

CHAMBER ACTION

1 The Local Government Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Performing Arts Center Authority,  
7 Broward County; codifying, reenacting, amending, and  
8 repealing special acts relating to the authority;  
9 providing that the authority is a public body, corporate  
10 and politic; providing purposes; providing membership and  
11 organization; providing definitions; providing for the  
12 method and manner of the appointment of the authority and  
13 terms of the authority's membership; providing for  
14 reimbursement of members' expenses; providing for removal  
15 of members; providing for the organization, powers,  
16 functions, financing, privileges, duties, and  
17 responsibilities of the authority; providing for  
18 competitive bidding in certain instances; authorizing the  
19 acquisition of certain property acquired by eminent  
20 domain; providing for budget approval by the Broward  
21 County Commission and the Fort Lauderdale City Commission;  
22 providing for the issuance of revenue bonds by the  
23 authority to carry out the purposes of this act; providing

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24 | for sources of revenues for paying for the construction of  
 25 | facilities, the administrative expenses of the authority,  
 26 | and said revenue bonds; authorizing appropriations by the  
 27 | county, the city, and other governmental units in Broward  
 28 | County for operation and maintenance of said facilities;  
 29 | providing for public or private subscriptions; providing  
 30 | for the issuance of a license to sell alcoholic beverages  
 31 | for on-premise consumption; providing severability;  
 32 | providing an effective date.

33

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

35

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

48 |       Section 2. Chapters 84-396, 85-389, 92-268, and 93-371,  
 49 | Laws of Florida, are codified, reenacted, amended, and repealed  
 50 | as herein provided.

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

53 Section 1. Performing Arts Center Authority.--There is  
54 hereby created and established the Performing Arts Center  
55 Authority, hereinafter referred to as the "authority," an  
56 independent special district and a public body, politic and  
57 corporate, in Broward County, for the purpose of planning,  
58 promoting, developing, constructing, acquiring, owning,  
59 reconstructing, extending, enlarging, repairing, remodeling,  
60 improving, relocating, equipping, maintaining, and operating  
61 facilities for holding any type of cultural, tourism, or  
62 promotional event, civic, recreational, or similar event or  
63 activity. Such purpose is hereby deemed to be a public purpose  
64 the fulfillment of which is an urgent public necessity.

65 Section 2. Membership and organization.--

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

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79 | Development Authority, one member shall be selected by the  
 80 | Broward County School Board, and four members shall be selected  
 81 | by the Broward Performing Arts Foundation, at least one of whom  
 82 | shall be a minority person as defined in section 288.703(3),  
 83 | Florida Statutes.

84 | (2) The initial appointments to the authority shall be  
 85 | made as soon as practicable after this act takes effect. The  
 86 | results of all appointments and removals shall be immediately  
 87 | certified to the authority.

88 | (3) All members of the authority at the time of their  
 89 | appointment and during the term of their membership shall be  
 90 | permanent residents of Broward County. The members shall not  
 91 | receive any compensation for their services, except that they  
 92 | may be reimbursed for actual, necessary expenses that they incur  
 93 | in the performance of their duties under this act. Each member,  
 94 | unless removed as provided in this act, shall serve until his or  
 95 | her successor is appointed and qualified. A member appointed by  
 96 | a governmental unit may be removed by that governmental unit for  
 97 | just cause by a majority vote of the governmental unit. A  
 98 | vacancy shall be filled for the member's unexpired term as soon  
 99 | as practicable after the vacancy occurs by the governmental unit  
 100 | that appointed the member. Before entering upon the duties of  
 101 | office, each member shall take an oath to faithfully discharge  
 102 | the duties of his or her office, shall take any other oath  
 103 | required by law, and shall file a signed copy of such oath with  
 104 | the Clerk of the Circuit Court of Broward County. A majority of  
 105 | the membership of the authority shall constitute a quorum. A  
 106 | vacancy on the authority shall not impair the rights of a quorum

107 to exercise all the rights and perform all the duties of the  
 108 authority.

109 (4) The authority shall organize as soon as practicable  
 110 after the effective date of this act. The authority shall by  
 111 majority vote elect a chair and such other officers as the  
 112 authority provides for in its bylaws. The authority may create  
 113 such other offices as it deems necessary to accomplish the  
 114 purpose of this act. The authority may, by two-thirds vote of  
 115 its membership, create an executive committee. The executive  
 116 committee shall have four members who shall be appointed by the  
 117 authority and who shall be chosen from among two members  
 118 selected by the county, one member selected by the foundation,  
 119 and one member selected by the city, for a total executive  
 120 committee membership of four persons. The authority may delegate  
 121 by resolution any power, task, action, or other undertaking  
 122 which the authority may itself perform. An executive committee  
 123 shall automatically dissolve upon the completion of the activity  
 124 delegated, unless earlier dissolved by a majority vote of the  
 125 authority.

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

127 (1) "Authority" means the Performing Arts Center Authority  
 128 created by this act.

129 (2) "Cost" or "costs," as applied to facilities, means the  
 130 cost of acquisition and construction of such facilities,  
 131 including the cost of all land, property, property rights,  
 132 easements, franchises, labor, insurance, materials, furnishings,  
 133 and equipment required to carry out the purposes of this act,  
 134 and includes and reserves therefor prior to and during

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135 construction and for a reasonable period of time thereafter:  
 136 costs of plans and specifications; estimates of costs and  
 137 revenues; costs of engineering, architectural, and special  
 138 consultant services; costs of legal services, including those  
 139 rendered for the issuance, validation, and sale of revenue  
 140 bonds; all expenses necessary or incident to determining the  
 141 feasibility or practicability of such acquisition and  
 142 construction; administrative expenses; and such other expenses  
 143 as may be necessary or incident to the acquisition and  
 144 construction of the financing herein authorized.

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

146 (4) "DDA" means the Downtown Development Authority of the  
 147 City of Fort Lauderdale.

148 (5) "Facilities" means facilities or sites for holding any  
 149 type of cultural, tourism, or promotional event, or civic,  
 150 recreational, or similar event or activity, and includes  
 151 property, auditoriums, theaters, music halls, buildings,  
 152 structures, utilities, parks, parking areas, roadways, and all  
 153 other facilities and properties reasonably necessary or  
 154 desirable to carry out the purposes of this act.

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

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

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163       (1) Adopt bylaws for the regulation of its affairs and the  
164 conduct of its business.

165       (2) Adopt and use an official seal.

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

168       (4) Plan, develop, purchase, lease, or otherwise acquire,  
169 demolish, construct, reconstruct, improve, extend, enlarge,  
170 relocate, equip, repair, maintain, operate, and manage  
171 facilities.

172       (5) Make a comprehensive land use plan for the overall  
173 orderly development of facilities, develop detailed  
174 architectural and engineering plans for specific facilities, and  
175 obtain necessary feasibility and other reports and studies.

176       (6) Acquire by lease, grant, purchase, gift, or devise  
177 from any source, including a governmental unit, any real or  
178 personal property, or any estate or interest therein, that is  
179 necessary, desirable, or convenient for the purpose of this act;  
180 lease or rent all or any part of such property; and exercise its  
181 powers and authority with respect to that property. A  
182 governmental unit may sell or lease property to the authority  
183 for nominal consideration. Without limiting any power or  
184 authority of the County of Broward or the municipalities in  
185 Broward County, the county and municipalities in the county,  
186 within their respective territorial jurisdictions and by the  
187 methods provided by chapter 73 or chapter 74, Florida Statutes,  
188 may acquire real property by eminent domain and, as herein  
189 provided and with the agreement of the authority, transfer that  
190 property to the authority to be used for the purposes of this

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191 act. The expenditure of moneys by counties or municipalities for  
 192 such purpose is hereby declared to be a public purpose. Title to  
 193 real property so acquired may be held in fee simple, absolute  
 194 and unqualified in any way or any lesser interest therein.  
 195 Nothing in this act shall be construed to allow acquisition of  
 196 real property by eminent domain for purposes or uses other than  
 197 as herein provided.

198 (7) Lease, rent, or contract for the operation or  
 199 management of any part of any of the facilities of the  
 200 authority.

201 (8) Fix and collect rates, rentals, fees, charges, or  
 202 ticket surcharges for the use of any facilities of the  
 203 authority.

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

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

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



219 employment. Such bond shall be executed by a surety company  
 220 authorized to do business in the state and shall be approved by  
 221 the authority.

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

228 Section 5. Bid procedures.--All contracts for  
 229 constructing, demolishing, improving, extending, enlarging,  
 230 relocating, repairing, or equipping of facilities of the  
 231 authority in the amount of \$7,500 or more shall be awarded by  
 232 the authority to the best qualified bidder, as determined by the  
 233 authority, after consideration of all relevant factors including  
 234 the purposes and provisions of this act and the competitiveness  
 235 of all bids received. The authority shall, at least 30 days  
 236 prior to the award of such contract, publish one time in a  
 237 newspaper of general circulation in Broward County a notice  
 238 requesting bids on such contract. The authority may for any  
 239 reason reject all bids and request new bids in the same manner  
 240 as bids were first requested. This section does not apply to the  
 241 purchase, lease, or acquisition of a site.

242 Section 6. Fiscal powers.--

243 (1) The expenditure of all moneys collected or received  
 244 for the purposes authorized by this act shall be subject to an  
 245 annual review by the Broward County Commission and the Fort  
 246 Lauderdale City Commission. The authority shall prepare a budget

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247 for each fiscal year pursuant to the provisions of chapter 129,  
 248 Florida Statutes, and a forecast of estimated income and  
 249 expenditures for the next fiscal year. The budget shall be  
 250 adopted, adopted as amended, or rejected by the Performing Arts  
 251 Center Authority subject to the general provisions of chapter  
 252 129, Florida Statutes, and shall be subject to approval by the  
 253 Broward County Commission and the Fort Lauderdale City  
 254 Commission.

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

260 Section 7. Bonding provisions.--

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

264 (2) Any bonds authorized by this act may be issued and  
 265 sold at one time or from time to time, and shall bear such date  
 266 or dates, be in such denomination or denominations, be payable  
 267 at such place, bear interest at a rate allowed by general law,  
 268 and mature at such stated time or times not exceeding 40 years  
 269 after their date of issuance, with or without the right of prior  
 270 redemption by the authority, all as may be determined by  
 271 resolution or resolutions of the authority, which resolution or  
 272 resolutions may prescribe the manner and terms of redemption of  
 273 any bonds which the authority makes redeemable. The bonds shall  
 274 be issued in registered form, as to both principal and interest,

275 and shall be signed by the proper officials of the authority or  
 276 such other designee authorized by the authority, on its behalf,  
 277 and impressed with the corporate seal of the authority or a  
 278 printed facsimile. The bonds may be sold at public or private  
 279 sale or as determined by the authority at such price and terms  
 280 as are deemed to be in the best interest of the authority.

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

291 (4) The Board of County Commissioners of Broward County or  
 292 the City of Fort Lauderdale City Commission shall not have the  
 293 power to pledge the full faith and credit and ad valorem taxing  
 294 power of Broward County or the City of Fort Lauderdale for the  
 295 payment of the principal or interest on such bonds.

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

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

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

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

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

327        Section 5. If any provision of this act or the application  
 328 thereof to any person or circumstance is held invalid, the  
 329 invalidity shall not affect other provisions or applications of  
 330 the act which can be given effect without the invalid provision

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331 | or application, and to this end the provisions of this act are  
332 | declared severable.

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