

CHAMBER ACTION

1 The Finance & Tax Committee 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 minimum charter  
12 requirements; providing for a referendum; providing for  
13 construction and severability; providing an effective  
14 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

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

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.



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

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, whether or not the instrument is recorded in  
 259 the public records, 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.

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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. Minimum charter requirements.--In accordance  
 297 with section 189.404(3), Florida Statutes, the following  
 298 subsections shall comprise the minimum required charter  
 299 provisions for the authority:

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

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

310       (3) The authority was created by special act of the  
 311 Legislature.

312       (4) The authority's charter may be amended only by special  
 313 act of the Legislature, unless otherwise provided by chapter  
 314 189, Florida Statutes, as it may be amended from time to time.

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

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

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

325       (8) Requirements for financial disclosure, meeting  
 326 notices, reporting, public records maintenance, and per diem  
 327 expenses for officers and employees shall be as set forth in

328 chapters 112, 189, and 286, Florida Statutes, as they may be  
 329 amended from time to time.

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

335 (10) The authority may be financed by any method  
 336 established in this act, chapter 189, Florida Statutes, or any  
 337 applicable general laws, as they may be amended from time to  
 338 time.

339 (11) The method for collecting assessments shall be as set  
 340 forth in this act and chapter 197, Florida Statutes, as they may  
 341 be amended from time to time.

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

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

349 Section 9. Referendum.--On or before November 7, 2006, the  
 350 Supervisor of Elections of St. Lucie County shall conduct a  
 351 referendum on the question of the creation of the St. Lucie  
 352 County Research and Education Authority. The referendum question  
 353 shall be posed as follows:

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355 Shall the St. Lucie County Research and Education Authority be  
 356 authorized and created by special act of the Legislature with  
 357 authority to collect a research and educational facilities  
 358 benefit assessment on real property transfers in St. Lucie  
 359 County to finance research and education facilities?

360  
 361 Yes No

362 Section 10. Construction.--The provisions of this act  
 363 shall be liberally construed in order to effectively carry out  
 364 the purposes of this act in the interest of the public health,  
 365 welfare, and safety of the citizens served by the authority.

366 Section 11. Severability.--It is declared to be the intent  
 367 of the Legislature that if any section, subsection, sentence,  
 368 clause, phrase, or portion of this act is for any reason held  
 369 invalid or unconstitutional by any court of competent  
 370 jurisdiction, such portion shall be deemed a separate, distinct,  
 371 and independent provision, and such holding shall not affect the  
 372 validity of the remaining portions hereof.

373 Section 12. This act shall take effect only upon its  
 374 approval by a majority vote of those qualified electors of St.  
 375 Lucie County voting in a referendum to be called by the  
 376 Supervisor of Elections of St. Lucie County on or before  
 377 November 7, 2006, in accordance with the provisions of law  
 378 relating to elections currently in force, except that this  
 379 section and section 10 of this act shall take effect upon  
 380 becoming a law.