

BY-LAWS
OF
THE HARDEE COUNTY ECONOMIC
DEVELOPMENT AUTHORITY

WHEREAS, by and through the adoption of Senate Bill 3110, House Bill 1303, and House Bill 1627 the Florida legislature created the Hardee County Economic Development Authority (hereinafter the "Authority"); and,

WHEREAS, certain provisions therein contemplated the preparation and adoption of By-Laws to set forth the policy and procedure for the conduct of meetings, disbursement of funds, payment of expenses, and other matters; and,

WHEREAS, the powers granted by statute are declared to be public and governmental functions exercised for public purposes and are matters of public necessity; and,

WHEREAS, the purpose of the authority is to solicit, rank, and fund projects that provide economic development opportunities or infrastructure within the geographic boundaries of Hardee County and to otherwise maximize the use of federal, local, and private resources as provided by Section 211.3103(5), Florida Statutes, as amended from time to time, and for its administrative and other costs as further provided by statute.

NOW, THEREFORE, these By-Laws are hereby adopted in regular meeting of the Hardee County Economic Development Authority, this 21st day of December, 2010, as follows:

ARTICLE I
PRINCIPAL OFFICE

The office, principal place of business, and mailing address of the Hardee County Economic Development Authority shall be 412 West Orange Street, Room 103, Wauchula, Florida 33873.

ARTICLE II MEMBERSHIP

The business and affairs of the Authority shall be conducted and administered by a board of nine (9) members, hereinafter referred to as the "members."

(1) The Authority shall consist of nine (9) members serving staggered terms and selected in the following manner:

(a) The president of the Hardee County Farm Bureau or the president's designee for an initial term of three (3) years;

(b) The director of the Agency for Workforce Innovation or its successor agency or the director's designee for an initial term of two (2) years;

(c) The chairman of Enterprise Florida or its successor agency or the chairman's designee for an initial term of two (2) years;

(d) The chairman of the Florida Phosphate Council or the chairman's designee for an initial term of three (3) years;

(e) The president of the Hardee County Chamber of Commerce or the president's designee for an initial term of three (3) years; and

(f) Four (4) members appointed by the commission. Two (2) of these shall be designated at-large, and of these one (1) shall serve an initial term of three (3) years, and one shall serve an initial term of two (2) years. One (1) of the remaining commission appointments shall be designated Seat 8 and the appointee shall be appointed for an initial term of two (2) years. The last commission appointment shall be designated Seat 9 and the appointee shall be appointed for an initial term of three (3) years. Persons appointed to Seat 8 and Seat 9 shall be selected from a pool of nominees consisting of two (2) persons designated by the governing body of each municipality in the county. All members except the members designated under paragraphs (b) and (c) must be residents of the county. Initial terms of office begin January 1, 2005.

(2) After completion of the initial term, each appointed member shall serve a term of three (3) years. If a vacancy occurs during the term of an appointed member, the appointing authority shall fill the appointment for the remainder of the term. A member may serve successive terms.

(3) The members shall elect a chair from their number for a period of two (2) years. The at-large member designated by the commission for an initial three (3)-year term shall serve as interim chair for the purpose of calling the first meeting of the authority. A majority of the members constitute a quorum. Each member is entitled to one (1) vote. An action of the authority is not binding unless it is taken at a meeting at which a majority of the members cast their votes in favor. The fiscal year of the authority begins October 1.

(4) Each member of the authority shall serve without compensation, except that a member who resides outside the county may be reimbursed for travel and per diem expenses as provided by general law and as further provided by statute.

ARTICLE III AUTHORITY POWERS

(1) The Authority shall:

(a) Adopt rules in conformance with Chapter 120, Florida Statutes, the Administrative Procedure Act.

(b) Meet not less frequently than once each quarter, beginning with the first quarter of calendar year 2005, unless modified in advance at a regularly-scheduled meeting of the Authority, and hold public hearings, and other meetings, each of which must be open to the public and in accordance with general law.

(c) Establish procedures for the solicitation and awarding of grants as further provided by statute and any rules adopted by the Authority.

(d) Direct the Clerk to expend funds upon receipt of any voucher signed by the chair and at least one other member authorizing such disbursement.

(e) Create by rule a standardized application form for grants to be awarded by the Authority as further provided by statute.

(f) Perform the duties required by statute and any rules adopted in accordance with statute.

(2) The Authority may:

(a) Appropriate funds that have been paid by the state Chief Financial Officer, the first such payment to occur in calendar year 2006, to the Clerk, in the distribution of the tax on severance of phosphate rock pursuant to Section 211.3103, Florida Statutes, as amended from time to time, for the administrative costs, including payroll costs and other expenses as provided by statute, of the Authority and for economic development or infrastructure projects in the county.

(b) Conduct the business of the Authority and receive funds on its behalf, including those transferred by the state Chief Financial Officer and any others that may have been made by loan, gift or grant.

(c) Sue and be sued.

(d) Approve or amend and approve time and costs sheets submitted by specified county employees for payment, as well as travel and per diem expenses submitted by a member of the authority as further provided by statute.

(e) Enter into contracts, interlocal agreements, and other written documents necessary to conduct the business of the Authority.

(f) Perform any other acts reasonable and necessary to implement and enforce the provisions of SB 3110, HB 1303, HB1627, and any rules adopted in accordance with statute.

ARTICLE IV FISCAL MATTERS

(1) The Clerk shall receive funds forwarded by the Chief Financial Officer in accordance with Section 211.3103, Florida Statutes, as amended from time to time, and deposit them into a restricted, interest-bearing account for the sole use of the Authority as provided by statute. The Clerk shall also deposit any funds received by the Authority through loan, gift, or grant into the account maintained on behalf of the Authority. The Clerk shall also provide a quarterly statement of account to the chair or any interim chair of the Authority. Funds not expended by the end of each fiscal year may be carried forward for use by the Authority during any succeeding year.

(2) The Clerk shall disburse funds from the restricted, interest-bearing account only upon receipt of a voucher, signed by the chair and at least one other member authorizing such disbursement.

(3) The Clerk may charge the Authority any statutory fees available to the Clerk's office for the administration of the account on behalf of the Authority, and the Authority shall authorize payment of such fees.

ARTICLE V GRANTS; APPLICATION; REVIEW; AWARDS

(1) Application Procedures.

(a) Applications for grants-in-aid from the Authority shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on an Authority grants-in-aid application form.

(b) Applicants may submit more than one application for grant assistance. An applicant grant project must be limited to a single site or group of sites in which all the properties have the same owner or owners.

(c) The Authority may request additional information or clarification on any application that is submitted. Such request may be made to the applicant by letter or by telephone and shall indicate the date by which the information or clarification is needed.

(d) Applications shall be submitted to the Authority and shall include the original and the number of complete copies the Authority requires.

(e) 1. To be considered for funding, applications must be received by the Authority office on or before 5:00 p.m. on the deadline specified in the grant solicitation letter or be clearly postmarked or show evidence of submission to an express mail service on or before the deadline.

2. At least thirty (30) days before each grant solicitation period, the Authority shall publish in the Florida Administrative Weekly, and as otherwise determined by the Authority, notification of the impending grant application period. This notification shall include a mailing address and telephone number through which application forms and additional information may be obtained.

(2) Application Review.

(a) Upon receipt of grant applications, the Authority shall review and evaluate each application for completeness and eligibility. Each application shall be assigned an identification number.

(b) The Authority shall send a copy of each application to the chair of the governing body of the county and of each municipality in the county and to the chair of the board of any nonprofit corporation which may have been formed pursuant to Section 378.036(6), Florida Statutes, as amended from time to time, with a request for a response which may not be required less than 30 calendar days after the date of posting to the entities.

(c) Each governing body and the Board of Directors described in paragraph (b) may review the projects and then rank them in the order that each would prefer to be funded, with "1" being the first priority and each subsequent higher number being of lesser importance. Each may include documentation as to the reasons for the ranking, and any such ranking and documentation must be received by the Authority by the date prescribed to be considered by the Authority.

(d) The Authority shall convene at least one (1) public meeting to review all applications for grants for economic development or infrastructure projects in the county, including any rankings received as provided in paragraphs (b) and (c) and any public testimony that is received at the hearing.

(e) Thereafter, the Authority shall evaluate each application based on the criteria relating to the site involved, the prospective grantee, and the anticipated public benefit as follows:

1. Criteria related to the site shall be established by the Authority prior to any solicitation for grant applications.

2. Criteria Related to the Grantee.

- a. Administrative capability, including personnel, facilities, and organization, adequate to complete the project and meet the administrative requirements of the grant.

- b. Financial resources adequate to carry project costs as necessary pending receipt of reimbursements from grant funds.

c. Availability of professional and technical services required to carry out the project work.

3. Criteria Related to Public Benefit.

a. Compatibility with countywide economic development and infrastructure priorities.

b. Anticipated economic benefits, including direct impact on the local economy and the stimulation of additional private-sector interest (creation of private sector jobs only) and investment in the county.

c. Public use or other public good resulting from the project.

(f) The Authority shall develop a priority listing of all project applications, including consideration of the information received from the county, the municipalities, the nonprofit corporation, if any, and the public, by ranking each project relative to the others and shall establish funding levels and any appropriate special conditions for each individual project. When developing its priority listing, in addition to considering other criteria used in evaluating project applications, the Authority may give special consideration to projects for which the county has undertaken to provide matching funds.

(g) Grant funds shall be awarded in accordance with the final priority listing of the applications considered for grant assistance by the Authority, and funds shall not be provided for projects that were not applied for, reviewed, and recommended in accordance with procedures outlined by statute.

(h) The Authority may decline to fund any or all requested projects in any fiscal year if the projects fail to adequately meet the Authority's evaluation criteria. Moneys received from the state Chief Financial Officer for that year shall be carried forward for distribution in a following fiscal year.

(3) Grant Award Agreement.

(a) All grant awards that have been approved in accordance with statute shall be formalized through a grant award agreement that is incorporated by reference.

(b) The grant award agreement shall contain conditions governing the grant award.

(c) The project work may not be initiated before the effective date of the grant award agreement unless authorized by the Authority.

(d) Funds remaining in any grant allocation as a result of early termination or from completion of the project at less than anticipated cost shall revert to the interest-bearing restricted account established by statute to be distributed to any other project or projects in accordance with statute.

**ARTICLE VI
PROCEDURES FOR AWARD OF FUNDS
FOR ECONOMIC DEVELOPMENT PURPOSES**

Grants, Applications, Review, Awards

1. **Expenditure of Funds.** In identifying projects, the Authority shall first determine there exists a sufficient public benefit to justify expenditure of funds on such project.

- (a) Some of the criteria to be considered in relation to public benefit are:
1. Compatibility with countywide economic development or infrastructure priorities.
 2. Anticipated economic benefits, including direct impact on the local economy and the stimulation of additional private-sector interest (creation of private sector jobs only) and investment in the county.
 3. Public use or other public good resulting from the project.
 4. When developing its priority listing, in addition to considering other criteria used in evaluating project applications, the Economic Development Authority may give special consideration to projects for which the county has undertaken to provide matching funds or to fund in whole.

2. Application Procedures.

- (a) Applications for grants-in-aid from the Economic Development Authority shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on an Economic Development Authority grants-in-aid application form.
- (b) Applicants may submit more than one application for grant assistance. An application grant project must be limited to a single site or group of sites in which all the properties have the same owner or owners.
- (c) The Economic Development Authority may request additional information or clarification on any application that is submitted. Such request may be made to the applicant by letter or by telephone and shall indicate the date by which the information or clarification is needed.
- (d) Applications shall be submitted to the Economic Development Authority and shall include the original and the number of complete copies the Economic Development Authority requires.
- (e)
 - 1. To be considered for funding, applications must be received by the Economic Development Authority office on or before 5:00 p.m. on the deadline specified in the grant solicitation letter or be clearly postmarked or show evidence of submission to an express mail service on or before the deadline.
 - 2. At least thirty (30) days before each grant solicitation period, the Economic Development Authority shall publish in the Florida Administrative Weekly and as otherwise determined by the Economic Development Authority notification of the impending grant application period. This notification shall include a mailing address and telephone number through which application forms and additional information may be obtained.

3. Application Review.

- (a) Upon receipt of grant applications, the Economic Development Authority shall review and evaluate each application for completeness and eligibility. Each application shall be assigned an identification number.
- (b) The Economic Development Authority shall send a copy of each application to the chair of the governing body of the county and of each municipality in the county and to the chair of the Authority of any nonprofit corporation which may have been formed pursuant to Section 378.036(6), Florida Statutes, as amended from time to time, with a request for a response which may not be required less than 30 calendar days after the date of posting to the entities.
- (c) Each governing body and the Authority described in paragraph (b) may review the projects and then rank them in the order that each would prefer to be funded, with "1" being the first priority and each subsequent higher number being of lesser importance. Each may include documentation as to the reasons for the ranking, and any such ranking and documentation must be received by the Economic Development Authority by the date prescribed to be considered by the Economic Development Authority.
- (d) The Economic Development Authority shall convene at least one public meeting to review all applications for grants for economic development and infrastructure projects in the county, including any rankings received as provided in paragraphs (b) and (c) and any public testimony that is received at the hearing.
- (e) Thereafter, the Economic Development Authority shall evaluate each application based on the criteria relating to any site involved, the prospective grantee, and the anticipated public benefit as follows:
 - 1. Criteria related to any site shall be established by the Economic Development Authority prior to any solicitation for grant applications.
 - 2. Criteria Related to the Grantee:

- a. Administrative capability, including personnel, facilities, and organization, adequate to complete the project and meet the administrative requirements of the grant.
- b. Financial resources adequate to carry project costs as necessary pending receipt of reimbursements from grant funds.
- c. Availability of professional and technical services required to carry out the project work.

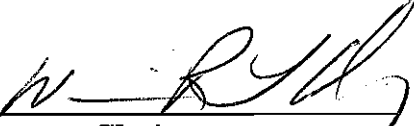
3. Criteria related to public benefit:

- a. Compatibility with countywide economic development or infrastructure priorities.
- b. Anticipated economic benefits, including direct impact on the local economy and the stimulation of additional private-sector interest (creation of private sector jobs only) and investment in the county.
- c. Public use or other public good resulting from the project.
- d. When developing its priority listing, in addition to considering other criteria used in evaluating project applications, the Economic Development Authority may give special consideration to projects for which the county has undertaken to provide matching funds or to fund in whole.

4. **Grant Award Agreement.**

- (a) All grant awards that have been approved in accordance with statute shall be formalized through a grant award agreement that is incorporated by reference.
- (b) The grant award agreement shall contain conditions governing the grant award.

HARDEE COUNTY ECONOMIC
DEVELOPMENT AUTHORITY

By: 
Chairman

ATTESTED BY:

By: _____
Clerk