

1                   A bill to be entitled  
2           An act relating to port area improvement;  
3           creating the "Community Improvement Authority  
4           Act"; providing legislative findings and  
5           intent; defining terms; providing for the  
6           creation of community improvement authorities  
7           in eligible counties; providing for the  
8           management of authorities; providing for the  
9           powers of an authority; authorizing the use of  
10          bonds to fund projects; providing for a tax  
11          exemption on bonds; providing for limitations  
12          on damages; providing for awarding contracts  
13          for the construction of projects; providing for  
14          dissolution of an authority; providing  
15          severability; providing for liberal  
16          construction; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Short title.--This act may be cited as the  
21 "Community Improvement Authority Act."

22           Section 2. Legislative findings; intent.--

23           (1) The Legislature finds that certain counties in the  
24 state have the need for enhancement of areas surrounding major  
25 downtown areas through the improvement of existing facilities  
26 and the development of facilities and other attractions,  
27 including professional sports facilities, and other related  
28 amenities and infrastructure. The Legislature also finds that  
29 these projects serve a paramount public purpose and that there  
30 is a need to provide a comprehensive method and funding  
31 sources for providing for the development and operation of

1 facilities and other attractions, including professional  
2 sports facilities, and other related amenities and  
3 infrastructure.

4 (2) It is declared to be the intent of the Legislature  
5 to prescribe a uniform procedure for establishing independent  
6 authorities for the purpose of planning, financing,  
7 constructing, renovating, developing, operating and  
8 maintaining facilities and other attractions, including  
9 professional sports facilities and other related amenities and  
10 infrastructure within highly populated counties of the state  
11 and within counties contiguous therewith.

12 (3) It is the intent of the Legislature that each  
13 authority shall take all steps reasonable, necessary, or  
14 advisable to generate local support for the development of  
15 projects, including professional sports facilities and related  
16 amenities and infrastructure, to serve as an intermediary and  
17 facilitate negotiations with and among private interests,  
18 community organizations, and governmental authorities in  
19 connection with the construction or development of such  
20 projects, to explore, research, and analyze financing and  
21 related alternatives for the construction or development of  
22 such projects, and to present findings and recommendations to  
23 the appropriate governmental entities with respect to the  
24 construction or development of such projects.

25 (4) Because the independent authorities so created  
26 shall be empowered to exercise certain substantial powers and  
27 authority in more than one county, it is declared to be the  
28 intent of the Legislature that the Community Improvement  
29 Authority Act be construed for all purposes as a general law  
30 that relates to more than one county and that the independent  
31 authorities so created not be deemed to have jurisdiction

1 lying wholly within any one county within the meaning of any  
2 constitutional, statutory, or charter provision.

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

5 (1) "Authority" means an authority created under this  
6 act.

7 (2) "Board" or "board of supervisors" means the  
8 governing body of an authority.

9 (3) "Bond" means any general obligation bond, revenue  
10 bond, refunding bond, note, or other debt obligation  
11 authorized under this act.

12 (4) "Department" means the Department of Revenue.

13 (5) "Eligible county" means any county within the  
14 state which simultaneously satisfies the following criteria:

15 (a) At least two professional sports facilities exist  
16 in the county, and

17 (b) The county has a population of not less than 1.5  
18 million according to the most recent annual publication of  
19 County Population Estimates of the U.S. Bureau of the Census.  
20 Once a governing body has been appointed for an authority in  
21 an eligible county, that county is considered an eligible  
22 county for all purposes of this act, notwithstanding  
23 subsequent reductions in population.

24 (6) "Professional sports facility" means a ballpark,  
25 stadium, arena, coliseum, or similar facility intended for use  
26 by a professional sports franchise that exists within the  
27 National League or the American League of Major League  
28 Baseball, the National Basketball Association, the National  
29 Football League, or the National Hockey League.

30 (7) "Project" means facilities, attractions, and other  
31 improvements authorized by this act, including professional

1 sports facilities, related amenities and infrastructure, and  
2 systems, facilities, and services determined by an authority  
3 to be beneficial to the development, ownership, and operation  
4 of any of the foregoing, including the acquisition of land and  
5 any interest therein.

6 (8) "Refunding bonds" means bonds issued to retire or  
7 refinance outstanding bonds of an authority and the interest  
8 and redemption premium thereon.

9 (9) "Revenue bonds" means obligations of an authority  
10 or other governmental body which are payable from revenues or  
11 other funds derived from sources other than ad valorem taxes  
12 on real or tangible personal property.

13 Section 4. Creation of a community improvement  
14 authority; charter.--

15 (1) A community improvement authority is established  
16 within each eligible county with all of the powers, authority,  
17 duties, and limitations set forth in this act, including the  
18 powers set forth in this act to undertake certain activities  
19 in counties contiguous with such eligible county. This act  
20 constitutes the charter of each such authority, and this act  
21 may be amended in the same manner as any other general law of  
22 the state. Each authority shall be designated "\_\_\_ County  
23 Community Improvement Trust," with the blank space being  
24 completed by inserting the name of the eligible county in  
25 which the authority is located. Notwithstanding the foregoing,  
26 in any eligible county in which an independent port district  
27 was abolished with support of the majority of electors of that  
28 county voting in a referendum held within 10 years immediately  
29 preceding the effective date of this act, an authority shall  
30 not be established and no authority shall have jurisdiction or  
31

1 exercise any powers within such county without an approving  
2 ordinance adopted by such county's governing body.

3 (2) Each authority is a body politic and corporate, a  
4 public instrumentality, and an independent special district  
5 within the meaning of chapter 189, Florida Statutes, the  
6 jurisdiction of which encompasses the applicable eligible  
7 county and each county contiguous therewith, except as  
8 expressly provided herein.

9 Section 5. Board of supervisors.--

10 (1) A board of supervisors shall govern each  
11 authority.

12 (2) The board shall be composed of nine members. Not  
13 sooner than 60 days after the authority is established, the  
14 Governor shall appoint two members to the board; the county  
15 commission of the eligible county shall appoint three members  
16 to the board; the mayor of the eligible county shall appoint  
17 one member to the board; the city commission within which the  
18 projects are proposed to be constructed shall appoint two  
19 members to the board; and the mayor of such city shall appoint  
20 one member to the board. In the event that within 30 days  
21 after the Governor has made two appointments to the board, all  
22 9 members shall not have been appointed, then the members of  
23 the board of such authority who shall have been appointed  
24 shall select by majority vote among them at the organizational  
25 meeting of the board, without regard to the presence of a  
26 quorum, the remaining members of the board. Each appointing  
27 authority shall appoint members of the board to succeed those  
28 whose terms are expiring not less than 60 days before the  
29 expiration of such term. All members of the board must have  
30 expertise in one or more of the following areas: public  
31 finance, private finance, public accounting, commercial law,

1 commercial real estate, real estate development, general  
2 contracting, architecture, and administration of professional  
3 sports team operations. A member of the board may not, at the  
4 time of appointment, hold an elected public office in the  
5 state.

6 (3) The organizational meeting of the board shall be  
7 held not less than 30 days and not more than 45 days after the  
8 Governor has made two appointments to the board. Appointed  
9 members of the board shall hold office for a term of 4 years  
10 or until their successors take office, except that the two  
11 initial members appointed by the Governor, one of the initial  
12 members appointed by the commission of the eligible county,  
13 and one of the initial members appointed by the mayor of the  
14 eligible county shall be appointed to terms of 3 years. In the  
15 event that initial members are appointed by the board, the  
16 board shall designate which, if any, of the initial members  
17 appointed by the board shall hold office for a term of three  
18 years, such that 4 of the 9 initial members of the board shall  
19 be designated to hold office for terms of 3 years. If during a  
20 member's term of office a vacancy occurs, the Governor shall  
21 fill the vacancy by appointment for the remainder of the term.

22 (4) The members of the board must be residents of the  
23 eligible county in which the authority is located.

24 (5) Five members of the board shall constitute a  
25 quorum, and the affirmative vote of a majority of the members  
26 present and voting is necessary to take any official action.

27 (6) The members of the board shall serve without  
28 compensation but are entitled to reimbursement for travel and  
29 per diem expenses in accordance with section 112.061, Florida  
30 Statutes.

31

1           (7) The board shall at the time of organizing, and  
2 annually thereafter, elect a chair for a term of 1 year or  
3 until a successor is elected or the chair is removed, with or  
4 without cause, by the board. The chair shall preside at all  
5 meetings of the board. If the chair is absent or disqualified  
6 at any meeting, any member of the board may be designated  
7 chair pro-tempore for that meeting.

8           Section 6. Executive director.--The board may appoint  
9 and fix the salary of an executive director to carry out the  
10 day-to-day activities of the authority and to administer the  
11 policies of the board.

12           Section 7. Chief financial officer and other officers;  
13 financial records; fiscal year.--

14           (1) The board may appoint and fix the salary of a  
15 chief financial officer of the authority, who is responsible  
16 for the funds and finances of the authority. Funds may be  
17 disbursed only at the direction of the board signed by the  
18 persons designated by the board. The board may give the chief  
19 financial officer additional powers and duties.

20           (2) The board or the executive director upon authority  
21 delegated by the board may appoint or employ other officers or  
22 employees of the authority and give them appropriate powers  
23 and duties.

24           (3) The financial records of the authority shall be  
25 audited by an independent certified public accountant at least  
26 once each year.

27           (4) The fiscal year of the authority begins October 1  
28 of each year and ends September 30 of the following year.

29           Section 8. Budgets.--On or before June 30 of each  
30 year, the executive director of the authority shall prepare a  
31 proposed budget, including an estimate of all revenues and

1 anticipated expenditures, for the following fiscal year to be  
2 submitted to the board for approval or modification. The  
3 budget must be adopted before October 1 of each year.

4 Section 9. Powers and duties.--

5 (1) Each authority has, and the board may exercise the  
6 power to take all steps reasonable, necessary, or advisable to  
7 generate local support for the development of projects,  
8 including professional sports facilities and related amenities  
9 and infrastructure, to serve as an intermediary and facilitate  
10 negotiations with and among private interests, community  
11 organizations, and governmental authorities in connection with  
12 the construction or development of such projects, and to  
13 explore, research, and analyze financing and related  
14 alternatives for the construction or development of such  
15 projects.

16 (2) As appropriate, the authority shall present  
17 findings and make recommendations to the applicable  
18 governmental entity necessary to secure support or action with  
19 respect to such recommendations and to secure sources of  
20 financing and other funding alternatives for the construction  
21 or development of such projects.

22 (3) In the event an appropriate governmental  
23 authority, acting upon the recommendations of the authority,  
24 has approved a source or sources of funding to finance the  
25 construction or development of a project and such source or  
26 sources of funding, if consisting of revenues to be derived  
27 from a new tax, assessment, surcharge or levy, or from an  
28 increase to an existing tax, assessment, surcharge or levy,  
29 have been approved by a majority of the qualified electors  
30 within the jurisdiction of such governmental authority voting  
31



1 in a duly held referendum, the board may exercise the power  
2 to:

3 (a) Either alone or in cooperation with the eligible  
4 county or other governmental body, finance, refinance,  
5 acquire, plan, design, develop, construct, own, lease,  
6 operate, maintain, manage, renovate, improve, and promote any  
7 project located in the eligible county or any county  
8 contiguous therewith consisting of one or more facilities and  
9 other attractions and related amenities and infrastructure,  
10 including: professional sports facilities and recreational,  
11 commercial, cultural and educational facilities; civic,  
12 multi-purpose meeting facilities; and all forms of media  
13 communication, transmission, and production systems and  
14 facilities.

15 1. During the 24-month period following establishment  
16 of an authority, the only project an authority may initiate is  
17 a professional sports facility and related amenities and  
18 infrastructure, which initiation must be evidenced by adoption  
19 of a resolution setting forth the authority's commitment to  
20 initiate and promptly implement a professional sports facility  
21 project;

22 2. A professional sports facility may not be  
23 constructed outside the eligible county that is intended to  
24 accommodate regular season games of a professional sports  
25 franchise that exists within the National League or the  
26 American League of Major League Baseball, the National  
27 Basketball Association, the National Football League, or the  
28 National Hockey League; and

29 3. No other project may be constructed outside the  
30 eligible county unless the authority and the county in which  
31

1 such facility will be located have entered into an interlocal  
2 agreement with respect to such project.

3 (b) Finance, refinance, acquire, plan, design,  
4 develop, construct, own, lease, operate, maintain, manage,  
5 renovate, improve, and promote any facilities and  
6 infrastructure within the authority's jurisdictional  
7 boundaries that are reasonably ancillary, incidental, or  
8 supporting of projects, including, but not limited to, roads,  
9 bridges, parking, and other transportation facilities.

10 (4) In addition, the board may exercise the power to:

11 (a) Provide for the protection of persons using the  
12 facilities of the authority by contracting to provide police  
13 protection, emergency medical services, and fire protection  
14 related to the facilities only with the prior consent of the  
15 county or municipality that provides these services at the  
16 time of the establishment of the authority.

17 (b) Sue and be sued in the name of the authority.

18 (c) Adopt and use a seal and authorize the use of a  
19 facsimile thereof.

20 (d) Make and execute contracts and other instruments  
21 necessary or convenient to the exercise of its powers.

22 (e) Employ staff and contract for the services of such  
23 independent consultants, professionals, managers, and  
24 operators as the board finds necessary and convenient.

25 (f) Maintain offices as the board finds necessary.

26 (g) Adopt procedures for the conduct of the  
27 authority's affairs, the conduct of its business, and the  
28 administration of this act.

29 (h) Accept gifts; apply for and use grants or loans of  
30 money or other property from the United States or any  
31 department, agency, or unit of local government thereof, the

1 state or any of its subdivisions or agencies, any other state  
2 or any subdivision or agency thereof, or any person for  
3 authority purposes and enter into any agreements required in  
4 connection therewith; and hold, use, and dispose of money or  
5 property for any authority purposes in accordance with the  
6 terms of the gift, grant, loan, or agreement relating thereto.

7 (i) Hold, control, and acquire by donation or  
8 purchase, and dispose of, any real or personal property, or  
9 any estate therein, within or outside the authority's  
10 boundaries, for any authority purpose.

11 (j) Lease as lessor or lessee to or from any person,  
12 public or private, any projects of the type that the authority  
13 is authorized to undertake and facilities or property of any  
14 nature for the use of the authority to carry out any of the  
15 purposes authorized by this act.

16 (k) Borrow money and issue bonds or other evidence of  
17 indebtedness as otherwise provided in this act.

18 (l) Fix, collect, and enforce fees, rates, or other  
19 user charges for any service, program, or facility provided by  
20 the authority.

21 (m) Cooperate and contract with other governmental  
22 entities and, under an interlocal agreement with such an  
23 entity, undertake any project authorized in this act or that  
24 the contracting governmental entity is authorized to undertake  
25 and that furthers an authority purpose.

26 (n) Invest moneys received by the authority as is  
27 permitted by law or as provided in any resolution adopted by  
28 the board.

29 (o) Procure necessary insurance or self-insure.

30 (p) Establish such independent entities or affiliated  
31 entities, whether in the form of a not-for-profit corporation

1 or other legal entity, for such purposes as the board  
2 considers necessary or appropriate to carry out its projects  
3 or to administer projects or funds for the benefit of all or  
4 any portion of the eligible county or any county contiguous  
5 therewith.

6 (q) Make grants of authority funds to the eligible  
7 county or any county contiguous therewith or to any  
8 municipality, or any other governmental unit in any such  
9 county if the grant furthers any purpose of the authority.

10 (r) Exercise all powers necessary, convenient,  
11 incidental, or proper in connection with any of the powers,  
12 duties, or purposes authorized by this act.

13 Section 10. Bonds.--

14 (1) AUTHORIZATION AND FORM OF BONDS.--

15 (a) The authority may issue and sell bonds for any  
16 purpose for which the authority has the power to expend money,  
17 including, without limitation, the power to obtain working  
18 capital loans to finance the costs of any project and to  
19 refund any bonds or other indebtedness at the time outstanding  
20 at or before maturity. Bonds may be sold by public or  
21 negotiated sale after advertisement, if any, as the board  
22 considers advisable. Bonds may be authorized by resolution of  
23 the board.

24 (b) Bonds of the authority may reflect and evidence  
25 any form of financing structure that may become marketable  
26 from time to time, including, but not limited to, taxable or  
27 tax-exempt bonds; bonds that bear current interest, whether  
28 fixed or variable; bonds issued at an original issue discount  
29 or premium; capital appreciation bonds; bonds that are  
30 convertible, whether or not at the option of the holder, into  
31 a form of bonds differing from that in which they were

1 originally issued; bonds that allow the holder to tender the  
2 bonds to the authority or its agent; bonds that are issued  
3 with separate call-option rights that may be sold by the  
4 authority at the time of issuance of the bonds or thereafter;  
5 and bonds of any type issued in connection with interest-rate  
6 swaps or other derivative products. Bonds may be sold in  
7 blocks or installments at different times, or an entire issue  
8 or series may be sold at the same time.

9 (c) The board may, by resolution, fix the aggregate  
10 maximum amount of bonds to be issued; the purpose or purposes  
11 for which the moneys derived therefrom may be expended,  
12 including, but not limited to, payment of costs of one or more  
13 projects; the rates of interest; the denominations of the  
14 bonds; whether or not the bonds are to be issued in one or  
15 more series; the dates of maturity, which may not exceed 40  
16 years from the respective date of issuance; the medium of  
17 payment; the places within or outside the state where payment  
18 must be made; registration privileges; redemption terms and  
19 privileges, whether with or without premium; the manner of  
20 execution; the form of the bonds, including any interest  
21 coupons to be attached thereto; the manner of execution of  
22 bonds and coupons; and any other terms, covenants, and  
23 conditions thereof and the establishment of revenue or other  
24 funds. The authorizing resolution may further provide for the  
25 contracts authorized by section 159.825(1)(f) and (g), Florida  
26 Statutes, regardless of the tax treatment of the bonds being  
27 authorized. The authorizing resolution may further provide for  
28 an electronic-book-entry system of registration, or for  
29 certificated bonds. The seal of the authority may be affixed,  
30 lithographed, engraved, or otherwise reproduced in facsimile  
31 on the bonds.

1           (d) Any issue of bonds may be secured by a trust  
2 agreement by and between the authority and corporate trustees,  
3 which may be any trust company or bank having the powers of a  
4 trust company within or outside the state. Any provisions  
5 regarding the details or terms of any bonds that are required  
6 or permitted to be set forth in a resolution of the board may  
7 be set forth in a trust agreement with the same effect as if  
8 the provisions were set forth in a resolution of the board.  
9 The resolution authorizing the issuance of the bonds or the  
10 trust agreement may pledge any legally available revenues of  
11 the authority, including, without limitation, the proceeds of  
12 rental payments received by the authority, and may contain  
13 such provisions for protecting and enforcing the rights and  
14 remedies of the bondholders as the board approves, including,  
15 without limitation, covenants authorized under subsection (4)  
16 and covenants setting forth the duties of the authority in  
17 relation to the acquisition, construction, reconstruction,  
18 improvement, maintenance, repair, operation, and insurance of  
19 any projects; the fixing and revising of the rates, fees, and  
20 charges; and the custody, safeguarding, and application of all  
21 moneys, and may contain provisions for the employment of  
22 engineers, accountants and other consultants in connection  
23 with such acquisition, construction, reconstruction,  
24 improvement, maintenance, repair, or operation. It is lawful  
25 for any bank or trust company within or outside the state to  
26 act as a depository of the proceeds of bonds or of revenues  
27 and to furnish such indemnifying bonds or to pledge such  
28 securities as are required by the authority. The resolution  
29 or trust agreement may set forth the rights and remedies of  
30 the bondholders and of the trustee, if any, and may restrict  
31 the individual rights of action by bondholders. The board may

1 provide for the payment of proceeds of the sale of the bonds  
2 and the revenues of any project to any officer, board, or  
3 depository that it designates for the custody thereof and may  
4 provide for the method of disbursement thereof with such  
5 safeguards and restrictions as it establishes. All expenses  
6 incurred in carrying out the provisions of the resolution or  
7 trust agreement may be treated as part of the cost of a  
8 project to which the trust agreement pertains or as part of  
9 the cost of the operation of the project.

10 (e) Bonds may be delivered by the authority as payment  
11 of the purchase price of any project or part thereof, or a  
12 combination of projects or parts thereof, or as the purchase  
13 price or exchange for any property, real, personal, or mixed,  
14 including franchises or services rendered by any contractor,  
15 engineer, or other person, all at one time or in blocks from  
16 time to time, in such manner and upon such terms as the board  
17 determines.

18 (f) Pending the preparation of definitive bonds, the  
19 board may issue interim certificates or receipts or temporary  
20 notes or bonds, in a form and with such provisions as the  
21 board establishes, exchangeable for definitive bonds when the  
22 bonds have been executed and are available for delivery. The  
23 board may also provide for the replacement of any bonds that  
24 become mutilated, lost, or destroyed.

25 (g) All bonds issued on behalf of the authority must  
26 state on the face thereof that they are payable, both as to  
27 principal and interest, solely from assets of the authority  
28 pledged therefor and do not constitute an obligation, either  
29 general or special, of the state or of any local government.

30 (2) NEGOTIABILITY OF BONDS.--Any bond issued under  
31 this act or any temporary bond, in the absence of an express

1 recital on the face thereof that it is nonnegotiable, is fully  
2 negotiable and constitutes a negotiable instrument within the  
3 meaning and for all proposes of the law merchant and the laws  
4 of the state.

5 (3) BONDS AS LEGAL INVESTMENT OR SECURITY.--

6 (a) Notwithstanding any other law to the contrary, all  
7 bonds issued under this act constitute legal investments for  
8 savings banks, banks, trust companies, insurance companies,  
9 executors, administrators, trustees, guardians, and other  
10 fiduciaries and for any board, body, agency, instrumentality,  
11 county, municipality, or other political subdivision of the  
12 state.

13 (b) Any bonds issued by the authority are  
14 incontestable in the hands of bona fide purchasers or holders  
15 for value and are not invalid because of any irregularity or  
16 defect in the proceedings for the issue and sale thereof or  
17 because of any initiative or referendum taking place after the  
18 bonds are issued.

19 (4) COVENANTS.--Any resolution authorizing the  
20 issuance of bonds may contain any covenants the board finds  
21 advisable. All the covenants constitute valid and legally  
22 binding and enforceable contracts between the authority and  
23 the bondholders, regardless of the time of issuance thereof.

24 (5) ACT FURNISHES FULL AUTHORITY FOR ISSUANCE OF  
25 BONDS.--This act constitutes full authority for the issuance  
26 of bonds and the exercise of the powers of the authority. No  
27 procedures or proceedings, publications, notices, consents,  
28 approvals, orders, acts, or things by the board, or any board,  
29 officers, commission, department, agency, or instrumentality  
30 of the authority, other than those required by this act, are  
31 required to perform anything under this act, except that the



1 issuance or sale of bonds under this act must comply with the  
2 general-law requirements applicable to the issuance or sale of  
3 bonds by the authority, including, but not limited to, section  
4 189.4085, Florida Statutes.

5 (6) PLEDGE BY THE STATE TO THE BONDHOLDERS OF THE  
6 AUTHORITY.--The state pledges to the holders of any bonds  
7 issued under this act that it will not limit or alter the  
8 rights of the authority to own, acquire, construct, or  
9 reconstruct, improve, maintain, operate, or furnish the  
10 projects provided for in this act or hereafter and to fulfill  
11 the terms of any agreement made with the holders of the bonds  
12 or other obligations and that it will not in any way impair  
13 the rights or remedies of the holders.

14 Section 11. Tax exemption.--The bonds and other  
15 obligations issued under this act, their transfer, and the  
16 income therefrom, including any profit made on the sale  
17 thereof, and all notes, mortgages, security agreements,  
18 letters of credit, or other instruments that arise from or are  
19 given to secure the repayment of bonds or other obligations  
20 issued under this act, are at all times free from taxation by  
21 the state or any unit of local government, political  
22 subdivision, or other instrumentality of the state. For  
23 purposes of excise taxes on documents, the provisions of  
24 section 201.24, Florida Statutes, apply. The exemption  
25 granted by this section does not apply to any tax imposed by  
26 chapter 220, Florida Statutes, on interest, income, or profits  
27 on debt obligations owned by corporations.

28 Section 12. Contracts.--Contracts for the construction  
29 of projects and for any other purpose of the authority may be  
30 awarded by the authority in a manner that will best promote  
31 free and open competition, including advertisement for

1 competitive bids; however, if the authority determines that  
2 the purposes of this act will be more effectively served  
3 thereby, the authority may award or cause to be awarded  
4 contracts for the construction of any project, including  
5 design-build contracts, or any part thereof, or for any other  
6 purpose of the authority upon a negotiated basis as determined  
7 by the authority. Each contractor doing business with the  
8 authority and required to be licensed by the state or local  
9 general-purpose governments must maintain the license during  
10 the term of the contract with the authority. The authority  
11 may prescribe bid security requirements and other procedures  
12 in connection with the award of contracts which protect the  
13 public interest. Section 287.055, Florida Statutes, does not  
14 apply to the selection of professional architectural,  
15 engineering, landscape architectural, or land surveying  
16 services by the authority or to the procurement of  
17 design-build contracts. The authority may, and in the case of  
18 a new professional sports franchise must, by written contract  
19 engage the services of the operator, lessee, sublessee, or  
20 purchaser, or prospective operator, lessee, sublessee or  
21 purchaser, of any project in the construction of the project  
22 and may, and in the case of a new professional sports  
23 franchise must, provide in the contract that the lessee,  
24 sublessee, purchaser, or prospective lessee, sublessee or  
25 purchaser, may act as an agent of, or an independent  
26 contractor for, the authority for the performance of the  
27 functions described therein, subject to the conditions and  
28 requirements prescribed in the contract, including functions  
29 such as the acquisition of the site and other real property  
30 for the project; the preparation of plans, specifications,  
31 financing and contract documents; the award of construction

1 and other contracts upon a competitive or negotiated basis;  
2 the construction of the project, or any part thereof, directly  
3 by the lessee, purchaser, or prospective lessee or purchaser;  
4 the inspection and supervision of construction; the employment  
5 of engineers, architects, builders, and other contractors; and  
6 the provision of money to pay the cost thereof pending  
7 reimbursement by the authority. Any such contract may, and in  
8 the case of a new professional sports franchise must, allow  
9 the authority to make advances to or reimburse the lessee,  
10 sublessee, or purchaser, or prospective lessee, sublessee, or  
11 purchaser for its costs incurred in the performance of those  
12 functions, and must set forth the supporting documents  
13 required to be submitted to the authority and the reviews,  
14 examinations, and audits that are required in connection  
15 therewith to assure compliance with the contract.

16       Section 13. Sale or lease of property.--The authority  
17 may sell or lease property of the authority or grant operating  
18 agreements for any project of the authority in a manner that  
19 will best promote free and open competition, including  
20 advertisement for competitive bids; however, if the authority  
21 determines that the purposes of this act will be more  
22 effectively served, the authority may sell or lease property  
23 of the authority upon a negotiated basis or for no or nominal  
24 consideration. Notwithstanding any other law, the authority  
25 may sell or lease property of the authority in a transaction  
26 in which the authority leases the property back from its  
27 purchaser or lessee. To facilitate the development of a  
28 project by an authority, any governmental entity or other unit  
29 of local government may sell or lease its property to an  
30 authority upon a negotiated basis, without competitive bid,  
31 and for no or nominal consideration, and an authority may

1 resell or sublease or grant an operating agreement for the  
2 property to a professional sports franchise in the same  
3 manner.

4 Section 14. Damages arising out of tort.--Any suit or  
5 action brought or maintained against the authority for damages  
6 arising out of tort are subject to the limitations provided in  
7 section 768.28, Florida Statutes, and any claim must be  
8 presented in writing to the board.

9 Section 15. Dissolution.--

10 (1) Once an authority has been established its  
11 existence is not affected by any subsequent reduction in  
12 population in the eligible county. Subject to subsection (2),  
13 an authority may be dissolved only by unanimous resolution of  
14 the board and approval of the resolution by the Governor or in  
15 the manner provided in chapter 189, Florida Statutes;  
16 provided, however, that an authority shall be dissolved  
17 automatically upon the fifth anniversary of the date it was  
18 established in the event that construction has not commenced  
19 on any project, including a professional sports facility or  
20 other related amenities and infrastructure.

21 (2) A dissolution may not become effective unless  
22 arrangements have been made for the full assumption of all  
23 governmental services then being provided by the authority,  
24 and for the transfer and allocation of revenue, property, and  
25 indebtedness of the authority. If any bonds or other  
26 obligations of the authority are outstanding, any act of the  
27 Legislature dissolving the authority shall set forth the  
28 proposed arrangements under which holders of the outstanding  
29 obligations will be immediately paid or will continue to be  
30 paid, which arrangements must be consistent with the terms of  
31 the outstanding obligations. Any resolution of the board or

1 legislative act dissolving the authority must specify the  
2 effective date of the dissolution. Neither the consent of the  
3 eligible county nor the consent of any county contiguous  
4 therewith is required to dissolve an authority.

5       Section 16. Severability.--If any provision of this  
6 act or the application thereof to any person or circumstance  
7 is held invalid, the invalidity does not affect other  
8 provisions or applications of the act which can be given  
9 effect without the invalid provision or application, and to  
10 this end the provisions of this act are declared severable.

11       Section 17. Liberal construction.--This act shall be  
12 liberally construed to effectively carry out its purposes.

13       Section 18. This act shall take effect upon becoming a  
14 law.

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