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A bill to be entitled

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 employees, including legal assistance and reimbursement to the county therefor; providing for use of certain funds levied as an excise tax upon the severance of phosphate rock and transferred by the Chief Financial Officer to the authority; providing duties for the clerk of the 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

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29 Statutes, as amended from time to time, and for its
 30 administrative and other costs as further provided by this act.

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

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

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

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

38 (4) "County" means Hardee County.

39 Section 3. Authority composition; procedures.--

40 (1) The authority shall consist of nine members serving
 41 staggered terms and selected in the following manner:

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

44 (b) The secretary of the Department of Community Affairs
 45 or its successor agency or the secretary's designee for an
 46 initial term of 2 years.

47 (c) The chair of Enterprise Florida, Inc., or its
 48 successor agency or the chair's designee for an initial term of
 49 2 years.

50 (d) The chair of the Florida Phosphate Council or the
 51 chair's designee for an initial term of 3 years.

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

54 (f) Four members appointed by the commission. Two of these
 55 members shall be designated at large, and of these two members,
 56 one member shall serve an initial term of 3 years and one member
 57 shall serve an initial term of 2 years. One of the remaining

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58 commission appointments shall be designated Seat 8 and shall be
59 appointed for an initial term of 2 years. The last commission
60 appointment shall be designated Seat 9 and shall be appointed
61 for an initial term of 3 years. Members appointed to Seat 8 and
62 Seat 9 shall be selected from a pool of nominees consisting of
63 two persons designated by the governing body of each
64 municipality in the county.

65
66 All members except the members designated under paragraphs (b)
67 and (c) must be residents of the county. Initial terms of office
68 begin January 1, 2005.

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

74 (3) The members shall elect a chair from their number for
75 a period of 2 years and may elect such other officers as they
76 designate in the written bylaws of the authority. The at-large
77 member appointed by the commission for an initial 3-year term
78 shall serve as interim chair for the purpose of calling the
79 first meeting of the authority. A majority of the members
80 constitute a quorum. Each member is entitled to one vote. An
81 action of the authority is not binding unless it is taken at a
82 meeting at which a majority of the members cast their votes in
83 favor. The fiscal year of the authority begins October 1.

84 (4) Each member of the authority shall serve without
85 compensation, except that a member who resides outside the
86 county may be reimbursed for travel and per diem expenses as

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87 provided by section 112.061, Florida Statutes, and as further
 88 provided by this act.

89 Section 4. Authority powers; mandatory and
 90 discretionary.--

91 (1) The authority shall:

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

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

100 (c) Establish procedures for the solicitation and awarding
 101 of grants as further provided by this act and any rules adopted
 102 by the authority.

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

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

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

111 (2) The authority may:

112 (a) Appropriate funds that have been paid by the Chief
 113 Financial Officer, the first such payment to occur in calendar
 114 year 2006, to the clerk, in the distribution of the tax on
 115 severance of phosphate rock pursuant to section 211.3103,

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116 Florida Statutes, as amended from time to time, for the
117 administrative costs, including payroll costs and other expenses
118 as provided by this act, of the authority and for economic
119 development and infrastructure projects in the county.

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

124 (c) Sue and be sued.

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

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

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

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

138 Section 5. Office and employees.--

139 (1) The commission shall direct the county manager to
140 appoint one or more employees to assist the authority in
141 conducting its business and provide a mailing address, telephone
142 and fax numbers, and an electronic mail address for the
143 authority. The employee or employees shall work at the direction
144 of the interim chair, if any, or the chair of the authority in:

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

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

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

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

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

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

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

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

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

184 Section 6. Funds; disbursement; quarterly statement;
185 statutory fees.--

186 (1) The clerk shall receive funds forwarded by the Chief
187 Financial Officer in accordance with section 211.3103, Florida
188 Statutes, as amended from time to time, and deposit them into a
189 restricted, interest-bearing account for the sole use of the
190 authority as provided by this act. The clerk shall also deposit
191 any funds received by the authority through loan, gift, or grant
192 into the account maintained on behalf of the authority. The
193 clerk shall also provide a quarterly statement of the account to
194 the chair or any interim chair of the authority. Funds not
195 expended by the end of each fiscal year may be carried forward
196 for use by the authority during any succeeding year.

197 (2) The clerk shall disburse funds from the restricted,
198 interest-bearing account only upon receipt of a voucher, signed
199 by the chair and at least one other member as provided in the
200 bylaws of the authority, authorizing such disbursement.

201 (3) The clerk may charge the authority any statutory fees
202 available to the clerk's office for the administration of the

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203 account on behalf of the authority, and the authority shall
 204 authorize payment of such fees.

205 Section 7. Grants; application; review; awards.--

206 (1) APPLICATION PROCEDURES.--

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

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

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

220 (d) Applications shall be submitted to the authority and
 221 shall include the original and the number of complete copies the
 222 authority requires.

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

228 2. At least 30 days before each grant solicitation period,
 229 the authority shall publish in the Florida Administrative Weekly
 230 and as otherwise determined by the authority notification of the
 231 impending grant application period. This notification shall

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232 include a mailing address and telephone number through which
233 application forms and additional information may be obtained.

234 (2) APPLICATION REVIEW.--

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

239 (b) The authority shall send a copy of each application to
240 the chair of the governing body of the county and of each
241 municipality in the county and to the chair of the board of
242 directors of any nonprofit corporation which may have been
243 formed pursuant to section 378.036(6), Florida Statutes, as
244 amended from time to time, with a request for a response which
245 may not be required fewer than 30 calendar days after the date
246 of posting to the entities.

247 (c) Each governing body and the board of directors
248 described in paragraph (b) may review the projects and then rank
249 them in the order that each would prefer to be funded, with "1"
250 being the first priority and each subsequent higher number being
251 of lesser importance. Each may include documentation as to the
252 reasons for the ranking, and any such ranking and documentation
253 must be received by the authority by the date prescribed to be
254 considered by the authority.

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

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

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

266 2. Criteria related to the grantee:

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

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

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

274 3. Criteria related to public benefit:

275 a. Compatibility with countywide economic development and
276 infrastructure priorities, including equitable geographic and
277 demographic distribution of available funds.

278 b. Anticipated economic benefits, including direct impact
279 on the local economy and the stimulation of additional private-
280 sector interest and investment in the county.

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

283 (f) The authority shall develop a priority listing of all
284 project applications, including consideration of the information
285 received from the county, the municipalities, the nonprofit
286 corporation, if any, and the public, by ranking each project
287 relative to the others and shall establish funding levels and
288 any appropriate special conditions for each individual project.

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289 When developing its priority listing, in addition to considering
290 other criteria used in evaluating project applications, the
291 authority may give special consideration to projects for which
292 the county has undertaken to provide matching funds.

293 (g) Grant funds shall be awarded in accordance with the
294 final priority listing of the applications considered for grant
295 assistance by the authority, and funds shall not be provided for
296 projects that were not applied for, reviewed, and recommended in
297 accordance with procedures outlined in this act.

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

303 (3) GRANT AWARD AGREEMENT.--

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

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

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

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

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

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