

CHAPTER 2004-394

Senate Bill No. 3110

An act relating to Hardee County; creating the Hardee County Economic Development Authority; providing a purpose; providing definitions; providing for composition and procedures; providing powers; providing for an office and staffing, including legal assistance and reimbursement to the county therefor; providing that the Chief Financial Officer transfer certain funds levied as an excise tax upon the severance of phosphate rock to the authority; providing duties for the Clerk of the Circuit Court; providing for grants, including application, review, and awards; providing severability; providing an effective date.

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

Section 1. Creation.—

(1) The Hardee County Economic Development Authority is created in accordance with section 211.3103(3)(b)3., Florida Statutes, as amended from time to time, as a body corporate. The powers granted by this act are declared to be public and governmental functions exercised for public purposes and are matters of public necessity.

(2) The purpose of the authority is to solicit, rank, and fund projects that provide economic development opportunities and 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 this act.

Section 2. Definitions.—As used in this act, the term:

(1) "Authority" means the Hardee County Economic Development Authority.

(2) "Clerk" means the clerk of the court serving in the capacity of chief financial officer of the county.

(3) "Commission" means the Board of County Commissioners of Hardee County.

(4) "County" means Hardee County.

Section 3. Authority composition; procedures.—

(1) The authority shall consist of nine 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 3 years;

(b) The Secretary of the Florida Department of Community Affairs or its successor agency or the secretary's designee for an initial term of 2 years;

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

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

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

(f) Four members appointed by the commission. Two of these shall be designated at-large, and of these one shall serve an initial term of 3 years and one shall serve an initial term of 2 years. One of the remaining commission appointments shall be designated Seat 8 and the appointee shall be appointed for an initial term of 2 years; the last commission appointment shall be designated Seat 9 and the appointee shall be appointed for an initial term of 3 years. Persons appointed to Seat 8 and Seat 9 shall be selected from a pool of nominees consisting of two 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 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 2 years and may elect such other officers as they designate in the written bylaws of the authority. The at-large member designated by the commission for an initial 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 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 this act.

Section 4. Authority powers; mandatory and discretionary.—

(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 this act and any rules adopted by the authority.

(d) Direct the clerk to expend funds upon receipt of any voucher signed by not fewer than two members of the authority as further provided by the bylaws of the authority.

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

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

(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 this act, of the authority and for economic development and 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 this act.

(e) Establish written bylaws for its internal governance, including the signatures required for the expenditure of funds from any of its authorized accounts.

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

(g) Perform any other acts reasonable and necessary to implement and enforce the provisions of this act and any rules adopted in accordance with this act.

Section 5. Office and staffing.—

(1) The commission shall direct the county manager to appoint one or more staff persons to assist the authority in conducting its business and provide a mailing address, telephone and fax numbers, and e-mail address

for the authority. That person or persons shall work at the direction of the interim chair, if any, or the chair of the authority in:

(a) Organizing and holding meetings required of the authority as well as in responding to inquires to the authority.

(b) Preparing and placing advertisements in the county in a newspaper of general circulation as defined by chapter 50, Florida Statutes, as amended from time to time when required in conjunction with giving notice of public meetings and hearings.

(c) Preparing the agenda for each meeting and ensuring that the meeting is appropriately recorded, minutes are prepared, and the public record maintained thereafter.

(d) Making copies of the records of the authority upon request in accordance with general law, except those which may be exempt pursuant to general law.

(e) Receiving and presenting to the authority any requests for reimbursement for mileage and per diem, placing them before the authority for approval, and then sending approved vouchers to the clerk for payment along with the signatures required by the bylaws of the authority to authorize such payment.

(f) Maintaining accurate records of the hours spent in working for the authority, preparing a bill for same at the hourly rate attributable, plus benefits calculated at 30 percent of the hourly rate to each such employee, presenting such costs annually at a time established by the authority for approval, and thereafter send approved vouchers to the clerk for reimbursement from the account further described by this act.

(g) Maintaining accurate records of other operating costs of the authority, except those of the county attorney, and seeking reimbursement in the same manner as provided in paragraph (f).

(h) Performing any other duties directed by any interim chair and thereafter the chair of the authority.

(2) The commission shall direct the county attorney to assist the authority in conducting its business by appointing himself or herself or an assistant county attorney who shall also attend each meeting of the authority unless otherwise directed by the chair or interim chair of the authority. The county attorney shall bill and request reimbursement in the same manner as provided in paragraphs (1)(f) and (g) as the employee or employees appointed by the county manager.

Section 6. (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 this act. 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 as provided in the bylaws of the authority, 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.

Section 7. 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 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 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 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 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 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, including equitable geographic and demographic distribution of available funds.

b. Anticipated economic benefits, including direct impact on the local economy and the stimulation of additional private-sector interest 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 in this act.

(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 this act 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 council.

(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 this act to be distributed to any other project or projects in accordance with this act.

Section 8. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 9. This act shall take effect upon becoming a law.

Approved by the Governor June 23, 2004.

Filed in Office Secretary of State June 23, 2004.