

CHAMBER ACTION

1 The Economic Development, Trade & Banking Committee recommends
2 the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

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

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

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

21 (a) Create an independent research and education authority
22 within St. Lucie County to promote and stimulate economic

23 development and employment opportunities within St. Lucie County
 24 and throughout the Treasure Coast.

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

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

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

38 (2) The Legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

106 of county commissioners, city commission, and city council shall
 107 be deemed an essential qualification as to their continuance as
 108 members of the board of the authority.

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

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

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

133 (8) Each member shall, upon assuming office, take and
 134 subscribe to the oath of office prescribed by s. 5(b), Art. II
 135 of the State Constitution and section 876.05, Florida Statutes.
 136 Each member, within 30 days after assuming office, must give the
 137 Governor a good and sufficient surety bond in the sum of \$5,000,
 138 the cost thereof being borne by the authority, conditioned on
 139 the member's faithful performance of his or her duties of
 140 office.

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

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

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

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

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

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

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

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

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

185 (7) To acquire, by purchase, lease, gift, dedication,
 186 devise, or otherwise, real and personal property or any estate
 187 therein for any purpose authorized by this act and to trade,

188 sell, or otherwise dispose of surplus real or personal property.
 189 The board may purchase equipment by an installment sales
 190 contract if funds are available to pay the current year's
 191 installments on the equipment and to pay the amounts due that
 192 year on all other installments and indebtedness.

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

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

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

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

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

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

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

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

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

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

239 (1) Beginning in 2007, and for the life of the bond issue
 240 authorized by this section, the first \$500,000 in assessment
 241 revenue collected annually shall be pledged and utilized for the
 242 issuance of revenue bonds. Such bonds may be issued for a period

243 of up to 30 years. The bonds authorized by this section shall be
 244 used exclusively for the purchase of real property to provide an
 245 incentive for the location or development of research or
 246 educational facilities in St. Lucie County. Upon satisfaction of
 247 the bonded indebtedness incurred herein, this section shall be
 248 repealed unless reenacted by a subsequent legislature.

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

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

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

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

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

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

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

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

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

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

282 (2) The assessment collected pursuant to this act by the
 283 clerk of the circuit court shall be transferred to an account
 284 designated by the authority. Such transfers shall be made within
 285 30 days after collection.

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

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

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

293 (c) Existing research and education facilities.

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

296 Section 8. Exemption from taxation.--Because the exercise
 297 of the powers conferred by this act constitutes action by a

298 political subdivision performing essential public functions, and
 299 because the property of the authority constitutes public
 300 property used for public purposes, all assets and properties of
 301 the authority, including property acquired through the
 302 foreclosure of any lien, are exempt from all taxes imposed by
 303 the state or any political subdivision, agency, or
 304 instrumentality of the state.

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

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

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

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

321 (4) The authority's charter may be amended only by special
 322 act of the Legislature, unless otherwise provided by chapter
 323 189, Florida Statutes, as it may be amended from time to time.

324 (5) The authority is governed by a seven-member board. The
 325 membership and organization of the board shall be as set forth

326 in this act and chapter 189, Florida Statutes, as they may be
 327 amended from time to time.

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

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

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

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

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

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

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

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

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

364
 365 Shall the St. Lucie County Research and Education Authority be
 366 authorized and created by special act of the Legislature with
 367 authority to collect a research and educational facilities
 368 benefit assessment on real property transfers in St. Lucie
 369 County to finance research and education facilities?

370
 371 Yes No

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

376 Section 12. Severability.--It is declared to be the intent
 377 of the Legislature that if any section, subsection, sentence,
 378 clause, phrase, or portion of this act is for any reason held
 379 invalid or unconstitutional by any court of competent

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380 | jurisdiction, such portion shall be deemed a separate, distinct,
381 | and independent provision, and such holding shall not affect the
382 | validity of the remaining portions hereof.

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