

By Senator Lynn

7-1505-04

See HB 629

1                                   A bill to be entitled  
2           An act relating to the Daytona Beach Downtown  
3           Development Authority, Volusia County;  
4           codifying, amending, reenacting, and repealing  
5           the authority's special acts; providing a  
6           popular name; providing definitions; providing  
7           legislative findings; providing boundaries;  
8           providing for supervision, appointment,  
9           removal, terms, qualifications, compensation,  
10          and filling of vacancies on the authority;  
11          providing for functions and powers of the  
12          authority; providing for ad valorem taxation;  
13          providing for board records and fiscal  
14          management; providing for issuance of  
15          certificates; providing for elections;  
16          providing for millage limitations; providing  
17          for special assessments; providing for liberal  
18          construction; providing an effective date.

19

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

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22           Section 1. Pursuant to section 189.429, Florida  
23 Statutes, this act constitutes the codification of all special  
24 acts relating to the Daytona Beach Downtown Development  
25 Authority. It is the intent of the Legislature in enacting  
26 this law to provide a single, comprehensive special act  
27 charter for the district, including all current legislative  
28 authority granted to the district by its several legislative  
29 enactments and any additional authority granted by this act.  
30 It is further the intent of this act to preserve all district

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1 authority in addition to any authority contained in the  
2 Florida Statutes, as amended from time to time.

3 Section 2. Chapters 72-520, 77-537, 79-446, and  
4 80-493, Laws of Florida, are amended, codified, reenacted, and  
5 repealed as herein provided.

6 Section 3. The charter for the Daytona Beach Downtown  
7 Development Authority is re-created and reenacted to read:

8 Section 1. Popular name.--This act shall be known and  
9 may be cited as the "Daytona Beach Downtown Development  
10 Authority Act."

11 Section 2. Definitions and rules of  
12 construction.--Unless qualified in the text, the following  
13 definitions and rules of construction shall apply hereto:

14 (1) "Board" means the Daytona Beach Downtown  
15 Development Authority and any successor to its functions,  
16 authority, rights, and obligations.

17 (2) "City" and "Daytona Beach" mean the City of  
18 Daytona Beach.

19 (3) "City commission" means the Daytona Beach City  
20 Commission and any succeeding governing body of the city.

21 (4) "Downtown" and "downtown area" mean the area as  
22 set forth herein and to which this act primarily relates,  
23 including the central business district and its environs.

24 (5) "Elector" shall be synonymous with the term  
25 "voter" or "qualified elector or voter."

26 (6) "Freeholder" means any owner of real property in  
27 the downtown area not wholly exempt from ad valorem taxation,  
28 whether individual, corporation, trust, estate, or partnership  
29 residing or with its principal place of business located in  
30 the United States of America.

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1           (7) "Herein," "hereby," "hereof," and similar  
2 compounds refer to the entire act.

3           (8) "Including" shall be construed as merely  
4 introducing illustrative examples and not as limiting in any  
5 way the generality of the inclusive term.

6           (9) "Majority without qualification" means a majority  
7 of a quorum.

8           (10) "Mayor" means the Mayor of the City of Daytona  
9 Beach.

10           (11) "State" means the State of Florida.

11           Section 3. Statement of policy and legislative  
12 findings.--

13           (1) It is the policy of the state to make it possible  
14 for the city to revitalize and preserve property values and  
15 prevent deterioration in the downtown area by a system of  
16 self-help to correct the commercial blight of such  
17 deterioration as has developed there. The authority hereby  
18 created is intended to provide a means whereby property owners  
19 who will benefit directly from the results of such a program  
20 will bear the substantial cost thereof and local problems may  
21 be solved on the local level through the authority hereby  
22 created.

23           (2) The Legislature hereby finds and declares that  
24 among the many causes of commercial blight in the downtown  
25 area are the following: impeded automobile traffic flow due to  
26 outmoded street patterns, proliferation of uncoordinated uses  
27 and parking areas, unsuitable topography, faulty lot layouts,  
28 fragmentation of land uses and parking areas necessitating  
29 frequent automobile movement, lack of separation of pedestrian  
30 areas from automobile traffic, lack of separation of vehicle  
31 traffic lanes, and strangled automobile traffic. Voluntary

1 cooperation for coordinated development has limitations  
2 because of fragmentary ownership, absentee ownership, and  
3 unusual conditions of title and other conditions.

4 (3) The downtown area is plagued with vacant and  
5 deteriorating buildings, which are neglected and produce an  
6 undesirable atmosphere. Similarly, there is much vacant land  
7 area in the downtown area, and these factors tend to combine  
8 to put the downtown area at a competitive disadvantage to  
9 modern offices and shopping centers developing in the area.  
10 Many businesses of all types have left the area for new  
11 locations in suburban shopping centers, and few businesses  
12 have entered to take their places. The oldest commercial  
13 structures in the city are in this area and some are obsolete,  
14 of inferior construction, and incompatible with modern  
15 functional design as is featured in competitive shopping  
16 centers. These factors tend to develop an image of the  
17 downtown area which is unrepresentative of its economic  
18 vitality and out of place with the growth of Daytona Beach,  
19 thus producing a tarnishing effect on the overall image of the  
20 city.

21 (4) The area now has few residences and many of the  
22 residences that do exist are undersized and of inferior  
23 construction, which would not be permitted for new  
24 construction under the city's building code. It is in some  
25 instances a proper function of government to remove blight and  
26 blighting influences from commercial areas. The police power  
27 may be inadequate to accomplish this purpose. One effective  
28 device for removal of the blight from the downtown area is the  
29 planning and implementation of planning for appropriate land  
30 use, beautification, continuity of planning and aesthetic and  
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1 technical design concepts, and removal of deteriorated and  
2 obsolescent structures.

3 (5) The Legislature further finds and declares that  
4 the provisions of this act and the powers afforded to the  
5 board are desirable to guide and accomplish the coordinated,  
6 balanced, and harmonious development of the downtown area in  
7 accordance with existing and future needs; to promote the  
8 health, safety, and general welfare of the area and its  
9 inhabitants, visitors, property owners, and workers; to  
10 establish, maintain, and preserve aesthetic values and  
11 preserve and foster the development and display of  
12 attractiveness; to prevent overcrowding and congestion; to  
13 improve automobile traffic and provide pedestrian safety; and  
14 to provide a way of life which combines the conveniences and  
15 amenities of modern living with the traditions and pleasures  
16 of the past.

17 Section 4. Downtown area description.--(1) The  
18 downtown area included in this act shall be all those  
19 properties described as follows:

20 Begin at the intersection of the easterly line  
21 of Beach Street, with the easterly extension of  
22 the south line of Live Oak Avenue; thence  
23 westerly along said south line of Live Oak  
24 Avenue to the westerly line of Segrave Street;  
25 thence northerly along the said west line of  
26 Segrave Street to the extension westerly of the  
27 northerly line of lot 12, and along the  
28 northerly line of Lots 12 through 19 of said  
29 Gorum Weaver Subdivision to the northeasterly  
30 corner of said Lot 19; thence easterly,  
31 northerly and easterly along the boundary of

1        Leon Ellenwood map book 6, page 60, public  
2        records of Volusia County, Florida, to the  
3        westerly line of Ridgewood Avenue; thence  
4        southerly along the westerly line of Ridgewood  
5        Avenue to the northerly line of Second Avenue;  
6        thence easterly along said northerly line of  
7        Second Avenue to the west line of lot 15, block  
8        50, Mason and Coleman's Daytona, of record in  
9        deed book I, page 151, public records of  
10       Volusia County, Florida; thence northerly along  
11       said west line of lot 15 to the north line of  
12       San Juan Avenue; thence easterly along said  
13       north line of San Juan Avenue, to the easterly  
14       line of Wisconsin Avenue; thence northerly  
15       along the easterly line of Wisconsin Avenue, to  
16       the north line of First Avenue; thence westerly  
17       along the said north line of First Avenue to  
18       the west line of lot 8, block 51 of said Mason  
19       and Coleman's Daytona; thence northerly along  
20       said west line of lot 8, block 51 and extension  
21       thereof, to the northerly line of Cypress  
22       Street; thence easterly along said northerly  
23       line of Cypress Street to the easterly line of  
24       Daytona Street; thence northerly along said  
25       easterly line of Daytona Street and extension  
26       thereof, to the north line of Fairview Avenue;  
27       thence easterly along said north line of  
28       Fairview Avenue and extension thereof, to an  
29       intersection with the centerline of Halifax  
30       River, thence southerly along the centerline of  
31       the Halifax River to a point of intersection

1           with the easterly extension of the southerly  
2           line of Marina Point Condominium, as per legal  
3           recorded in Official Records book 2125, page  
4           1669, of the public records of Volusia County,  
5           Florida; thence westerly along said southerly  
6           line to a point of intersection with the  
7           easterly line of Beach Street; thence northerly  
8           along the easterly line of Beach Street to the  
9           point of beginning.

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11           The board shall have the power from time to time by the  
12           following procedure to alter or amend the boundaries of the  
13           downtown area. The board shall first set a date for a public  
14           hearing on the adoption of a resolution amending the  
15           description of the downtown area and shall cause a notice of  
16           the public hearing to be published in a newspaper of general  
17           circulation published in the city, which notice shall be  
18           published four times, not less than 30 nor more than 60 days  
19           after the date of the hearing. The notice shall set forth the  
20           date, time, and place of the hearing and shall describe the  
21           boundaries of the existing downtown area as defined herein and  
22           shall describe the changes to be made thereto. Additionally,  
23           the board shall cause to be mailed to each owner of the  
24           property, according to the tax collector's records existing in  
25           Volusia County, a copy of the notice as published in the  
26           newspaper. After the public hearing, the board shall adopt a  
27           resolution defining the changes in the downtown area. The  
28           board shall not incorporate land into the district not  
29           included in the description contained in the notice of public  
30           hearing, but it may eliminate any lands from the area. A  
31           referendum, as set out in section 13, shall then be held in

1 connection with any additions to the area defined in this  
2 section, with only those voting in the new area being eligible  
3 to vote. However, if any deletion shall be made in the area  
4 defined in this section, then all the freeholders and  
5 qualified electors within the area defined in this section  
6 shall be entitled to vote in the referendum.

7       (2) The owner or owners of real property within the  
8 city limits of Daytona Beach, and contiguous to the boundaries  
9 of the Daytona Beach Downtown Development District, may  
10 petition the Daytona Beach Downtown Development Authority to  
11 be included within the district boundaries. Upon determination  
12 by the Daytona Beach Downtown Development Authority that the  
13 petition bears the signatures of all owners of property in the  
14 area proposed to be included, the authority may, at any  
15 regular meeting, adopt a resolution to annex said property and  
16 redefine the boundary lines of the district to include said  
17 property. Said resolution shall be passed after same has been  
18 published once a week for 4 consecutive weeks in a newspaper  
19 of general circulation within the city limits of Daytona  
20 Beach. The resolution adopted hereunder shall be filed with  
21 the Clerk of the City of Daytona Beach. If real property which  
22 is contiguous to the boundaries of the Daytona Beach Downtown  
23 Development District is wholly owned by a public or  
24 governmental entity or subdivision thereof, the property may  
25 be included in the district boundaries upon the obtaining of a  
26 resolution by the governing body of the entity consenting to  
27 such inclusion. Upon receipt of such resolution, the authority  
28 may, at any regular meeting, adopt a resolution to include  
29 said property and redefine the boundary lines of the district  
30 to include said property. Said resolution shall be passed  
31 after same has been published once a week for 4 consecutive



1 weeks in a newspaper of general circulation within the City of  
2 Daytona Beach. The resolution adopted hereunder shall be filed  
3 with the Clerk of the Circuit Court of Volusia County and the  
4 City of Daytona Beach.

5 Section 5. Authority; supervision; appointment,  
6 removal, term, qualification, compensation of board members;  
7 filling of vacancies.--There is hereby created and established  
8 the Daytona Beach Downtown Development Authority, which  
9 authority shall have all the powers herein provided.

10 (1) The affairs of the authority shall be under the  
11 direct supervision and control of a board of five members, one  
12 of whom shall be a member of the city commission, appointed by  
13 the city commission, who shall serve staggered terms.

14 (2) The city commission shall by vote of a majority of  
15 its entire membership appoint the members of the authority,  
16 and by vote of three-fifths of its entire membership, after  
17 notice specifying the charges and a hearing held not earlier  
18 than 10 days after personal delivery of notice or mailing  
19 thereof by registered or certified mail addressed to the  
20 member at his or her latest known residence, the city  
21 commission may remove a member of the authority for good  
22 cause, including willful neglect of duty, incompetence,  
23 unfitness to perform his or her duty, or conviction of an  
24 offense involving moral turpitude. A member so removed shall  
25 be entitled to review by the circuit court of the action  
26 taken.

27 (3) Members shall be appointed to serve terms of 3  
28 years each July 1.

29 (4) To qualify for appointment to the authority, and  
30 to remain qualified for service on it, a prospective noncity  
31 commission member, or a member already appointed who is not a

1 member of the city commission, shall reside in or have his or  
2 her principal place of business in the city, shall not be  
3 servng as a city officer or employee, and shall be an owner  
4 of realty within the downtown area, a lessee thereof, or a  
5 director, officer, or managing agent of an owner or lessee  
6 thereof.

7 (5) Vacancy in office, which shall be filled within 30  
8 days after its occurrence for the remainder of the unexpired  
9 term, shall occur whenever a member is removed from office,  
10 becomes disqualified or otherwise unable to serve, or resigns.  
11 The city commission shall fill any vacancy in office for the  
12 unexpired term.

13 (6) Each member of the board shall serve without  
14 compensation for services rendered as a member, but may be  
15 reimbursed by the board for necessary and reasonable expenses  
16 actually incurred in the performance of duty. The board may  
17 require all of its members or any or all of its officers or  
18 employees to post bond for faithful performance of duty, the  
19 board shall require such bond of all persons authorized to  
20 sign on accounts of the board, and the board shall pay bonding  
21 costs. No member of the board shall be personally liable for  
22 any action taken in attempting in good faith to perform his or  
23 her duty, or for a decision not to act, except in instances of  
24 fraud or willful neglect of duty.

25 (7) A member of the city commission appointed to the  
26 board shall be a member of the board only so long as he or she  
27 is a member of the city commission, and the vacancy thus  
28 created shall be filled by the city commission.

29 Section 6. Board bylaws and internal governance.--The  
30 board shall formulate and may amend its own rules of procedure  
31 and written bylaws not inconsistent with this act. A majority

1 of its entire membership shall constitute a quorum for the  
2 transaction of business, but fewer than a quorum may adjourn  
3 from time to time and may compel the attendance of absent  
4 members. All action shall be taken by a vote of at least a  
5 majority present and voting. The board shall select one of its  
6 members as chair and another as vice chair and shall prescribe  
7 their duties, powers, and terms of serving. The board shall  
8 hold regular meetings at least once a month and shall provide  
9 in its bylaws for holding special meetings. All meetings shall  
10 be given public notice and shall be open to the public.

11 Section 7. Functions of the authority.--The authority  
12 shall perform the following functions:

13 (1) Prepare an analysis of the economic conditions and  
14 changes occurring in the downtown area, including the effect  
15 of such factors as metropolitan growth, traffic congestion,  
16 lack of adequate parking and other access facilities, and  
17 structural obsolescence and deterioration.

18 (2) Formulate immediate, intermediate, and long-range  
19 development programs for improving the attractiveness and  
20 accessibility to the public of downtown facilities, promoting  
21 efficient use thereof, remedying the deterioration of downtown  
22 property values, and developing the downtown area.

23 (3) Recommend to the city commission and to downtown  
24 business owners and residents the actions deemed most suitable  
25 for implementing the downtown development programs, including  
26 removal, razing, repair, renovation, reconstruction,  
27 remodeling, and improvement of existing structures, addition  
28 of new structures and facilities, relocation of any existing  
29 structures and facilities, and changes in patterns of and  
30 facilities for traveling to and from the downtown area.

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1           (4) Participate actively in the implementation and  
2 execution of downtown development programs, including  
3 establishment, acquisition, construction, ownership,  
4 financing, leasing, licensing, operation, and management of  
5 public facilities deemed feasible and beneficial in effecting  
6 implementation, but this subsection shall not give the  
7 authority any power or control over any city property unless  
8 and until assigned to it by the city commission.

9           (5) Carry on all projects and undertakings authorized  
10 by law and within the limits of the powers granted to it by  
11 law, and such additional public projects and undertakings  
12 related to the downtown area as the city commission may assign  
13 to it with its consent.

14           Section 8. Powers of the authority.--In the  
15 performance of the functions vested in or assigned to it, the  
16 authority is hereby granted the following powers:

17           (1) To enter into contracts and agreements and to sue  
18 and be sued as a body corporate.

19           (2) To have and use a corporate seal.

20           (3) To acquire, own, convey, or otherwise dispose of,  
21 lease as lessor or lessee, construct, maintain, improve,  
22 enlarge, raze, relocate, operate, and manage property and  
23 facilities of whatever type, and to grant or acquire licenses,  
24 easements, and options with respect thereto.

25           (4) To accept grants and donations of any type of  
26 property, labor, or other thing of value from any public or  
27 private source.

28           (5) To receive the proceeds of the tax hereby imposed.

29           (6) To receive the revenues from any property or  
30 facility owned, leased, licensed, or operated by it or under

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1 its control, subject to the limitations imposed upon it by  
2 trusts or other agreements validly entered into by it.

3 (7) To have exclusive control of all funds legally  
4 available to it, subject to limitations imposed upon it by law  
5 or by any agreement validly entered into by it.

6 (8) To cooperate and enter into agreements with any  
7 governmental agency or other public body.

8 (9) To make to or receive from the city or Volusia  
9 County conveyances, leasehold interests, grants,  
10 contributions, loans, and other rights and privileges.

11 (10) To issue and sell revenue certificates as  
12 hereinafter provided, or in any other manner permitted by law  
13 and not inconsistent with the provisions hereof, and to take  
14 all steps deemed by it necessary or expedient for efficient  
15 preparation and marketing of the certificates at public or  
16 private sale at the best price obtainable, including the entry  
17 into binding agreements with corporate trustees, underwriters,  
18 and the holders of the certificates, and the employment and  
19 payment, as a necessary expense of issuance, for the services  
20 of consultants on valuations, costs, and feasibility of  
21 undertaking, revenues to be anticipated and other financial  
22 matters, architecture, engineering, legal matters, accounting  
23 matters, and any other fields in which expert advice may be  
24 needed to effectuate advantageous issuance and marketing.

25 (11) To fix, regulate, and collect rates and charges  
26 for facilities and services furnished by it or under its  
27 control and to pledge the revenue to the payment of revenue  
28 certificates issued by it.

29 (12) To borrow money on its unsecured notes, for a  
30 period not exceeding 9 months, in an aggregate amount for all  
31 outstanding unsecured notes not exceeding 50 percent of the

1 proceeds received during the immediately prior fiscal year  
2 from the tax hereby imposed, and at an annual rate of interest  
3 not exceeding the rate being charged at the time of the loan  
4 by banks in the city on unsecured short-term loans to local  
5 businesses.

6 (13) To acquire by rental or otherwise and to equip  
7 and maintain a principal office for the conduct of its  
8 business and such branch offices as it may from time to time  
9 deem expedient.

10 (14) To employ and prescribe the duties, authority,  
11 compensation, and reimbursement of expenses of the director of  
12 the authority, who shall act as its chief executive officer; a  
13 general counsel, who shall be an attorney with at least 5  
14 years of experience in active Florida practice and so engaged  
15 at the time of appointment; and such other personnel as it  
16 may, after consultation with the director, deem necessary from  
17 time to time; provided, its personnel shall not be under civil  
18 service regulations, may be employed to serve at its pleasure,  
19 shall not in any event be contracted with for a term of  
20 employment longer than 5 years, shall not while employed by it  
21 serve as city officers or employees, and, with the exception  
22 of its secretary, shall not while employed by it serve as a  
23 member of it.

24 (15) To enter into contracts in furtherance of its  
25 duties and in the exercise of its powers, and to contract and  
26 otherwise cooperate with and participate in all projects and  
27 undertakings of the United States and the state and all of  
28 their agencies and instrumentalities in furthering the purpose  
29 of this section.

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1           (16) To exercise all powers incidental to the  
2 effective and expedient exercise of the foregoing powers to  
3 the extent not in conflict herewith or inconsistent herewith.

4           (17) To acquire by purchase or the exercise of the  
5 power of eminent domain, which must be in the best interest of  
6 the public, on such terms and conditions and in such manner as  
7 it may deem proper, and to own, convey, and otherwise dispose  
8 of and to lease, as lessor or lessee, any land and any other  
9 property, real and personal, and any rights and interests  
10 therein which it may determine to be reasonably necessary in  
11 furtherance of its other powers under this section, and to  
12 grant and acquire licenses, easements, and options with  
13 respect thereto; provided, however, that the compensation paid  
14 to owners of land and any other property, real and personal,  
15 or any property right, who have said rights acquired from them  
16 under this act by eminent domain, shall include reasonable  
17 reimbursement for relocating an existing business; and  
18 provided further that any property leased to private interests  
19 shall not be exempt from ad valorem taxes.

20           Section 9. Levy of ad valorem tax.--An ad valorem tax  
21 in addition to all other ad valorem taxes is hereby levied  
22 annually for the purpose of financing the operation of the  
23 authority on all property in the downtown area which is  
24 subject to ad valorem taxation for city operating expenses.  
25 The tax base shall be the assessed valuation made annually by  
26 the county tax assessor. The rate shall be 1 mill on each  
27 dollar of tax base, unless the authority, by written notice to  
28 the county tax collector at such time as he or she shall  
29 specify, sets a rate of less than 1 mill for the ensuing  
30 fiscal year. The county tax collector shall collect the tax  
31 when and in the same manner in which he or she collects ad

1 valorem taxes, with the same discounts for early payment, and  
2 shall pay the proceeds to the city treasurer for the account  
3 of the authority.

4 Section 10. Board records and fiscal management.--

5 (1) The funds of the board shall be maintained under a  
6 separate account and shall be used for the purposes herein  
7 authorized and shall be distributed only by direction of or  
8 with the approval of the board pursuant to requisitions signed  
9 by the director or other designated chief fiscal officer of  
10 the board and countersigned by at least one other person who  
11 shall be a member of the board.

12 (2) The board bylaws shall provide for maintenance of  
13 minutes and other official records of its proceedings and  
14 actions; preparation and adoption of an annual budget for each  
15 ensuing fiscal year; internal supervision and control of its  
16 accounts, which function the appropriate city fiscal officers  
17 may perform for the board at its request; and an external  
18 audit at least annually by an independent certified public  
19 accountant who has no personal interest, direct or indirect,  
20 in its fiscal affairs. A copy of the external audit shall be  
21 filed with the city clerk within 90 days after the end of each  
22 fiscal year. The bylaws shall specify the means by which each  
23 of these functions is to be performed and, as to those  
24 functions assigned to board personnel, the manner and schedule  
25 of performance.

26 (3) No member or employee of the board shall  
27 participate by vote or otherwise on behalf of the board in any  
28 matter in which he or she has a direct financial interest or  
29 an indirect financial interest other than of the benefits to  
30 be derived generally from the development of the downtown  
31 area. Participation with knowledge of such interest shall



1 constitute malfeasance and shall result, as regards a member,  
2 in automatic forfeiture of office, or as regards an employee,  
3 in prompt dismissal.

4 Section 11. Provisions governing issuance of revenue  
5 certificates.--Issuance of revenue certificates by the board  
6 shall be governed by the following general provisions:

7 (1) Revenue certificates for purposes hereof are  
8 limited to obligations that are secured solely by pledge of  
9 revenues produced by the facility or facilities for the  
10 benefit of which the certificates are issued and the sale  
11 proceeds used and that do not constitute a lien or  
12 encumbrance, legal or equitable, on any real property of the  
13 board or on any of its personal property other than the  
14 revenue pledged to secure payment of the certificates.

15 (2) The faith and credit of the city shall not be  
16 pledged and the city shall not be obligated directly or  
17 indirectly to make any payments on or appropriate any funds  
18 for certificates issued by the board.

19 (3) Before issuing any revenue certificates, the board  
20 shall as to each issue:

21 (a) Prepare or procure from a reputable source  
22 detailed estimates of the total cost of the undertaking for  
23 which the certificates are contemplated and of the annual  
24 revenues to be obtained therefrom and pledged as security for  
25 payment of the certificates.

26 (b) Determine that the anticipated net proceeds from  
27 the sale, together with any other funds available and intended  
28 for the purposes of the issue, will be sufficient to cover all  
29 costs of the undertaking and of preparing and marketing the  
30 issues or anything connected therewith.

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1           (c) Determine that the annual revenues anticipated  
2 from the undertaking will be sufficient to pay the estimated  
3 annual cost of maintaining, repairing, operating, and  
4 replacing, to any necessary extent, not only the undertaking  
5 but also the punctual payment of the principal of, and  
6 interest on, the contemplated certificates.

7           (d) Specify these determinations in and include the  
8 supporting estimates as parts of the resolution providing for  
9 the issue.

10           (4) The board may, as to any issue of revenue  
11 certificates, engage the services of a corporate trustee for  
12 the issue and may treat any or all costs of carrying out the  
13 trust agreement as part of the operating costs of the  
14 undertaking for which the certificates are issued.

15           (5) The board shall from time to time establish such  
16 rentals, rates, and charges, or shall by agreement maintain  
17 such control thereof, as to meet punctually all payments on  
18 the undertaking and its maintenance and repair, including  
19 reserves therefor, and for depreciation and replacement.

20           (6) Revenue certificates may be issued for the  
21 purposes of funding, refunding, or both.

22           (7) All revenue certificates issued pursuant hereto  
23 shall be negotiable instruments for all purposes.

24           (8) Validation of certificates of indebtedness shall  
25 be in accordance with chapter 75, Florida Statutes.

26           Section 12. Transfer upon cessation of the  
27 board.--Should the board cease to exist or to operate for  
28 whatever reason, all property of whatever kind shall forthwith  
29 become the property of the city, subject to the outstanding  
30 obligations of the board incurred in conformity with all of  
31 the foregoing provisions, and the city shall use this property

1 to the maximum extent then practicable for effectuating the  
2 purpose hereof and shall succeed to and exercise only such  
3 powers of the board as shall be necessary to meet outstanding  
4 obligations of the board and effect an orderly cessation of  
5 its powers and functions; however, under no circumstances  
6 shall the city directly or indirectly be obligated to pledge  
7 or use any of its tax moneys to accomplish these functions.

8 Section 13. Freeholders and qualified electors  
9 referendum.--Elections called after increasing or decreasing  
10 the boundaries of the downtown area in accordance with section  
11 4 of this act shall be held in accordance with the following  
12 referendum provisions; provided, however, that no provision of  
13 this act shall require the approval of freeholders and  
14 qualified electors in an area which has previously approved of  
15 the provisions of this act by any referendum held hereinunder,  
16 unless there is involved a decrease in the boundaries of the  
17 downtown area.

18 (1) For the purposes of this referendum, the city  
19 clerk shall work with the county supervisor of elections to  
20 perform all things necessary to carry out the provisions of  
21 this section.

22 (2) Within 30 days after this act becoming a law of  
23 this state, the Clerk of the City of Daytona Beach shall  
24 compile a list of the names and the last known addresses of  
25 the freeholders and qualified electors in the downtown area  
26 from the voter registration rolls of the County of Volusia and  
27 the same shall constitute the registration list for the  
28 purposes of the referendum herein, except as hereinafter  
29 provided.

30 (3) Within the time period specified in subsection  
31 (2), the clerk shall notify the freeholders and qualified

1 electors of the general provisions of this act, the dates of  
2 the upcoming referendum, and the method provided for  
3 additional registration should the status of the freeholder or  
4 qualified elector have changed from that obtained from the  
5 county supervisor of elections. Notification hereunder shall  
6 be by registered or certified mail and published one time in  
7 the Daytona Beach News-Journal or another major newspaper of  
8 general circulation within the time period provided in  
9 subsection (2).

10 (4) The voter registration lists shall remain open  
11 until 30 days after the notifications provided in subsection  
12 (3).

13 (5) Within 30 days after the closing of the  
14 registration list, the clerk shall have a secret and direct  
15 ballot of the freeholders and qualified electors by providing  
16 a certified voting machine at the City Hall of the City of  
17 Daytona Beach, between the legal hours of voting in normal  
18 municipal elections, and shall place the date of this election  
19 in the original notification and, additionally, the day after  
20 the registration list is closed, shall mail to all eligible  
21 voters additional notification of the time and place of said  
22 election. Within 1 day after holding said election, the clerk  
23 shall certify the results thereof to the City Commission of  
24 Daytona Beach. Any person voting who has knowledge that he or  
25 she is not a freeholder or qualified elector as defined by  
26 this act shall be guilty of perjury and shall be prosecuted  
27 and upon conviction, punished in accordance with the  
28 provisions of the laws of this state.

29 (6) The freeholders and qualified electors shall be  
30 deemed to have approved any amendment to the boundaries of the  
31 downtown area at such time as the clerk certifies to the City

1 Commission of Daytona Beach that in excess of 50 percent of  
2 those voting were in favor of the amendment.

3 (7) For the purposes of this act, one vote shall be  
4 allowed for each individual who is a freeholder or qualified  
5 elector within the downtown area defined in this act and by  
6 the Constitution and laws of the State of Florida. Joint and  
7 several owners of property shall be allowed to cast one ballot  
8 each.

9 (8) A repeal referendum may be called by petition of  
10 the freeholders and qualified electors representing at least  
11 30 percent of the freeholders and qualified electors in the  
12 downtown area qualified to vote for the purpose of abolishing  
13 the board and repealing this act. Upon the receipt of such a  
14 petition for a repeal referendum by the city clerk, a  
15 referendum election shall be called by the city clerk and  
16 shall be held under the procedures as specified in this  
17 section. If the repeal shall fail, there shall be no  
18 additional repeal referendum made by petition at any time  
19 until 1 year after the certification of the results of the  
20 previous referendum by the clerk.

21 (9) The elections to be held under this act shall be  
22 held in accordance with the election laws of the City of  
23 Daytona Beach, sections 22 through 26 of the charter, insofar  
24 as possible. The board shall be billed for the cost of the  
25 election by the City of Daytona Beach.

26 Section 14. Persons eligible to vote.--In order to  
27 afford a fair and equal opportunity to all persons directly or  
28 indirectly affected by the creation of a downtown development  
29 authority in the City of Daytona Beach, all freeholders, as  
30 defined in this act, as well as qualified electors or voters,  
31

1 within the downtown area as described herein, are eligible to  
2 vote as provided in this act.

3 Section 15. Millage limitations.--This act provides  
4 for the establishment of a special taxing district under s. 9,  
5 Art. VII of the Florida Constitution and the millage  
6 limitations are specified within this act as authorized by the  
7 constitution. However, should any court construe this act to  
8 be within the 10-mill limitation of the city or 10-mill  
9 limitation of the county, then all provisions of this act  
10 shall be null and void, and this act shall be repealed.

11 Section 16. Special assessments.--To further finance  
12 the improvements authorized by this act, the Daytona Beach  
13 Downtown Development Authority Board is authorized to provide  
14 for payment of all or any part of the cost thereof by levying  
15 and collecting special assessments on property benefited by  
16 such improvements. Such special assessments shall be levied  
17 based on the benefits or advantages that reasonably may result  
18 to the property or to the owners thereof from the improvement  
19 contemplated and may be computed by the front footage of the  
20 benefited property, by the area benefited, by the distance  
21 from the improvements, or by any combination of these methods.  
22 The board shall declare by resolution the nature of the  
23 proposed improvements; designate the streets, sidewalks, or  
24 other properties to be improved and paid by special  
25 assessments; the manner in which said special assessments are  
26 to be paid; what part, if any, of said special assessments  
27 shall be paid by other funds; designate the lands upon which  
28 special assessments shall be levied; and state the total  
29 estimated cost of the improvements. Such estimated cost may  
30 include the cost of construction or reconstruction; all labor  
31 and materials; all lands, rights, easements, and franchises

1 acquired; financing charges and interest prior to, during, and  
2 for up to 1 year after completion of construction; plans and  
3 specifications and surveys of estimates, costs, and revenues;  
4 engineering and legal services; and all other expenses  
5 necessary or instant to determining the feasibility or  
6 practicality of such construction or reconstruction,  
7 administrative expenses, and such other expenses as may be  
8 necessary or instant to the financing herein authorized.

9 (1) Upon enactment of the resolution, the board shall  
10 cause to be prepared a preliminary assessment provided for in  
11 the resolution. The board may contract with the City of  
12 Daytona Beach or the County of Volusia to prepare the  
13 assessment roll. The assessment roll shall contain property  
14 descriptions and preliminary assessments of costs against each  
15 lot or parcel of land benefiting from such improvement.

16 (2) Upon completion of the preliminary assessment  
17 roll, the board shall cause to be published once in a  
18 newspaper of general circulation, published in the City of  
19 Daytona Beach, a notice stating that such a preliminary  
20 assessment roll has been completed and is on file at the  
21 Courthouse Annex of the County of Volusia or City Hall of the  
22 City of Daytona Beach and is open to public inspection, and at  
23 a regular meeting of the board on a certain day and hour, not  
24 later than 15 days after said publication, the board will hear  
25 all interested persons regarding the proposed assessments  
26 contained in the preliminary assessment roll, which notice  
27 shall further state in brief and general terms a description  
28 of the improvement with the location thereon.

29 (3) At least 15 days prior to the date of such  
30 hearing, notice by first class mail shall be sent to each  
31 person whose name and address appears in the most recent ad

1 valorem real property tax rolls prepared by the property  
2 appraiser of the County of Volusia, who is the owner of any  
3 lot or parcel of land assessed, advising him or her of the  
4 nature of the proposed improvements, the estimated cost  
5 thereof, the specific amount of assessment made against each  
6 lot or parcel of land so owned by him or her or listed in his  
7 or her name, and the place, date, and time of the hearing upon  
8 the assessments as hereinbefore provided.

9 (4) On or after the hearing provided for in this act,  
10 the board shall annul, sustain, or modify in whole or in part  
11 the preliminary assessment indicated on the preliminary  
12 assessment roll, either by confirming the preliminary  
13 assessment against any or all lots or parcels described  
14 therein, or by canceling, increasing, or reducing the same,  
15 according to the benefits which the board decides may  
16 reasonably result or have resulted to each lot or parcel by  
17 virtue of said improvement, but shall not confirm any  
18 assessment in excess of the benefit to the property assessed.  
19 Immediately after the determination of special assessments as  
20 hereinbefore provided, the special assessment roll, as  
21 sustained or modified, shall be delivered to the Finance  
22 Department of the County of Volusia for collection pursuant to  
23 provisions of state law. The board's determination of special  
24 assessment shall be final and conclusive.

25 (5) Such special assessment shall become due and  
26 payable no later than 30 days after the final determination of  
27 the special assessments as hereinbefore provided, or at the  
28 time and in the manner stipulated in the resolution providing  
29 for the improvements. The special assessments shall remain  
30 liens, coequal with the lien of all state, county, district,  
31 and municipal taxes, superior in dignity to all other liens,



1 titles, and claims until paid. The special assessments may, by  
2 the resolution aforesaid, be made payable in not more than 10  
3 equal annual installments, to which, if not paid when due,  
4 there shall be added a penalty at the rate of 1 percent per  
5 month until paid.

6 (6) After the equalization, approval, and confirmation  
7 of the levying of the special assessments for improvements as  
8 provided herein, and as soon as a contract for the  
9 improvements has been finally let, the board may by resolution  
10 or ordinance authorize the issuance of bonds, to be designated  
11 "Improvement Bonds, Series No. \_\_\_\_\_", in an amount not in  
12 excess of the aggregate amount of the liens levied for such  
13 improvements. Said bonds shall be payable from a special and  
14 separate fund to be known as the "Improvement Fund, Series No.  
15 \_\_\_\_\_", which shall be used solely for the payment and  
16 principal interest of said "Improvement Bond, Series No.  
17 \_\_\_\_\_ " and for no other purpose. Said fund shall be  
18 deposited in a separate account with the City of Daytona  
19 Beach, and all the proceeds collected by the Finance  
20 Department of the County of Volusia from the principal,  
21 interest, and penalties of said lien shall be deposited and  
22 held in such funds. Said bonds shall mature not later than 2  
23 years after the maturity of the last installment of said  
24 liens. Said bonds shall bear certificates signed by the chair  
25 of the authority certifying that the amount of lien levied,  
26 the proceeds of which are pledged to the payment of said  
27 bonds, are equal to the amount of the bonds issued. The bonds  
28 issued may be delivered to the contractor in payment of his or  
29 her work or may be sold at public or private sale for not less  
30 than par and accrued interest, the proceeds to be used in  
31 paying for the cost of the work. Said bonds shall not be a

1 charge or payable out of the general revenues of the  
2 authority, but shall be payable solely out of the assessments,  
3 installments, interest, and penalties arising under this act.  
4 Any surplus remaining after payment of all bonds and interest  
5 thereon shall revert to the board and be used for any board  
6 purposes as it may designate.

7 (7) The special assessments herein described may be  
8 administered by the City of Daytona Beach or the Finance  
9 Department of the County of Volusia, pursuant to the  
10 provisions of law.

11 Section 4. The provisions of this act, being desirable  
12 for the welfare of the city and its inhabitants, shall be  
13 liberally construed to effectuate the purposes herein  
14 provided.

15 Section 5. Chapters 72-520, 77-537, 79-446, and  
16 80-493, Laws of Florida, are repealed.

17 Section 6. This act shall take effect upon becoming a  
18 law.

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