

## House Bill No. 1053

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.

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

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

(2) The Legislature finds that:

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

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

(c) It is appropriate and equitable for the purchaser or seller of benefited real property whose value is enhanced by the creation of research and educational facilities and maintenance of a strong job base in St. Lucie County to pay a research and educational facilities benefit assessment at the

time of property transfer that is proportional to and not in excess of the benefit received from the referenced facilities.

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

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

Section 3. Definitions.—As used in this act:

(1) “Board” means the governing board of the St. Lucie County Research and Education Authority.

(2) “Authority” means the St. Lucie County Research and Education Authority.

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

Section 4. Governing board; membership; qualification; officers; meetings.—

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

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

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

(4) As to the two members from the Board of County Commissioners of St. Lucie County, the two members from the City Commission of the City of Fort Pierce, and the two members from the City Council of the City of Port

St. Lucie, their continuance in such official capacities as members of the board of county commissioners, city commission, and city council shall be deemed an essential qualification as to their continuance as members of the board of the authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) To borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, and

assessments, warrants, notes, or other evidence of indebtedness, when necessary to carry out the authority's powers and duties under this act.

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

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

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

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

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

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

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

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

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

Section 7. Research and educational facilities benefit assessment; exemptions.—

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

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

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

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

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

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

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

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

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

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

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

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

(c) Existing research and education facilities.

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

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

(1) The authority is organized and exists 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, revenue-raising capabilities, budget preparation and approval, liens, foreclosure of liens, use of tax deeds and tax certificates, and contractual agreements shall be as set forth in chapters 189 and 201, Florida Statutes, this act, or any other applicable general or special law, as they may be amended from time to time.

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

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

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

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

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

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

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

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

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

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

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

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

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

..... Yes ..... No

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

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

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

Approved by the Governor June 17, 2005.

Filed in Office Secretary of State June 17, 2005.