

HB 1361

2005

1 A bill to be entitled

2 An act relating to the Performing Arts Center Authority,
3 Broward County; codifying, reenacting, amending, and
4 repealing special acts relating to the authority;
5 providing that the authority is a public body, corporate
6 and politic; providing purposes; providing membership and
7 organization; providing definitions; providing for the
8 method and manner of the appointment of the authority and
9 terms of the authority's membership; providing for
10 reimbursement of members' expenses; providing for removal
11 of members; providing for the organization, powers,
12 functions, financing, privileges, duties, and
13 responsibilities of the authority; providing for
14 competitive bidding in certain instances; authorizing the
15 acquisition of certain property acquired by eminent
16 domain; providing for budget approval by the Broward
17 County Commission and the Fort Lauderdale City Commission;
18 providing for the issuance of revenue bonds by the
19 authority to carry out the purposes of this act; providing
20 for sources of revenues for paying for the construction of
21 facilities, the administrative expenses of the authority,
22 and said revenue bonds; authorizing appropriations by the
23 county, the city, and other governmental units in Broward
24 County for operation and maintenance of said facilities;
25 providing for public or private subscriptions; providing
26 for the issuance of a license to sell alcoholic beverages
27 for on-premise consumption; providing severability;
28 providing an effective date.
29

HB 1361

2005

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

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32 Section 1. Pursuant to section 189.429, Florida Statutes,
 33 this act constitutes the codification of all special acts
 34 relating to the Performing Arts Center Authority. It is the
 35 intent of the Legislature in enacting this law to provide a
 36 single comprehensive special act charter for the performing arts
 37 center authority, including all current legislative authority
 38 granted to the Performing Arts Center Authority by its several
 39 legislative enactments and additional authority granted by this
 40 act. It is the further intent of the Legislature that this act
 41 preserve all of the authority's powers in addition to any
 42 authority contained in chapter 189, Florida Statutes, as amended
 43 from time to time.

44 Section 2. Chapters 84-396, 85-389, 92-268, and 93-371,
 45 Laws of Florida, are codified, reenacted, amended, and repealed
 46 as herein provided.

47 Section 3. The Performing Arts Center Authority is re-
 48 created and reenacted to read:

49 Section 1. Performing Arts Center Authority.--There is
 50 hereby created and established the Performing Arts Center
 51 Authority, hereinafter referred to as the "authority," a public
 52 body, politic and corporate, in Broward County, for the purpose
 53 of planning, promoting, developing, constructing, acquiring,
 54 owning, reconstructing, extending, enlarging, repairing,
 55 remodeling, improving, relocating, equipping, maintaining, and
 56 operating facilities for holding any type of cultural, tourism,
 57 or promotional event, civic, recreational, or similar event or
 58 activity. Such purpose is hereby deemed to be a public purpose

HB 1361

2005

59 the fulfillment of which is an urgent public necessity.

60 Section 2. Membership and organization.--

61 (1) The authority shall consist of 13 members, each
 62 serving a term of 4 years, except for the initial appointees, of
 63 whom six shall serve terms of 2 years, and seven shall serve
 64 terms of 4 years, as hereinafter provided. The members shall,
 65 insofar as practical, be representatives of civic, cultural,
 66 recreational, business, and social interests. Five members of
 67 the authority shall be selected by the Board of County
 68 Commissioners of Broward County, and of the five members
 69 selected by the board of county commissioners, at least one
 70 member of the five selected shall be a minority person as
 71 defined in section 288.703(3), Florida Statutes. Two members
 72 shall be selected by the Commission of the City of Fort
 73 Lauderdale, one member shall be selected by the Downtown
 74 Development Authority, one member shall be selected by the
 75 Broward County School Board, and four members shall be selected
 76 by the Broward Performing Arts Foundation, at least one of whom
 77 shall be a minority person as defined in section 288.703(3),
 78 Florida Statutes.

79 (2) The initial appointments to the authority shall be
 80 made as soon as practicable after this act takes effect. The
 81 results of all appointments and removals shall be immediately
 82 certified to the authority.

83 (3) All members of the authority at the time of their
 84 appointment and during the term of their membership shall be
 85 permanent residents of Broward County. The members shall not
 86 receive any compensation for their services, except that they
 87 may be reimbursed for actual, necessary expenses that they incur

HB 1361

2005

88 in the performance of their duties under this act. Each member,
 89 unless removed as provided in this act, shall serve until his or
 90 her successor is appointed and qualified. A member appointed by
 91 a governmental unit may be removed by that governmental unit for
 92 just cause by a majority vote of the governmental unit. A
 93 vacancy shall be filled for the member's unexpired term as soon
 94 as practicable after the vacancy occurs by the governmental unit
 95 that appointed the member. Before entering upon the duties of
 96 office, each member shall take an oath to faithfully discharge
 97 the duties of his or her office, shall take any other oath
 98 required by law, and shall file a signed copy of such oath with
 99 the Clerk of the Circuit Court of Broward County. A majority of
 100 the membership of the authority shall constitute a quorum. A
 101 vacancy on the authority shall not impair the rights of a quorum
 102 to exercise all the rights and perform all the duties of the
 103 authority.

104 (4) The authority shall organize as soon as practicable
 105 after the effective date of this act. The authority shall by
 106 majority vote elect a chair and such other officers as the
 107 authority provides for in its bylaws. The authority may create
 108 such other offices as it deems necessary to accomplish the
 109 purpose of this act. The authority may, by two-thirds vote of
 110 its membership, create an executive committee. The executive
 111 committee shall have four members who shall be appointed by the
 112 authority and who shall be chosen from among two members
 113 selected by the county, one member selected by the foundation,
 114 and one member selected by the city, for a total executive
 115 committee membership of four persons. The authority may delegate
 116 by resolution any power, task, action, or other undertaking

HB 1361

2005

117 which the authority may itself perform. An executive committee
 118 shall automatically dissolve upon the completion of the activity
 119 delegated, unless earlier dissolved by a majority vote of the
 120 authority.

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

122 (1) "Authority" means the Performing Arts Center Authority
 123 created by this act.

124 (2) "Cost" or "costs," as applied to facilities, means the
 125 cost of acquisition and construction of such facilities,
 126 including the cost of all land, property, property rights,
 127 easements, franchises, labor, insurance, materials, furnishings,
 128 and equipment required to carry out the purposes of this act,
 129 and includes and reserves therefor prior to and during
 130 construction and for a reasonable period of time thereafter:
 131 costs of plans and specifications; estimates of costs and
 132 revenues; costs of engineering, architectural, and special
 133 consultant services; costs of legal services, including those
 134 rendered for the issuance, validation, and sale of revenue
 135 bonds; all expenses necessary or incident to determining the
 136 feasibility or practicability of such acquisition and
 137 construction; administrative expenses; and such other expenses
 138 as may be necessary or incident to the acquisition and
 139 construction of the financing herein authorized.

140 (3) "County" means the County of Broward.

141 (4) "DDA" means the Downtown Development Authority of the
 142 City of Fort Lauderdale.

143 (5) "Facilities" means facilities or sites for holding any
 144 type of cultural, tourism, or promotional event, or civic,
 145 recreational, or similar event or activity, and includes

HB 1361

2005

146 property, auditoriums, theaters, music halls, buildings,
 147 structures, utilities, parks, parking areas, roadways, and all
 148 other facilities and properties reasonably necessary or
 149 desirable to carry out the purposes of this act.

150 (6) "Governmental unit" means the County of Broward, or a
 151 municipality or special district, improvement or otherwise, that
 152 is within the boundaries of Broward County, or an agency or
 153 instrumentality of such county, municipality, or special
 154 district. The term shall apply only to the portions of any
 155 governmental unit that are within the boundaries of Broward
 156 County.

157 Section 4. General powers.--The authority may:

158 (1) Adopt bylaws for the regulation of its affairs and the
 159 conduct of its business.

160 (2) Adopt and use an official seal.

161 (3) Sue and be sued in the name of the Performing Arts
 162 Center Authority.

163 (4) Plan, develop, purchase, lease, or otherwise acquire,
 164 demolish, construct, reconstruct, improve, extend, enlarge,
 165 relocate, equip, repair, maintain, operate, and manage
 166 facilities.

167 (5) Make a comprehensive land use plan for the overall
 168 orderly development of facilities, develop detailed
 169 architectural and engineering plans for specific facilities, and
 170 obtain necessary feasibility and other reports and studies.

171 (6) Acquire by lease, grant, purchase, gift, or devise
 172 from any source, including a governmental unit, any real or
 173 personal property, or any estate or interest therein, that is
 174 necessary, desirable, or convenient for the purpose of this act;

HB 1361

2005

175 lease or rent all or any part of such property; and exercise its
 176 powers and authority with respect to that property. A
 177 governmental unit may sell or lease property to the authority
 178 for nominal consideration. Without limiting any power or
 179 authority of the County of Broward or the municipalities in
 180 Broward County, the county and municipalities in the county,
 181 within their respective territorial jurisdictions and by the
 182 methods provided by chapter 73 or chapter 74, Florida Statutes,
 183 may acquire real property by eminent domain and, as herein
 184 provided and with the agreement of the authority, transfer that
 185 property to the authority to be used for the purposes of this
 186 act. The expenditure of moneys by counties or municipalities for
 187 such purpose is hereby declared to be a public purpose. Title to
 188 real property so acquired may be held in fee simple, absolute
 189 and unqualified in any way or any lesser interest therein.
 190 Nothing in this act shall be construed to allow acquisition of
 191 real property by eminent domain for purposes or uses other than
 192 as herein provided.

193 (7) Lease, rent, or contract for the operation or
 194 management of any part of any of the facilities of the
 195 authority.

196 (8) Fix and collect rates, rentals, fees, charges, or
 197 ticket surcharges for the use of any facilities of the
 198 authority.

199 (9) Contract for the operation of concessions on or in any
 200 of the facilities of the authority or, at its discretion,
 201 operate such concessions as it deems desirable.

202 (10) Advertise and promote within or without the state any
 203 of the facilities and activities of the authority.

HB 1361

2005

204 (11) Employ an executive director, other necessary staff
 205 employees, and such consulting services, engineers, architects,
 206 special consultants, superintendents, managers, construction and
 207 financial experts, attorneys, employees, and agents as the
 208 authority deems necessary and fix their compensation. Any
 209 treasurer of the authority, prior to entering upon his or her
 210 duties as such officer, and any other officer or employee so
 211 required by the authority shall provide a surety bond in an
 212 amount to be determined by the authority conditioned upon the
 213 faithful performance of the duties of his or her office or
 214 employment. Such bond shall be executed by a surety company
 215 authorized to do business in the state and shall be approved by
 216 the authority.

217 (12) Cooperate with and contract with the government of
 218 the United States or the state or any agency, instrumentality,
 219 or political subdivision of either, or with any municipality,
 220 district, corporation, partnership, association, person, or
 221 individual in providing for or relating to the authority in
 222 carrying out the provisions and purposes of this act.

223 Section 5. Bid procedures.--All contracts for
 224 constructing, demolishing, improving, extending, enlarging,
 225 relocating, repairing, or equipping of facilities of the
 226 authority in the amount of \$7,500 or more shall be awarded by
 227 the authority to the best qualified bidder, as determined by the
 228 authority, after consideration of all relevant factors including
 229 the purposes and provisions of this act and the competitiveness
 230 of all bids received. The authority shall, at least 30 days
 231 prior to the award of such contract, publish one time in a
 232 newspaper of general circulation in Broward County a notice

HB 1361

2005

233 requesting bids on such contract. The authority may for any
 234 reason reject all bids and request new bids in the same manner
 235 as bids were first requested. This section does not apply to the
 236 purchase, lease, or acquisition of a site.

237 Section 6. Fiscal powers.--

238 (1) The expenditure of all moneys collected or received
 239 for the purposes authorized by this act shall be subject to an
 240 annual review by the Broward County Commission and the Fort
 241 Lauderdale City Commission. The authority shall prepare a budget
 242 for each fiscal year pursuant to the provisions of chapter 129,
 243 Florida Statutes, and a forecast of estimated income and
 244 expenditures for the next fiscal year. The budget shall be
 245 adopted, adopted as amended, or rejected by the Performing Arts
 246 Center Authority subject to the general provisions of chapter
 247 129, Florida Statutes, and shall be subject to approval by the
 248 Broward County Commission and the Fort Lauderdale City
 249 Commission.

250 (2) The Broward County Commission and the Fort Lauderdale
 251 City Commission shall retain, employ, and compensate independent
 252 certified public accountants to audit the records or books of
 253 account of the authority at least once yearly and at such other
 254 times as either such commission deems necessary.

255 Section 7. Bonding provisions.--

256 (1) For the purpose of providing funds to finance
 257 equipping, furnishing, and constructing facilities, the
 258 Performing Arts Center Authority may issue revenue bonds.

259 (2) Any bonds authorized by this act may be issued and
 260 sold at one time or from time to time, and shall bear such date
 261 or dates, be in such denomination or denominations, be payable

HB 1361

2005

262 at such place, bear interest at a rate allowed by general law,
 263 and mature at such stated time or times not exceeding 40 years
 264 after their date of issuance, with or without the right of prior
 265 redemption by the authority, all as may be determined by
 266 resolution or resolutions of the authority, which resolution or
 267 resolutions may prescribe the manner and terms of redemption of
 268 any bonds which the authority makes redeemable. The bonds shall
 269 be issued in registered form, as to both principal and interest,
 270 and shall be signed by the proper officials of the authority or
 271 such other designee authorized by the authority, on its behalf,
 272 and impressed with the corporate seal of the authority or a
 273 printed facsimile. The bonds may be sold at public or private
 274 sale or as determined by the authority at such price and terms
 275 as are deemed to be in the best interest of the authority.

276 (3) The revenues pledged against such bonds by the
 277 authority may include the ticket surcharge, other projected
 278 revenues of the authority, the local option tourist development
 279 tax as authorized in section 125.0104, Florida Statutes, or any
 280 other source of revenue which the Board of County Commissioners
 281 of Broward County or the Commission of the City of Fort
 282 Lauderdale deems appropriate. Revenue bonds sold under the
 283 provisions of this act shall conform with the general provisions
 284 for revenue bonds as defined under chapter 159, Florida
 285 Statutes.

286 (4) The Board of County Commissioners of Broward County or
 287 the City of Fort Lauderdale City Commission shall not have the
 288 power to pledge the full faith and credit and ad valorem taxing
 289 power of Broward County or the City of Fort Lauderdale for the
 290 payment of the principal or interest on such bonds.

HB 1361

2005

291 (5) Without limiting any other provisions of this act, the
 292 revenues available to the authority as set forth in this act, if
 293 not previously pledged to revenue bonds issued or to be used
 294 pursuant to this act or otherwise committed, may be used to
 295 otherwise finance or pay for the construction of facilities or
 296 the administrative expenses of the authority or otherwise in
 297 carrying out the purposes and provisions of this act.

298 Section 8. Other revenues.--The County of Broward, the
 299 City of Fort Lauderdale, and any other governmental unit may
 300 appropriate additional funds for use by the authority for
 301 maintenance of facilities and payment of employees' salaries,
 302 operating expenses, planning expenses, or other necessary
 303 expenditures. Such expenditures are declared to be for a valid,
 304 necessary public purpose.

305 Section 9. Public or private subscription.--The authority
 306 may solicit, encourage, promote, and accept any public or
 307 private subscriptions and donations of moneys, other property,
 308 and assets for use in furthering the purposes of this act.

309 Section 10. Special licenses.--In addition to any licenses
 310 that may be issued under the provisions of the Beverage Law of
 311 the state, the Division of Alcoholic Beverages and Tobacco of
 312 the Department of Business and Professional Regulation is hereby
 313 authorized to issue to qualified applicants consisting of the
 314 Performing Arts Center Authority or its designee a special
 315 license or special licenses for use within the confines of the
 316 Performing Arts Center complex. Any such license issued pursuant
 317 to this act shall permit the licensee to sell alcoholic
 318 beverages only for consumption on the premises of the
 319 facilities.

HB 1361

2005

320 Section 4. Chapters 84-396, 85-389, 92-268, and 93-371,
321 Laws of Florida, are repealed.

322 Section 5. If any provision of this act or the application
323 thereof to any person or circumstance is held invalid, the
324 invalidity shall not affect other provisions or applications of
325 the act which can be given effect without the invalid provision
326 or application, and to this end the provisions of this act are
327 declared severable.

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