County Economic Development

Number: INFORMAL

Date: June 02, 2017

June 1, 2017

Senator Oscar Braynon II
606 Northwest 103rd Street
Miami Gardens, Florida 33169

Dear Senator Braynon:

You have asked whether, under section 125.045, Florida Statutes ("County economic development powers"), there are "any State-prescribed prohibitions or restrictions" which would preclude the governing body of a county from leasing or conveying county-owned real property to a private enterprise to facilitate its development of a project which would include market-rate residential housing. You have not provided any other facts regarding the proposed project or the terms of the proposed lease or conveyance of county-owned real property. However, in posing the question, you note that section 125.045 "provides that '...it constitutes a public purpose to expend public funds for economic development activities, including, but not limited to…leasing or conveying real property....'"

In an effort to assist in your analysis of this question, it appears that the list contained in section 125.045(3) does not provide examples of "economic development activities" for which expenditure of local government funds constitutes a "public purpose." Instead, the activities set forth in section 125.045(3) ("developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community") appear to comprise a non-exclusive list of ways in which the "governing body of a county may expend public funds"--either directly or indirectly--in furtherance of the stated legislative goals of "attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion[.]" § 125.045(1), Fla. Stat. (2017).

Therefore, a careful analysis of the proposed project, and consideration of whether it furthers the express statutory goals of "attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion" would have to be undertaken by the governing board of the local body to determine whether the proposed project, which includes market-rate residential housing, would comprise valid "economic development" activities for which, under section 125.045, Florida Statutes, public funds may be (directly or indirectly) expended.

I hope these comments will be helpful to you, and trust you will understand that we cannot undertake an analysis of the statute's application to a proposed lease or conveyance of county property to a private enterprise to facilitate development of a proposed project without a request from the governing board of the local government outlining the particulars of the proposed

transactions. See § 16.01(3), Fla. Stat. (2017).

Sincerely,

Teresa L. Mussetto
Senior Assistant Attorney General

TLM/tsh