

**Lee County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20051561

**1. ACTION REQUESTED/PURPOSE:**

Adopt resolution requesting re-designation of the Fort Myers/Lee County Enterprise Zone with boundary changes, and execute Interlocal Agreement with the City of Fort Myers.

**2. WHAT ACTION ACCOMPLISHES:**

Resolution and Interlocal Agreement are necessary components of the application package for re-designation of existing Enterprise Zones under the Florida Enterprise Zone Act.

**3. MANAGEMENT RECOMMENDATION:**

Recommend adoption of resolution and execution of Interlocal Agreement.

<b>4. Departmental Category:</b> 03		<b>C3A</b>	<b>5. Meeting Date:</b> <b>11-08-2005</b>	
<b>6. Agenda:</b> x <b>Consent</b>		<b>7. Requirement/Purpose: (specify)</b> x <b>Statute</b> 290.001-290.016		<b>8. Request Initiated:</b> Commissioner
_____ <b>Administrative</b>		_____ <b>Ordinance</b>		<b>Department</b> Economic Development
_____ <b>Appeals</b>		_____ <b>Admin. Code</b>		<b>Division</b>
_____ <b>Public</b>		_____ <b>Other</b>		<b>By:</b> <u>Regina Smith</u> Regina Smith, Director
_____ <b>Walk-On</b>				

**9. Background:**

The Florida Enterprise Zone Act, sections 290.001-290.016, Florida Statutes, was enacted to assist local communities in creating the economic environment to induce private investment in business enterprises located in distressed areas through the use of appropriate investments, tax benefits, and regulatory relief. The Fort Myers/Lee County Enterprise Zone was designated Florida Enterprise Zone number EZ-3601 pursuant to Section 290.0065, Florida Statutes (1995).

The Florida Legislature approved House Bill 1725 (Chapter 2005-287, Laws of Florida), which provides that any Enterprise Zone having an effective date on or before January 1, 2005, shall continue to exist until December 31, 2005; it also provides existing Enterprise Zones an opportunity to submit an application package for re-designation no later than November 30, 2005.

An existing Enterprise Zone may also apply to amend its borders. Pursuant to sections 290.0055 (4)(b) and 290.0065 (3), Florida Statutes, the Fort Myers/Lee County Enterprise Zone can nominate an area for re-designation up to 10 square miles in size. The area of the current Enterprise Zone is approximately 5 square miles.

**Attachments:**

- Proposed Resolution
- Florida Enterprise Zone Program Interlocal Agreement

**10. Review for Scheduling**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<u>Rupp</u>				<u>for scheduling 10/27/05</u>	<u>10/27/05</u>	<u>10/27/05</u>	<u>10/27/05</u>	<u>10/27/05</u>	<u>[Signature]</u>

**11. Commission Action:**

- \_\_\_\_\_ **Approved**
- \_\_\_\_\_ **Deferred**
- \_\_\_\_\_ **Denied**
- \_\_\_\_\_ **Other**

RECEIVED BY  
COUNTY ADMIN

10-27-05

2:25

COUNTY ADMIN

FORWARDED TO

10/27

SOM

Rec. by CoAtty

Date: 10/27/05

Time: 11:35 am

Forwarded To:

Admin

10/27 1:15 pm

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO THE FLORIDA ENTERPRISE ZONE PROGRAM APPLICATION FOR RE-DESIGNATION AND BOUNDARY CHANGE OF THE FORT MYERS/LEE COUNTY ENTERPRISE ZONE; PROVIDING FOR APPLICATION AND AGREEMENT; PROVIDING FOR MEASURABLE GOALS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Lee County is the governing body in and for Lee County, Florida, a political subdivision of the State of Florida; and

**WHEREAS**, the Florida Enterprise Zone Act, Chapter 290, Sections 290.001-290.016, Florida Statutes, provides that a County and Municipality together may apply to the State of Florida for the re-designation of an area as an Enterprise Zone; and,

**WHEREAS**, the Fort Myers/Lee County Enterprise Zone is experiencing chronic, extreme, and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment within all or parts of Census tracts 3.01, 3.02, 4.01, 5.02, 5.04, 6.0, 7.0 and 11.0; and,

**WHEREAS**, the Board of County Commissioners of Lee County, Florida have determined that the rehabilitation, conservation, or redevelopment or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of Lee County and the City of Fort Myers; and,

**WHEREAS**, the Board of County Commissioners of Lee County, Florida have determined that the revitalization of such area can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

**WHEREAS**, the Fort Myers/Lee County Enterprise Zone Program serves the purpose of the Florida Enterprise Zone Act and the community benefits from participation in the program; and,

**WHEREAS**, an application for the re-designation of the Fort Myers/Lee County Enterprise Zone is required to be submitted; and,

**WHEREAS**, the submission of the Florida Enterprise Zone application requires the execution of an Interlocal Agreement which establishes the responsibilities of each jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA AS FOLLOWS:**

**SECTION ONE:                    APPLICATION AND INTERLOCAL AGREEMENT**

- A.    Lee County and The City of Fort Myers shall submit a Joint Florida Enterprise Zone application requesting re-designation of, and a boundary change to, the existing Enterprise Zone. (Attachment "1")
  
- B.    Lee County and the City of Fort Myers shall enter into an Interlocal Agreement establishing the responsibilities of each participating jurisdiction.

- C. The Chair of the Board of County Commissioners of Lee County, Florida is hereby authorized to sign this Resolution and the Florida Enterprise Zone Program Interlocal Agreement.

**SECTION TWO:**                    **FORT MYERS/LEE COUNTY ENTERPRISE ZONE  
MEASURABLE GOALS**

- A. Lee County and the City of Fort Myers shall approve the Fort Myers/Lee County Enterprise Zone Measurable Goals in order to enhance the prospects for new investment in the Enterprise Zone.
- B. The objectives of the Measurable Goals shall be as follows:
1. Attract new businesses to the Enterprise Zone.
  2. Provide technical assistance and/or incentives to businesses creating new jobs in the Enterprise Zone.
  3. Increase private investment in building material and business equipment within the Enterprise Zone.
  4. Enhance public awareness of the Enterprise Zone program.

**SECTION THREE:**                    **EFFECTIVE DATE**

This Resolution shall take effect immediately upon its adoption by the Board of County Commissioners at a regularly scheduled meeting.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to vote, the vote was as follows:

BOB JANES \_\_\_\_\_  
DOUGLAS ST. CERNY \_\_\_\_\_  
RAY JUDAH \_\_\_\_\_  
TAMMEY HALL \_\_\_\_\_  
JOHN E. ALBION \_\_\_\_\_

**DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2005.**

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

# Enterprise Zone Boundary

## Street Map

**LEBB COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

**LEGEND**  
Proposed Enterprise Zone



1:50,000  
Scale  
Date: September 2003  
Data Source: 2000 Census  
Shaded: FIRM, ST, FIRM, ST

**FLORIDA ENTERPRISE ZONE  
PROGRAM INTERLOCAL AGREEMENT**

THIS FLORIDA ENTERPRISE ZONE PROGRAM INTERLOCAL AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2005, by and between **LEE COUNTY**, a political subdivision and charter county of the State of Florida, acting by and through its Board of County Commissioners, the governing body thereof, (hereinafter referred to as the "County"), and the **CITY OF FORT MYERS**, a municipal corporation of the State of Florida, acting by and through its City Council, the governing body thereof (hereinafter referred to as the "City"), and collectively the "Parties" hereto.

**WITNESSETH:**

**WHEREAS**, Section 290.0055, Florida Statutes, concerning the eligibility criteria for Florida Enterprise Zone Program states that a county and a city may file jointly for Enterprise Zone Designation; and

**WHEREAS**, the Florida Enterprise Zone Act, Chapter 290, Sections 290.001-290.016, Florida Statutes, makes provision whereby counties may enter into cooperation agreements with certain units of local government to carry out Florida Enterprise Zone activities; and

**WHEREAS**, the cooperation of the County and the City are essential for the successful planning and implementation of the Fort Myers/Lee County Enterprise Zone Program; and

**WHEREAS**, it is essential for the responsibilities of each governing body to be established; and

**WHEREAS**, the County and City Councils have determined that the terms and provisions of the Interlocal Agreement are fully authorized under State and local law and that the Interlocal Agreement provides full legal authority for the County to undertake or assist in undertaking essential community and economic development activities; and

**WHEREAS**, the Fort Myers/Lee County Enterprise Zone area is experiencing chronic, extreme, and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment within all or parts of Census tracts 3.01, 3.02, 4.01, 5.02, 5.04, 6.0, 7.0 and 11.0; and

**WHEREAS**, in response to the above, and the need to revitalize areas within the Fort Myers/Lee County Enterprise Zone, the County and the City request that a Fort Myers/Lee County Enterprise Zone Board of Commissioners consisting primarily of local residents and business owners be reconstituted or reformed to oversee and monitor the implementation of the Fort Myers/Lee County Enterprise Zone Measurable Goals (hereinafter referred to as "Measurable Goals"); and

**WHEREAS**, the County and the City have the authority to organize the Fort Myers/Lee County Enterprise Zone Board of Commissioners to be known as the Fort Myers/Lee County Enterprise Zone Development Agency (hereinafter referred to as the "Agency"); and

**WHEREAS**, the major goals of the Agency will be to carry out the aforementioned Measurable Goals consisting of the following priorities:

1. Attract new businesses to the Enterprise Zone.
2. Provide technical assistance and/or incentives to businesses creating new jobs in the Enterprise Zone.
3. Increase private investment in building materials and business equipment within the Enterprise Zone.
4. Enhance public awareness of the Enterprise Zone program.



**WHEREAS**, the creation of the Agency is essential for the successful implementation of the Measurable Goals; and

**WHEREAS**, the Agency will make recommendations regarding tax incentives for the Fort Myers/Lee County Enterprise Zone and oversee and monitor the status of the activities identified in the Measurable Goals; and

**WHEREAS**, this Interlocal Agreement covers the Enterprise Zone designation period approved by the State of Florida for the County and the City necessary to carry out activities specified in the statement of measurable goals.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of County Commissioners of Lee County and the City Council of Fort Myers agree as follows:

1. This Interlocal Agreement shall be effective during the Florida Enterprise Zone Program designation period established by the State of Florida. During the designation period, neither party may terminate or withdraw from this Interlocal Agreement.
2. This Interlocal Agreement remains in effect for the entire designation period. It shall become null and void if the Fort Myers/Lee County Enterprise Zone is not re-designated by the State as a Florida Enterprise Zone.
3. The Interlocal Agreement will be automatically renewed at the option of both the County and City if the Florida Enterprise Zone Program is renewed, unless the County or the City provides written notice it elects not to participate in a new qualification period.

4. If any provision of this Interlocal Agreement is held invalid, the remainder of the Interlocal Agreement shall not be affected thereby and all other parts of this Interlocal Agreement shall nevertheless be in full force and effect.
5. The County and the City agree to cooperate to undertake, or assist in undertaking, community renewal and economic development activities.
6. The County and the City have joint responsibility for selecting Enterprise Zone activities and incentives and filing reports annually to the State.
7. Any disputes between the City and County regarding managing and administering the Florida Enterprise Zone Program shall be resolved as follows:
  - a. First, the Parties shall make a bona fide attempt to resolve the dispute.
  - b. In the event that the dispute cannot be resolved, the Parties shall seek mediation through the mediation program of the Twentieth, Judicial Circuit.
  - c. If mediation is not successful, the Parties agree to arbitrate the dispute in accordance with Florida Arbitration Statute, using an arbitrator appointed by the Chief Judge of the Twentieth Judicial Circuit.
8. The County and City hereby approve the attached (Exhibit "1"), the Fort Myers/Lee County Enterprise Zone Measurable Goals.
9. Pursuant to Section 290.0056, Florida Statutes, the County and City shall reconstitute the Enterprise Zone Development Agency to be known as the Fort Myers/Lee County Enterprise Zone Development Agency as follows:

- a. This Agency shall be constituted as a public instrumentality, and exercise as an Enterprise Zone Development Agency the powers conferred by the Florida Enterprise Zone Act. It shall be deemed and held to be the performance of an essential public function. This Agency has the power to function within the corporate limits of the City of Fort Myers.
- b. The County and City shall appoint the Fort Myers/Lee County Enterprise Zone Board of Commissioners, which shall consist of nine (9) Commissioners. The County shall appoint four (4) Board Members and the City shall appoint five (5) Board Members. Vacancies on the Board shall be publicly advertised and all interested persons shall complete an application for membership. The Fort Myers/Lee County Enterprise Zone Board of Commissioners may have at least one (1) representative from each of the following: local chambers of commerce; local financial or insurance entities; businesses operating within the area; residents residing within the Enterprise Zone; nonprofit community-based organizations operating within the Enterprise Zone; the regional workforce board; the County and City code enforcement agencies; and the County and City law enforcement agencies. The terms of office of the Commissioners shall be for four (4) years, except that, in making the initial appointments, the governing body shall appoint two (2) members for terms of three (3) years, two (2) members for terms of (2) years, and one (1) member for a term of one (1) year; the remaining initial members shall serve for terms of four (4) years. A vacancy occurring during

a term shall be filled for the un-expired term. The importance of minority representation on the Agency shall be considered in making appointments so that the Agency generally reflects the gender and ethnic composition of the community as a whole.

- c. A Commissioner shall receive no compensation for his/her services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of his/her duties. Each Commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any Commissioner shall be filed with the Clerk of the County and City, and the certificate is conclusive evidence of the due and proper appointment of the Commissioner.
- d. The powers of the Agency shall be exercised by the Commissioners. A majority of the Commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the Agency and for all purposes. Action may be taken by the Agency upon a vote of majority of the Commissioners present, unless in any case the bylaws require a larger number.
- e. The City shall designate a Chair and Vice Chair from among the Commissioners. The Agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires and determine their qualification, duties, and compensation. For such legal service as it requires, the Agency may employ or retain its own counsel and local staff. The Agency is authorized to transact business and exercise powers under the Florida Enterprise Zone Act and shall

file with the County and City, on or before March 31<sup>st</sup> of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. The Agency shall make the report available for inspection during business hours in the office of the Agency.

- f. At any time after the creation of the Enterprise Zone Development Agency, the County and the City may appropriate to the Agency such amounts as the governing bodies deem necessary for the administrative expenses and overhead of the Agency.
- g. The County or City may remove its own appointee for inefficiency, neglect of duty, or misconduct in office only after a hearing, and only if the Commissioner has been given a copy of the charges at least ten (10) days prior to the hearing and has had an opportunity to be heard in person or by counsel.
- h. The Agency shall have the following powers and responsibilities:
  - 1. To assist in the development, implementation, and annual review and update of the Measurable Goals.
  - 2. To oversee and monitor the implementation of the Measurable Goals. The Agency shall make quarterly reports to the governing bodies of the City and County, evaluating the progress in implementing the Measurable Goals.
  - 3. To identify and recommend to the County and the City ways to remove regulatory barriers.

4. To identify to the County and City the financial needs of, and local resources or assistance available to, eligible businesses in the Enterprise Zone.
- i. The following powers and responsibilities shall be performed by the County, acting as the managing agent of the Agency, or, contingent upon approval by the County, such powers and responsibilities shall be performed by the Agency:
    1. To review, process, and certify applications for state enterprise zone tax incentives, pursuant to ss. 212.08(5) (g), (h), and (15); 212.096; 220.181; and 220.182, Florida Statutes.
    2. To provide assistance to businesses and residents within the Enterprise Zone.
    3. To promote the development of the Enterprise Zone, including preparing, purchasing, and distributing by mail or other means of advertising, literature and other material concerning the Enterprise Zone and Enterprise Zone Incentives.
    4. To borrow money and apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the State, County, or other public body or from any sources, public or private, for the purposes of the Florida Enterprise Zone Act, and to give such security as may be required, and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for

financial assistance with the Federal Government for or with respect to the development of the Enterprise Zone and related activities with such conditions imposed pursuant to federal laws as the governing bodies of the City and County deem reasonable and appropriate which are not inconsistent with the purposes of Section 290.0056, Florida Statutes.

5. To appropriate such funds and make such expenditures as necessary to carry out the purposes of the Florida Enterprise Zone Act.
6. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under Section 290.0056, Florida Statutes.
7. To procure insurance or require bond against any loss in connection with its property in such amounts and from such insurers as may be necessary or desirable.
8. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized by the Florida Enterprise Zone Act.
9. To purchase, sell, or hold stock, evidences of indebtedness, and other capital participation instruments.
10. The Agency may invest in community investment corporations, which conduct, or agree to conduct, loan guarantee programs assisting minority business enterprises located in the Enterprise Zone. In making such

investments, the Agency shall first attempt to invest in existing community investment corporations providing services in the Enterprise Zone. Such investments shall be made under conditions required by law and as the Agency may require, including, but not limited to:

- a. The funds invested by the Agency shall be used to provide loan guarantees to individuals for minority business enterprises located in the Enterprise Zone.
  - b. The community investment corporation may not approve any application for a loan guarantee unless the person applying for the loan guarantee shows that he/she has applied for the loan or loan guarantee through normal banking channels and that the loan or loan guarantee has been refused by at least one bank or other financial institution.
11. Prior to December 1, of each year, the Agency shall submit to the State, the City, and the County, a detailed written report setting forth:
- a. Its operations and accomplishments during the Fiscal Year.
  - b. The accomplishments and progress concerning the implementation of the Measurable Goals, and any updates to the Measurable Goals.
  - c. The number and type of businesses assisted by the Agency during the Fiscal Year.



- d. The number of jobs created within the Enterprise Zone during the Fiscal Year.
  - e. The usage and revenue impact of State and local incentives granted during the calendar year.
  - f. Any other information required by the department.
12. In the event that the Fort Myers/Lee County Enterprise Zone area selected by the Parties is not re-designated a State Enterprise Zone, the Parties shall dissolve the Agency after receiving notice from the State that the Fort Myers/Lee County Enterprise Zone area was not re-designated as an Enterprise Zone.

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**IN WITNESS WHEREOF**, the City and County have executed this Interlocal Agreement through its duly authorized representative on the day, month, and year as first written above.

**ATTEST: CHARLIE GREEN  
CLERK OF COURTS**

BY: \_\_\_\_\_  
Deputy Clerk

**LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS**

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM

BY: \_\_\_\_\_  
Office of the County Attorney

**ATTEST:**

BY: \_\_\_\_\_  
City Clerk

**CITY COUNCIL OF FORT MYERS**

BY: \_\_\_\_\_  
James Humphrey, Mayor

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
City Attorney