

By Senator Casas

39-858-00

See HB 751

1 A bill to be entitled
2 An act relating to the Florida Sports
3 Authority; creating the "Florida Sports
4 Authority Law"; providing a declaration of
5 policy; providing definitions; creating the
6 Florida Sports Authority; providing for
7 appointment of members; providing for powers
8 and duties; providing for the submission of an
9 annual budget to the state; providing for the
10 recordation of the budget in minutes; providing
11 for an audit contract; providing for authority
12 projects; providing for revenue application;
13 providing for authority to operate a Florida
14 Sports Hall of Fame; providing for consultation
15 with local officials; authorizing the authority
16 to apply for and obtain a pari-mutuel wagering
17 permit; providing for the distribution of
18 revenues; providing for employees; providing
19 conditions for the relocation of public
20 highways, entry on lands, waters, or premises,
21 and the regulation of public facilities by the
22 authority under certain circumstances;
23 providing for eminent domain; providing for the
24 issuance and terms of bonds or notes; providing
25 for covenants to secure payment; providing for
26 the pledge of revenues, funds, or other
27 property; providing for certain liens;
28 providing limitations on personal liability;
29 providing for the establishment of reserves,
30 funds, or accounts; providing for debt service
31 reserve funds; providing a limitation on the

1 issuance of bonds; providing for the
2 accumulation of certain moneys; providing for
3 the nonliability of the state or its political
4 subdivisions; providing for the right of the
5 state to require redemption prior to maturity;
6 providing for the Sports Authority Fund;
7 providing for other bonds and notes; providing
8 for luxury tax revenues; providing for
9 guarantee by the state not to limit or alter
10 rights or powers vested in the authority;
11 providing for authorization as legal investment
12 or security for public deposits; providing for
13 the lease or conveyance of land by the state or
14 governmental subdivision; providing for tax
15 exemptions for certain projects and property of
16 the authority; providing for an annual report
17 and audit; providing for services by state
18 officers, departments, boards, agencies,
19 divisions, and commissions; providing for
20 public bids on certain contracts; providing for
21 set-aside contract goals; providing for
22 exemptions; providing for the award of certain
23 contracts without public advertisement;
24 providing for work by employees of the
25 authority; providing for the effect of certain
26 inconsistent rules; providing for severability;
27 providing for the construction of the act;
28 providing for legislative findings and
29 declarations; providing for the acquisition,
30 operation, maintenance, repair, reconstruction,
31 and improvement of a pari-mutuel wagering

1 facility by the authority; providing for a
2 feasibility study; providing for approval by
3 the Legislature; providing for the conduct of
4 pari-mutuel wagering events and pari-mutuel
5 wagering; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Short title.--This act may be cited as the
10 "Florida Sports Authority Law."

11 Section 2. Declaration of policy.--

12 (1) The Legislature finds and declares that the
13 general welfare, health, and prosperity of the people of
14 Florida will be promoted by the holding of athletic contests,
15 pari-mutuel wagering events, and other spectator sporting
16 events, and trade shows and other expositions; that it is
17 necessary to provide stadiums and related facilities for
18 pari-mutuel wagering and such spectator sporting events and
19 other events described in this section; and that such events
20 would provide needed recreation, forums, and expositions for
21 the public.

22 (2) The Legislature further finds and declares that
23 additional facilities are needed in the state to accommodate
24 trade shows and other expositions in order to promote industry
25 and development in the state and to provide a forum for public
26 events.

27 (3) The Legislature has determined that to provide for
28 the events, including the establishment and operation of
29 necessary facilities for such purposes, a corporate agency of
30 the state shall be created with the necessary powers to
31 accomplish these purposes.

1 (4) The Legislature further finds that the authority
2 and powers conferred under this act and the expenditure of
3 public moneys pursuant thereto constitutes a valid public
4 purpose and that the enactment of the provisions of this act
5 is in the public interest and is declared to be such a matter
6 of express legislative determination.

7 Section 3. Definitions.--As used in this act, the
8 term:

9 (1) "Act" means the Florida Sports Authority Law.

10 (2) "Authority" means the Florida Sports Authority
11 created by the act.

12 (3) "Bonds" means bonds issued by the authority
13 pursuant to the act.

14 (4) "Complex" means the sports and exposition project
15 authorized by the act.

16 (5) "Notes" means notes issued by the authority.

17 (6) "Projects" means any project that the authority is
18 authorized to undertake.

19 (7) "State" means the State of Florida.

20 (8) "Credit agreement" means loan agreement, revolving
21 credit agreement, agreement establishing a line of credit,
22 letter of credit, reimbursement agreement, interest exchange
23 agreement, insurance contract, surety bond, commitment to
24 purchase bond, purchase or sale agreement, or commitments or
25 other contracts or agreements authorized and approved by the
26 authority in connection with the authorization, issuance,
27 security, or payment of bonds.

28 (9) "Luxury tax" means the tax levied and collected by
29 the City of Miami, County of Miami-Dade.

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1 (10) "Tourism-related tax" means the tax levied and
2 collected pursuant to any tourism improvement and development
3 district.

4 Section 4. Florida Sports Authority created.--

5 (1) There is established in the office of the
6 Secretary of State a public body corporate and politic, with
7 corporate succession, to be known as the Florida Sports
8 Authority. The authority is constituted as an instrumentality
9 of the state, and the exercise by the authority of the powers
10 conferred by this act is deemed to be an essential
11 governmental function of the state, and the application of
12 revenue derived from the projects of the authority to the
13 purposes provided in this act is deemed to be in support of
14 government.

15 (2) The authority shall consist of the State
16 Treasurer, the Secretary of State, the President of the
17 Florida Sports Authority, three members appointed by the
18 Governor with the advice and consent of the Senate, three
19 members appointed by the President of the Senate, and three
20 members appointed by the Speaker of the House of
21 Representatives, for terms of 4 years, provided that the
22 members first appointed by the Governor shall serve for terms
23 of 1 year, 2 years, and 3 years, respectively. Each member
24 shall hold office for the term of his or her appointment and
25 until his or her successor has been appointed and qualified. A
26 member shall be eligible for reappointment. Any vacancy in the
27 membership occurring other than by expiration of term shall be
28 filled for the remainder of the unexpired term in the same
29 manner as the original appointment.

30 (3) Each appointed member may be removed from office
31 by the Governor, for cause, after a public hearing, and may be

1 suspended by the Governor pending the completion of such
2 hearing. Each member before entering upon his or her duties
3 shall take and subscribe an oath to perform the duties of
4 office faithfully, impartially, and justly to the best of his
5 or her ability. A record of such oaths shall be filed in the
6 office of the Secretary of State.

7 (4) The chair shall be appointed by the Governor from
8 the members of the authority and the members shall elect one
9 of their number as vice chair. The authority shall elect a
10 secretary and a treasurer, who need not be members, and the
11 same person may be elected to serve both as secretary and
12 treasurer. The powers of the authority shall be vested in its
13 members, and seven members shall constitute a quorum at any
14 meeting thereof. Action may be taken and motions and
15 resolutions adopted at any meeting by the affirmative vote of
16 at least seven members. No vacancy in the membership shall
17 impair the right of a quorum of the members to exercise all of
18 the powers and perform all of the duties of the authority.

19 (5) Each member and the treasurer shall execute a bond
20 to be conditioned upon the faithful performance of the duties
21 of such member or treasurer, in such form and amount as may be
22 prescribed by the Secretary of State. Such bonds shall be
23 filed in the Office of the Secretary of State. At all times
24 thereafter, the members and the treasurer shall maintain such
25 bonds in full force and effect. All costs of such bonds shall
26 be borne by the authority.

27 (6) The members of the authority shall serve without
28 compensation, but the authority shall reimburse its members
29 for actual expenses necessarily incurred in the discharge of
30 their duties pursuant to section 112.061, Florida Statutes.
31 Notwithstanding the provisions of any other law, no officer or

1 employee of the state shall forfeit his or her office or
2 employment, or any benefits or emoluments thereof, by reason
3 of his or her serving as a member of the authority.

4 (7) Each member of the authority may designate an
5 officer or employee of his or her department or agency to
6 represent the member at meetings of the authority, and each
7 such designee may lawfully vote and otherwise act on behalf of
8 the member by whom he or she has been designated. Any such
9 designation shall be in writing delivered to the authority and
10 shall continue in effect until revoked or amended by writing
11 delivered to the authority.

12 (8) The authority may be dissolved by act of the
13 Legislature on condition that the authority has no debts or
14 obligations outstanding or that provision has been made for
15 the payment or retirement of such debts or obligations. Upon
16 such dissolution, all property, funds, and assets of the
17 authority shall be vested in the state.

18 (9) A true copy of the minutes of each meeting shall
19 be delivered to the Governor by and under the certification of
20 the secretary of the authority. No action taken at any meeting
21 shall have force or effect until 15 days after the copy of the
22 minutes has been so delivered unless, during the 15-day
23 period, the Governor approves the action, which shall become
24 effective at that time. If, during the 15-day period, the
25 Governor returns the minutes with veto of any action taken,
26 the action shall be null and void. The powers conferred upon
27 the Governor by this subsection shall be exercised with due
28 regard for the rights of the holders of bonds and notes of the
29 authority at any time outstanding, and nothing in, or done
30 pursuant to, this subsection shall in any way limit, restrict,
31 or alter the obligation or powers of the authority or any

1 representative or officer of the authority to carry out and
2 perform in every detail each covenant, agreement, or contract
3 at any time made or entered into by or on behalf of the
4 authority with respect to its bonds or notes or for the
5 benefit, protection, or security of the holders thereof.

6 Section 5. Powers of the authority.--Except as
7 otherwise limited by the act, the authority shall have power:

8 (1) To sue and be sued.

9 (2) To have an official seal and alter the same at
10 pleasure.

11 (3) To make and alter bylaws for its organization and
12 internal management and for the conduct of its affairs and
13 business.

14 (4) To maintain an office at such place or places
15 within the state as it may determine.

16 (5) To acquire, hold, use, and dispose of its income,
17 revenues, funds, and moneys.

18 (6) To acquire, lease as lessee or lessor, rent, hold,
19 use, and dispose of real or personal property for its
20 purposes.

21 (7) To borrow money and to issue its negotiable bonds
22 or notes and to secure the same by a mortgage on its property
23 or any part thereof, and to enter into any credit agreement,
24 and otherwise to provide for and secure the payment of its
25 bonds and notes and to provide for the rights of the holders
26 thereof.

27 (8) To make and enter into all contracts, leases, and
28 agreements for the use of occupancy and its projects or any
29 part thereof which are necessary or incidental to the
30 performance of its duties and the exercise of its powers under
31 the act.

1 (9) To make surveys, maps, plans for, and estimates of
2 the cost of its projects.

3 (10) To establish, acquire, construct, lease the right
4 to construct, rehabilitate, repair, improve, own, operate, and
5 maintain its projects, and let, award, and enter into
6 construction contracts, purchase orders, and other contracts
7 with respect thereto in such manner as the authority shall
8 determine.

9 (11) To fix and revise from time to time and charge
10 and collect rents, tolls, fees, and charges for the use,
11 occupancy, or services of its projects or any part thereof or
12 for admission thereto, and for the grant of concessions
13 therein and for things furnished or services rendered by the
14 authority.

15 (12) To establish and enforce rules for the use or
16 operation of its projects or the conduct of its activities,
17 and provide for the policing and the security of its projects.

18 (13) To acquire in the name of the authority by
19 purchase or otherwise, on such terms and conditions and in
20 such manner as it may deem proper, or, except with respect to
21 the state, by the exercise of the power of eminent domain, any
22 land and other property which it may determine is reasonably
23 necessary for any of its projects or for the relocation or
24 reconstruction of any highway, and any and all rights, title,
25 and interest in such land and other property, including public
26 lands, reservations, and highways owned by the state or any
27 county, city, town, township, village, public corporation, or
28 other political subdivision of the state, or in which any such
29 entity has any right, title, or interest, or parts thereof or
30 rights therein, and any fee simple absolute or any lessor
31 interest in private property, and any fee simple absolute in

1 easements upon, or the benefit of restrictions upon, abutting
2 property, to preserve and protect any project, except that the
3 authority shall not have the right to exercise the power of
4 eminent domain in connection with projects that are authorized
5 by an act of the Legislature or a local government or
6 municipality.

7 (14) To provide through its employees, or by the grant
8 of one or more concessions, or in part through its employees
9 and in part by grant of one or more concessions, for the
10 furnishing of services and things for the accommodation of
11 persons admitted to or using its projects or any part thereof.

12 (15) To hold and conduct pari-mutuel wagering events
13 for stake, purse, or reward and to provide and operate a
14 pari-mutuel system of wagering at such meetings.

15 (16) To acquire, construct, operate, maintain,
16 improve, and make capital contributions to others and for
17 transportation and other facilities, services, and
18 accommodations for the public's use of its projects, and to
19 lease or otherwise contract for the operation thereof.

20 (17) Subject to any agreement with bondholders or
21 noteholders, to invest moneys of the authority not required
22 for immediate use, including proceeds from the sale of any
23 bonds or notes, in such obligations, securities, and other
24 investments as the authority deems prudent.

25 (18) To contract for and accept any gifts or grants or
26 loans of funds or property or financial or other aid in any
27 form from the Federal Government or any agency or
28 instrumentality thereof, or from the state or any agency,
29 instrumentality, or political subdivision thereof, or from any
30 other source, and to comply, subject to the provisions of this
31 act, with the terms and conditions thereof.

1 (19) Subject to any agreements with bondholders, to
2 purchase bonds or notes of the authority out of any funds or
3 moneys of the authority available therefor, and to hold,
4 cancel, or resell such bonds or notes.

5 (20) To appoint and employ a president, who shall be
6 the chief executive officer, and such additional officers, who
7 need not be members of the authority, and accountants,
8 attorneys, financial advisors or experts, and all such other
9 or different officers, agents, and employees as it may
10 require, and to determine their qualifications, terms of
11 office, duties, and compensation.

12 (21) To perform any acts authorized by this act,
13 under, through, or by means of its officers, agents, or
14 employees or by contract with any person, firm, or
15 corporation.

16 (22) To procure insurance against any losses in
17 connection with its property, operations, or assets, in such
18 amounts and from such insurers as it deems desirable.

19 (23) To do anything, including, but not limited to,
20 the creation or formation of profit or not-for-profit
21 corporations, necessary or convenient to carry out its
22 purposes and exercise the powers granted by this act.

23 (24) To determine the location, type, and character of
24 a project or any part thereof and all other matters in
25 connection with all or any part of a project, notwithstanding
26 any land-use plan, zoning regulation, building code, or
27 similar regulation heretofore or hereafter adopted by the
28 state, any municipality, county, public body politic and
29 corporate, or any other political subdivision of the state.

30 Section 6. Annual operating budget submission to
31 state; recordation in minutes.--

1 (1) In accordance with procedures to be established by
2 the State Treasurer and the authority, the proposed annual
3 operating budget of the authority and the capital budgets for
4 all projects of the authority, and any amendments thereto,
5 shall be submitted to the State Treasurer and the Legislature
6 prior to submission to the members of the authority so as to
7 provide the State Treasurer, the Budget Committee of the
8 Senate, and the Fiscal Responsibility Council of the House of
9 Representatives adequate time to provide comments with respect
10 thereto.

11 (2) The annual operating budget of the authority and
12 the capital budgets for all projects of the authority and any
13 amendments thereto shall be adopted as part of, and recorded
14 in the full text of, the minutes of the authority.

15 Section 7. Audit contract.--The State Treasurer, in
16 consultation with the Florida Sports Authority, shall enter
17 into a contract with a person qualified to conduct an
18 independent operations and financial audit of the authority
19 and may prescribe any supporting documentation to be provided
20 under the terms of the contract. The contract shall require
21 that recommendations be made regarding a reasonable operations
22 and maintenance budget. Copies of the audit shall be submitted
23 to the authority, the State Treasurer, the Budget Committee of
24 the Senate, and the Fiscal Responsibility Council of the House
25 of Representatives.

26 Section 8. Authority projects.--

27 (1) The authority is authorized, either alone or in
28 conjunction with others, to perform the following functions,
29 provided that, with respect to any function performed in
30 conjunction with others, the authority shall have sufficient
31 right and power to carry out the following public purposes:

1 (a) To establish, develop, construct, operate,
2 acquire, own, manage, promote, maintain, repair, reconstruct,
3 restore, improve, and otherwise effectuate, either directly or
4 indirectly through lessees, licensees, or agents, a project
5 upon a site to be determined consisting of one or more
6 stadiums, coliseums, arenas, pavilions, stands, field houses,
7 playing fields, recreation centers, courts, gymnasiums,
8 clubhouses, a facility for the conduct of pari-mutuel
9 wagering, and other buildings, structures, facilities,
10 properties, and appurtenances related to, incidental to,
11 necessary for, or complementary to a complex suitable for the
12 holding of athletic contests or other sporting events, or
13 trade shows, exhibitions, spectacles, public meetings,
14 entertainment events, or other expositions, including, but not
15 limited to, driveways, roads, approaches, parking areas,
16 parks, recreation areas, lodging facilities, vending
17 facilities, restaurants, transportation structures, systems,
18 and facilities, and equipment, furnishings, and all other
19 structures and appurtenant facilities, related to, incidental
20 to, necessary for, or complementary to the purposes of that
21 project or any facility thereof.

22 (b) To establish, develop, construct, acquire, lease
23 or own, operate, manage, promote, maintain, repair,
24 reconstruct, restore, improve, and otherwise effectuate,
25 either directly or indirectly through lessees, licensees, or
26 agents, a project, at a site within the state, consisting of
27 baseball stadiums for the conduct of major league or minor
28 league baseball and other buildings, structures, facilities,
29 properties, and appurtenances related thereto, or incidental
30 to, necessary for, or complementary to a complex suitable for
31 the holding of professional baseball games and other athletic

1 contests or sporting events, or trade shows, exhibitions,
2 spectacles, public meetings, entertainment events, or other
3 expositions, such projects to include driveways, roads,
4 approaches, parking areas, parks, recreation areas, vending
5 facilities, restaurants, transportation structures, systems,
6 and facilities, and equipment, furnishings, and all other
7 structures and appurtenant facilities related to, incidental
8 to, necessary for, or complementary to the purposes of the
9 project or any facility thereof.

10 (c) To establish, develop, construct, acquire, own,
11 operate, manage, promote, maintain, repair, reconstruct,
12 restore, improve, and otherwise effectuate, either directly or
13 indirectly through lessees, licensees, or agents, a project
14 consisting of an exposition or entertainment center or hotel
15 or office complex, including any buildings, structures,
16 properties, and appurtenances related thereto, incidental
17 thereto, necessary therefor, or complementary thereto, such
18 project to include driveways, roads, approaches, parking
19 areas, parks, recreation areas, vending facilities,
20 restaurants, transportation structures, systems, and
21 equipment, furnishings, and all other structures and
22 appurtenances related to, incidental to, necessary for, or
23 complementary to the purposes of the project. A project
24 authorized under this subsection may be located within,
25 immediately contiguous to, or immediately across any public
26 road that borders the site of any other project of the
27 authority.

28 (d) To establish, develop, construct, acquire, own,
29 operate, manage, promote, maintain, repair, reconstruct,
30 restore, improve, and otherwise effectuate, either directly or
31 indirectly through lessees, licensees, or agents, projects

1 consisting of pari-mutuel wagering facilities located within
2 the state, their contiguous properties, and their auxiliary
3 facilities, including, without limitation, pavilions, stands,
4 field houses, clubhouses, training tracks, meeting,
5 fairgrounds, and other exposition facilities, and other
6 buildings, structures, facilities, properties, and
7 appurtenances related to, incidental to, necessary for, or
8 complementary to a complex suitable for the holding of such
9 event, other sporting events, or trade shows, exhibitions,
10 spectacles, public meetings, entertainment events, or other
11 expositions, including, but not limited to, driveways, roads,
12 approaches, parking areas, parks, recreation areas, lodging
13 facilities, vending facilities, restaurants, transportation
14 structures, systems, and facilities, equipment, furnishings,
15 and all other structures and appurtenant facilities related
16 to, incidental to, necessary for, or complementary to the
17 purposes of any of those projects or any facility thereof.

18 (e) Notwithstanding any law to the contrary, to
19 acquire any existing pari-mutuel wagering facility in and
20 licensed by the state on the condition that payments
21 equivalent to all city-county taxes due to each entity shall
22 be paid by the authority to the extent and in accordance with
23 the same payment schedule as taxes would have been paid each
24 year, as though the facility remained in private ownership. In
25 the event the authority conveys lands or other parts of any
26 facility to others, the authority shall receive a reduction of
27 such payments commensurate with the amount required to be paid
28 by the subsequent owner of the lands and improvements disposed
29 of by the authority. In addition, the authority shall be
30 responsible for paying all existing local franchise fees,
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1 license fees, and parking tax fees in effect at the time of
2 the acquisition.

3 (f) To establish, develop, acquire, own, operate,
4 manage, promote, and otherwise effectuate, in whole or in
5 part, either directly or indirectly through lessees,
6 licensees, or agents, projects consisting of events,
7 expositions, teams, team franchises, or membership in
8 professional sports leagues.

9 (g) To establish, develop, construct, acquire, own,
10 operate, manage, promote, maintain, repair, reconstruct,
11 restore, improve, and otherwise effectuate, either directly or
12 indirectly through lessees, licensees, or agents, projects
13 consisting of facilities, at a site or sites within the state
14 which are related to, incidental to, necessary for, or
15 complementary to the accomplishment or purpose of any project
16 of the authority authorized by this section, including any
17 buildings, structures, properties, and appurtenances related
18 thereto, incidental thereto, necessary therefor, or
19 complementary thereto, such projects to include driveways,
20 roads, approaches, parking areas, parks, recreation areas,
21 vending facilities, restaurants, transportation structures,
22 systems, and equipment, furnishings, and all other structures
23 and appurtenances related to, incidental to, necessary for, or
24 complementary to the purposes of those projects.

25 (h) To establish, develop, acquire, construct,
26 reconstruct, improve, and otherwise effectuate for transfer
27 to, and for use and operation by, the State University System,
28 either directly or indirectly through lessees, licensees, or
29 agents, facilities located or to be located on property owned,
30 leased, or otherwise used by the State University System,
31 consisting of upgraded and expanded football stadiums and new

1 track and field, soccer, and lacrosse facilities and the
2 buildings, structures, properties, and appurtenances related
3 thereto, or incidental to, necessary for, or complementary to
4 the football stadiums and track and field, soccer, and
5 lacrosse facilities, such facilities to include driveways,
6 access roads, approaches, parking areas, parks, recreation
7 areas, vending facilities, restaurants, transportation
8 structures, systems, and equipment, furnishings, and all other
9 structures and appurtenances related or incidental to,
10 necessary for, or complementary to the purposes of those
11 facilities.

12 (i) To acquire by purchase, lease, or otherwise, and
13 to develop, construct, operate, own, lease, manage, repair,
14 reconstruct, restore, improve, enlarge, or otherwise
15 effectuate, either directly or through lessees, licensees, or
16 agents, a convention center project consisting of any existing
17 convention halls and any new convention halls or centers and
18 associated parking areas and railroad terminal facilities and
19 including the leasing of adjacent land for hotel facilities.

20 In connection therewith, the authority is authorized to:

21 1. Assume existing leasehold or other contractual
22 obligations pertaining to any such facilities or properties or
23 to make provision for the payment or retirement of any debts
24 and obligations of the governmental entity operating any such
25 convention hall or center or of any bonds or other obligations
26 payable from and secured by a lien on or pledge of the luxury
27 tax revenues.

28 2. Make loans or payments in aid of construction with
29 respect to infrastructure and site development for properties
30 located in the area between the sites of an existing

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1 convention hall and a new convention center or located
2 contiguous to or across any public road that borders the area.

3 (j) To provide funding to public institutions of
4 higher education in the state to establish, develop, acquire,
5 construct, reconstruct, or improve facilities located or to be
6 located on property owned, leased, or otherwise used by an
7 institution, consisting of sports facilities and the
8 buildings, structures, properties, and appurtenances related
9 thereto, or incidental to, necessary for, or complementary to
10 those sports facilities, such facilities to include driveways,
11 access roads, approaches, parking areas, parks, recreation
12 areas, vending facilities, restaurants, transportation
13 structures, systems, and equipment, furnishings, and all other
14 structures and appurtenances related or incidental to,
15 necessary for, or complementary to the purposes of those
16 facilities.

17 (2) The authority is further authorized to:

18 (a) Make, as part of any of the projects, capital
19 contributions to others for transportation and other
20 facilities, and accommodations for the public's use of any of
21 those projects.

22 (b) Lease any part of any of those project sites not
23 occupied or to be occupied by the facilities of any of those
24 projects, for purposes determined by the authority to be
25 consistent with or related to the purposes of those projects,
26 including, but not limited to, hotels and other accommodations
27 for transients and other facilities related to or incidental
28 to any of those projects.

29 (c) Sell or dispose of any real or personal property,
30 including, but not limited to, such portion of the site of any
31 of those projects, not occupied or to be occupied by the

1 facilities of any of those projects, at not less than the fair
2 market value of the property, except in the case of sale or
3 disposition to the state, any political subdivision of the
4 state, or any agency or instrumentality of the state.

5 Section 9. Revenue application.--Revenues, moneys, or
6 other funds, if any, derived from the operation or ownership
7 of any facility, including the conduct of pari-mutuel wagering
8 events, shall be applied, in accordance with the resolution or
9 resolutions authorizing or relating to the issuance of bonds
10 or notes of the authority, to the following purposes and in
11 the following order:

12 (1) The costs of operation and maintenance of any
13 complex or facility and reserves therefor.

14 (2) Principal, sinking fund installments, and
15 redemption premiums of and interest on any bonds or notes of
16 the authority payable from such revenues, moneys, or other
17 funds and issued for the purposes of such complex or facility
18 or for the purposes of refunding the same, including reserves
19 and payments with respect to credit agreements therefor.

20 (3) The cost of any major or extraordinary repairs,
21 renewals, or replacements with respect to any complex or
22 incidental improvements thereto, not paid pursuant to
23 subsection (1), including reserves therefor.

24 (4) Except to the extent payments with respect to
25 bonds or notes are provided with priority in accordance with
26 subsection (2), payments made in accordance with the
27 resolution authorizing or relating to the issuance of bonds or
28 notes of the authority, for the purposes of any project
29 authorized by this act.

30 (5) Payments required to repay any obligation incurred
31 by the authority to the state.

1 (6) The balance remaining after application in
2 accordance with subsections (1) through (5) shall be deposited
3 in the General Revenue Fund, provided that there shall be
4 appropriated from the amount so deposited an amount calculated
5 by the State Treasurer to be the debt service savings realized
6 with respect to the refinancing of any project as defined in
7 section 3 by the issuance of bonds of the authority guaranteed
8 by the state.

9 (7) Any revenues, moneys, or other funds derived from
10 the operation or ownership of any project other than a
11 baseball stadium or an office complex located on the site of a
12 baseball stadium shall be applied for such purposes, in such
13 manner, and subject to such conditions as provided by the
14 resolution authorizing or relating to the issuance of bonds or
15 notes of the authority for such project, and any balance
16 remaining after such application may be applied, to the extent
17 not contrary to or inconsistent with the resolution, in the
18 following order:

19 (a) To the purposes agreed upon by the State Treasurer
20 and the authority.

21 (b) To any other project of the authority.

22
23 Any balance remaining shall be deposited in the General
24 Revenue Fund.

25 (8) Any revenues, moneys, or other funds derived from
26 the operation, ownership, or leasing of a baseball stadium or
27 an office complex located on the site of a baseball stadium
28 shall be applied for the purposes, in the manner, and subject
29 to the conditions as provided in the resolution authorizing or
30 relating to the issuance of bonds or notes of the authority
31 for such baseball stadium or office complex located on the

1 site of the baseball stadium, and the balance remaining after
2 such application shall be applied, to the extent not contrary
3 to or inconsistent with the resolution, to the following
4 purposes in the following order:

5 (a) The costs of operation and maintenance of a
6 baseball stadium and an office complex located on the site of
7 the baseball stadium, and reserves therefor.

8 (b) Payments made on the bonded indebtedness incurred
9 by the authority for a baseball stadium or an office complex
10 located on the site of a baseball stadium.

11
12 Any balance remaining shall be deposited in the General
13 Revenue Fund.

14 Section 10. Florida Sports Hall of Fame.--The Florida
15 Sports Authority is authorized to operate a Florida Sports
16 Hall of Fame, and the authority may exercise all the rights
17 and powers granted to the authority under any other law and
18 made applicable to the Florida Sports Hall of Fame as though
19 the rights and powers were granted under this act.

20 Section 11. Consultation with local
21 officials.--Notwithstanding any provision herein or any law,
22 rule, or regulation to the contrary, any project authorized
23 herein or acquired by the authority shall be developed only
24 after consultation with local officials and after giving
25 consideration to local objections, problems, and suggestions
26 in order to minimize conflict with the master plan, zoning
27 ordinances, and other development regulations of the
28 municipality or municipalities in which the project is to be
29 situated.

30 Section 12. Pari-mutuel wagering permit.--
31

1 (1) The authority is hereby authorized, licensed, and
2 empowered to apply to the Department of Business and
3 Professional Regulation for a permit or permits to conduct, at
4 any of the projects authorized herein, pari-mutuel wagering
5 events for stake, purse, or reward, and to provide a place or
6 places on the meeting grounds or enclosure for wagering by
7 patrons on the results of such events by the pari-mutuel
8 system, and to receive charges and collect all revenues,
9 receipts, and other moneys from the ownership and operation
10 thereof, provided that only the authority through its
11 employees may conduct such pari-mutuel wagering events and
12 wagering, and the authority is expressly prohibited from
13 placing in the control of any other person, firm, or
14 corporation the conduct of such pari-mutuel wagering events or
15 wagering.

16 (2) Except as otherwise provided in this section, such
17 pari-mutuel wagering events and pari-mutuel wagering shall be
18 conducted by the authority in compliance with the provisions
19 of chapter 550, Florida Statutes, and the rules and conditions
20 prescribed by the Department of Business and Professional
21 Regulation for the conduct of pari-mutuel wagering events and
22 for pari-mutuel wagering.

23 (3) Applications for permits shall be on forms
24 prescribed by the Department of Business and Professional
25 Regulation. The Department of Business and Professional
26 Regulation shall review and act on any application within 30
27 days after its filing and is authorized in its sole discretion
28 to determine whether a permit is granted to the authority. If,
29 after review, the Department of Business and Professional
30 Regulation acts favorably on an application, a permit shall be
31 granted to the authority without further approval and shall

1 remain in force and effect so long as any bonds or notes of
2 the authority remain outstanding, the provisions of any other
3 law to the contrary notwithstanding. In granting a permit to
4 the authority to conduct a pari-mutuel wagering event, the
5 Department of Business and Professional Regulation shall not
6 be limited as to the number of pari-mutuel wagering facilities
7 it may authorize for the conduct of pari-mutuel wagering
8 events, and the permit shall specify the dates allotted to the
9 authority for its initial pari-mutuel wagering events.
10 Thereafter, application by the authority for dates for
11 pari-mutuel wagering events and the allotment thereof by the
12 Department of Business and Professional Regulation, including
13 renewal of dates theretofore allotted, shall be governed by
14 the applicable provisions of law. Notwithstanding the
15 provisions of any other law to the contrary, the Department of
16 Business and Professional Regulation shall allot annually to
17 the authority running racing, not less than 50 thoroughbred or
18 standardbred racing days, 100 greyhound performances, and 100
19 jai alai performances.

20 (4) No hearing, referendum, or other election or
21 proceeding, and no payment, surety, or cash bond or other
22 deposit, shall be required for the authority to conduct the
23 pari-mutuel wagering events with pari-mutuel wagering herein
24 authorized.

25 (5) The authority shall determine the amount of the
26 admission fee for the events and all matters relating to the
27 collection thereof.

28 Section 13. Distribution of revenues.--

29 (1) Distribution of the moneys deposited in
30 pari-mutuel pools to winners thereof shall be in accordance
31

1 with the provisions of law as provided for in chapter 550,
2 Florida Statutes.

3 (2) No admission or amusement tax, excise tax,
4 license, or pari-mutuel fee of any kind shall be assessed or
5 collected from the authority by the state, or by any county or
6 municipality, or by any other body having power to assess or
7 collect license fees or taxes.

8 (3) Any pari-mutuel wagering event and the pari-mutuel
9 system of wagering upon which the results thereof are based
10 shall not, if conducted as provided in the act and in
11 conformity thereto, be held or construed to be unlawful, any
12 other provision of law to the contrary notwithstanding.

13 Section 14. Employees.--Each employee of the authority
14 engaged in conducting pari-mutuel wagering events shall obtain
15 the appropriate license from the Department of Business and
16 Professional Regulation, subject to the terms and conditions
17 imposed on similar employees of other permit holders. The
18 Department of Business and Professional Regulation, after a
19 hearing, may suspend any member of the authority upon approval
20 of the Governor and may suspend the license of any employee of
21 the authority for any violation of law regulating pari-mutuel
22 wagering or any rule of the Department of Business and
23 Professional Regulation. Such hearing shall be held and
24 conducted in the manner provided by law.

25 Section 15. Relocation of public highways; entry on
26 lands, waters, or premises; regulation of public utility
27 facilities.--

28 (1) If the authority finds it necessary in connection
29 with undertaking any of its projects to change the location of
30 any portion of a public highway or road, it may contract with
31 any governmental agency or public or private corporation that

1 may have jurisdiction over the public highway or road to cause
2 the public highway or road to be constructed at a location the
3 authority deems most favorable. The cost of such
4 reconstruction and any damage incurred in changing the
5 location of any such highway shall be ascertained and paid by
6 the authority as a part of the cost of any project. Any public
7 highway affected by the construction of a project may be
8 vacated or relocated by the authority in the manner now
9 provided by law for the vacation or relocation of public
10 roads, and any damages awarded on account thereof shall be
11 paid by the authority as part of the cost of the project. In
12 all undertakings authorized by this subsection, the authority
13 shall consult with and obtain the approval of the Department
14 of Transportation.

15 (2) The authority and its authorized agents and
16 employees may enter upon any lands, waters, and premises for
17 the purpose of making surveys, soundings, drillings, and
18 examinations it deems necessary or convenient for the purposes
19 of this act, all in accordance with due process of law, and
20 such entry shall not be deemed a trespass, nor shall an entry
21 for such purpose be deemed an entry under any condemnation
22 proceedings that may be then pending. The authority shall make
23 reimbursement for any actual damages resulting to such lands,
24 waters, and premises as a result of such activities.

25 (3) The authority is authorized to regulate the
26 installation, construction, maintenance, repair, renewal,
27 relocation, and removal of tracks, pipes, mains, conduits,
28 cables, wires, towers, poles, and other equipment and
29 appliances, hereinafter referred to as "public utility
30 facilities," of any public utility in, on, along, over, or
31 under a project. Should the authority determine it necessary

1 for any public utility facility now or hereafter located in,
2 on, along, over, or under a project to be relocated or
3 removed, the public utility owning or operating such facility
4 shall relocate or remove the facility in accordance with order
5 of the authority; however, the cost and expenses of such
6 relocation or removal, including the cost of installing such
7 facility in a new location, and the cost of any lands, or any
8 rights or interest in lands, and any other rights acquired to
9 accomplish such relocation or removal shall be ascertained and
10 paid by the authority as a part of the cost of any project. In
11 the event of the relocation or removal of a facility, the
12 public utility owning or operating the facility, or its
13 successors or assigns, may maintain and operate such facility,
14 with the necessary appurtenances, in the new location for as
15 long as and upon the terms and conditions with which it had
16 the right to maintain and operate such facility in its former
17 location. In all undertakings authorized by this subsection,
18 the authority shall consult with and obtain the approval of
19 the Public Service Commission.

20 Section 16. Eminent domain.--

21 (1) Upon the exercise of the power of eminent domain,
22 the compensation to be paid thereunder shall be ascertained
23 and paid in the manner provided by law insofar as the
24 provisions thereof are applicable and not inconsistent with
25 the provisions of this act. The authority may join in separate
26 subdivisions in one petition or complaint the descriptions of
27 any number of tracts or parcels of land or property to be
28 condemned and the names of any number of owners and other
29 parties who may have an interest therein, and all such land or
30 property included in said petition or complaint may be
31 condemned in a single proceeding, provided that each of said

1 tracts or parcels of land or property lies wholly in or has a
2 substantial part of its value lying wholly within the same
3 county.

4 (2) Upon filing such a petition or complaint or at any
5 time thereafter, the authority may file with the clerk of the
6 county in which such property is located and with the clerk of
7 the circuit court a declaration of taking, signed by the
8 authority, declaring that possession of one or more of the
9 tracts or parcels of land or property described in the
10 petition or complaint is thereby being taken by and for the
11 use of the authority. The declaration of taking shall be
12 sufficient if it sets forth a description of each tract or
13 parcel of land or property sufficient for the identification
14 thereof, to which there shall be attached a plan or map
15 thereof; a statement of the estate or interest in the land or
16 property being taken; a statement of the amount of moneys
17 estimated by the authority by resolution to be just
18 compensation for the taking of the estate or interest in each
19 tract or parcel of land or property; and that, in compliance
20 with the provisions of the act, the authority has established
21 and is maintaining a trust fund as provided in subsection (3).

22 (3) Upon filing of the declaration, the authority
23 shall deposit with the clerk of the circuit court the amount
24 of the estimated compensation stated in the declaration. In
25 addition to the deposit with the clerk of the circuit court,
26 the authority shall maintain a special trust fund on deposit
27 with a bank or trust company doing business in the state in an
28 account not less than twice the aggregate amount deposited
29 with the clerk of the circuit court as estimated compensation
30 for all property described in declarations of taking with
31 respect to which the compensation has not been finally

1 determined and paid to the persons entitled thereto, or into
2 the registry of the court. The trust fund shall consist of
3 cash or securities readily convertible into cash constituting
4 legal investment for trust funds under the laws of the state.
5 Said trust fund shall be held solely for security and may be
6 applied to the payment of just compensation for the land or
7 other property described in the declarations of taking. The
8 authority shall be entitled to withdraw from said trust fund
9 from time to time as much as may then be in excess of twice
10 the aggregate of the amount deposited with the clerk of the
11 circuit court as estimated compensation for all property
12 described in declarations of taking with respect to which the
13 compensation has not been finally determined and paid to the
14 persons entitled thereto, or into the registry of the court.

15 (4) Upon filing the declaration as prescribed by
16 subsection (2) and depositing with the clerk of the circuit
17 court the amount of the estimated compensation specified in
18 the declaration, the authority without other process or
19 proceedings shall be entitled to the exclusive possession and
20 use of each tract of land or property described in the
21 declaration and may forthwith enter into and take possession
22 of said land or property, it being the intent of this
23 provision that the proceedings for compensation or any other
24 proceedings relating to the taking of said land or interest
25 therein or other property shall not delay the taking of
26 possession thereof and the use thereof by the authority for
27 the purpose or purposes for which the authority is authorized
28 by law to acquire or condemn such land or other property or
29 interest therein.

30 (5) The authority shall cause notice of the filing of
31 the declaration and the making of the deposit to be served

1 upon each party in interest named in the petition residing in
2 the state, either personally or by leaving a copy thereof at
3 his or her residence, if known, and upon each party in
4 interest residing outside of the state by mailing a copy
5 thereof to the party at his or her residence, if known. In the
6 event that the residence of a party or the name of a party is
7 unknown, the notice shall be published at least once in a
8 newspaper published or circulating in the county or counties
9 in which the land is located. Such service, mailing, or
10 publication shall be made within 10 days after filing the
11 declaration. Upon the application of any party in interest and
12 after notice to other parties in interest, including the
13 authority, any judge of the circuit court assigned to sit for
14 said county may order that the moneys deposited with the clerk
15 of the circuit court or any part thereof be paid forthwith to
16 the person or persons entitled thereto for or on account of
17 the just compensation to be awarded in said proceeding,
18 provided that such person has filed with the clerk of the
19 circuit court a consent in writing that, in the event the
20 award in the condemnation proceeding is less than the amount
21 deposited, the court, after notice as herein provided and
22 hearing, may determine the person's liability, if any, for the
23 return of the difference or any part thereof and enter
24 judgment therefor. If the amount of the award as finally
25 determined exceeds the amount deposited, the person or persons
26 to whom the award is payable shall be entitled to recover from
27 the authority the difference between the amount of the deposit
28 and the amount of the award, with interest at the then-legal
29 rate from the date of making the deposit. If the amount of the
30 award is less than the amount so deposited, the clerk of the
31 circuit court shall return the difference between the amount

1 of the award and the amount of the deposit to the authority
2 unless the amount of the deposit or any part thereof has
3 theretofore been distributed, in which event the court, on
4 petition of the authority and notice to all persons interested
5 in the award and affording them an opportunity to be heard,
6 shall enter judgment in favor of the authority for such
7 difference against the party or parties liable for the return
8 thereof. The authority shall cause notice of the date fixed
9 for such hearing to be served upon each party thereto residing
10 in the state either personally or by leaving a copy thereof at
11 his or her residence, if known, and upon each party residing
12 outside of the state by mailing a copy to the party at his or
13 her residence, if known. In the event that the residence of a
14 party or the name of a party is unknown, the notice shall be
15 published at least once in a newspaper published or
16 circulating in the county or counties in which the land is
17 located. Such service, mailing, or publication shall be made
18 at least 10 days before the date fixed for such hearing.

19
20 Whenever any amount of an award is paid into the registry of
21 the court, payment may be made into the registry of the
22 circuit court and may be distributed according to law. The
23 authority shall not abandon any condemnation proceeding
24 subsequent to the date upon which it has taken possession of
25 the land or property as provided in this section.

26 Section 17. Bonds or notes; issuance; terms.--

27 (1) The authority shall have the power and is
28 authorized to issue from time to time its bonds or notes in
29 such principal amounts as in the opinion of the authority are
30 necessary to provide sufficient funds for any of its corporate
31 purposes, including the payment, funding, or refunding of the

1 principal of, or interest or redemption premiums on, any bonds
2 or notes issued by it, whether the bonds, notes, or interest
3 to be funded or refunded have or have not become due; the
4 establishment or increase of such reserves to secure or pay
5 such bonds, notes, or interest thereon; and all other costs or
6 expenses of the agency incident to and necessary to carry out
7 its corporate purposes and powers.

8 (2) Except as otherwise expressly provided in this act
9 or by the authority, every issue of bonds or notes shall be
10 general obligations payable out of any revenues or funds of
11 the authority, subject only to any agreements with the holders
12 of particular bonds or notes pledging any particular revenues
13 or funds. The authority may issue such types of bonds or notes
14 as it may determine, including, without limiting the
15 generality of the foregoing, bonds or notes as to which the
16 principal and interest are payable exclusively from the
17 revenues and receipts of the part of a project financed with
18 the proceeds of such bonds or notes; exclusively from the
19 revenue and receipts of certain designated parts of a project,
20 whether or not the same are financed in whole or in part from
21 the proceeds of such bonds or notes; or from its revenues and
22 receipts generally. Any such bonds or notes may be
23 additionally secured by a pledge of any grant, subsidy, or
24 contribution from the Federal Government or any agency or
25 instrumentality thereof, or the state or any agency,
26 instrumentality, or political subdivision thereof, or any
27 person, firm, or corporation, a pledge of any income or
28 revenues, funds, or moneys of the authority from any source
29 whatsoever or from the proceeds of any credit agreement.

30 (3) Whether or not the bonds and notes are of such
31 form and character as to be negotiable instruments under the

1 terms of state law, the bonds and notes are hereby made
2 negotiable instruments within the meaning of and for all the
3 purposes of such law, subject only to the provisions of the
4 bonds and notes for registration.

5 (4) Bonds or notes of the authority shall be
6 authorized by resolution or resolutions of the authority and
7 may be issued in one or more series and shall bear such date,
8 or dates, mature at such time or times, bear interest at such
9 rate or rates of interest per annum which may be fixed or may
10 change at such time and in accordance with a specified formula
11 or method of determination, be in such denomination or
12 denominations, be in such form, either coupon or registered,
13 carry such conversion or registration privileges, have such
14 rank or priority, be executed in such manner, be payable from
15 such sources in such medium of payment of such place or places
16 in or outside of the state, be subject to such terms of
17 redemption, with or without premium, and contain such options
18 or rights to tender bonds or notes for purchase or redemption
19 as such resolution or resolutions may provide.

20 (5) Bonds or notes of the authority may be sold at
21 public or private sale at such price or prices and in such
22 manner as the authority determines. Except for any bonds of
23 the authority, which may hereafter be guaranteed by the state
24 within the limitations of the State Constitution, every bond
25 shall mature and be paid not later than 40 years from the date
26 thereof.

27 (6) Except as otherwise provided by any law
28 authorizing the guaranty of the state, and except for bonds of
29 the authority hereafter submitted to the people and approved
30 by a majority of the legally qualified voters of the state
31 voting thereon, bonds and notes of the authority issued under

1 the provisions of this act shall not be in any way a debt or
2 liability of the state or of any political subdivision thereof
3 other than the authority and shall not create or constitute
4 any indebtedness, liability, or obligation of the state or of
5 any such political subdivision, but all such bonds and notes,
6 unless funded or refunded by bonds or notes of the authority,
7 shall be payable solely from revenues or funds pledged or
8 available for their payment as authorized in this act. Except
9 for bonds of the authority which may hereafter be guaranteed
10 by the state, each bond and note shall contain on its face a
11 statement to the effect that the authority, and not the state
12 or any political subdivision thereof, is obligated to pay such
13 principal or interest and that neither the faith and credit
14 nor the taxing power of the state or any political subdivision
15 thereof is pledged to the payment of the principal of or the
16 interest on such bonds or notes.

17 (7) All expenses incurred in carrying out the
18 provisions of this act shall be payable solely from revenues
19 or funds provided or to be provided under the provisions of
20 the act and nothing in the act shall be construed to authorize
21 the authority to incur any indebtedness or liability on behalf
22 of or payable by the state or any political subdivision
23 thereof except as otherwise provided by any law authorizing
24 the guaranty of the state of any bonds of the authority
25 hereafter submitted to the people and approved by a majority
26 of the legally qualified voters of the state voting thereon.

27 (8) The authority shall have the power to purchase
28 bonds or notes out of any funds available therefor. The
29 authority may hold, cancel, or resell such bonds or notes
30 subject to and in accordance with agreements with holders of
31 its bonds and notes.

1 (9) The authority, in connection with the
2 authorization of bonds or notes to be issued and sold from
3 time to time, may delegate to such officer or agent of the
4 authority as the authority selects the power to determine the
5 time and manner of sale, public or private, the maturities,
6 and the rate of interest which may be fixed or vary at such
7 time and in accordance with a specified formula or method of
8 determination; however, the amounts and maturities of and the
9 interest rate on these bonds shall be within the limits
10 prescribed by the authority in its resolution delegating to
11 that officer or agent the power to authorize the sale and
12 issuance of those bonds or notes.

13 Section 18. Covenants to secure payment.--In any
14 resolution of the authority authorizing or relating to the
15 issuance of any bonds or notes, the authority, in order to
16 secure the payment of such bonds or notes, and in addition to
17 its other powers, shall have power by provisions therein which
18 shall constitute covenants by the authority and contracts with
19 the holders of such bonds or notes:

20 (1) To pledge all or any part of its rents, fees,
21 tolls, revenues, or receipts to which its right then exists or
22 may thereafter come into existence, and the moneys derived
23 therefrom, and the proceeds of any bonds or notes.

24 (2) To pledge any lease or other agreement or the
25 rents or other revenues thereunder and the proceeds thereof.

26 (3) To mortgage all or any part of its property, real
27 or personal, then owned or thereafter to be acquired.

28 (4) To covenant against pledging all or any part of
29 its rents, fees, tolls, revenues, or receipts or its leases or
30 agreements or rent or other revenues thereunder or the
31 proceeds thereof, or against mortgaging all or any part of its

1 real or personal property then owned or thereafter acquired,
2 or against permitting or suffering any lien on any of the
3 foregoing.

4 (5) To covenant with respect to limitations on any
5 right to sell, lease, or otherwise dispose of any project or
6 any part thereof or any property of any kind.

7 (6) To covenant as to any bonds and notes to be issued
8 and the limitations thereon and the terms and conditions
9 thereof and as to the custody, application, investment, and
10 disposition of the proceeds thereof.

11 (7) To covenant as to the issuance of additional bonds
12 or notes or as to limitations on the issuance of additional
13 bonds or notes and the incurring of other debts by it.

14 (8) To covenant as to the payment of the principal of
15 or interest on the bonds or notes, or any other obligation, as
16 to the sources and methods of such payment, as to the rank or
17 priority of any such bonds, notes, or obligations with respect
18 to any lien or security, or as to the acceleration of the
19 maturity of any such bonds, notes, or obligations.

20 (9) To provide for the replacement of lost, stolen,
21 destroyed, or mutilated bonds or notes.

22 (10) To covenant against extending the time for the
23 payment of bonds or notes or interest thereon.

24 (11) To covenant as to the redemption or repurchase of
25 bonds or notes and privileges of tender or exchange thereof
26 for other bonds or notes of the authority.

27 (12) To covenant as to the rates of toll and other
28 charges to be established and charged, the amount to be raised
29 each year or other period of time by tolls or other revenues,
30 and the use or disposition to be made thereof.

31

1 (13) To covenant to create or authorize the creation
2 of special funds or moneys to be held in pledge or otherwise
3 for construction expenses, operating expenses, payment or
4 redemption of bonds or notes, reserves, or other purposes, and
5 as to the use, investment, and disposition of the moneys held
6 in such funds.

7 (14) To establish the procedure, if any, by which the
8 terms of any contract or covenant with or for the benefit of
9 the holders of bonds or notes may be amended or abrogated, the
10 amount of bonds or notes the holder must consent to, and the
11 manner in which such consent may be given.

12 (15) To covenant as to the construction, improvement,
13 operation, or maintenance of its real and personal property,
14 the replacement thereof, the insurance to be carried thereon,
15 and the use and disposition of insurance moneys.

16 (16) To provide for the release of property, leases,
17 or other agreements, or revenues and receipts from any pledge
18 or mortgage, and to reserve rights and powers in, or the right
19 to dispose of, property that is subject to a pledge or
20 mortgage.

21 (17) To provide for the rights and liabilities,
22 powers, and duties arising upon the breach of any covenant,
23 condition, or obligation and to prescribe the events of
24 default and the terms and conditions upon which any or all of
25 the bonds, notes, or other obligations of the authority shall
26 become or may be declared due and payable before maturity and
27 the terms and conditions upon which any such declaration and
28 its consequences may be waived.

29 (18) To vest in a trustee or trustees in or outside of
30 the state such property, rights, powers, and duties in trust
31 as the authority may determine, including the right to

1 foreclose any mortgage, and to limit the rights, duties, and
2 powers of such trustee.

3 (19) To execute all mortgages, bills of sale,
4 conveyances, deeds of trust, and other instruments necessary
5 or convenient in the exercise of its powers or in the
6 performance of its covenants or duties.

7 (20) To pay the costs or expenses incident to the
8 enforcement of such bonds or notes or of the provisions of
9 such resolution or of any covenant or agreement of the
10 authority with the holders of its bonds or notes.

11 (21) To limit the powers of the authority to
12 construct, acquire, or operate any structures, facilities, or
13 properties that may compete or tend to compete with any of the
14 projects.

15 (22) To limit the rights of the holders of any bonds
16 or notes to enforce any pledge or covenant securing bonds or
17 notes.

18 (23) To make covenants other than in addition to the
19 covenants herein expressly authorized, of like or different
20 character, and to make such covenants to do or refrain from
21 doing such acts and things as may be necessary, or convenient
22 and desirable, in order to better secure bonds or notes or
23 which, in the absolute discretion of the authority, will tend
24 to make bonds or notes more marketable, notwithstanding that
25 such covenants, acts, or things may not be enumerated herein.

26 Section 19. Pledge of revenues, funds, or other
27 property; liens.--Any pledge of revenues, moneys, funds, or
28 other property made by the authority shall be valid and
29 binding from the time the pledge is made, and the revenues,
30 moneys, funds, or other property so pledged and thereafter
31 received by the authority shall immediately be subject to the

1 lien of such pledge without any physical delivery thereof or
2 further act, and the lien of any such pledge shall be valid
3 and binding as against all parties having claims of any kind
4 in tort, contract, or otherwise against the authority,
5 irrespective of whether such parties have notice thereof.

6 Neither the resolution nor any other instrument by which a
7 pledge of revenues, moneys, or funds is created need be filed
8 or recorded, except in the records of the authority.

9 Section 20. Personal liability.--Neither the members
10 of the authority nor any person executing bonds or notes
11 issued pursuant to this act shall be liable personally on such
12 bonds or notes by reason of the issuance thereof.

13 Section 21. Reserves, funds, or accounts;
14 establishment.--The authority may establish such reserves,
15 funds, or accounts as may be, in its discretion, necessary or
16 desirable to further the accomplishment of the purposes of the
17 authority or to comply with the provisions of any agreement
18 made by or any resolution of the authority.

19 Section 22. Debt service reserve funds; limitation on
20 issuance of bonds; accumulation of moneys; nonliability of the
21 state or its political subdivisions.--

22 (1) The authority may establish a reserve fund in
23 connection with the issuance of bonds to finance the initial
24 project, to be known as the debt service reserve fund, and may
25 pay into such reserve fund any moneys appropriated by the
26 Legislature for the purposes of such fund, any proceeds of
27 sale of such bonds to the extent provided in the resolution of
28 the authority authorizing the issuance thereof, and any other
29 moneys that may be made available to the authority for the
30 purposes of such fund from any other source or sources. The
31 moneys held in or credited to the debt service reserve fund,

1 except as hereinafter provided, shall be used solely for the
2 payment of the principal of such bonds of the authority
3 secured by such reserve fund, as the same mature or become
4 due; the purchase or retirement of such bonds; the payment of
5 interest on such bonds; or the payment of any redemption
6 premium required to be paid when such bonds are redeemed prior
7 to maturity; however, moneys in such fund shall not be
8 withdrawn therefrom at any time in such amount as would reduce
9 the amount of such fund to less than the maximum debt service
10 reserve with respect to such bonds then outstanding and
11 secured by such reserve fund, except for the purpose of paying
12 the principal of, the interest on, the premium, if any, on,
13 and the retirement of such bonds secured by such reserve fund
14 maturing or becoming due and for the payment of which other
15 moneys of the authority are not available. "Maximum debt
16 service reserve," as used in this section, means, as of any
17 date of calculation and with respect to such bonds secured by
18 the debt service reserve fund, the largest amount of money
19 required by the terms of any contracts of the authority with
20 the holders of such bonds to be provided in any succeeding
21 calendar year for the payment of interest on and serial
22 maturities of such bonds then outstanding and payments
23 required by the terms of any such contracts to be made to
24 sinking funds established for the payment or redemption of
25 such bonds, calculated on the assumption that such bonds will
26 cease to be outstanding after the date of such calculation
27 only by reason of the payment of such bonds at their
28 respective maturities and the making of required payments to
29 sinking funds and the application thereof in accordance with
30 the terms of such contracts to the retirement of such bonds.
31 Any income or interest earned by, or increment to, the debt

1 service reserve fund due to the investment thereof may be
2 transferred to any other fund or account of the authority to
3 the extent it does not reduce the amount of such debt service
4 reserve fund below the maximum debt service reserve with
5 respect to such bonds of the authority then outstanding and
6 secured by such reserve fund.

7 (2) The authority shall not issue bonds at any time if
8 the maximum debt service reserve with respect to such bonds
9 outstanding and then to be issued and secured by the debt
10 service reserve fund will exceed the amount of such reserve
11 fund at the time of issuance, unless the authority, at the
12 time of issuance of such bonds, deposits in such reserve fund
13 from the proceeds of such bonds so to be issued, or otherwise,
14 an amount which, together with the amount then in such reserve
15 fund, will be not less than the maximum debt service reserve
16 with respect to such bonds then to be issued and on all other
17 bonds of the authority then outstanding and secured by such
18 reserve fund.

19 (3) The chair of the authority shall annually, on or
20 before March 1, make and deliver to the Governor the chair's
21 certificate stating the amount, if any, required to restore
22 the debt service reserve fund to the amount required by
23 subsection (1), and the amount or amounts so certified, if
24 any, shall be appropriated and paid to the authority for
25 deposit in such debt service reserve fund prior to the end of
26 the first calendar month of the next succeeding fiscal year.
27 Any payments to be made by the state to the authority for
28 deposit in such debt service reserve fund are subject to and
29 dependent upon appropriations being made from time to time by
30 the Legislature for such purpose.

31

1 (4) In computing the debt service reserve fund for the
2 purposes of this section, securities in which all or a portion
3 of such debt service reserve fund shall be invested shall be
4 valued at par or, if purchased at less than par, at their cost
5 to the authority.

6 (5) Nothing herein shall be deemed to cause the bonds
7 or notes of the authority to be in any way a debt or a
8 liability of the state or any political subdivision thereof
9 other than the authority, and the bonds and notes of the
10 authority, whether or not payable from the debt service
11 reserve fund established pursuant to this section, shall not
12 create or constitute any indebtedness, liability, or
13 obligation of the state or any such political subdivision, or
14 be or constitute a pledge of the faith and credit of the state
15 or of any such political subdivision.

16 (6) For the purposes of this section, the term
17 "initial project" means the initial development or acquisition
18 of any complex as determined by the authority, and shall
19 consist of a major league baseball stadium to seat
20 approximately 56,517 persons, and any smaller minor league
21 stadiums; any facility necessary to conduct pari-mutuel
22 wagering events; and roadways, parking, and other support
23 facilities therefor, and environmental facilities in
24 connection therewith, together with all land and rights in
25 land, structures, and improvements, and other facilities and
26 appurtenances related thereto.

27 Section 23. Right of the state to require redemption
28 prior to maturity.--The state, through order of the Governor
29 upon an act of the Legislature, shall have the right, upon
30 furnishing the authority with sufficient funds therefor, to
31 require the authority to redeem, pay, or cause to be paid, at

1 or prior to maturity, in whole or in part, any bonds issued by
2 the authority under this act, provided that such redemption or
3 payment is made in accordance with the provisions of any
4 contract entered into by the authority with the holders of
5 such bonds.

6 Section 24. Sports Authority Fund.--

7 (1) The State Treasurer shall establish a special fund
8 to be designated as the "Sports Authority Fund" and shall pay
9 into the fund amounts from the General Revenue Fund as
10 necessary to pay the principal and interest on bonds or notes
11 of the authority issued pursuant to this act and to pay any
12 amounts due from the authority under any credit agreement
13 entered into by the authority in connection with the bonds or
14 notes, provided that all payments from the General Revenue
15 Fund are subject to and dependent upon appropriations made
16 from time to time for those purposes.

17 (2) The State Treasurer and the authority are
18 authorized to enter into agreements necessary to effectuate
19 the purposes of this section, including, without limitation,
20 provisions for securing the payment of bonds or notes issued
21 by the authority pursuant to this act and the interest thereon
22 and providing for the investment of moneys in the fund,
23 provided that the agreements shall be subject to approval by
24 the presiding officers of both houses of the Legislature, and
25 provided further than when the purposes of this act have been
26 satisfied, and upon the earlier of:

27 (a) The certification by the State Treasurer that the
28 revenues of the authority are sufficient to satisfy the
29 requirements set forth herein for the term of bonds or notes
30 issued pursuant to this act; or
31

1 (b) The satisfaction of the requirements for the
2 payment of bonds or notes issued pursuant to the authority
3 granted herein,
4
5 the State Treasurer and the authority shall not, except for
6 the refunding of bonds or notes issued pursuant to this act
7 which produces debt service savings, enter into any further
8 agreements regarding payments by the State Treasurer into the
9 Sports Authority Fund for any reason, including, but not
10 limited to, the financing or restructuring of the debt of the
11 authority.

12 (3) The agreements shall indicate the nature and scope
13 of the projects to be financed pursuant to this act.

14 Section 25. Other bonds and notes.--In addition to its
15 other powers to issue bonds and notes, the authority shall
16 have power to issue from time to time bonds and notes payable
17 from amounts in the Sports Authority Fund established pursuant
18 to section 24 as follows:

19 (1) To provide sufficient funds to refund from time to
20 time outstanding bonds or notes of the authority issued for
21 any complex, whether or not the bonds or notes or interest
22 thereon have become due; to provide for the establishment of
23 funds or reserves to secure payment of the bonds or notes or
24 any other bonds or notes issued or to be issued for those
25 purposes or interest thereon; and to provide for the payment
26 of all other costs or expenses of the authority incident to or
27 necessary to carry out the refunding, provided that the
28 refunding bonds issued at any time pursuant to this subsection
29 do not exceed that amount estimated to be necessary so that
30 subsequent to the refunding, the revenues from any complex are
31 sufficient to pay all costs payable from those revenues, as

1 shall be estimated in a determination by the authority made in
2 accordance with the agreement between the authority and the
3 State Treasurer.

4 (2) To finance or refinance a capital program or
5 programs for any complex and project authorized pursuant to
6 this act to provide for major repairs, reconstruction, and
7 improvements that are legally mandated or otherwise needed to
8 meet environmental or safety requirements, to prevent a loss
9 of revenues, to augment revenues, or to continue or enhance
10 the operations of any of the facilities thereof, or to upgrade
11 any of the facilities thereof.

12 (3) To provide for the financing or refinancing of the
13 facilities for the State University System.

14 (4) To finance or refinance feasibility studies for
15 public projects consistent with the purposes of the authority.

16 (5) To provide for the financing or refinancing of any
17 other project of the authority, but only to the extent
18 expressly authorized by law.

19 (6) To provide for the financing of the facilities at
20 institutions of higher education based upon a list of projects
21 recommended by the Commissioner of Education following a
22 competitive application process, provided that the aggregate
23 financing of the projects undertaken pursuant to this
24 subsection does not exceed \$5 million.

25
26 Bonds and notes authorized pursuant to this section shall be
27 special obligations of the authority payable as herein
28 provided. Bonds and notes shall not constitute a debt or
29 liability of the state or a pledge of the faith and credit of
30 the state but are dependent for repayment upon appropriations
31 as provided by law from time to time. These bonds and notes

1 and the interest thereon may also be payable from the proceeds
2 thereof set aside for that purpose and from income accruing
3 thereon.

4 Section 26. Luxury tax revenues.--Notwithstanding any
5 provision of law to the contrary, in the event any convention
6 hall or halls, including the site of a convention hall to be
7 constructed, located in any municipality or county which
8 levies a luxury tax pursuant to such law, is purchased,
9 leased, or otherwise acquired by the Florida Sports Authority
10 and for so long as the authority is the owner or is
11 responsible for supervision of the operation of the convention
12 hall or halls:

13 (1) Subject to and after providing for the payment of
14 the amounts, if any, required to be paid from the luxury tax
15 revenues of the municipality or county under any resolution,
16 indenture, or security agreement authorizing or securing bonds
17 or other obligations of a county improvement authority and to
18 be applied to the payment of the principal of or interest on
19 those bonds or other obligations issued for the convention
20 hall project and to the maintenance of reserves therefor and
21 the allocation of moneys for future debt service payments, all
22 the remaining luxury tax revenues on deposit in the luxury tax
23 fund, including any balance not required for those purposes on
24 deposit in the luxury tax fund on the date of enactment, shall
25 be paid promptly during each year by the State Treasurer from
26 the luxury tax fund to the Florida Sports Authority for
27 application to the purposes of the convention hall project.

28 (2) No further bonds or other obligations, other than
29 refunding bonds, shall be issued and no lease shall be entered
30 into, by any public body other than the Florida Sports
31

1 Authority, the payment of which is to be made from or secured
2 by the luxury tax revenues of the municipality or county.

3 (3) Luxury tax revenues of the municipality which are
4 in excess of the requirements with respect thereto of the
5 Florida Sports Authority relating to any convention hall
6 project shall be applied to the purposes set forth herein.

7 (4) If the luxury tax of the municipality or county,
8 including any increase thereof adopted by the municipality or
9 county, is pledged to the payment of bonds or notes of the
10 Florida Sports Authority, the municipality or county shall not
11 repeal the luxury tax, or reduce the rate of the tax, or
12 eliminate from taxation any retail sales that are subject to
13 the tax so long as the bonds or notes remain outstanding.

14 Section 27. Guarantee by state not to limit or alter
15 rights or powers vested in authority.--The State of Florida
16 hereby pledges to and covenants and agrees with the holders of
17 any bonds or notes issued pursuant to this act that the state
18 will not limit or alter the rights or powers vesting in the
19 authority to acquire, construct, maintain, improve, repair,
20 and operate a project in any way that would jeopardize the
21 interest of such holders, or to perform and fulfill the terms
22 of any agreement made with the holders of such bonds or notes,
23 or to fix, establish, charge, and collect such rents, fees,
24 rates, or other charges as may be convenient or necessary to
25 produce sufficient revenues to meet all expenses of the
26 authority and fulfill the terms of any agreement made with the
27 holders of such bonds and notes, together with interest
28 thereon, with interest on any unpaid installments of interest,
29 and all costs and expenses in connection with any action or
30 proceeding by or on behalf of such holders, until the bonds,
31 together with interest thereon, are fully met and discharged.

1 Section 28. Authorization as legal investment or
2 security for public deposits.--The state and all public
3 officers, governmental units and agencies thereof, all banks,
4 trust companies, savings banks and institutions, building and
5 loan associations, savings and loan associations, investment
6 companies, and other persons carrying on a banking business,
7 and all executors, administrators, guardians, trustees, and
8 other fiduciaries may legally invest any sinking funds,
9 moneys, or other funds belonging to them or within their
10 control in any bonds or notes issued pursuant to this act, and
11 such bonds or notes shall be authorized security for any and
12 all public deposits.

13 Section 29. Lease or conveyance of land by state or
14 governmental subdivisions.--All counties and municipalities
15 and other governmental subdivisions, all authorities, and all
16 public departments, agencies, and commissions of the state,
17 notwithstanding any contrary provision of law, are hereby
18 authorized and empowered to lease, lend, grant, or convey to
19 the authority at its request upon such terms and conditions as
20 the governing body or other proper authorities of such
21 counties, municipalities, and governmental subdivisions,
22 authorities, and departments, agencies, or commissions of the
23 state may deem reasonable and fair and without the necessity
24 for any advertisement, order of court, or other action or
25 formality, other than the authorizing ordinance of the
26 governing body of the municipality, the authorizing resolution
27 of the governing body of the county, or the regular and formal
28 action of any public body concerned, any real property or
29 interest therein which may be necessary or convenient to the
30 effectuation of the purposes of the authority, including

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1 public highways and other real property already devoted to
2 public use.

3 Section 30. Tax exemption; projects and property of
4 authority; bonds or notes; payments in lieu of property
5 taxes.--

6 (1) All projects and other property of the authority
7 are hereby declared to be public property devoted to an
8 essential public and governmental function and purpose and
9 shall be exempt from all taxes and special assessments of the
10 state or any political subdivision thereof; however, when any
11 part of the project site not occupied or to be occupied by
12 facilities of the project is leased by the authority to
13 another whose property is not exempt and the leasing of which
14 does not make the real estate taxable, the estate created by
15 the lease and the appurtenances thereto shall be listed as the
16 property of the lessee thereof, or the lessee's assignee, and
17 assessed and taxed as real estate. All bonds or notes issued
18 pursuant to this act are hereby declared to be issued by a
19 body corporate and public of the state and for an essential
20 public and governmental purpose, and such bonds and notes, and
21 the interest thereon and the income therefrom, and all funds,
22 revenues, income, and other moneys received or to be received
23 by the authority and pledged or available to pay or secure the
24 payment of such bonds or notes, or interest thereon, shall at
25 all times be exempt from taxation except for transfer,
26 inheritance, and estate taxes.

27 (2) To the end that there does not occur an undue loss
28 of future tax revenues by reason of the acquisition of real
29 property by the authority, the authority annually shall make
30 payments in lieu of taxes to the municipality in which such
31 property is located in an amount to be raised by real property

1 taxation in each such year by a fraction, the numerator of
2 which is the amount of real property taxes assessed against
3 the property acquired by the authority in the tax year in
4 which this act becomes effective and the denominator of which
5 is the total amount to be raised by real property taxation in
6 such municipality in the tax year in which this act becomes
7 effective. Such payments shall be made each year commencing
8 with the first year subsequent to the year in which such real
9 property is converted from a taxable to an exempted status by
10 reason of acquisition thereof by the authority.

11 (3) The authority is further authorized and empowered
12 to enter into any agreement or agreements with any county or
13 municipality whereby the authority shall undertake to pay any
14 additional amounts to compensate for any loss of tax revenues
15 by reason of the acquisition of any real property by the
16 authority. Every such county and municipality is authorized
17 and empowered to enter into such agreements with the authority
18 and to accept payments that the authority makes thereunder.

19 Section 31. Annual report; annual audit.--On or before
20 the last day of February in each year, the authority shall
21 make an annual report of its activities for the preceding
22 calendar year to the Governor and the Legislature. Each such
23 report shall set forth a complete operating and financial
24 statement covering its operations during the year. The
25 authority shall cause an audit of its books and accounts to be
26 made at least once in each year by certified public
27 accountants, and the cost thereof shall be considered an
28 expense of the authority. A copy of the audit shall be filed
29 with the Comptroller.

30 Section 32. Services by state officers, departments,
31 boards, agencies, divisions, and commissions.--All officers,

1 departments, boards, agencies, divisions, and commissions of
2 the state are hereby authorized and empowered to render any
3 and all services to the authority as may be within the area of
4 their respective governmental functions as fixed or
5 established by law, and as may be requested by the authority.
6 The cost and expense of such services shall be met by the
7 authority.

8 Section 33. Contracts; requirement for public
9 bids.--The authority, in the exercise of its authority to make
10 and enter into contracts and agreements necessary or
11 incidental to the performance of its duties and the execution
12 of its powers, shall adopt standing rules and procedures
13 providing that, except as hereinafter provided, no contract on
14 behalf of the authority shall be entered into for the
15 performance of any work, or for the hiring of equipment or
16 vehicles, when the amount to be expended exceeds \$500,000
17 unless the authority first publicly advertises for bids
18 therefor and awards the contract to the lowest responsible
19 bidder; however, such advertising shall not be required when
20 the contract to be entered into is one for furnishing or
21 performing services of a professional nature or for supplying
22 any project or rendering any service by a public utility
23 subject to the jurisdiction of the Public Service Commission,
24 and tariffs and schedules of the charges made, charged, or
25 exactd by the public utility for any such products to be
26 supplied or services to be rendered are filed with said
27 commission. This section shall not prevent the authority from
28 having any work performed by its own employees, nor shall it
29 apply to repairs, to the furnishing of materials, supplies, or
30 labor, or to the hiring of equipment or vehicles, when the
31 safety or protection of its or other public property or the

1 public convenience requires, or the exigency of the
2 authority's service will not admit of such advertisement. In
3 such case, the authority shall, by resolution passed by the
4 affirmative vote of a majority of its members, declare the
5 exigency or emergency to exist, and set forth in the
6 resolution the nature thereof and the approximate amount to be
7 so expended.

8 Section 34. Purchases, contracts, or agreements; over
9 threshold amount, requirements for public bids; under
10 threshold amount, manner approved by authority.--

11 (1) All purchases, contracts, or agreements in which
12 the cost or contract price exceeds \$500,000 or, after June 30,
13 2000, the amount determined pursuant to this section, shall,
14 except as otherwise provided in this act, be made, negotiated,
15 or awarded only after public advertisement for bids therefor
16 and shall be awarded to that responsible bidder whose bid,
17 conforming to the invitation for bids, is most advantageous to
18 the authority, in its judgment, upon consideration of price
19 and other factors. Any bid may be rejected when the authority
20 determines that it is in the public interest to do so.

21 (2) Any purchase, contract, or agreement in which the
22 cost or contract price is less than or equal to \$500,000 or,
23 after June 30, 2000, the amount determined pursuant to this
24 section, may be made, negotiated, or awarded by the authority
25 without advertising and in any manner that the authority, in
26 its judgment, deems necessary to serve its unique interests
27 and purposes and that promotes, whenever practicable, full and
28 free competition by the acceptance of quotations or proposals
29 or by the use of other suitable methods.

30 (3) Commencing January 1, 2001, the Governor, in
31 consultation with the State Treasurer, shall, no later than

1 March 1 of each odd-numbered year, adjust the threshold amount
2 set forth in this section, or, subsequent to 2001, the
3 threshold amount resulting from any adjustment under this
4 subsection, in direct proportion to the rise or fall of the
5 Consumer Price Index for all urban consumers in the Miami-Dade
6 area as reported by the United States Department of Labor. The
7 Governor shall, no later than June 1 of each odd-numbered
8 year, notify the authority of the adjustment. The adjustment
9 shall become effective on July 1 of each odd-numbered year.

10 Section 35. Set-aside contract goals.--The authority
11 is authorized and directed to establish, prior to initiating
12 any project on or after the effective date of this act, small
13 business, minority business, and women's business set-aside
14 contract goals and procedures in accordance with applicable
15 provisions of law.

16 Section 36. Exemptions.--Any purchase, contract, or
17 agreement in which the cost or contract price exceeds the
18 amount specified in this act, or, after June 30, 2001, the
19 amount calculated by the Governor, may be made, negotiated, or
20 awarded by the authority without advertisement for bids when
21 the subject matter is that described in section 37 or when the
22 purchase, contract, or agreement is made, negotiated, or
23 awarded under the circumstances described in section 38. In
24 any such instance, the authority may make, negotiate, or award
25 the purchase, contract, or agreement in any manner that the
26 authority deems necessary to serve its unique interests and
27 purposes and that promotes, whenever practicable, full and
28 free competition by the acceptance of quotations or proposals
29 or by the use of other suitable methods.

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31

1 Section 37. Exemptions; subject matter.--Any purchase,
2 contract, or agreement may be made, negotiated, or awarded
3 pursuant to this act when the subject matter consists of:
4 (1) Services that are professional or technical in
5 nature or services that are original and creative in character
6 in a recognized field of artistic endeavor;
7 (2) Items that are perishable or subsistence supplies;
8 (3) Items that are specialized equipment or
9 specialized machinery necessary to the conduct of authority
10 business;
11 (4) Items or services supplied by a public utility
12 subject to the jurisdiction of the Public Service Commission,
13 and tariffs and schedules of the charges made, charged, or
14 exactd by the public utility for those items or services that
15 are filed with the commission;
16 (5) Items that are styled or seasonal wearing apparel;
17 (6) Items or services that, in order to compete
18 successfully with other sports and entertainment facilities,
19 the authority deems necessary to provide quality athletic
20 contests, pari-mutuel wagering events, or other spectator
21 sporting events and trade shows, expositions, concerts, and
22 other public events. These items and services shall include,
23 but not be limited to, food concessions; playing surfaces for
24 football, soccer, tennis, or other athletic contests; indoor
25 footracing tracks; ice making and resurfacing equipment and
26 services; matrix and scoreboard systems; ticket printing and
27 ticket selling services; materials, supplies, equipment, and
28 services for preparation and maintenance of pari-mutuel
29 wagering events; program printing; pari-mutuel computer or
30 totalisator equipment or services; teletimer equipment or
31 services; photo finish equipment or services; and items or

1 services that are part of or related to promotional or
2 advertising efforts;
3 (7) The lease of such office space, office machinery,
4 specialized equipment, buildings, or real property as may be
5 required for the conduct of authority business; or
6 (8) The sale or licensing of advertising rights.
7 Section 38. Exemptions; circumstances.--Any purchase,
8 contract, or agreement may be made, negotiated, or awarded
9 pursuant to this act when:
10 (1) Standardization of equipment and
11 interchangeability of parts is in the public interest;
12 (2) Only one source of supply or service is available;
13 (3) The safety or protection of authority property or
14 other public property requires;
15 (4) The exigency of the authority's service will not
16 admit of advertisement;
17 (5) More favorable terms can be obtained from a
18 primary source of supply of an item or service;
19 (6) Bid prices, after advertising, are not reasonable
20 or have not been independently arrived at in open competition;
21 but no negotiated purchase, contract, or agreement may be
22 entered into under this subsection after the rejection of all
23 bids received unless notification of the intention to
24 negotiate and reasonable opportunity to negotiate is given to
25 each responsible bidder; the negotiated price is lower than
26 the lowest rejected bid price of a responsible bidder; and the
27 negotiated price is the lowest negotiated price offered by any
28 responsible contractor;
29 (7) The purchase is to be made from, or the contract
30 is to be made with, the Federal Government or any state
31 government or agency or political subdivision thereof; or

1 (8) Purchases are made through or by the Department of
2 Management Services.

3 Section 39. Award without public advertisement;
4 resolution; specification of subject matter or
5 circumstances.--In any case in which the authority makes,
6 negotiates, or awards a purchase, contract, or agreement
7 without public advertisement pursuant to section 36, the
8 authority shall, by resolution passed by the affirmative vote
9 of a majority of its members, specify the subject matter or
10 circumstances set forth in section 37 or section 38 which
11 permit the authority to take such action.

12 Section 40. Work by employees of authority.--Nothing
13 herein shall prevent the authority from having any work
14 performed by its own employees.

15 Section 41. Effect of inconsistent acts and rules
16 adopted hereunder.--It is the intent of the Legislature that
17 in the event of any conflict or inconsistency in the
18 provisions of this act and any other acts pertaining to
19 matters herein established or provided for or in any rules
20 adopted under this act or said other acts, to the extent of
21 such conflict or inconsistency, the provisions of this act and
22 the rules adopted hereunder shall be enforced, and the
23 provisions of such other acts and rules adopted thereunder
24 shall be of no force and effect.

25 Section 42. Partial invalidity.--If any clause,
26 sentence, paragraph, section, or part of this act is adjudged
27 by any court of competent jurisdiction to be invalid, such
28 judgment shall not affect, impair, or invalidate the remainder
29 thereof, but shall be confined in its operation to the clause,
30 sentence, paragraph, section, or part thereof directly
31

1 involved in the controversy in which such judgment has been
2 rendered.

3 Section 43. Construction of act.--This act shall be
4 construed liberally to effectuate the legislative intent and
5 the purposes of the act as complete and independent authority
6 for the performance of each act and thing herein authorized,
7 and all powers herein granted shall be broadly interpreted to
8 effectuate such intent and purposes and not as a limitation of
9 powers.

10 Section 44. Legislative findings and declarations.--

11 (1) The Legislature finds and declares that the
12 general welfare of the people of the state will be promoted by
13 the advancement of pari-mutuel wagering facilities in the
14 state; that it is vital to state government that the revenues
15 derived from pari-mutual wagering in the state be continued;
16 that ownership and operation of pari-mutuel events by a state
17 agency would protect against a loss of revenue to the state
18 and assure the financial stability of such facilities and
19 availability of capital to repair, reconstruct, and restore
20 damaged or destroyed facilities thereof and to provide
21 improvements and additions thereto; and that the advancement
22 and retention of such facilities and related activities in the
23 state will not only provide recreational opportunities for the
24 people of the state but will also benefit the people in the
25 form of increased commerce and employment.

26 (2) The Legislature has determined that in order to
27 accomplish such purposes and goals, it is necessary and
28 desirable to authorize the Florida Sports Authority to
29 immediately acquire and operate any pari-mutuel wagering
30 facility and its contiguous properties and auxiliary
31 facilities.

1 (3) The Legislature further finds that the powers
2 conferred by this act and the expenditure of public moneys
3 pursuant thereto will serve a valid public purpose and that
4 the enactment of the provisions of this act is in the public
5 interest and is declared to be such as a matter of express
6 legislative determination.

7 Section 45. Pari-mutuel wagering facility;
8 acquisition, operation, maintenance, repair, reconstruction,
9 and improvement; feasibility study; additional projects;
10 approval by Legislature.--The authority is hereby authorized
11 and empowered to acquire, operate, maintain, repair,
12 reconstruct, restore, and improve as additional projects any
13 pari-mutuel wagering facility and any contiguous properties
14 and auxiliary facilities, including, without limitation,
15 pavilions, stands, clubhouses, training tracks, fairgrounds,
16 and other exposition facilities, together with all buildings,
17 structures, roads, parking areas, recreation areas,
18 restaurants, transportation facilities or systems, equipment,
19 furnishings, properties, and appurtenances related thereto or
20 incidental to, necessary for, or complementary to the purposes
21 thereof, provided that, so long as any bonds or notes issued
22 to finance any other complex are outstanding, none of the
23 revenues of any other complex shall be used for any of the
24 foregoing or to pay principal of or interest on any bonds or
25 notes issued to finance an additional project. The authority
26 shall not acquire any of the foregoing facilities until a
27 feasibility study conducted by a private, independent
28 consulting firm satisfactory to the Legislature has been
29 completed demonstrating that the reconstructed facility will
30 generate sufficient revenues to ensure repayment of
31 indebtedness incurred to finance its acquisition and

1 reconstruction and that it will not have a materially adverse
2 effect on the operations and financial condition of any other
3 complex.

4 Section 46. Conduct of pari-mutuel wagering events and
5 pari-mutuel wagering.--

6 (1) The authority is hereby authorized, licensed, and
7 empowered to apply to the Department of Business and
8 Professional Regulation for a permit or permits to conduct, as
9 part of the additional projects authorized in section 45 or
10 any one or more thereof, pari-mutual wagering events for
11 stake, purse, or reward, and to provide a place or places on
12 the grounds or enclosure for wagering by patrons on the result
13 of such events by the pari-mutuel system, and to receive
14 charges and collect all revenues, receipts, and other moneys
15 from the ownership and operation thereof, provided that only
16 the authority through its employees may conduct such
17 pari-mutuel wagering events, and the authority is expressly
18 prohibited from placing in the control of any other person,
19 firm, or corporation the conduct of such events, meetings, or
20 wagering.

21 (2) Except as otherwise provided in chapter 550,
22 Florida Statutes, such pari-mutuel wagering events and
23 pari-mutuel wagering shall be conducted by the authority in
24 compliance with the standards set forth and the rules and
25 conditions prescribed by the Department of Business and
26 Professional Regulation for the conduct of such events and for
27 pari-mutuel wagering at such events.

28 (3) Applications for permits shall be on forms
29 prescribed by the Department of Business and Professional
30 Regulation. The Department of Business and Professional
31 Regulation shall review and act on any application within 30

1 days after its filing and is authorized in its sole discretion
2 to determine whether a permit is granted to the authority. If,
3 after review, the Department of Business and Professional
4 Regulation acts favorably on an application, a permit shall be
5 granted to the authority without further approval which permit
6 shall be in substitution for and shall supersede the permit
7 issued any such facility and shall remain in force and effect
8 so long as any bonds or notes of the authority issued for the
9 purposes of any of the additional projects remain outstanding,
10 the provisions of any other law to the contrary
11 notwithstanding. In granting a permit to the authority to
12 conduct such events, the Department of Business and
13 Professional Regulation shall not be limited as to the number
14 of facilities permitted pursuant to any provision of law. Said
15 permit shall specify the dates allotted to the authority for
16 its conduct of such events. Thereafter, application by the
17 authority for dates for pari-mutuel wagering events and the
18 allotment thereof by the Department of Business and
19 Professional Regulation, including renewal of the dates
20 heretofore allotted, shall be governed by the applicable
21 provisions of law. Notwithstanding the provision of any other
22 law to the contrary, the Department of Business and
23 Professional Regulation shall allot annually to the authority
24 not fewer than 50 thoroughbred or standardbred racing days at
25 such facility, if and to the extent that application is made
26 therefor, or 100 performances at any other facility.

27 (4) No hearing, referendum, or other election or
28 proceeding, and no payment, surety, or cash bond or other
29 deposit, shall be required for the authority to hold or
30 conduct the pari-mutuel wagering events with pari-mutuel
31 wagering herein authorized.

1 (5) The authority shall determine the amount of the
2 admission fee for such events and all matters relating to the
3 collection thereof.

4 (6) All moneys held by the authority for payment of
5 outstanding pari-mutuel tickets not claimed by the person or
6 persons entitled thereto within the time provided by law shall
7 be paid to the authority upon the expiration of such time
8 without further obligation to such ticket holder.

9 (7) Except as herein provided, no admission or
10 amusement tax, excise tax, license, or pari-mutuel wagering
11 fee of any kind shall be assessed or collected from the
12 authority by the state, or by any county or municipality, or
13 by any other body having power to assess or collect license
14 fees or taxes.

15 (8) Any pari-mutuel wagering event and the pari-mutuel
16 system of wagering upon the result of an event held at such
17 facility with respect to any additional project shall not,
18 under any circumstances, if conducted as provided in this act
19 and in conformity thereto, be held or construed to be
20 unlawful, any other law to the contrary notwithstanding.

21 (9) Each employee of the authority engaged in
22 conducting pari-mutuel wagering events shall obtain the
23 appropriate license from the Department of Business and
24 Professional Regulation. The Department of Business and
25 Professional Regulation, after a hearing, may suspend any
26 member of the authority upon approval of the Governor and may
27 suspend the license of any employee of the authority for any
28 violation of the laws governing pari-mutuel wagering or any
29 rule of the Department of Business and Professional
30 Regulation. Such hearing shall be held and conducted in the
31 manner provided by law.

1 Section 47. This act shall take effect December 31,
2 2000.

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5 LEGISLATIVE SUMMARY

6 Creates the "Florida Sports Authority Law" to create a
7 corporate agency of the state to provide for additional
8 facilities to accommodate trade shows, expositions,
9 sports events, and other public events in the state,
including pari-mutuel wagering events. (See bill for
details.)

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