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 HB 1053, Engrossed 1

2005 Legislature

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A bill to be entitled
 An act relating to St. Lucie County; creating the St. Lucie County Research and Education Authority, an independent special district in St. Lucie County; providing definitions; providing for a governing board and powers; providing for a research and educational facilities benefit assessment; providing minimum charter requirements; providing for a referendum; providing for construction and severability; providing an effective date.

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

Section 1. Legislative findings and intent.--

(1) The purposes of this act are to:

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

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

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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.

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

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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
 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) "Research and educational facilities benefit
 71 assessment" means a non-ad valorem assessment as defined in
 72 section 197.3632, Florida Statutes.

73 Section 4. Governing board; membership; qualification;
 74 officers; meetings.--

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

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

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

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

104 (5) Each member of the board shall assume office 10 days
 105 following the member's election or appointment. Biennially,
 106 within 60 days after the newly elected and appointed members
 107 have taken office, the board shall organize by electing from its
 108 members a chair, a vice chair, a secretary, and a treasurer. The
 109 positions of secretary and treasurer may be held by one member.

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110 Funds of the authority may be disbursed only upon the order or
111 pursuant to resolution of the board, by warrant or check signed
112 by the treasurer or other person authorized by the board.
113 However, a petty cash account may be authorized by the board.
114 The board may give the treasurer additional powers and duties
115 that it deems appropriate.

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

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

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

136 (9) The board shall keep a permanent record book entitled
137 "Record of Proceedings of St. Lucie County Research and

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

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

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

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

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

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

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

173 (5) To adopt resolutions and procedures prescribing the
174 powers, duties, and functions of the officers of the authority;
175 the conduct of the business of the authority; the maintenance of
176 records; and the form of other documents and records of the
177 authority.

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

180 (7) To acquire, by purchase, lease, gift, dedication,
181 devise, or otherwise, real and personal property or any estate
182 therein for any purpose authorized by this act and to trade,
183 sell, or otherwise dispose of surplus real or personal property.
184 The board may purchase equipment by an installment sales
185 contract if funds are available to pay the current year's
186 installments on the equipment and to pay the amounts due that
187 year on all other installments and indebtedness.

188 (8) To hold, control, and acquire by donation or purchase
189 any public easement, dedication to public use, platted
190 reservation for public purposes, or reservation for those
191 purposes authorized by this act and to use such easement,
192 dedication, or reservation for any purpose authorized by this

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193 act consistent with applicable adopted local government
 194 comprehensive plans and land development regulations.

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

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

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

210 (12) To develop and adopt research and education plans and
 211 programs for the support and enhancement of existing research
 212 and education facilities and programs in St. Lucie County.

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

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

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221 research and education plans or programs and to pay for
 222 administration of the authority and the purposes of the
 223 authority.

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

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

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

234 (1) Beginning in 2007, and for the life of the bond issue
 235 authorized by this section, the first \$500,000 in assessment
 236 revenue collected annually shall be pledged and utilized for the
 237 issuance of revenue bonds. Such bonds may be issued for a period
 238 of up to 30 years. The bonds authorized by this section shall be
 239 used exclusively for the purchase of real property to provide an
 240 incentive for the location or development of research or
 241 educational facilities in St. Lucie County. Upon satisfaction of
 242 the bonded indebtedness incurred herein, this section shall be
 243 repealed unless reenacted by a subsequent legislature.

244 (2) The authority contained herein does not constitute a
 245 pledge of the full faith and credit of the authority pursuant to
 246 s. 12, Art. VII of the State Constitution. Bonds issued
 247 hereunder shall only be secured by research and educational

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248 facilities benefit assessment revenues collected by the
 249 authority pursuant to this act and no other source of revenue.

250 Section 7. Research and educational facilities benefit
 251 assessment; exemptions.--

252 (1) In addition to the tax on deeds and other instruments
 253 relating to real property required pursuant to section 201.02,
 254 Florida Statutes, whether or not the instrument is recorded in
 255 the public records, any nonexempt transfer or conveyance of real
 256 property as defined therein after the effective date of this act
 257 shall require simultaneous payment to the clerk of the circuit
 258 court of a research and educational facilities benefit
 259 assessment in an amount prescribed by the following schedule:

260 (a) New single-family residential units, multifamily
 261 residential units, or manufactured (mobile) homes: \$250 per
 262 dwelling.

263 (b) Existing single-family residential units, multifamily
 264 residential units, or manufactured (mobile) homes: \$125 per
 265 dwelling.

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

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

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

273 (f) Vacant commercial/industrial property: \$75 per each
 274 1,000 square feet of development authorized by city or county
 275 zoning and comprehensive plan provisions.

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

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

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

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

287 (b) Residential transfers of housing financed by the
 288 Florida Housing Finance Corporation.

289 (c) Existing research and education facilities.

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

292 Section 8. Minimum charter requirements.--In accordance
 293 with section 189.404(3), Florida Statutes, the following
 294 subsections shall comprise the minimum required charter
 295 provisions for the authority:

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

299 (2) The powers, functions, and duties of the authority
 300 regarding bond issuance, revenue-raising capabilities, budget
 301 preparation and approval, liens, foreclosure of liens, use of
 302 tax deeds and tax certificates, and contractual agreements shall
 303 be as set forth in chapters 189 and 201, Florida Statutes, this

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304 act, or any other applicable general or special law, as they may
 305 be amended from time to time.

306 (3) The authority was created by special act of the
 307 Legislature.

308 (4) The authority's charter may be amended only by special
 309 act of the Legislature, unless otherwise provided by chapter
 310 189, Florida Statutes, as it may be amended from time to time.

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

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

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

321 (8) Requirements for financial disclosure, meeting
 322 notices, reporting, public records maintenance, and per diem
 323 expenses for officers and employees shall be as set forth in
 324 chapters 112, 189, and 286, Florida Statutes, as they may be
 325 amended from time to time.

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

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

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

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