

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to St. Lucie County; creating the St.
7 Lucie County Research and Education Authority, an
8 independent special district in St. Lucie County;
9 providing definitions; providing for a governing board and
10 powers; providing for a research and educational
11 facilities benefit assessment; providing for exemption
12 from taxation; providing minimum charter requirements;
13 providing for a referendum; providing for construction and
14 severability; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Legislative findings and intent.--

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

20 (a) Create an independent research and education authority
21 within St. Lucie County to promote and stimulate economic
22 development and employment opportunities within St. Lucie County
23 and throughout the Treasure Coast.

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

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

34 (d) Determine that the creation and operation of the St.
 35 Lucie County Research and Education Authority is in the public
 36 interest.

37 (2) The Legislature finds that:

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

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

49 (c) It is appropriate and equitable for the purchaser or
 50 seller of benefited real property whose value is enhanced by the
 51 creation of research and educational facilities and maintenance

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52 | of a strong job base in St. Lucie County to pay a research and
 53 | educational facilities benefit assessment at the time of
 54 | property transfer that is proportional to and not in excess of
 55 | the benefit received from the referenced facilities.

56 | (3) The Legislature hereby intends to create an
 57 | independent special district and grant to it the authority
 58 | contained in this act to receive and spend research and
 59 | educational facilities benefit assessments collected pursuant to
 60 | this act specifically for the creation of research and
 61 | educational facilities that will stimulate the growth of high-
 62 | technology businesses and employment in St. Lucie County and
 63 | protect and enhance real property value in the county.

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

69 | Section 3. Definitions.--As used in this act:

70 | (1) "Board" means the governing board of the St. Lucie
 71 | County Research and Education Authority.

72 | (2) "Authority" means the St. Lucie County Research and
 73 | Education Authority.

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

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

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

86 (2) Within 90 days after the effective date of this act,
 87 the members shall be elected by their respective board,
 88 commission, or council as set forth in subsection (1) and the
 89 Governor shall make his or her appointment to the board as set
 90 forth in subsection (1).

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

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

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106 be deemed an essential qualification as to their continuance as
107 members of the board of the authority.

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

120 (6) Members of the board shall serve without pay. However,
121 members may be reimbursed for travel and per diem expenses as
122 provided in section 112.061, Florida Statutes.

123 (7) If a vacancy occurs on the board due to the
124 resignation, death, or removal of a member or the failure of
125 anyone to qualify for a board seat, the board, commission,
126 council, or Governor responsible for the original election or
127 appointment shall elect or appoint a qualified person to fill
128 the seat for the remaining term, if any. The board shall remove
129 any member who has three consecutive, unexcused absences from
130 regularly scheduled meetings. The board shall adopt policies by
131 resolution defining excused and unexcused absences.

132 (8) Each member shall, upon assuming office, take and
133 subscribe to the oath of office prescribed by s. 5(b), Art. II

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134 of the State Constitution and section 876.05, Florida Statutes.
 135 Each member, within 30 days after assuming office, must give the
 136 Governor a good and sufficient surety bond in the sum of \$5,000,
 137 the cost thereof being borne by the authority, conditioned on
 138 the member's faithful performance of his or her duties of
 139 office.

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

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

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

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

159 (2) To provide for a pension or retirement plan for its
 160 employees. In accordance with section 215.425, Florida Statutes,
 161 the board may provide for an extra compensation program,

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162 including a lump-sum bonus payment program, to reward
163 outstanding employees whose performance exceeds standards if the
164 program provides that a bonus payment may not be included in an
165 employee's regular base rate of pay and may not be carried
166 forward in subsequent years.

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

169 (4) To borrow money and accept gifts; to apply for and use
170 grants or loans of money or other property from the United
171 States, the state, a unit of local government, or any person for
172 any purposes of the authority and enter into agreements required
173 in connection therewith; and to hold, use, sell, and dispose of
174 such moneys or property for any authority purpose in accordance
175 with the terms of the gift, grant, loan, or agreement relating
176 thereto.

177 (5) To adopt resolutions and procedures prescribing the
178 powers, duties, and functions of the officers of the authority;
179 the conduct of the business of the authority; the maintenance of
180 records; and the form of other documents and records of the
181 authority.

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

184 (7) To acquire, by purchase, lease, gift, dedication,
185 devise, or otherwise, real and personal property or any estate
186 therein for any purpose authorized by this act and to trade,
187 sell, or otherwise dispose of surplus real or personal property.
188 The board may purchase equipment by an installment sales
189 contract if funds are available to pay the current year's

190 installments on the equipment and to pay the amounts due that
 191 year on all other installments and indebtedness.

192 (8) To hold, control, and acquire by donation or purchase
 193 any public easement, dedication to public use, platted
 194 reservation for public purposes, or reservation for those
 195 purposes authorized by this act and to use such easement,
 196 dedication, or reservation for any purpose authorized by this
 197 act consistent with applicable adopted local government
 198 comprehensive plans and land development regulations.

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

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

209 (11) To cooperate or contract with other persons or
 210 entities, including other governmental agencies, as necessary,
 211 convenient, incidental, or proper in connection with providing
 212 effective mutual aid and furthering any power, duty, or purpose
 213 authorized by this act.

214 (12) To develop and adopt research and education plans and
 215 programs for the support and enhancement of existing research
 216 and education facilities and programs in St. Lucie County.

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217 (13) To implement approved research and education plans
 218 including financial support to improve existing facilities and
 219 programs; the purchase, lease, or construction and development
 220 of new research or education facilities; and initiation of new
 221 research or education programs including joint ventures with
 222 public or private partners.

223 (14) To utilize a research and educational facilities
 224 benefit assessment as defined in section 3 to implement adopted
 225 research and education plans or programs and to pay for
 226 administration of the authority and the purposes of the
 227 authority.

228 (15) To select as a depository for its funds any qualified
 229 public depository as defined in section 280.02, Florida
 230 Statutes, which meets all the requirements of chapter 280,
 231 Florida Statutes, and has been designated by the Chief Financial
 232 Officer as a qualified public depository, upon such terms and
 233 conditions as to the payment of interest upon the funds
 234 deposited as the board deems just and reasonable.

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

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

238 (1) Beginning in 2007, and for the life of the bond issue
 239 authorized by this section, the first \$500,000 in assessment
 240 revenue collected annually shall be pledged and utilized for the
 241 issuance of revenue bonds. Such bonds may be issued for a period
 242 of up to 30 years. The bonds authorized by this section shall be
 243 used exclusively for the purchase of real property to provide an
 244 incentive for the location or development of research or

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245 educational facilities in St. Lucie County. Upon satisfaction of
 246 the bonded indebtedness incurred herein, this section shall be
 247 repealed unless reenacted by a subsequent legislature.

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

254 Section 7. Research and educational facilities benefit
 255 assessment; exemptions.--

256 (1) In addition to the tax on deeds and other instruments
 257 relating to real property required pursuant to section 201.02,
 258 Florida Statutes, any nonexempt transfer or conveyance of real
 259 property as defined therein after the effective date of this act
 260 shall require simultaneous payment to the clerk of the circuit
 261 court of a research and educational facilities benefit
 262 assessment in an amount prescribed by the following schedule:

263 (a) New single-family residential units, multifamily
 264 residential units, or manufactured (mobile) homes: \$250 per
 265 dwelling.

266 (b) Existing single-family residential units, multifamily
 267 residential units, or manufactured (mobile) homes: \$125 per
 268 dwelling.

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

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

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

276 (f) Vacant commercial/industrial property: \$75 per each
 277 1,000 square feet of development authorized by city or county
 278 zoning and comprehensive plan provisions.

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

281 (2) The assessment collected pursuant to this act by the
 282 clerk of the circuit court shall be transferred to an account
 283 designated by the authority. Such transfers shall be made within
 284 30 days after collection.

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

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

290 (b) Residential transfers of housing financed by the
 291 Florida Housing Finance Corporation.

292 (c) Existing research and education facilities.

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

295 Section 8. Exemption from taxation.--Because the exercise
 296 of the powers conferred by this act constitutes action by a
 297 political subdivision performing essential public functions, and
 298 because the property of the authority constitutes public
 299 property used for public purposes, all assets and properties of
 300 the authority, including property acquired through the

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301 foreclosure of any lien, are exempt from all taxes imposed by
 302 the state or any political subdivision, agency, or
 303 instrumentality of the state.

304 Section 9. Minimum charter requirements.--In accordance
 305 with section 189.404(3), Florida Statutes, the following
 306 subsections shall comprise the minimum required charter
 307 provisions for the authority:

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

311 (2) The powers, functions, and duties of the authority
 312 regarding bond issuance, revenue-raising capabilities, budget
 313 preparation and approval, liens, foreclosure of liens, use of
 314 tax deeds and tax certificates, and contractual agreements shall
 315 be as set forth in chapters 189 and 201, Florida Statutes, this
 316 act, or any other applicable general or special law, as they may
 317 be amended from time to time.

318 (3) The authority was created by special act of the
 319 Legislature.

320 (4) The authority's charter may be amended only by special
 321 act of the Legislature, unless otherwise provided by chapter
 322 189, Florida Statutes, as it may be amended from time to time.

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

327 (6) Board members may be paid a salary in accordance with
 328 this act and chapter 189, Florida Statutes, as they may be

329 amended from time to time. Pursuant to section 112.08, Florida
 330 Statutes, board members may receive benefits, such as medical
 331 insurance or accidental death and dismemberment insurance, in
 332 addition to the maximum salary allowed under general law.

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

336 (8) Requirements for financial disclosure, meeting
 337 notices, reporting, public records maintenance, and per diem
 338 expenses for officers and employees shall be as set forth in
 339 chapters 112, 189, and 286, Florida Statutes, as they may be
 340 amended from time to time.

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

346 (10) The authority may be financed by any method
 347 established in this act, chapter 189, Florida Statutes, or any
 348 applicable general laws, as they may be amended from time to
 349 time.

350 (11) The method for collecting fees, service charges,
 351 state matching funds, or assessments shall be as set forth in
 352 this act and chapters 197 and 201, Florida Statutes, as they may
 353 be amended from time to time.

354 (12) The authority's planning requirements shall be as set
 355 forth in chapter 189, Florida Statutes, as it may be amended
 356 from time to time.

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357 (13) The district's geographic boundary limitations shall
 358 be coterminous with the boundaries of St. Lucie County as
 359 defined in section 7.59, Florida Statutes, as it may be amended
 360 from time to time.

361 Section 10. Referendum.--On or before November 7, 2006,
 362 the Supervisor of Elections of St. Lucie County shall conduct a
 363 referendum on the question of the creation of the St. Lucie
 364 County Research and Education Authority. The referendum question
 365 shall be posed as follows:

366
 367 Shall the St. Lucie County Research and Education Authority be
 368 authorized and created by special act of the Legislature with
 369 authority to collect a research and educational facilities
 370 benefit assessment on real property transfers in St. Lucie
 371 County to finance research and education facilities?

372
 373 Yes No

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

378 Section 12. Severability.--It is declared to be the intent
 379 of the Legislature that if any section, subsection, sentence,
 380 clause, phrase, or portion of this act is for any reason held
 381 invalid or unconstitutional by any court of competent
 382 jurisdiction, such portion shall be deemed a separate, distinct,
 383 and independent provision, and such holding shall not affect the
 384 validity of the remaining portions hereof.

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385 | Section 13. This act shall take effect only upon its
386 | approval by a majority vote of those qualified electors of St.
387 | Lucie County voting in a referendum to be called by the
388 | Supervisor of Elections of St. Lucie County on or before
389 | November 7, 2006, in accordance with the provisions of law
390 | relating to elections currently in force, except that this
391 | section and section 10 of this act shall take effect upon
392 | becoming a law.