

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Tallahassee-Leon County Civic
8 Center Authority; codifying, amending, repealing, and
9 reenacting the authority's special acts; providing for
10 planning, developing, operating, and maintaining a
11 comprehensive complex of civic, governmental, educational,
12 recreational, convention, and entertainment facilities;
13 providing for the method and manner of the election,
14 selection, and terms of membership of the authority;
15 providing powers, functions, privileges, duties, and
16 responsibilities of the authority; providing for the
17 issuance of bonds; providing for the rights and remedies
18 of bondholders; providing for the sources of revenues to
19 the authority; naming the Tallahassee-Leon County Civic
20 Center; requiring the Division of Alcoholic Beverages and
21 Tobacco of the Department of Business and Professional
22 Regulation to issue a beverage license to the authority or
23 its designee; providing severability; repealing chapters

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24 | 72-605, 77-480, 79-502, and 81-494, Laws of Florida;
25 | providing an effective date.

26 |

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

28 |

29 | Section 1. Pursuant to section 189.429, Florida Statutes,
30 | this act constitutes the codification of all special acts
31 | relating to the Tallahassee-Leon County Civic Center Authority.
32 | It is the intent of the Legislature to provide a single,
33 | comprehensive special act charter for the authority, including
34 | all current legislative enactments as herein provided and any
35 | additional authority granted by this act and chapter 189,
36 | Florida Statutes, as the same may be amended from time to time
37 | for the betterment of the citizens of the City of Tallahassee,
38 | Leon County, and the university community. It is further the
39 | intent of this act to preserve selected authority of the
40 | Tallahassee-Leon County Civic Center Authority while providing
41 | local authority and management services to Florida State
42 | University.

43 | Section 2. Chapters 72-605, 77-480, 79-502, and 81-494,
44 | Laws of Florida, relating to the Tallahassee-Leon County Civic
45 | Center Authority, are codified, reenacted, amended, and repealed
46 | as herein provided.

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

49 | Section 1. The Tallahassee-Leon County Civic Center
50 | Authority, hereinafter referred to as the authority, a local
51 | public agency, politic and corporate, is created for the purpose

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52 of planning, developing, operating, and maintaining a
53 comprehensive complex of civic, governmental, educational,
54 recreational, convention, and entertainment facilities for the
55 use and enjoyment of the citizens of Leon County and the state.
56 It is the finding of the Legislature that said purposes are
57 essential public purposes.

58 Section 2. (1) The authority shall consist of a thirteen-
59 member board composed of seven members appointed by the
60 President of Florida State University, one of these appointments
61 shall be elected the chair, two members appointed by the
62 President of Florida Agricultural and Mechanical University, two
63 members appointed by the Mayor of the City of Tallahassee, and
64 two members appointed by the Chair of the Leon County Board of
65 County Commissioners. All members shall be appointed to serve
66 staggered 4-year terms. In order to achieve staggered terms,
67 beginning July 1, 2004, of the initial appointments by the
68 President of Florida State University, three members shall serve
69 2-year terms, and one member appointed by the President of
70 Florida Agricultural and Mechanical University, one member
71 appointed by the mayor, and one member appointed by the Chair of
72 the Leon County Board of County Commissioners shall serve 2-year
73 terms.

74 (2) Upon the death or resignation of any member of the
75 authority, a successor shall be appointed by the appropriate
76 body for the unexpired term. The members shall not be entitled
77 to any compensation for their duties except for actual expenses
78 necessarily incurred in the performance of their duties.

79 (3) Each member shall serve until his or her successor
 80 shall be appointed. A majority of the members of the authority
 81 shall constitute a quorum. A vacancy in the authority shall not
 82 impair the rights of a quorum to exercise all the rights and
 83 perform all the duties of the authority.

84 (4) The authority shall elect one of its members as chair
 85 subject to subsection (1), one as vice chair, and one as
 86 secretary-treasurer.

87 Section 3. The following words and terms are defined as
 88 follows:

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

90 (2) "County" means Leon County.

91 (3) "Authority" means the Tallahassee-Leon County Civic
 92 Center Authority.

93 (4) "Civic, governmental, educational, recreational,
 94 convention, and entertainment facilities" means and includes
 95 facilities for all types of civic, governmental, educational,
 96 recreational, convention, and entertainment purposes, including,
 97 but not limited to, facilities for accommodating conferences,
 98 meetings, conventions, citizens' and taxpayers' gatherings,
 99 exhibitions, sporting events, dances, shows, plays, games, and
 100 like events.

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

104 Section 4. The authority is hereby authorized and
 105 empowered:

106 (1) To sue and be sued.

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- 107 (2) To contract.
- 108 (3) To adopt bylaws for the regulation of its affairs and
 109 the conduct of its business.
- 110 (4) To adopt an official seal.
- 111 (5) To purchase, acquire, develop, construct, improve,
 112 relocate, equip, maintain, and operate any auditorium, stadium,
 113 coliseum, or other similar facility, including motor vehicle
 114 parking therefor, which may be used in conjunction with the
 115 facility.
- 116 (6) To make a comprehensive, long-range master plan for
 117 the overall orderly development of a civic center complex, to
 118 develop detailed plans for specific facilities within the
 119 aforesaid master plan.
- 120 (7) To acquire by grant, purchase, lease, gift, devise, or
 121 condemnation all property, real or personal, or any estate,
 122 easement, franchise, or interest therein necessary, desirable,
 123 or convenient for the purposes of this act, which land shall be
 124 adjacent and contiguous to the civic center complex; to sell,
 125 lease, rent, transfer, or otherwise dispose of any property or
 126 any part thereof or interest therein; and to exercise all of its
 127 powers and authority with respect thereto.
- 128 (8) To borrow money and issue negotiable bonds, and to
 129 provide for the rights of the holders thereof, and to secure the
 130 payment of said bonds by a pledge of all or any portion of the
 131 revenues and other moneys legally available therefor, and, in
 132 general, to provide for the security of the bonds and the rights
 133 and remedies of the holders thereof.

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

138 (10) To provide through contract or in-house service for
 139 the operation of food and beverage, parking, and other
 140 concessions relating to the operation of the recreational,
 141 convention, and entertainment facilities of the authority.

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

150 (12) To cooperate with and contract with the government of
 151 the United States or the state, or any agency or instrumentality
 152 of either thereof, or with any municipality, district, private
 153 corporation, copartnership, association, or individual in
 154 carrying out the powers granted in this act.

155 (13) To accept gifts of money or property, real or
 156 personal, from any individual or the federal, state, county, or
 157 municipal government.

158 (14) To provide use of the facility for graduation
 159 ceremonies for Florida Agricultural and Mechanical University,
 160 Tallahassee Community College, Florida State University, and
 161 public high schools in Leon County.

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162 (15) The purpose of the Tallahassee-Leon County Civic
 163 Center Authority shall continue to be service to the community,
 164 community users, including, but not limited to, the university
 165 community, civic associations, and other not-for-profit groups
 166 within the service district. Furthermore, the city and county
 167 shall be assured of the option to locate a community performing
 168 arts center at the Tallahassee-Leon County Civic Center complex
 169 and shall consult with the authority regarding any location at
 170 the complex. A final decision regarding the location of the
 171 performing arts center shall be made no later than June 30,
 172 2005. Should a community performing arts center be located at
 173 the Tallahassee-Leon County Civic Center, the usage shall be
 174 governed by the community.

175 (16) The Tallahassee-Leon County Civic Center Authority
 176 shall be a local public agency, politic and corporate primarily
 177 acting as an instrumentality or agency of the state, pursuant to
 178 section 768.28(2), Florida Statutes, for purposes of sovereign
 179 immunity.

180 Section 5. (1) The authority is hereby authorized to
 181 issue bonds from time to time in such principal amount as in the
 182 opinion of the authority shall be necessary to provide
 183 sufficient moneys for achieving its lawful purposes. Bonds shall
 184 be authorized by resolution of the members of the authority and
 185 shall bear such date or dates; mature at such time or times, not
 186 to exceed 40 years; bear interest at such rate or rates as shall
 187 be determined by the authority; be payable solely from all
 188 revenues and income of the authority, including the receipts
 189 from lease rentals and appropriations from the United States,

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190 the state, or any political subdivision thereof, in such medium
 191 of payment and at such place or places; be subject to such terms
 192 of redemption; and be entitled to such priorities of lien on the
 193 revenues and other available moneys as such resolution may
 194 provide. The bonds shall be executed either by manual or
 195 facsimile signature by such officers as the authority shall
 196 determine. Such bonds shall have the seal of the authority
 197 affixed or imprinted thereon. The bonds shall be sold at public
 198 or private sale and upon such terms and conditions as the
 199 authority deems in the best public interest.

200 (2) The authority may enter into any deeds of trust,
 201 indentures, or other agreements with any bank or trust company
 202 within or without the state as security for such bonds and may,
 203 under such agreements, assign and pledge all or any of the
 204 revenues and other available moneys pursuant to the terms of
 205 this act. Such deed of trust, indenture, or other agreement may
 206 contain such provisions as are customary in such instrument or
 207 as the authority may authorize, including, but not limited to,
 208 provisions as to:

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

211 (b) The application of funds and the safeguarding of funds
 212 on hand or on deposit.

213 (c) The rights and remedies of the trustees and the
 214 holders of the bonds.

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

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217 (e) Any other or additional matters of like or different
 218 character that in any way may affect the security or protection
 219 of the bonds.

220 (3) The bonds issued pursuant to this act are hereby
 221 declared to be negotiable instruments and shall have all the
 222 qualities and incidents of negotiable instruments under the law
 223 merchant and the negotiable instruments law of the state.

224 Section 6. The boundaries of the Tallahassee-Leon County
 225 Civic Center Authority shall be coexistent with the boundaries
 226 of Leon County.

227 Section 7. The Civic Center facility shall continue to be
 228 named the "Donald L. Tucker Civic Center" and referred to as
 229 such in all publications, advertisements, notices, and other
 230 such documents in recognition of the untiring and unselfish
 231 efforts of Donald L. Tucker in his years of service as a
 232 representative of the district encompassing Tallahassee and Leon
 233 County and in recognition and appreciation of the invaluable
 234 service he has provided to his constituency and to the state by
 235 his efforts in bringing about the construction of this complex.

236 Section 8. The authority is authorized and directed to
 237 erect suitable markers, which shall include a marker over the
 238 main entrance of the center, reflecting the name of the civic
 239 center as described in section 7. Subsequent facilities located
 240 within, on site or the greater complex may be designated for
 241 other individuals who are deemed by the authority to have made
 242 substantial contribution to the further development of the
 243 facility.

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244 Section 9. In addition to any licenses that may be issued
245 under the provisions of the beverage law of the state, the
246 Division of Alcoholic Beverages and Tobacco of the Department of
247 Business and Professional Regulation shall issue a special
248 license or special licenses to qualified applicants consisting
249 of the Tallahassee-Leon County Civic Center Authority or its
250 designee for use within the confines of the 20-acre civic center
251 complex located within the City of Tallahassee and known as the
252 Donald L. Tucker Civic Center; however, such license issued
253 pursuant to this act shall only permit the licensee to sell
254 alcoholic beverages for on-premises consumption, or off-premises
255 consumption for events sponsored through the civic center.

256 Section 10. The provisions of this act are severable, and
257 it is the intent of the Legislature to confer the whole or any
258 part of the powers herein provided for. If any of the provisions
259 of this act or any of the powers granted by this act are held
260 unconstitutional by any court of competent jurisdiction, the
261 decision of the court shall not affect or impair any of the
262 remaining provisions of this act or any of the remaining powers
263 granted by this act.

264 Section 4. Chapters 72-605, 77-480, 79-502, and 81-494,
265 Laws of Florida, are repealed.

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