

House Bill No. 897

An act relating to Clay County; providing for codification of special acts pursuant to s. 189.429, F.S., relating to the Clay County Development Authority, an independent special district; providing legislative intent; codifying, reenacting, and amending chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida; providing for minimum charter requirements; providing for liberal construction; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, 10 days after effective date of act; providing an effective date.

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

Section 1. Intent.—Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Clay County Development Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act in accordance with section 189.429, Florida Statutes, including all current legislative authority granted by its several legislative enactments and any additional authority granted by this act.

Section 2. Codification.—Chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, relating to the Clay County Development Authority, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Clay County Development Authority is re-created and reenacted to read:

Section 1. Short title.—This act may be cited as the “Clay County Development Authority Act.”

Section 2. Definitions.—The following words and phrases as used in this act shall have the respective meanings set forth unless a different meaning is plainly required by the context:

(1) “Authority” shall mean the Clay County Development Authority created by this act.

(2) “Project” shall be deemed to mean and include the acquisition of lands, properties, and improvements for development, expansion, and promotion of industry, commerce, agriculture, natural resources, and vocational training and the construction of buildings and plants for the purpose of selling, leasing, or renting such structures to private persons, firms, or corporations.

(3) “Cost of project” shall embrace the cost of construction, the cost of all lands, properties, easements, rights, and franchises acquired, the cost of machinery and equipment, financing charges, interest prior to and during construction, cost of engineering, architectural, and legal expense, and plans

and specifications and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized for the construction of any project and placing the same in operation.

Section 3. Authority, creation, and purpose.—For the purpose of performing such acts as shall be necessary for the sound planning for and development of Clay County, there is created a body corporate and politic to be known as the Clay County Development Authority which shall be deemed to be a public corporation by the name, which body may contract and be contracted with and sue and be sued in all courts of law and equity.

Section 4. Membership; appointment; term of office.—

(1) The Authority shall be composed of ten members, each of whom shall be a qualified elector of Clay County. Beginning in 1975, the Governor shall appoint five members for 2 years and five members for 4 years. Thereafter, the Governor shall appoint all members of the Authority to a 4-year term. Such appointment shall be made by the Governor from the county at large, except appointments to fill vacancies shall be for the unexpired term only.

(2) The provisions of this section shall not affect the terms of office of those members of the Authority whose terms expire in 1975.

Section 5. Officers.—The Authority shall elect from its membership at its organizational meeting, and annually thereafter, a chair, a vice chair, a secretary, and a treasurer. The Authority may also elect an assistant secretary who is not a member of the Authority and who shall be authorized to act as secretary for the board in the event of the absence or unavailability of the secretary.

Section 6. Quorum; transaction of business.—Any five members shall constitute a quorum for the transaction of the ordinary business of the Authority. However, any action with respect to any project of the Authority must be approved by not less than five affirmative votes. Business shall only be transacted at regularly scheduled or emergency meetings and duly recorded in the minutes thereof.

Section 7. Compensation; travel expenses.—Members of the Authority shall serve without compensation but shall be reimbursed for travel expenses incurred in the performance of their duties as members of the Authority.

Section 8. Authority of county and cities to contract.—The County of Clay and all incorporated cities therein are expressly authorized to enter into contracts with the Authority as a public corporation.

Section 9. Powers and duties.—The Clay County Development Authority shall have the following powers:

(1) To have a seal and alter the same at pleasure.

(2) To acquire, hold, and dispose of personal property, including the stock of other corporations, for its corporate purposes.

(3) To enter into contracts with the County of Clay and all incorporated cities therein.

(4) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, real property or liens or easements therein or franchises necessary or convenient for its corporate purposes, and to use the same, and to lease or make contracts with respect to the use or disposition of same in any manner the Authority deems to its best advantage. If the Authority shall deem it expedient to construct any project, or use any project already constructed, on lands the title to which shall then be in the County of Clay or any one of its incorporated cities, the governing authorities of such county and cities are authorized, in their discretion, to convey title to such lands, including any improvements thereon, to the Authority.

(5) To select and appoint agents and employees, including engineers, architects, builders, and attorneys, and to fix their compensation.

(6) To make contracts and to execute all instruments necessary or convenient, including contracts for construction, lease, rental, and sale of projects or contracts with respect to the use of projects which it erects or acquires.

(7) To construct, erect, acquire, own, repair, remodel, maintain, extend, improve, equip, operate, and manage projects, self-liquidating or otherwise, located on property owned or leased by the Authority, and to pay the cost of any such project from the proceeds of revenue-anticipation certificates of the Authority or from any grant from the County of Clay or any of the incorporated cities therein, or from any grant from the state, or from any contribution or loan by persons, firms, or corporations, all of which the Authority is hereby authorized to receive and accept and use.

(8) To borrow money for any of its corporate purposes and to execute notes, mortgages, deeds to secure debt, trust deeds, and such other instruments as may be necessary or convenient to evidence and secure such borrowing.

(9) To exercise any power granted by the laws of Florida to public or private corporations performing similar functions which is not in conflict with the State Constitution and the laws of Florida.

(10) To do all things necessary or convenient to carry out the powers expressly conferred by this act.

(11) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed as the Authority may deem necessary or expedient in facilitating its business.

(12) The Clay County Development Authority is hereby authorized to issue negotiable revenue bonds or negotiable revenue certificates to finance

in whole or in part the cost of any of the projects, works, undertakings, improvements, or facilities expressed in this act, and to pledge to the payments of said bonds or certificates and the interest thereon all or any part of the revenues of any one or more of such projects, works, undertakings, improvements, or facilities, and may mortgage or pledge any of its real estate, personal property, or franchises to secure the payment of the bonds or certificates issued for money borrowed to finance such projects, works, undertakings, improvements, or facilities. Said Authority shall have the power to make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the power herein granted, or in the performance of its covenants and duties, or in order to secure the payment of such bonds or certificates, provided no encumbrance, mortgage, or pledge of property of the County of Clay or of any municipality or district therein is created hereby, and provided no debt on the credit of the State of Florida, the County of Clay, or any municipality is incurred in any manner for any purpose. Such revenue bonds or certificates shall bear interest at such rate or rates, not exceeding the maximum rate of interest per annum as then provided for by applicable law for such obligations, shall be payable semiannually, may bear such date or dates, may mature at such time or times, not exceeding 30 years from their respective dates, may be payable at such place or places, may contain such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants, and conditions, and may be in such form, either coupon or registered, as the resolution authorizing the issuance thereof may provide. They may be sold at either public or private sale at not less than 95 per centum of their par value, with accrued interest to date of delivery, and if sold at public sale, the Authority may prescribe the manner of giving notice of such sale.

(13) To perform such powers and duties as may from time to time be authorized by the Legislature.

Section 10. Creation of state and county debts prohibited.—The Authority shall not be empowered or authorized in any manner to create a debt as against the State of Florida, the County of Clay, or any of the incorporated cities therein.

Section 11. Audit.—The books and records of the Authority shall be audited at least annually, at the expense of the Authority, by a competent auditor. The Authority shall furnish copies of said audit to the County of Clay.

Section 12. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following subsections shall constitute the minimum charter requirements of the Clay County Development Authority:

(1) The Authority is organized and exists as an independent special district of the State of Florida, for all purposes set forth in this act and chapter 189, Florida Statutes, as they may be amended from time to time.

(2) The powers, functions, and duties of the Authority regarding bond issuance, other revenue-raising capabilities, budget preparation and approval, and contractual agreements shall be as set forth in this act and in

chapter 189, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(3) The Authority was originally created by special act of the Legislature through the enactment of chapter 57-1226, Laws of Florida, pursuant to the petition process formerly contained in chapter 390, Florida Statutes (1951).

(4) The Authority's charter may be amended only by special act of the Legislature.

(5) The requirements for members who constitute the governing board of the Authority shall be as set forth in section 4. The organization of the members of the governing board of the Authority shall be as set forth in section 5, with such additional committees of the board comprised of members as appointed from time to time by the chair of the Authority. The quorum requirements for action by the governing board of the Authority shall be as set forth in section 6.

(6) The maximum compensation of the members of the Authority shall be as set forth in section 7.

(7) The administrative duties of the members of the Authority shall consist of attending regularly scheduled and emergency meetings of the governing board of the Authority, regularly scheduled and emergency committee meetings on which such member serves, and otherwise as permitted and authorized by this act, chapter 189, Florida Statutes, and any other general or special law, as they may be amended from time to time.

(8) The Authority shall comply with all applicable financial disclosure, noticing, and reporting requirements.

(9) The Authority shall be authorized to issue bonds as provided for in section 9(12).

(10) The methods of financing the Authority shall be those authorized by this act, and any other methods permitted by applicable general or special laws, as the same may be amended from time to time.

(11) The Authority may collect sums due to it in any manner authorized by this act, or as otherwise authorized by any applicable general or special laws, as the same may be amended from time to time.

(12) The Authority may engage in any planning activities and functions consistent with its public purpose.

(13) The geographic boundaries of the Authority shall be the same as the geographic boundaries of Clay County, Florida.

Section 4. Construction.—This act, being for the purpose of developing and promoting the public good and the welfare of the County of Clay and the incorporated cities therein and their inhabitants, shall be liberally construed to effect the purposes thereof.

Section 5. Invalidity.—It is declared to be the legislative intent that if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 6. Repeal of prior special acts.—Chapters 57-1226, 61-2004, 63-1223, and 72-504, Laws of Florida, relating to the Clay County Development Authority, shall be repealed 10 days after the effective date of this act.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2001.

Filed in Office Secretary of State June 5, 2001.