

1
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:

19
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
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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 with the largest
18 population shall appoint two members to the board; and the
19 mayor of such city shall appoint one member to the board. In
20 the event that within 30 days after the Governor has made two
21 appointments to the board, all 9 members shall not have been
22 appointed, then the members of the board of such authority who
23 shall have been appointed shall select by majority vote among
24 them at the organizational meeting of the board, without
25 regard to the presence of a quorum, the remaining members of
26 the board. Each appointing authority shall appoint members of
27 the board to succeed those whose terms are expiring not less
28 than 60 days before the expiration of such term. All members
29 of the board must have expertise in one or more of the
30 following areas: public finance, private finance, public
31 accounting, commercial law, commercial real estate, real

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

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

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

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

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

30 (7) The board shall at the time of organizing, and
31 annually thereafter, elect a chair for a term of 1 year or

1 until a successor is elected or the chair is removed, with or
2 without cause, by the board. The chair shall preside at all
3 meetings of the board. If the chair is absent or disqualified
4 at any meeting, any member of the board may be designated
5 chair pro-tempore for that meeting.

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

10 Section 7. Chief financial officer and other officers;
11 financial records; fiscal year.--

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

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

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

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

27 Section 8. Budgets.--On or before June 30 of each
28 year, the executive director of the authority shall prepare a
29 proposed budget, including an estimate of all revenues and
30 anticipated expenditures, for the following fiscal year to be
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1 submitted to the board for approval or modification. The
2 budget must be adopted before October 1 of each year.

3 Section 9. Powers and duties.--

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

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

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

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

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

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

27 3. No other project may be constructed outside the
28 eligible county unless the authority and the county in which
29 such facility will be located have entered into an interlocal
30 agreement with respect to such project.

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

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

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

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

16 (c) Adopt and use a seal and authorize the use of a
17 facsimile thereof.

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

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

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

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

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

1 authority purposes and enter into any agreements required in
2 connection therewith; and hold, use, and dispose of money or
3 property for any authority purposes in accordance with the
4 terms of the gift, grant, loan, or agreement relating thereto.

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

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

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

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

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

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

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

28 (p) Establish such independent entities or affiliated
29 entities, whether in the form of a not-for-profit corporation
30 or other legal entity, for such purposes as the board
31 considers necessary or appropriate to carry out its projects

1 or to administer projects or funds for the benefit of all or
2 any portion of the eligible county or any county contiguous
3 therewith.

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

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

11 Section 10. Bonds.--

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

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

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

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

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

30 (d) Any issue of bonds may be secured by a trust
31 agreement by and between the authority and corporate trustees,

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

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

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

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

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

28 (2) NEGOTIABILITY OF BONDS.--Any bond issued under
29 this act or any temporary bond, in the absence of an express
30 recital on the face thereof that it is nonnegotiable, is fully
31 negotiable and constitutes a negotiable instrument within the

1 meaning and for all proposes of the law merchant and the laws
2 of the state.

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

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

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

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

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

1 bonds by the authority, including, but not limited to, section
2 189.4085, Florida Statutes.

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

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

26 Section 12. Contracts.--Contracts for the construction
27 of projects and for any other purpose of the authority may be
28 awarded by the authority in a manner that will best promote
29 free and open competition, including advertisement for
30 competitive bids; however, if the authority determines that
31 the purposes of this act will be more effectively served

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

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

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

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1 property to a professional sports franchise in the same
2 manner.

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

8 Section 15. Dissolution.--

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

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

1 effective date of the dissolution. Neither the consent of the
2 eligible county nor the consent of any county contiguous
3 therewith is required to dissolve an authority.

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

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

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

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