucie, and
 94 their respective successors, shall be for periods of 2 years.
 95 The term of office of the seventh member appointed by the
 96 Governor shall be for a period of 2 years, but said seventh
 97 member shall continue to serve until his or her successor is
 98 appointed.

99 (4) As to the two members from the Board of County
 100 Commissioners of St. Lucie County, the two members from the City
 101 Commission of the City of Fort Pierce, and the two members from
 102 the City Council of the City of Port St. Lucie, their
 103 continuance in such official capacities as members of the board
 104 of county commissioners, city commission, and city council shall
 105 be deemed an essential qualification as to their continuance as
 106 members of the board of the authority.

107 (5) Each member of the board shall assume office 10 days
 108 following the member's election or appointment. Biennially,
 109 within 60 days after the newly elected and appointed members
 110 have taken office, the board shall organize by electing from its
 111 members a chair, a vice chair, a secretary, and a treasurer. The
 112 positions of secretary and treasurer may be held by one member.
 113 Funds of the authority may be disbursed only upon the order or
 114 pursuant to resolution of the board, by warrant or check signed
 115 by the treasurer or other person authorized by the board.
 116 However, a petty cash account may be authorized by the board.

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117 The board may give the treasurer additional powers and duties
 118 that it deems appropriate.

119 (6) Members of the board may each be paid a salary or
 120 honorarium to be determined by at least a majority plus one vote
 121 of the board, which salary or honorarium may not exceed \$500 per
 122 month for each member. Special notice of any meeting at which
 123 the board will consider a salary change for a member shall be
 124 published at least once, at least 14 days prior to the meeting,
 125 in a newspaper of general circulation in St. Lucie County.
 126 Separate compensation for the member serving as treasurer may be
 127 authorized by like vote so long as total compensation for the
 128 member does not exceed \$500 per month. Members may be reimbursed
 129 for travel and per diem expenses as provided in section 112.061,
 130 Florida Statutes.

131 (7) If a vacancy occurs on the board due to the
 132 resignation, death, or removal of a member or the failure of
 133 anyone to qualify for a board seat, the board, commission,
 134 council, or Governor responsible for the original election or
 135 appointment shall elect or appoint a qualified person to fill
 136 the seat for the remaining term, if any. The board shall remove
 137 any member who has three consecutive, unexcused absences from
 138 regularly scheduled meetings. The board shall adopt policies by
 139 resolution defining excused and unexcused absences.

140 (8) Each member shall, upon assuming office, take and
 141 subscribe to the oath of office prescribed by s. 5(b), Art. II
 142 of the State Constitution and section 876.05, Florida Statutes.
 143 Each member, within 30 days after assuming office, must give the
 144 Governor a good and sufficient surety bond in the sum of \$5,000,
 145 the cost thereof being borne by the authority, conditioned on

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146 the member's faithful performance of his or her duties of
 147 office.

148 (9) The board shall keep a permanent record book entitled
 149 "Record of Proceedings of St. Lucie County Research and
 150 Education Authority," in which the minutes of all meetings,
 151 resolutions, proceedings, certificates, bonds given by
 152 commissioners, and corporate acts shall be recorded. The record
 153 book shall be open to inspection in the same manner as state,
 154 county, and municipal records are open under chapter 119,
 155 Florida Statutes, and s. 24, Art. I of the State Constitution.
 156 The record book shall be kept at the office or other regular
 157 place of business maintained by the board in St. Lucie County.

158 (10) All meetings of the board shall be open to the public
 159 consistent with chapter 286, Florida Statutes, section 189.417,
 160 Florida Statutes, and other applicable general laws.

161 Section 5. General powers.--The authority shall have, and
 162 the board may exercise by majority vote, the following powers:

163 (1) To sue and be sued in the name of the authority, to
 164 adopt and use a seal and authorize the use of a facsimile
 165 thereof, and to make and execute contracts and other instruments
 166 necessary or convenient to the exercise of its powers.

167 (2) To provide for a pension or retirement plan for its
 168 employees. In accordance with section 215.425, Florida Statutes,
 169 the board may provide for an extra compensation program,
 170 including a lump-sum bonus payment program, to reward
 171 outstanding employees whose performance exceeds standards if the
 172 program provides that a bonus payment may not be included in an
 173 employee's regular base rate of pay and may not be carried
 174 forward in subsequent years.

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175 (3) To contract for the services of consultants to perform
 176 planning, engineering, legal, or other professional services.

177 (4) To borrow money and accept gifts; to apply for and use
 178 grants or loans of money or other property from the United
 179 States, the state, a unit of local government, or any person for
 180 any purposes of the authority and enter into agreements required
 181 in connection therewith; and to hold, use, sell, and dispose of
 182 such moneys or property for any authority purpose in accordance
 183 with the terms of the gift, grant, loan, or agreement relating
 184 thereto.

185 (5) To adopt resolutions and procedures prescribing the
 186 powers, duties, and functions of the officers of the authority;
 187 the conduct of the business of the authority; the maintenance of
 188 records; and the form of other documents and records of the
 189 authority.

190 (6) To maintain an office at places it designates within
 191 St. Lucie County and appoint an agent of record.

192 (7) To acquire, by purchase, lease, gift, dedication,
 193 devise, or otherwise, real and personal property or any estate
 194 therein for any purpose authorized by this act and to trade,
 195 sell, or otherwise dispose of surplus real or personal property.
 196 The board may purchase equipment by an installment sales
 197 contract if funds are available to pay the current year's
 198 installments on the equipment and to pay the amounts due that
 199 year on all other installments and indebtedness.

200 (8) To hold, control, and acquire by donation or purchase
 201 any public easement, dedication to public use, platted
 202 reservation for public purposes, or reservation for those
 203 purposes authorized by this act and to use such easement,

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204 dedication, or reservation for any purpose authorized by this
 205 act consistent with applicable adopted local government
 206 comprehensive plans and land development regulations.

207 (9) To lease as lessor or lessee to or from any person,
 208 firm, corporation, association, or body, public or private, any
 209 facility or property of any nature for the use of the authority
 210 when necessary to carry out the authority's powers and duties
 211 under this act.

212 (10) To borrow money and issue bonds, revenue anticipation
 213 notes, or certificates payable from and secured by a pledge of
 214 funds, revenues, and assessments, warrants, notes, or other
 215 evidence of indebtedness, when necessary to carry out the
 216 authority's powers and duties under this act.

217 (11) To cooperate or contract with other persons or
 218 entities, including other governmental agencies, as necessary,
 219 convenient, incidental, or proper in connection with providing
 220 effective mutual aid and furthering any power, duty, or purpose
 221 authorized by this act.

222 (12) To develop and adopt research and education plans and
 223 programs for the support and enhancement of existing research
 224 and education facilities and programs in St. Lucie County.

225 (13) To implement approved research and education plans
 226 including financial support to improve existing facilities and
 227 programs; the purchase, lease, or construction and development
 228 of new research or education facilities; and initiation of new
 229 research or education programs including joint ventures with
 230 public or private partners.

231 (14) To utilize a research and educational facilities
 232 benefit assessment as defined in section 3 to implement adopted

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233 research and education plans or programs and to pay for
 234 administration of the authority and the purposes of the
 235 authority.

236 (15) To select as a depository for its funds any qualified
 237 public depository as defined in section 280.02, Florida
 238 Statutes, which meets all the requirements of chapter 280,
 239 Florida Statutes, and has been designated by the Chief Financial
 240 Officer as a qualified public depository, upon such terms and
 241 conditions as to the payment of interest upon the funds
 242 deposited as the board deems just and reasonable.

243 (16) To provide adequate insurance on all real and
 244 personal property, equipment, employees, and other personnel.

245 Section 6. Bonds; no pledge of full faith and credit.--

246 (1) Beginning in 2007, and for the life of the bond issue
 247 authorized by this section, the first \$500,000 in assessment
 248 revenue collected annually shall be pledged and utilized for the
 249 issuance of revenue bonds. Such bonds may be issued for a period
 250 of up to 30 years. The bonds authorized by this section shall be
 251 used exclusively for the purchase of real property to provide an
 252 incentive for the location or development of research or
 253 educational facilities in St. Lucie County. Upon satisfaction of
 254 the bonded indebtedness incurred herein, this section shall be
 255 repealed unless reenacted by a subsequent legislature.

256 (2) The authority contained herein does not constitute a
 257 pledge of the full faith and credit of the authority pursuant to
 258 s. 12, Art. VII of the State Constitution. Bonds issued
 259 hereunder shall only be secured by research and educational
 260 facilities benefit assessment revenues collected by the
 261 authority pursuant to this act and no other source of revenue.

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262 Section 7. Research and educational facilities benefit
263 assessment; exemptions.--

264 (1) In addition to the tax on deeds and other instruments
265 relating to real property required pursuant to section 201.02,
266 Florida Statutes, any transfer or conveyance of real property as
267 defined therein after the effective date of this act shall
268 require simultaneous payment to the clerk of the circuit court
269 of a research and educational facilities benefit assessment in
270 an amount prescribed by the following schedule:

271 (a) New single-family residential units, multifamily
272 residential units, or manufactured (mobile) homes: \$250 per
273 dwelling.

274 (b) Existing single-family residential units, multifamily
275 residential units, or manufactured (mobile) homes: \$125 per
276 dwelling.

277 (c) New commercial/industrial structures: \$150 per 1,000
278 square feet.

279 (d) Commercial/industrial resale: \$75 per 1,000 square
280 feet.

281 (e) Vacant residential land: \$150 per dwelling unit
282 authorized by city or county zoning and comprehensive plan
283 provisions.

284 (f) Vacant commercial/industrial property: \$75 per each
285 1,000 square feet of development authorized by city or county
286 zoning and comprehensive plan provisions.

287 (g) Vacant agricultural property: \$100 plus \$10 per acre
288 for every acre over 1 acre.

289 (2) The assessment collected pursuant to this act by the
290 clerk of the circuit court shall be transferred to an account

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291 designated by the authority. Such transfers shall be made within
 292 30 days after collection.

293 (3) The following transfers of real property shall be
 294 exempt from the assessment provided in subsection (1):

295 (a) Transfers of bona fide, commercial agricultural land
 296 that include a deed restriction or covenant requiring the land
 297 to remain in agricultural use for a minimum of 10 years.

298 (b) Residential transfers of housing financed by the
 299 Florida Housing Finance Corporation.

300 (c) Existing research and education facilities.

301 (d) Commercial facilities and research or educational
 302 projects financed in whole or in part by the authority.

303 Section 8. Exemption from taxation.--Because the exercise
 304 of the powers conferred by this act constitutes action by a
 305 political subdivision performing essential public functions, and
 306 because the property of the authority constitutes public
 307 property used for public purposes, all assets and properties of
 308 the authority, including property acquired through the
 309 foreclosure of any lien, are exempt from all taxes imposed by
 310 the state or any political subdivision, agency, or
 311 instrumentality of the state.

312 Section 9. Minimum charter requirements.--In accordance
 313 with section 189.404(3), Florida Statutes, the following
 314 subsections shall comprise the minimum required charter
 315 provisions for the authority:

316 (1) The authority is organized and exists for all purposes
 317 set forth in this act and chapter 189, Florida Statutes, as they
 318 may be amended from time to time.

319 (2) The powers, functions, and duties of the authority

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320 regarding bond issuance, revenue-raising capabilities, budget
321 preparation and approval, liens, foreclosure of liens, use of
322 tax deeds and tax certificates, and contractual agreements shall
323 be as set forth in chapters 189 and 201, Florida Statutes, this
324 act, or any other applicable general or special law, as they may
325 be amended from time to time.

326 (3) The authority was created by special act of the
327 Legislature.

328 (4) The authority's charter may be amended only by special
329 act of the Legislature, unless otherwise provided by chapter
330 189, Florida Statutes, as it may be amended from time to time.

331 (5) The authority is governed by a seven-member board. The
332 membership and organization of the board shall be as set forth
333 in this act and chapter 189, Florida Statutes, as they may be
334 amended from time to time.

335 (6) Board members may be paid a salary in accordance with
336 this act and chapter 189, Florida Statutes, as they may be
337 amended from time to time. Pursuant to section 112.08, Florida
338 Statutes, board members may receive benefits, such as medical
339 insurance or accidental death and dismemberment insurance, in
340 addition to the maximum salary allowed under general law.

341 (7) The administrative duties of the board shall be as set
342 forth in this act and chapter 189, Florida Statutes, as they may
343 be amended from time to time.

344 (8) Requirements for financial disclosure, meeting
345 notices, reporting, public records maintenance, and per diem
346 expenses for officers and employees shall be as set forth in
347 chapters 112, 189, and 286, Florida Statutes, as they may be
348 amended from time to time.

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349 (9) The procedures and requirements governing the issuance
 350 of bonds, notes, and other evidences of indebtedness by the
 351 authority shall be as set forth in this act, chapter 189,
 352 Florida Statutes, and applicable general laws, as they may be
 353 amended from time to time.

354 (10) The procedures for conducting authority elections and
 355 for qualification of electors shall be pursuant to this act,
 356 chapter 189, Florida Statutes, and applicable general law, as
 357 they may be amended from time to time.

358 (11) The authority may be financed by any method
 359 established in this act, chapter 189, Florida Statutes, or any
 360 applicable general laws, as they may be amended from time to
 361 time.

362 (12) The method for collecting fees, service charges,
 363 state matching funds, or assessments shall be as set forth in
 364 this act and chapters 197 and 201, Florida Statutes, as they may
 365 be amended from time to time.

366 (13) The authority's planning requirements shall be as set
 367 forth in chapter 189, Florida Statutes, as it may be amended
 368 from time to time.

369 (14) The district's geographic boundary limitations shall
 370 be coterminous with the boundaries of St. Lucie County as
 371 defined in section 7.59, Florida Statutes, as it may be amended
 372 from time to time.

373 Section 10. Referendum.--On or before November 7, 2006,
 374 the Supervisor of Elections of St. Lucie County shall conduct a
 375 referendum on the question of the creation of the St. Lucie
 376 County Research and Education Authority. The referendum question
 377 shall be posed as follows:

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 379 Shall the St. Lucie County Research and Education Authority be
 380 authorized and created by special act of the Legislature with
 381 authority to collect a research and educational facilities
 382 benefit assessment on real property transfers in St. Lucie
 383 County to finance research and education facilities?

384
 385 Yes No

386 Section 11. Construction.--The provisions of this act
 387 shall be liberally construed in order to effectively carry out
 388 the purposes of this act in the interest of the public health,
 389 welfare, and safety of the citizens served by the authority.

390 Section 12. Severability.--It is declared to be the intent
 391 of the Legislature that if any section, subsection, sentence,
 392 clause, phrase, or portion of this act is for any reason held
 393 invalid or unconstitutional by any court of competent
 394 jurisdiction, such portion shall be deemed a separate, distinct,
 395 and independent provision, and such holding shall not affect the
 396 validity of the remaining portions hereof.

397 Section 13. This act shall take effect only upon its
 398 approval by a majority vote of those qualified electors of St.
 399 Lucie County voting in a referendum to be called by the
 400 Supervisor of Elections of St. Lucie County on or before
 401 November 7, 2006, in accordance with the provisions of law
 402 relating to elections currently in force, except that this
 403 section and section 10 of this act shall take effect upon
 404 becoming a law.