

HB 1159

2004

A bill to be entitled

An act relating to the Tallahassee-Leon County Civic Center Authority; codifying, amending, repealing, and reenacting the authority's special acts; providing for planning, developing, operating, and maintaining a comprehensive complex of civic, governmental, educational, recreational, convention, and entertainment facilities; providing for the method and manner of the election, selection, and terms of membership of the authority; providing powers, functions, privileges, duties, and responsibilities of the authority; providing for the issuance of bonds; providing for the rights and remedies of bondholders; providing for the sources of revenues to the authority; naming the Tallahassee-Leon County Civic Center; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to the authority or its designee; providing severability; repealing chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Tallahassee-Leon County Civic Center Authority. It is the intent of the Legislature to provide a single, comprehensive special act charter for the authority, including all current legislative enactments as herein provided and any

HB 1159

2004

30 additional authority granted by this act and chapter 189,
 31 Florida Statutes, as the same may be amended from time to time.
 32 It is further the intent of this act to preserve all authority
 33 of the Tallahassee-Leon County Civic Center Authority.

34 Section 2. Chapters 72-605, 77-480, 79-502, and 81-494,
 35 Laws of Florida, relating to the Tallahassee-Leon County Civic
 36 Center Authority, are codified, reenacted, amended, and repealed
 37 as herein provided.

38 Section 3. The charter of the Tallahassee-Leon County
 39 Civic Center Authority is re-created and reenacted to read:

40 Section 1. The Tallahassee-Leon County Civic Center
 41 Authority, hereinafter referred to as the authority, a local
 42 public agency, politic and corporate, is created for the purpose
 43 of planning, developing, operating, and maintaining a
 44 comprehensive complex of civic, governmental, educational,
 45 recreational, convention, and entertainment facilities for the
 46 use and enjoyment of the citizens of Leon County and the state.
 47 It is the finding of the Legislature that said purposes are
 48 essential public purposes.

49 Section 2. (1) The authority shall consist of a ten-
 50 member board composed of the chair of the Leon County Board of
 51 County Commissioners, or his or her designee; one other member
 52 of the county commission, or his or her designee; the Mayor of
 53 the City of Tallahassee, or his or her designee; one member of
 54 the city commission, or his or her designee; the President of
 55 Florida State University, or his or her designee; the President
 56 of Florida Agricultural and Mechanical University, or his or her
 57 designee; the President of the Student Government Association of
 58 Florida State University, or his or her designee; the President

HB 1159

2004

59 of the Student Government Association of Florida Agricultural
 60 and Mechanical University, or his or her designee; one member
 61 appointed by the County Commission of Leon County for an initial
 62 term of 4 years; and one member appointed by the Tallahassee
 63 City Commission for an initial term of 4 years. Each succeeding
 64 appointment by the county and city commissions shall be for
 65 terms of 4 years.

66 (2) Upon the death or resignation of any member of the
 67 authority, a successor shall be appointed by the board for the
 68 unexpired term. The members shall not be entitled to any
 69 compensation for their duties except for actual expenses
 70 necessarily incurred in the performance of their duties.

71 (3) Each member shall serve until his or her successor
 72 shall be appointed. A majority of the members of the authority
 73 shall constitute a quorum. A vacancy in the authority shall not
 74 impair the rights of a quorum to exercise all the rights and
 75 perform all the duties of the authority.

76 (4) The authority shall elect one of its members as chair,
 77 one as vice chair, and one as secretary-treasurer.

78 Section 3. The following words and terms are defined as
 79 follows:

80 (1) "City" means the City of Tallahassee.

81 (2) "County" means Leon County.

82 (3) "Authority" means the Tallahassee-Leon County Civic
 83 Center Authority.

84 (4) "Civic, governmental, educational, recreational,
 85 convention, and entertainment facilities" means and includes
 86 facilities for all types of civic, governmental, educational,
 87 recreational, convention, and entertainment purposes, including,

HB 1159

2004

88 but not limited to, facilities for accommodating conferences,
 89 meetings, conventions, citizens' and taxpayers' gatherings,
 90 exhibitions, sporting events, dances, shows, plays, games, and
 91 like events.

92 (5) "Cost," as applied to any facility, means and includes
 93 all expenses as may be necessary or incident to acquisition,
 94 construction, or financing.

95 Section 4. The authority is hereby authorized and
 96 empowered:

97 (1) To sue and be sued.

98 (2) To contract.

99 (3) To adopt bylaws for the regulation of its affairs and
 100 the conduct of its business.

101 (4) To adopt an official seal.

102 (5) To purchase, acquire, develop, construct, improve,
 103 relocate, equip, maintain, and operate any auditorium, stadium,
 104 coliseum, or other similar facility, including motor vehicle
 105 parking therefor, which may be used in conjunction with the
 106 facility.

107 (6) To make a comprehensive, long-range master plan for
 108 the overall orderly development of a civic center complex, to
 109 develop detailed plans for specific facilities within the
 110 aforesaid master plan in close coordination with the
 111 Tallahassee-Leon County Planning Department, and to obtain
 112 necessary feasibility and other reports and studies by and
 113 through the Tallahassee-Leon County Planning Department.

114 (7) To acquire by grant, purchase, lease, gift, devise, or
 115 condemnation all property, real or personal, or any estate,
 116 easement, franchise, or interest therein necessary, desirable,

HB 1159

2004

117 or convenient for the purposes of this act, which land shall be
 118 adjacent and contiguous to the civic center complex; to sell,
 119 lease, rent, transfer, or otherwise dispose of any property or
 120 any part thereof or interest therein; and to exercise all of its
 121 powers and authority with respect thereto.

122 (8) To borrow money and issue negotiable bonds, and to
 123 provide for the rights of the holders thereof, and to secure the
 124 payment of said bonds by a pledge of all or any portion of the
 125 revenues and other moneys legally available therefor, and, in
 126 general, to provide for the security of the bonds and the rights
 127 and remedies of the holders thereof.

128 (9) To fix and collect rates, rentals, fees, and charges
 129 for the use of any and all facilities owned by the authority,
 130 including, but not limited to, recreational, convention,
 131 entertainment, and parking facilities of the authority.

132 (10) To contract for the operation of food and beverage,
 133 parking, and other concessions relating to the operation of the
 134 recreational, convention, and entertainment facilities of the
 135 authority.

136 (11) To make and enter into all contracts and agreements
 137 and execute all instruments necessary or incidental to the
 138 performance of the duties imposed and the execution of the
 139 powers granted under this act and to employ such consulting
 140 services, engineers, superintendents, managers, construction and
 141 financial experts and attorneys, and such employees and agents
 142 as may, in the judgment of the authority, be deemed necessary
 143 and fix their compensation.

144 (12) To cooperate with and contract with the government of
 145 the United States or the state, or any agency or instrumentality

HB 1159

2004

146 of either thereof, or with any municipality, district, private
 147 corporation, copartnership, association, or individual in
 148 carrying out the powers granted in this act.

149 (13) To accept gifts of money or property, real or
 150 personal, from any individual or the federal, state, county, or
 151 municipal government.

152 (14) To have and exercise the right and sovereign power of
 153 eminent domain and to do all acts or things necessary or proper
 154 to carry out the powers expressly granted in this act.

155 Section 5. (1) The authority is hereby authorized to
 156 issue bonds from time to time in such principal amount as in the
 157 opinion of the authority shall be necessary to provide
 158 sufficient moneys for achieving its lawful purposes. Bonds shall
 159 be authorized by resolution of the members of the authority and
 160 shall bear such date or dates; mature at such time or times, not
 161 to exceed 40 years; bear interest at such rate or rates as shall
 162 be determined by the authority,; be payable solely from all
 163 revenues and income of the authority, including the receipts
 164 from lease rentals and appropriations from the United States,
 165 the state, or any political subdivision thereof, in such medium
 166 of payment and at such place or places; be subject to such terms
 167 of redemption; and be entitled to such priorities of lien on the
 168 revenues and other available moneys as such resolution may
 169 provide. The bonds shall be executed either by manual or
 170 facsimile signature by such officers as the authority shall
 171 determine. Such bonds shall have the seal of the authority
 172 affixed or imprinted thereon. The bonds shall be sold at public
 173 or private sale and upon such terms and conditions as the
 174 authority deems in the best public interest.

HB 1159

2004

175 (2) The authority may enter into any deeds of trust,
176 indentures, or other agreements with any bank or trust company
177 within or without the state as security for such bonds and may,
178 under such agreements, assign and pledge all or any of the
179 revenues and other available moneys pursuant to the terms of
180 this act. Such deed of trust, indenture, or other agreement may
181 contain such provisions as are customary in such instrument or
182 as the authority may authorize, including, but not limited to,
183 provisions as to:

184 (a) The pledging of all or any part of the revenues or
185 other moneys lawfully available therefor.

186 (b) The application of funds and the safeguarding of funds
187 on hand or on deposit.

188 (c) The rights and remedies of the trustees and the
189 holders of the bonds.

190 (d) The terms and provisions of the bonds or the
191 resolutions authorizing the issuance of the same.

192 (e) Any other or additional matters of like or different
193 character that in any way may affect the security or protection
194 of the bonds.

195 (3) The bonds issued pursuant to this act are hereby
196 declared to be negotiable instruments and shall have all the
197 qualities and incidents of negotiable instruments under the law
198 merchant and the negotiable instruments law of the state.

199 Section 6. The boundaries of the Tallahassee-Leon County
200 Civic Center Authority shall be coexistent with the boundaries
201 of Leon County.

202 Section 7. The Tallahassee-Leon County Civic Center is
203 hereby named the "Donald L. Tucker Civic Center" in recognition

HB 1159

2004

204 of the untiring and unselfish efforts of Donald L. Tucker in his
 205 years of service as a representative of the district
 206 encompassing Tallahassee and Leon County and in recognition and
 207 appreciation of the invaluable service he has provided to his
 208 constituency and to the state by his efforts in bringing about
 209 the construction of this civic center.

210 Section 8. The authority is authorized and directed to
 211 erect suitable markers, which shall include a marker over the
 212 main entrance of the center, reflecting the name of the civic
 213 center as described in section 7.

214 Section 9. In addition to any licenses that may be issued
 215 under the provisions of the beverage law of the state, the
 216 Division of Alcoholic Beverages and Tobacco of the Department of
 217 Business and Professional Regulation is hereby authorized to
 218 issue a special license or special licenses to qualified
 219 applicants consisting of the Tallahassee-Leon County Civic
 220 Center Authority, or its designee, for use within the confines
 221 of the 20-acre civic center complex located within the City of
 222 Tallahassee and known as the Donald L. Tucker Civic Center;
 223 however, any such license issued pursuant to this act shall only
 224 permit the licensee to sell alcoholic beverages for on-premises
 225 consumption.

226 Section 10. The provisions of this act are severable, and
 227 it is the intent of the Legislature to confer the whole or any
 228 part of the powers herein provided for. If any of the provisions
 229 of this act or any of the powers granted by this act are held
 230 unconstitutional by any court of competent jurisdiction, the
 231 decision of the court shall not affect or impair any of the
 232 remaining provisions of this act or any of the remaining powers

HB 1159

2004

233 granted by this act.

234 Section 4. Chapters 72-605, 77-480, 79-502, and 81-494,

235 Laws of Florida, are repealed.

236 Section 5. This act shall take effect upon becoming a law.