

HB 1657

2005

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

A bill to be entitled  
 An act relating to the Downtown Development Authority of  
 the City of Fort Lauderdale, Broward County; codifying,  
 amending, reenacting, and repealing chapters 65-1541, 67-  
 1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-  
 247, 93-392, and 95-531, Laws of Florida; providing  
 severability; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes,  
this act constitutes the codification of all special acts  
relating to the Downtown Development Authority of the City of  
Fort Lauderdale. It is the intent of the Legislature in enacting  
this law to provide a single, comprehensive special act charter  
for the authority, including all current legislative authority  
granted to the authority by its several legislative enactments  
and any additional authority granted by this act. It is further  
the intent of this act to preserve all authority of the  
authority.

Section 2. Chapters 65-1541, 67-1385, 69-1056, 75-371, 80-  
501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of  
Florida, are codified, reenacted, amended, and repealed as  
herein provided.

Section 3. The charter for the Downtown Development  
 Authority of the City of Fort Lauderdale is reenacted and re-  
 created to read:

Section 1. Definitions.--As used in this act, the  
following terms shall have the meaning ascribed to them in this

HB 1657

2005

30 section unless the context shall clearly requires otherwise:

31 (1) "Authority" means the Downtown Development Authority  
 32 of the City of Fort Lauderdale.

33 (2) "Board" means the governing body of the authority  
 34 selected as herein provided.

35 (3) "Director" means the chief executive officer of the  
 36 authority selected by the board as herein provided.

37 (4) "City" means the City of Fort Lauderdale.

38 (5)(a) "Downtown" means the lands described in section 2  
 39 not being used as a residence.

40 (b) "Not being used as a residence" means all residential  
 41 lands not being used as a residence or that portion of  
 42 nonresidential lands not being used as a residence. The  
 43 determination of when land is being used as a residence shall be  
 44 made and certified by the Executive Director of the Downtown  
 45 Development Authority at the time the books close for a Downtown  
 46 Development Authority election or, if the Downtown Development  
 47 Authority does not hold an election in a particular year, as of  
 48 January 1 of that year.

49 (c) "Residence" means a building in which one or more  
 50 natural persons live.

51 (d) "Residential" means lands zoned by the City of Fort  
 52 Lauderdale as R-1-A, R-1, R-1-P, R-2-A, R-2, R-3-A/RM-25, R-3-9,  
 53 RM-15, R-3/RM-30, R-3-C, R-4/RM-60, or R-4-C.

54 (6) "Planning board" means the city planning and zoning  
 55 board.

56 (7) "Bonds" means any bonds, including refunding bonds,  
 57 notes, interim certificates, certificates of indebtedness,  
 58 debentures, and other obligations.

HB 1657

2005

59       (8) "Public facility" means any street, park, parking lot,  
 60 playground, right-of-way, structure, waterway, bridge, lake,  
 61 pond, canal, utility lines or pipes, and building, including  
 62 access routes to any of the foregoing, designed and dedicated to  
 63 use by the public generally, or used by any public agency with  
 64 or without charge, whether or not the same is revenue producing.

65       (9) "Assessable improvements" includes, without  
 66 limitation, any and all land redevelopment and revitalization  
 67 works and facilities, sewer systems, storm sewers and drains,  
 68 water systems, streets, roads, or other products of the  
 69 authority, or that portion or portions thereof, local in nature  
 70 and of special benefit to the premises or lands served thereby,  
 71 and any and all modifications, improvements, and enlargements  
 72 thereof.

73       (10) "Cost," when used with reference to any project,  
 74 includes, but is not limited to, the expense of determining the  
 75 feasibility or practicability of acquisition, construction, or  
 76 reconstruction; the cost of surveys, estimates, plans, designs,  
 77 and specifications; the cost of improvements and engineering,  
 78 fiscal, and legal expenses and charges; the cost of all labor,  
 79 materials, machinery, and equipment; the cost of all lands,  
 80 properties, rights, easements, and franchises acquired; federal,  
 81 state, and local taxes and assessments; financing charges; the  
 82 creation of initial reserve and debt service funds; working  
 83 capital; interest charges incurred or estimated to be incurred  
 84 on money borrowed prior to and during construction and  
 85 acquisition and for such period of time after completion of  
 86 construction or acquisition as the board may determine; the cost  
 87 of issuance of bonds pursuant to this act, including

HB 1657

2005

88 advertisements and printing, the cost of any referendum held  
 89 pursuant to this act, and all other expenses of issuance of  
 90 bonds; discount, if any, on the sale or exchange of bonds;  
 91 administrative expenses; such other expenses as may be necessary  
 92 or incidental to the acquisition, construction, or  
 93 reconstruction of any project or to the financing thereof, or  
 94 the development of any lands within the authority; and  
 95 reimbursement of any public or private body, person, firm, or  
 96 corporation for any moneys advanced in connection with any of  
 97 the foregoing items of cost. Any obligation or expense incurred  
 98 prior to the issuance of bonds in connection with the  
 99 acquisition, construction, or reconstruction of any project or  
 100 improvements thereon, or in connection with any other  
 101 development of land that the board shall determine to be  
 102 necessary or desirable in carrying out the purposes of this act,  
 103 may be treated as a part of such cost.

104 (11) "Project" means any development, improvement,  
 105 property, utility, facility, works road, sidewalk, enterprise,  
 106 service, or convenience, including, without limitation, public  
 107 transportation facilities and services, now existing or  
 108 hereafter undertaken or established, that under the provisions  
 109 of this act the authority is authorized to construct, acquire,  
 110 undertake, or furnish for its own use or for the use of any  
 111 other person, firm, or corporation owning, leasing, or otherwise  
 112 using the same, for any profit or nonprofit purpose or activity,  
 113 and shall include, without limitation, such repairs,  
 114 replacements, additions, extensions, and betterments of and to  
 115 any project as may be deemed necessary or desirable by the board  
 116 to place or to maintain such project in proper condition for the

HB 1657

2005

117 safe, efficient, and economic operation thereof.

118 (12) "Public body" means the state or any municipality,  
 119 board, commission, authority, district, department, or any other  
 120 subdivision or public body of the state.

121 (13) "Federal Government" means the United States of  
 122 America or any agency or instrumentality, corporation, or  
 123 otherwise of the United States of America.

124 (14) "Slum area" means an area in which there is a  
 125 predominance of buildings or improvements, whether residential  
 126 or nonresidential, which by reason of dilapidation,  
 127 deterioration, age, or obsolescence, inadequate provision for  
 128 ventilation, light, air, sanitation, or open spaces, high  
 129 density of population and overcrowding, or the existence of  
 130 conditions which endanger life or property by fire and other  
 131 causes or any combination of such factors is conducive to ill  
 132 health, transmission of disease, infant mortality, juvenile  
 133 delinquency, or crime, and is detrimental to the public health,  
 134 safety, morals, or welfare.

135 (15) "Blighted area" means an area which by reason of the  
 136 presence of a substantial number of slum, deteriorated, or  
 137 deteriorating structures, predominance of defective or  
 138 inadequate street layout, faulty lot layout in relation to size,  
 139 adequacy, accessibility, or usefulness, unsanitary or unsafe  
 140 conditions, deterioration of site or other improvements,  
 141 diversity of ownership, tax or special assessment delinquency  
 142 exceeding the fair value of the land, defective or unusual  
 143 conditions of title, or the existence of conditions which  
 144 endanger life or property by fire and other causes, or any  
 145 combination of such factors, substantially impairs or arrests

HB 1657

2005

146 the sound growth of a community, retards the provision of  
 147 housing accommodations, or constitutes an economic or social  
 148 liability and is a menace to the public health, safety, morals,  
 149 or welfare in its present condition and use.

150 (16) "Renewal project" means undertakings and activities  
 151 of the authority in a renewal area for the elimination and  
 152 prevention of the development or spread of slums and blight, and  
 153 may involve slum clearance and redevelopment in a renewal area,  
 154 or rehabilitation or conservation in a renewal area, or any  
 155 combination or part thereof in accordance with a renewal plan.  
 156 Such undertakings and activities may include:

157 (a) Acquisition of a slum area or a blighted area or  
 158 portion thereof.

159 (b) Demolition and removal of buildings and improvements.

160 (c) Installation, construction, or reconstruction of  
 161 streets, utilities, parks, playgrounds, and other improvements  
 162 necessary for carrying out in the renewal area the renewal  
 163 objectives of this act in accordance with the renewal plan.

164 (d) Disposition of any property acquired in the renewal  
 165 area, including sale, initial leasing, or retention by the  
 166 authority itself, at its fair value for uses in accordance with  
 167 the renewal plan.

168 (e) Carrying out plans for a program of voluntary or  
 169 compulsory repair and rehabilitation of buildings or other  
 170 improvements in accordance with the renewal plan.

171 (f) Acquisition of any other real property in the renewal  
 172 area where necessary to eliminate unhealthful, unsanitary, or  
 173 unsafe conditions, lessen density, eliminate obsolete or other  
 174 uses detrimental to the public welfare, or otherwise to remove

HB 1657

2005

175 or prevent the spread of blight or deterioration, or to provide  
 176 land for needed public facilities.

177 (17) "Renewal area" means a slum area or a blighted area  
 178 or a combination thereof which the authority designates as  
 179 appropriate for a renewal project.

180 (18) "Renewal plan" means a plan, as it exists from time  
 181 to time, for a renewal project, which plan:

182 (a) Shall conform to the general plan for the municipality  
 183 as a whole.

184 (b) Shall be sufficiently complete to indicate such land  
 185 acquisition, demolition, and removal of structures,  
 186 redevelopment, improvements, and rehabilitation as may be  
 187 proposed to be carried out in the renewal area; zoning and  
 188 planning changes, if any; land uses; maximum densities; building  
 189 requirements; and the plan's relationship to definite local  
 190 objectives respecting appropriate land uses, improved traffic,  
 191 public transportation, public utilities, recreational and  
 192 community facilities, and other public improvements.

193 (19) "Real property" shall include lands, including  
 194 improvements and fixtures thereon, and property of any nature  
 195 appurtenant thereto, or used in connection therewith, and every  
 196 estate, interest, right, and use, legal or equitable, therein  
 197 including terms for years and liens by way of judgment,  
 198 mortgage, or otherwise.

199 (20) "Obligee" shall include any bondholder, agents, or  
 200 trustees for any bondholders, or lessor demising to the  
 201 authority property used in connection with a renewal project, or  
 202 any assignee or assignees of such lessor's interest or any part  
 203 thereof, and the Federal Government when it is a party to any

HB 1657

2005

204 contract with the municipality.

205 (21) "Person" means any individual, firm, partnership,  
 206 corporation, company, association, joint stock association, or  
 207 body politic, and shall include any trustee, receiver, assignee,  
 208 or other person acting in a similar representative capacity.

209 (22) "Area of operation" means the downtown.

210 (23) "Public officer" means any officer who is in charge  
 211 of any department or branch of government relating to health,  
 212 fire, or building regulations, or to other activities concerning  
 213  dwellings in the area.

214 Section 2. The boundaries of the authority shall include  
 215 the following lands in the City of Fort Lauderdale, Broward  
 216 County:

217 1. All lands not being used as a residence lying  
 218 north of New River, east of Southwest and Northwest  
 219 Fourth Avenue, south of Northwest and Northeast Second  
 220 Street and west of Northeast and Southeast Sixth  
 221 Avenue;

222 2. All lands not being used as a residence lying  
 223 north of Northwest Second Street, east of the Florida  
 224 East Coast Railroad, south of Northwest Fourth Street,  
 225 and west of North Andrews Avenue;

226 3. All lands not being used as a residence lying  
 227 within one hundred fifty feet of and being in common  
 228 ownership with any of said boundary streets and  
 229 avenues (excluding, however, all lands lying east of  
 230 Southeast Sixth Avenue);

231 4. All lands not being used as a residence lying  
 232 south of Northeast Fourth Street and within one

233 hundred fifty feet of and being in common ownership  
 234 with Northeast Third Avenue and Northeast Sixth  
 235 Avenue. For the purposes of definition, the words,  
 236 "common ownership" contained herein shall be  
 237 Acontiguous to and owned by the same entity; and  
 238 5. All lands not being used as a residence lying  
 239 north of Northeast Second Street, east of Northeast  
 240 Second Avenue, south of Northeast Sixth Street, and  
 241 west of Federal Highway, together with all lands not  
 242 being used as a residence lying north of Southeast  
 243 Seventh Street, east of the F.E.C. Railroad Tracks,  
 244 south of Southeast Sixth Court, and west of Federal  
 245 Highway, as legally described as follows:

246 PARCEL I

247 All of Blocks 1, 2, 4, 29 and 30, and portions of  
 248 Blocks 33 and 34, NORTH LAUDERDALE AMENDED, according  
 249 to the plat thereof recorded in Plat Book 1, Page 182,  
 250 of the public records of Dade County, Florida;  
 251 TOGETHER WITH all of the Blocks 2, 31, and 32, NORTH  
 252 LAUDERDALE AMENDED RE-SUB, according to the plat  
 253 thereof recorded in Plat Book 5, Page 25, of the  
 254 public records of Broward County, Florida; ALSO  
 255 TOGETHER WITH portions of Blocks A and B, GEORGE M.  
 256 PHIPPENS SUB., according to the plat thereof recorded  
 257 in Plat Book B, Page 146, of the public records of  
 258 Dade County, Florida; ALSO TOGETHER WITH portions of  
 259 Blocks A and B, FORT LAUDERDALE LAND AND DEVELOPMENT  
 260 CO., SUB., according to the plat thereof recorded in  
 261 Plat Book 1, Page 56, of the public records of Dade

HB 1657

2005

262 County, Florida; AND ALSO TOGETHER WITH portions of  
263 Northeast 3<sup>rd</sup> Street, Northeast 4<sup>th</sup> Street, Northeast  
264 5<sup>th</sup> Street, Northeast 5<sup>th</sup> Avenue, and Northeast 5<sup>th</sup>  
265 Terrace, lying adjacent to said Blocks, and being all  
266 more fully described as follows:  
267 Beginning at the Northwest corner of Lot 26, of said  
268 Block 4, thence due South, on the West lines of said  
269 Blocks 4 and 29, and extensions thereof, a distance of  
270 1300.00 feet; thence due East, on the North right-of-  
271 way line of said Northeast 4<sup>th</sup> Street, a distance 83.99  
272 feet; thence due South, a distance of 50.00 feet;  
273 thence due East, on the South right-of way line of  
274 said Northeast 4<sup>th</sup> Street, a distance of 392 feet;  
275 thence South 00°01'00" West, on the West lines of Lots  
276 20 and 19, Block A, and the West line of Lot 20, Block  
277 B, of said GEORGE M. PHIPPENS SUB., and extensions  
278 thereof, a distance of 495.00 feet; thence South  
279 89°57'46" East, on the South lines of Lots 20, 18, 16,  
280 14, 12, 10, 8, 6, 4, and 2, Block B, of said GEORGE M.  
281 PHIPPENS SUB., and the Easterly extension thereof, a  
282 distance of 720.17 feet; thence North 00°01'54" West,  
283 on the Southerly extension of the East line of Lot 20,  
284 Block A, of said FORT LAUDERDALE LAND AND DEVELOPMENT  
285 CO., SUB. and the Northerly extension thereof, a  
286 distance of 205.47 feet, thence due West, on the North  
287 right-of-way line of said Northeast 3<sup>rd</sup> Street, a  
288 distance of 25.00 feet; thence North 00°01'00" East, on  
289 the East lines of Lots 7 and 20, Block B, of said FORT  
290 LAUDERDALE LAND AND DEVELOPMENT CO. SUB., and

HB 1657

2005

291 extensions thereof, a distance of 289.15 feet; thence  
 292 due East, on the South right-of-way line of Northeast  
 293 4<sup>th</sup> Street, a distance of 169.75 feet; thence North  
 294 00°17'27" East, on the West right-of way line of U.S.  
 295 Highway No. 1; a distance of 1323.87 feet to the Point  
 296 of Beginning less the following described land: Lots  
 297 20, 21, 22, 23, 24, 25 and 26, Block AB@, FORT  
 298 LAUDERDALE LAND AND DEVELOPMENT CO. Subdivision of  
 299 Lots 1 and 2, Block 1, Fort Lauderdale, according to  
 300 the plat thereof, recorded in Plat Book 1, Page 56, of  
 301 the public records of Dade County, Florida, and Lots 2  
 302 and 4, Block AA@, GEORGE M. PHIPPEN'S SUBDIVISION of  
 303 Lots 3, 4, 5 and 6, Block 1, and Lots 3, 4, 5, 6, 7,  
 304 8, 9 and 10, Block 14, TOWN OF FORT LAUDERDALE,  
 305 according to the plat thereof, recorded in Plat Book  
 306 B, Page 146, of the public records of Dade County,  
 307 Florida.

308 PARCEL II

309 Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,  
 310 18, 19, 20 and 21, HARCOURT, according to the plat  
 311 thereof, as recorded in Plat Book 2, Page 9, of the  
 312 public records of Broward County, Florida; AND the  
 313 west one-half (W 2) of Federal Highway (US No. 1),  
 314 lying East of and adjacent to said Lots 4, 5, 6, 7, 9,  
 315 9, 10, 11 and 12; AND the East one-half (E 2) of S.E.  
 316 5<sup>th</sup> Terrace, lying West of and adjacent to said Lots  
 317 14, 15, 16, 17, 18, 19, 20 and 21.

318 TOGETHER WITH:

319 Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12, HENRY

HB 1657

2005

320 SHACKELFORD AMENDED PLAT SUBDIVISION OF LOTS 2 & 3,  
 321 BLOCK 57, TOWN OF FORT LAUDERDALE, according to the  
 322 plat thereof, as recorded in Plat Book 3, Page 3, of  
 323 the public records of Dade County, Florida; AND the  
 324 West one-half of S.E. 5<sup>th</sup> Terrace, lying East of  
 325 adjacent to and referenced Lots; AND the East one-half  
 326 of S.E. 5<sup>th</sup> Avenue, lying West of adjacent of above  
 327 referenced Lots.

328 TOGETHER WITH:  
 329 Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12, RE-AMENDED PLAT  
 330 OF HENRY SHACKELFORD-S SUBDIVISION OF LOTS 2 & 3,  
 331 BLOCK 57, TOWN OF FORT LAUDERDALE, according to the  
 332 plat thereof, as recorded in Plat Book 3, Page 3 of  
 333 the public records of Dade County, Florida; AND the  
 334 West one-half of S.E. 5<sup>th</sup> Avenue, lying East of  
 335 adjacent to and referenced Lots; AND the East one-half  
 336 of S.E. 4<sup>th</sup> Avenue, lying West of adjacent to the above  
 337 referenced Lots.

338 AND ALSO TOGETHER WITH:  
 339 Lots 2, 3, 4, 5, 6, 7, 8 and 9, MRS. DAISY  
 340 SHACKELFORD-S AMENDED NEW SUBDIVISION OF LOT 4, BLOCK  
 341 57, TOWN OF FORT LAUDERDALE, according to the plat  
 342 thereof, as recorded in Plat Book 1, Page 165, of the  
 343 public records of Dade County, Florida, AND 10.00  
 344 foot Alley adjacent to said Lot 6 and Lots 7, 8 & 9;  
 345 AND the West one-half of (W 2) of S.E. 4<sup>th</sup> Avenue,  
 346 lying East of and adjacent to above referenced Lots.

347 AND ALSO TOGETHER WITH:  
 348 Lots 5, 6, 7, 8, 9, 10, 11 and 12, SOUTH FLORIDA

HB 1657

2005

349 DREDGING COMPANY DIVISION OF LOT 5, BLOCK 57, TOWN OF  
 350 FORT LAUDERDALE, according to the plat thereof, as  
 351 recorded in Plat Book 3, Page 27, of the public  
 352 records of Broward County, Florida; AND 10.00 foot  
 353 Alley adjacent to Lot 9 and Lots 10, 11 and 12; AND  
 354 5.50 foot Alley lying East of and adjacent to above  
 355 referenced Lots; AND the East one-half (E2) of S.E. 3<sup>rd</sup>  
 356 Avenue, lying West of and adjacent to said Lots.  
 357 AND ALSO TOGETHER WITH:  
 358 The South 80.00 feet of Lots 2, 4 and 6, Block 3, all  
 359 of Blocks 4, 5 and 6, SUBDIVISION OF BLOCK 56, TOWN OF  
 360 FORT LAUDERDALE, according to the plat thereof, as  
 361 recorded in Plat Book 1, Page 63, of the public  
 362 records of Dade County, Florida; AND the West one-  
 363 half (W2) of S.E. 3<sup>rd</sup> Avenue, lying East of and  
 364 adjacent to above referenced South 80.00 feet of Lot 2  
 365 and said Block 6; AND the East one-half (E 2) of S.E.  
 366 1<sup>st</sup> Avenue, lying West of and adjacent to above  
 367 referenced Block 4; AND the North one-half (N2) of  
 368 S.E. 6<sup>th</sup> Court, lying South of and adjacent to said  
 369 Lots 2, 4 and 6, Block 3; AND the South one-half of  
 370 S.E. 6<sup>th</sup> Court, lying North of and adjacent to said  
 371 Blocks 4, 5 and 6.  
 372 AND ALSO TOGETHER WITH:  
 373 Lots 17, 18, 19, 20 and 21, Block 55, TOWN OF FORT  
 374 LAUDERDALE, according to the plat thereof, as recorded  
 375 in Plat Book AB@, Page 40, of the public records of  
 376 Dade County, Florida, AND Parcel AA@; AND the East one-  
 377 half of Andrews Avenue, lying West of and adjacent to

HB 1657

2005

378 said Parcel AA@; AND all that certain 14.00 foot Alley  
 379 within said Block 55, lying North and East of said  
 380 Parcel AA@; AND all that certain irregular Alley, lying  
 381 North of said Parcel AA@ and South of said Lot 17.  
 382 AND ALSO TOGETHER WITH;  
 383 Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,  
 384 18, 19, 20 and 21, Block 54, TOWN OF FORT LAUDERDALE,  
 385 according to the plat thereof, as recorded in Plat  
 386 Book AB@, Page 40, of the public records of Dade  
 387 County, Florida; AND the West one-half (W2) of  
 388 Andrews Avenue, lying East of and adjacent to said  
 389 Lots 13, 14, 15, 16, 17, 18, 19, 20 and 21; AND the  
 390 East one-half of S.W. 1<sup>st</sup> Avenue lying West of and  
 391 adjacent to said Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12;  
 392 AND all that certain 14.00 foot Alley in said Block  
 393 54, lying adjacent to above referenced Lots.  
 394 AND ALSO TOGETHER WITH:  
 395 Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,  
 396 18, 19 and Lot 20, less the North 25.00 feet thereof,  
 397 Block 53, TOWN OF FORT LAUDERDALE, according to the  
 398 plat thereof, as recorded in Plat Book AB@, Page 40, of  
 399 the public records of Dade County, Florida; AND the  
 400 West one-half of (W2) of S.W. 1<sup>st</sup> Avenue, lying East of  
 401 and adjacent to said Lots 13, 14, 15, 16, 17, 18, 19  
 402 and Lot 20, less the North 25.00 feet thereof; AND all  
 403 of S.W. Flagler Avenue lying West of and adjacent to  
 404 said Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12; AND the  
 405 East one-half (E2) of the Florida East Coast Railroad  
 406 Right-of-Way, lying West of said S.W. Flagler Avenue

HB 1657

2005

407 and South of the Westerly extension of the North line  
 408 of said Lot 4 and North of the Westerly extension of  
 409 the Northerly right of way line of S.W. 7<sup>th</sup> Street.  
 410 Said lands situate, lying and being in the City of  
 411 Fort Lauderdale, Broward County, Florida, and  
 412 containing 24.8679 Acres more or less.

413 6.(a) All lands not being used a residence lying  
 414 south of New River, east of the Florida East Coast  
 415 Railroad, north of Southeast Sixth Street and  
 416 Southwest Sixth Street, and west of Southeast Sixth  
 417 Avenue.

418 (b) All lands not being used a residence lying  
 419 south of Southeast and Southwest Sixth Streets, east  
 420 of the Florida East Coast Railroad, and west of  
 421 Southeast Sixth Avenue, which are situated within one  
 422 hundred fifty feet (150') of and are in contiguous  
 423 propriatorship with Southeast or Southwest Sixth  
 424 Street, upon approval of the majority of those voting  
 425 in a referendum in which those participating are  
 426 limited to the electors of the downtown (including  
 427 also the lands added to the downtown by this act) who  
 428 at the time of the referendum are owners of freeholds  
 429 in the downtown (as hereby expanded), not wholly  
 430 exempt from taxation, and who are then duly registered  
 431 for a Downtown Development Authority referendum,  
 432 according to law. For the purposes of such  
 433 referendum, the electors who register only as owners  
 434 of freeholds which are situated within the lands  
 435 authorized to be added to the downtown by this act may

HB 1657

2005

436 be separately registered and their votes cast in  
437 separate ballot boxes or voting machines (as the case  
438 may be) and separately tabulated, in case on or more  
439 other questions are being voted upon at such  
440 referendum, and such separate registrants shall thus  
441 be permitted to vote upon such other question or  
442 questions. If this law is approved at such  
443 referendum, such separately registered electors shall  
444 be incorporated into the permanent registration of  
445 electors of the Downtown Development Authority and  
446 their votes then counted on any other question or  
447 questions voted upon at such referendum.

448 7. All of lots 14, 15, 16, 17, 18, 19, 20, 21, 22,  
449 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,  
450 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48, and  
451 portions of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
452 12, 13, 36 and 37, Block 19, BRYAN SUBDIVISION of  
453 Blocks 5, 8 and 19, of the Town of Fort Lauderdale, as  
454 recorded in Plat Book 1, Page 18, of the public  
455 records of Dade County, Florida, together with  
456 portions of those certain 10 foot alleys, lying within  
457 said Block 19,  
458 TOGETHER WITH all of Lots 2, 3, 4, 5, 6, 7, 8, 9, and  
459 10, AND A PORTION OF Lot 1, Block 18, TOWN OF FORT  
460 LAUDERDALE, as recorded in Plat Book 8, Page 40, of  
461 the public records of Dade County, Florida, together  
462 with that portion of a 14-foot alley lying within said  
463 Block 18,  
464 ALSO TOGETHER WITH all of Lots 1 and 2, T.M. BRYAN

HB 1657

2005

465 SUBDIVISION of Lots 11 and 12, Block 18, Town of Fort  
466 Lauderdale, as recorded in Plat Book 3, Page 12, of  
467 the public records of Dade County, Florida,  
468 ALSO TOGETHER WITH all of Lots 6, 7, 8 and 9, and  
469 portions of Lots 1, 2, 3, 4 and 5, Block 1, all of  
470 Lots 6, 7, 8, 9, 10 and 11 and portions of Lots 1, 2,  
471 3, 4 and 5, Block 2 KELLY'S RESUBDIVISION, as recorded  
472 in Plat Book 16, Page 50, of the public records of  
473 Broward County, Florida,  
474 ALSO TOGETHER WITH all of Lots 1, 2, 3, 4, 5, 6, 7, 8,  
475 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
476 23, 24, A, B and C, HULDA S. HOLMES SUBDIVISION of  
477 Block 23, Fort Lauderdale, as recorded in Plat Book 7,  
478 Page 26, of the public records of Broward County,  
479 Florida,  
480 ALSO TOGETHER WITH Lots 1, 2, 3, and 4, and a portion  
481 of Lot 5, Block 24, TOWN OF FORT LAUDERDALE, as  
482 recorded in Plat Book 8, Page 40, of the public  
483 records of Dade County, Florida,  
484 ALSO TOGETHER WITH all of Lots 1, 2, 3, and 4, F.H.  
485 BENTON'S SUBDIVISION in Block 24, Town of Fort  
486 Lauderdale, as recorded in Plat Book 3, Page 30, of  
487 the public records of Broward County, Florida,  
488 together with all that portion of a 10 foot driveway  
489 and cul-de-sac of said F. H. BENTON'S SUBDIVISION,  
490 ALSO TOGETHER WITH all of Lots 1 and 2, Canal 2 and  
491 Canal 3 and portions of Lots 6, 7, 8, 9, 10, 11 and 13  
492 and Canal No. 1, L.H. BRYAN'S SUBDIVISION of Block 32,  
493 of Fort Lauderdale, Florida, as recorded in Plat Book

HB 1657

2005

494 3, Page 78, of the public records of Dade County,  
 495 Florida,  
 496 AND ALSO TOGETHER WITH portions of S.W. Fifth Avenue,  
 497 S.W. Sixth Avenue, S.W. Second Street, S.W. Second  
 498 Court, Las Olas Boulevard, N.W. River Drive and North  
 499 River Street, lying within or adjacent to the above  
 500 said Blocks and being all more fully described as  
 501 follows:  
 502 Commencing at the Northwest corner of Lot 24 of said  
 503 Block 18, TOWN OF FORT LAUDERDALE, thence South 0° 07'  
 504 30" East, along the East line of said alley within  
 505 Block 18, a distance of 15.00 feet to the Point of  
 506 Beginning; thence continuing South 0° 07' 24" East,  
 507 along the East line of said alley a distance of  
 508 585.04 feet; thence South 89° 59' 02" East, a distance  
 509 of 40.97 feet, thence South 0° 07' 24" East, along the  
 510 Northerly extension of the East line of the said F.H.  
 511 BENTON'S SUBDIVISION, and along the said East line, a  
 512 distance of 316.49 feet to a point on the existing  
 513 bulkhead forming the Northerly limits of New River;  
 514 thence Westerly and Southerly along the said existing  
 515 bulkhead and extensions thereof, the following 11  
 516 courses and distances: thence North 87° 04' 09" West, a  
 517 distance of 37.36 feet; thence South 86° 43' 52" West,  
 518 a distance of 13.74 feet, thence South 77° 14' 35"  
 519 West, a distance of 50.12 feet, thence South 73° 43'  
 520 38" West, a distance of 43.15 feet; thence South 54°  
 521 27' 01" West a distance of 67.25 feet; thence South 45°

HB 1657

2005

522 58" 48' East, a distance of 7.62 feet; thence South 35°  
 523 35' 21" West, a distance of 175.30 feet; thence South  
 524 7° 34' 31' West, a distance of 51.26 feet; thence South  
 525 2° 01' 02" West, a distance of 25.35 feet, thence South  
 526 7° 22' 59" West, a distance of 205.31 feet, thence  
 527 South 29° 18' 46" West, a distance of 92.94 feet to the  
 528 Point of Termination of the said 11 courses and  
 529 distances; thence North 89° 59' 37" West, along the  
 530 Easterly extension of the South line of Canal No. 3 of  
 531 L.H. BRYAN-S SUBDIVISION and along the said South line  
 532 and extensions thereof, a distance of 211.49 feet to a  
 533 point on the Easterly right-of-way line of S.W.  
 534 Seventh Avenue and a point on a curve; thence  
 535 Northwesterly along the said Easterly right-of-way  
 536 line and along a curve to the right, whose tangent  
 537 bears North 54° 00' 36" West, with a radius of 630.35  
 538 feet and a central angle of 18° 52' 41", an arc  
 539 distance of 207.69 feet to a point of compound curve;  
 540 thence Northwesterly along the said Easterly right-of-  
 541 way line and along a curve to the right, with a  
 542 radius of 513.96 feet and a central angle of 35° 00'  
 543 00", an arc distance of 313.96 feet to a point of  
 544 tangency; thence North 0° 07' 55" West, along the said  
 545 Easterly right-of-way line and along the line 20.00  
 546 feet East of and parallel with the West line of said  
 547 Block 1 and 2 of said KELLY-S SUBDIVISION and along the  
 548 line of 20.00 feet East of and parallel with the West  
 549 line of said Block 19, BRYAN SUBDIVISION of Blocks 5,  
 550 8 and 19, a distance of 1008.08 feet to a point of

HB 1657

2005

551 curve; thence Northeasterly along a curve to the  
 552 right, with a radius of 25.00 feet and a central angle  
 553 of 90° 07' 55", an arc distance of 39.33 feet to a  
 554 point of tangency; thence due East, along the South  
 555 right-of-way line of Broward Boulevard and along the  
 556 line 15.00 feet South of and parallel with the North  
 557 line of said Block 19, BRYAN SUBDIVISION of Blocks 5,  
 558 8 and 19 and said Block 18, TOWN OF FORT LAUDERDALE, a  
 559 distance of 898 .88 feet to the Point of Beginning.  
 560 All of the above said land situate, lying and being in  
 561 the City of Fort Lauderdale, Broward County, Florida,  
 562 and containing 22.8328 acres more or less.

563  
 564 Section 3. (1) It is the policy of the state to make it  
 565 possible for the city to revitalize and preserve property values  
 566 and prevent deterioration in the downtown area by a system of  
 567 self-help to correct the blight of such deterioration which has  
 568 developed there. The authority hereby created is intended to  
 569 provide a vehicle whereby property owners who will benefit  
 570 directly from the results of such a program will bear the  
 571 substantial cost thereof and thereby local problems may be  
 572 solved on the local level through the use of machinery provided  
 573 by local government.

574 (2) The Legislature hereby finds and declares that the  
 575 downtown area is a blighted area and that portions therein are  
 576 slums. The area constitutes a serious and growing menace,  
 577 injurious to the public health and the safety, morals, and  
 578 welfare of the residents, occupants, workers, and property  
 579 owners of the area; the existence of such slum and blighted

HB 1657

2005

580 conditions contributes substantially and increasingly to the  
 581 spread of disease and crime, constitutes an economic and social  
 582 liability imposing onerous municipal burdens which decrease the  
 583 tax base and reduce tax revenues, substantially impair or arrest  
 584 the sound growth of said area, retards the provision of housing  
 585 accommodations, aggravates traffic problems, and substantially  
 586 impairs or arrests the elimination of traffic hazards and the  
 587 improvement of traffic facilities; and the prevention and  
 588 elimination of such slums and blight is a matter of public  
 589 policy and concern in order that the said area shall not  
 590 continue to be endangered by being a focal center of disease and  
 591 juvenile delinquency and consume an excessive proportion of the  
 592 tax revenue of the city because of the extra services required  
 593 for police, fire, accident, hospitalization, and other forms of  
 594 public protection, services, and facilities.

595 (3) It is further found and declared that certain portions  
 596 of the slums and blighted areas require acquisition, clearance,  
 597 and disposition subject to use restrictions, as provided in this  
 598 act, since the prevailing condition of deterioration and  
 599 obsolescence makes impracticable the reclamation thereof by  
 600 conservation or rehabilitation; that other portions of the  
 601 downtown may, through the means provided in this act, be  
 602 susceptible of conservation or rehabilitation in such a manner  
 603 and the conditions and evils hereinbefore enumerated may be  
 604 eliminated, remedied, or prevented; and that salvable slum and  
 605 blighted areas can be conserved and rehabilitated through  
 606 appropriate public action as herein authorized, and the  
 607 cooperation and voluntary action of the owners and tenants of  
 608 the property in such area.

HB 1657

2005

609       (4) Among the many causes of such slums and blight are the  
610 following: automobile traffic flow strangled by outmoded street  
611 patterns, proliferation of uncoordinated uses and parking areas,  
612 unsuitable topography, faulty lot layouts, fragmentation of land  
613 uses and parking areas necessitating frequent automobile  
614 movement, lack of separation of pedestrian areas from auto  
615 traffic, low level access bridge, frequent bridge openings, air  
616 pollution, and excessive noise levels from strangled auto  
617 traffic. Voluntary cooperation for coordinated development is  
618 impracticable because of fragmentary ownership, distant absentee  
619 ownership, and unusual conditions of title and other conditions.

620       (5) The public safety is endangered by the tendency of the  
621 area to attract and be infested with vagrants, drunkards,  
622 perverts, and roving gangs of vandals. The area has in recent  
623 months narrowly averted involvement in ghetto riots and  
624 disorders. In the nighttime the area is dangerous. The area is  
625 a business ghetto plagued with vacant and deteriorating  
626 buildings which are neglected and produce a depressing  
627 atmosphere. Many businesses of all types have left the area for  
628 new locations in suburban shopping centers and few businesses  
629 have entered to take their places. The oldest commercial  
630 structures in the city are in this area and are obsolete, of  
631 inferior construction, and incompatible with modern functional  
632 design as is featured in competitive shopping centers.

633       (6) The area now has few residences and most of the  
634 residences which do exist are undersized and of inferior  
635 construction which would not be permitted for new construction  
636 under the city's building code. Many former residents have left  
637 the area and few suitable residence facilities exist. The area

HB 1657

2005

638 is predominately commercial and is occupied primarily by day  
639 workers who sleep in suburban homes outside the downtown area.  
640 Market studies show that many of these day workers and other  
641 people would prefer to reside in the downtown area if blighting  
642 influences were removed and suitable residence facilities  
643 provided. However, the total environment of man is the  
644 determinant of the quality of life and each segment of  
645 environment affects the public health, safety, and morals. The  
646 problems of residential and commercial slums and blight are one  
647 and the same problem and the public health, morals, and welfare  
648 are no less concerned with the commercial areas where the day  
649 workers spend most of their daylight hours than with residential  
650 areas where the same individuals spend their nighttime hours.  
651 It is therefore a necessary and proper function of government to  
652 remove slums, blight, and blighting influences from commercial  
653 areas. The police power is inadequate to accomplish this  
654 purpose. The only effective device for removal of the slums and  
655 blight of the downtown area is the planning and implementation  
656 of planning for appropriate land use, beautification, continuity  
657 of planning and aesthetic and technical design concepts, the  
658 removal of deteriorated and obsolescent structures, and the  
659 reduction of fragmentary control of properties in the area. To  
660 implement such plans requires the exercise of the power of  
661 eminent domain so as to assemble land in pursuance of a  
662 coordinated program for redevelopment, as authorized by this  
663 act, all of which is declared to be a public purpose and for a  
664 public use.

665 (7) The Legislature further finds and declares that the  
666 provisions of this act and the powers afforded to the governing

HB 1657

2005

667 board of the authority are essential to guide and accomplish the  
 668 coordinated, balanced, and harmonious development of the  
 669 downtown in accordance with existing and future needs; to  
 670 promote the health, safety, morals, and general welfare of the  
 671 area and its inhabitants, visitors, property owners, and  
 672 workers; to establish, maintain, and preserve aesthetic values  
 673 and preserve and foster the development and display of  
 674 attractiveness; to prevent overcrowding and congestion; to  
 675 regulate auto traffic and provide pedestrian safety; to secure  
 676 safety from fire, storm, panic, riot, vandals, and other  
 677 dangers; to conserve and provide adequate light and air; and to  
 678 provide a way of life which combines the conveniences and  
 679 amenities of modern living with the traditions and pleasures of  
 680 the past.

681 Section 4. There is hereby created and established the  
 682 Downtown Development Authority of the City of Fort Lauderdale,  
 683 which authority shall have all the powers herein provided, and  
 684 which shall be a body corporate as well as politic, with power  
 685 to sue and be sued in all the courts of this state, and with  
 686 power to adopt and use a corporate seal.

687 Section 5. The affairs of the authority shall be under the  
 688 direct supervision and control of a board of seven members. Two  
 689 members shall serve for terms expiring at the end of each year  
 690 during the period commencing 1976 and ending 1978. One member  
 691 shall serve for a term expiring at the end of 1975. Thereafter,  
 692 members shall be appointed to serve for regular terms of 4 years  
 693 from the expiration of the terms of their predecessors. The  
 694 terms of incumbent members at the time this law takes effect  
 695 shall not be affected by this law. A member's term shall

HB 1657

2005

696 automatically expire and his or her office shall be deemed  
 697 vacant for purposes of appointment of a new member if, while in  
 698 office, he or she shall cease to be qualified for membership  
 699 under section 6. Every board member shall continue to hold  
 700 office until his or her successor has been appointed and has  
 701 qualified. All appointments of the board shall be made by the  
 702 city commission. Appointments made to fill a vacancy during a  
 703 term of office shall be for the unexpired term only.

704 Section 6. (1) Each member of the board shall reside in  
 705 or have his or her principal place of business in the city. He  
 706 or she shall be a landowner in the downtown, a leasehold tenant  
 707 required by the terms of his or her lease to pay taxes currently  
 708 on downtown lands, or an officer, director, or managing agent of  
 709 a corporation which owns downtown lands or an interest in  
 710 downtown lands or which corporation is a leasehold tenant  
 711 required by the terms of its lease to pay taxes currently on  
 712 downtown lands. No officer or employee of the city shall be  
 713 eligible to serve as a member of the board while holding other  
 714 offices in the city or while employed by the city. Before  
 715 assuming the duties of the office, each member shall qualify by  
 716 taking and subscribing to the oath of office required of  
 717 officials of the city and by posting a bond in the penal sum of  
 718 \$10,000 payable to the city for use and benefit of the  
 719 authority, to be approved by the city commission and filed with  
 720 the city clerk. The premium on such bond shall be deemed an  
 721 operating expense of the authority, payable from funds available  
 722 to it for expenses of operation.

723 (2) The board shall adopt and promulgate rules governing  
 724 its procedures and shall hold regular meetings no less often

HB 1657

2005

725 than one a month. Special meetings may be held when called in  
 726 the manner provided in the rules of the board. All meetings of  
 727 the board shall be open to the public. Each member of the board  
 728 shall be paid a salary of \$1 per year for services on the board,  
 729 unless the city commission shall otherwise designate such salary  
 730 and provide from the general funds of the city for such salary.

731 (3) Pursuant to notice and an opportunity to be heard, an  
 732 appointed member of the board may be removed for cause by the  
 733 city commission. Any such removal shall be subject to review by  
 734 the circuit court of the circuit having jurisdiction.

735 Section 7. The board, subject to the provisions hereof and  
 736 subject to other applicable provisions of law, shall have all  
 737 powers customarily vested in the board of directors of a  
 738 corporation for profit. It shall exercise supervisory control  
 739 over the activities of the director and the staff of the  
 740 authority in carrying out the functions authorized hereby.

741 Section 8. The board shall have the power to:

742 (1) Employ engineers, contractors, consultants, attorneys,  
 743 auditors, agents, employees, and representatives as the board  
 744 may from time to time determine on such terms and conditions as  
 745 the board may approve and fix their compensations and duties.

746 (2) Adopt bylaws, rules, resolutions, and orders  
 747 prescribing the powers, duties, and functions of the officers of  
 748 the authority, the conduct of the business of the authority, the  
 749 maintenance of the records, and the form of all other documents  
 750 and records of the authority. The board may adopt  
 751 administrative rules and regulations with respect to any  
 752 projects of the authority on such notice and public hearing, if  
 753 any, as the board may determine.

HB 1657

2005

754 (3) Maintain an office at such place or places as it may  
 755 designate.

756 (4) Execute all contracts and other documents, adopt all  
 757 proceedings, and perform all acts determined by the board to be  
 758 necessary or desirable to carry out the purposes of this act.  
 759 The board may authorize one or more members of the board to  
 760 execute contracts and other documents on behalf of the board.

761 (5) Establish and create such departments, boards, or  
 762 other agencies as from time to time the board may deem necessary  
 763 or advisable.

764 (6) Examine and authorize any officer or agent of the  
 765 authority to examine the county tax rolls with respect to the  
 766 assessed valuation of the real and personal property within the  
 767 downtown area.

768 (7) Appoint a director and other staff members who shall  
 769 be employed upon recommendation of the director, prescribe their  
 770 duties, and fix their compensation which shall be paid from  
 771 funds available to the authority in the same manner as city  
 772 employees are paid.

773 (8) Prepare analyses of economic changes taking place upon  
 774 the downtown area.

775 (9) Study and analyze the impact of metropolitan growth  
 776 upon the downtown area.

777 (10) Plan and propose within the downtown area  
 778 improvements of all kinds, including, among other things, the  
 779 renovation, repair, remodeling, reconstruction, or other changes  
 780 in existing buildings which may be necessary or appropriate to  
 781 the execution of any such plan which in the opinion of the board  
 782 will aid in the economic growth of the downtown area.

HB 1657

2005

783       (11) Implement any plan of development in the downtown  
784 area as shall in its judgment be necessary to carry out its  
785 functions, provided it is not inconsistent with the city's  
786 general plan.

787       (12) Make and enter into all contracts necessary or  
788 incidental to the exercise of its powers and the performance of  
789 its duties.

790       (13) Establish, operate, lease, license, grant, or convey  
791 in the downtown area such public facilities as shall in its  
792 opinion be feasible and desirable in the implementation of any  
793 plan conceived and executed by the board. Public facilities  
794 shall also include pedestrian malls, historical buildings or  
795 monuments, and cultural, educational, and recreational  
796 facilities.

797       (14) Develop long-range plans designed to halt  
798 deterioration of downtown property values.

799       (15) Borrow money at interest on a short-term basis to pay  
800 expenses of operation and to issue evidences of indebtedness for  
801 such loans.

802       (16) Retain and fix the compensation of general counsel to  
803 advise the board in the proper performance of its duties. The  
804 general counsel shall be a practicing attorney with not less  
805 than 10 years' experience in the practice of law in the state.  
806 He or she shall represent the authority in all suits of actions  
807 brought by or against the authority involving the jurisdiction,  
808 power, duties, functions, or activities of the authority under  
809 the terms of this act. At the request of the city, he or she  
810 may also represent the city in any such matters in case the city  
811 becomes or desires to become a party to such action.

HB 1657

2005

812       (17) Incur all or part of the expense of any public  
 813 improvement made by the city, county, state, or Federal  
 814 Government, or any agency of them, in exercising powers granted  
 815 to the authority.

816       (18) Lend, grant, or contribute funds to the city, county,  
 817 or Federal Government, or any agency of them.

818       (19) Enter into agreements with the city, county, state,  
 819 or other public body respecting action to be taken in the  
 820 exercise of any of the powers granted to the authority or in  
 821 furtherance of the objectives of the authority.

822       Section 9. In addition to and not in limitation of the  
 823 other powers of the authority under law, the authority shall  
 824 have the following powers:

825       (1) OWNERSHIP AND DISPOSITION OF PROPERTY.--To acquire  
 826 property, real, personal, or mixed, within or without the  
 827 downtown, in fee simple or any lesser interest or estate, by  
 828 purchase, gift, devise, or lease, upon such terms and conditions  
 829 as the board may deem necessary or desirable, and by  
 830 condemnation, provided the board determines that the use or  
 831 ownership of such property is necessary in the furtherance of a  
 832 designated lawful purpose authorized under this law, to acquire  
 833 title to submerged lands and riparian rights and easements or  
 834 rights-of-way, with or without restrictions and within or  
 835 without the limits of the downtown; to make purchase money  
 836 mortgages and trust deeds and other forms of encumbrance on any  
 837 property acquired by the authority and to purchase property  
 838 subject to purchase money mortgages or other encumbrances and to  
 839 assume such other encumbrances; to mortgage, hold, manage,  
 840 control, lease, sell, dedicate, grant, or otherwise dispose of

HB 1657

2005

841 the same and of any of the assets and properties of the  
 842 authority, or any interest therein, including easements and  
 843 licenses, with or without consideration.

844 (2) LEASE OF FACILITIES.--Whenever deemed necessary or  
 845 desirable by the board, to lease as lessor or lessee to or from  
 846 any person, firm, corporation, association, or body, public or  
 847 private, any projects of the type that the authority is  
 848 authorized to undertake and facilities or property of any nature  
 849 for the use of the authority and to carry out any of the  
 850 purposes of the authority, subject to limitation of this act.

851 (3) REVITALIZATION.--To adopt a plan for the development,  
 852 redevelopment, and revitalization of the downtown, and to modify  
 853 same, and to undertake and carry out such plan, provided it is  
 854 not inconsistent with the city's general plan.

855 (4) AIRPORT FACILITIES.--To own, acquire, construct,  
 856 reconstruct, equip, operate, maintain, extend, and improve  
 857 airport facilities of all kinds, including, but not limited to,  
 858 land fields, hangars, shops, terminals, buildings, and all other  
 859 facilities necessary or desirable for the landing, taking off,  
 860 operating, servicing, repairing, and parking of aircraft and  
 861 helicopters, and the unloading and handling of passengers, mail,  
 862 express, and freight, together with all necessary appurtenances  
 863 and equipment and all properties, rights, easements, and  
 864 franchises relating thereto and deemed necessary or convenient  
 865 by the board in connection therewith.

866 (5) RECREATIONAL FACILITIES.--To own, acquire, construct,  
 867 reconstruct, equip, operate, maintain, extend, and improve  
 868 parks, playgrounds, picnic grounds, camping facilities, golf  
 869 courses, athletic fields, marinas, piers, wharves, docks,

HB 1657

2005

870 harbors, boating and fishing facilities, swimming pools, bathing  
 871 beaches and other water recreational facilities, stadiums,  
 872 auditoriums, civic centers, aquariums, libraries, museums,  
 873 recreational centers, convention halls and facilities, radio and  
 874 television transmission and receiving stations, community  
 875 antenna television systems, and cultural, recreational, and  
 876 educational buildings, facilities, and projects of all kinds and  
 877 descriptions.

878 (6) PARKING FACILITIES.--To own, acquire, construct,  
 879 reconstruct, equip, operate, maintain, extend, and improve  
 880 parking facilities, including lots and parking garages, and to  
 881 install parking meters.

882 (7) ADVERTISING.--To undertake a program of advertising to  
 883 the public in promoting the business, facilities, and  
 884 attractions within the downtown and the projects of the  
 885 authority and to expend monies and undertake such activities to  
 886 carry out such advertising and promotional programs as the board  
 887 from time to time may determine.

888 (8) TRANSPORTATION.--To own, acquire, construct,  
 889 reconstruct, equip, operate, maintain, extend, and improve  
 890 common, private, or contract carriers, buses, vehicles,  
 891 railroads, monorails, airplanes, helicopters, boats, and other  
 892 transportation facilities whether now or hereafter invented or  
 893 developed, including, without limitation, novel and experimental  
 894 facilities such as moving platforms and sidewalks as may be  
 895 determined from time to time by the board to be useful or  
 896 appropriate to meet the transportation requirements of the  
 897 authority and activities conducted within the downtown and to  
 898 extend such transportation facilities to areas outside the

HB 1657

2005

899 downtown in order to provide transportation to and from the  
 900 downtown.

901 (9) ISSUANCE OF BONDS.--To issue general obligation bonds,  
 902 revenue bonds, assessment bonds, or any other bonds or  
 903 obligations authorized by the provisions of this act or any  
 904 other law or any combination of the foregoing to pay all or part  
 905 of the cost of the acquisition, construction, reconstruction,  
 906 extension, repair, improvement, maintenance, or operation of any  
 907 project or combination of projects; to provide for any facility,  
 908 service, or other activity of the authority; and to provide for  
 909 the retirement or refunding of any bonds or obligations of the  
 910 authority or for any combination of the foregoing purposes.

911 (10) OTHER POWERS.--In addition to the other powers  
 912 specifically provided in this act, the authority shall have the  
 913 power to own, acquire, construct, reconstruct, equip, operate,  
 914 maintain, extend, and improve such other projects as the board  
 915 may in its discretion find necessary or desirable to accomplish  
 916 the purposes of this act and to exercise all powers necessary,  
 917 convenient, or proper to carry out the purposes of this act. In  
 918 connection with any of the projects the authority is authorized  
 919 to undertake pursuant to the powers and the authorities vested  
 920 in it by this act, and in order to promote the development and  
 921 utilization of new concepts, designs, and ideas, the authority  
 922 shall have the power to examine into, develop, and utilize new  
 923 concepts, designs, and ideas and to own, acquire, construct,  
 924 reconstruct, equip, operate, maintain, extend, and improve such  
 925 experimental public facilities and services.

926 (11) ROADS, BRIDGES, LIGHTING, AND RELATED OR SIMILAR  
 927 FACILITIES.--The authority shall have the right and power to

HB 1657

2005

928 acquire, open, extend, construct, reconstruct, pave, operate,  
 929 improve, and maintain highways, streets, toll roads and bridges,  
 930 alleys, sidewalks, promenades, boardwalks, malls, esplanades,  
 931 bridges, tunnels, interchanges, underpasses, overpasses,  
 932 causeways, and public thoroughfares of all kinds and  
 933 descriptions (hereinafter collectively and severally referred to  
 934 as "public roads") and connections to and extension of any and  
 935 all existing public roads within the downtown area, deemed  
 936 necessary or convenient by the board to provide access to and  
 937 efficient development of the territory within the downtown, and  
 938 to construct and maintain sidewalks and street lights along  
 939 public roads in the downtown and toll plaza signs and street  
 940 signs, provided that nothing in this law shall be construed to  
 941 give the authority control over city property.

942 (12) CITY COORDINATION.--No authority plan or project  
 943 shall be inconsistent with the city general plan or any other  
 944 city project, franchise, or facility. In any case of conflict  
 945 of jurisdiction, power, or function, the city charter shall  
 946 prevail over this law. Only the city shall have the right under  
 947 this law to object to any plan or project of the authority upon  
 948 the ground of said inconsistency.

949 Section 10. The board may employ and fix the compensation  
 950 of the following who, in addition to the general counsel, shall  
 951 serve at the pleasure of the board:

952 (1) A director, who shall be a person of good moral  
 953 character and possessed of a reputation for integrity,  
 954 responsibility, and business ability. No member of the board  
 955 shall be eligible to hold the position of director. Before  
 956 entering upon his or her duties of his or her office, the

HB 1657

2005

957 director shall take and subscribe to the oath and furnish bond  
 958 as required of members of the board. He or she shall be the  
 959 chief executive officer of the authority and may be employed on  
 960 either a full-time or part-time basis, at the board's  
 961 discretion. He or she shall not engage in any other business or  
 962 profession while serving as director unless the board's approval  
 963 is obtained, but he or she may serve as a director or officer of  
 964 any civil organization or corporation which has goals or  
 965 purposes the same as, or similar to, those of the authority.  
 966 Subject to the approval of the board, and direction by it when  
 967 necessary, he or she shall have general supervision over and be  
 968 responsible for the preparation of plans and the performance of  
 969 the functions of the authority in the manner authorized herein.

970 He or she shall attend all meetings of the board. In the  
 971 absence of the director, the board may designate a qualified  
 972 person to perform the duties of the office as acting director.  
 973 The director shall furnish the board with such information or  
 974 reports governing the operation of the authority as the board  
 975 from time to time may require.

976 (2) Upon recommendation of the director, such clerical,  
 977 technical, and professional assistance, including, but not  
 978 limited to, engineering, planning, economic research, and other  
 979 fields as shall in the opinion of the board be necessary to  
 980 provide for the efficient performance of the functions of the  
 981 board.

982 (3) A treasurer, who shall keep the financial records of  
 983 the authority and who, together with the director, shall approve  
 984 all vouchers for the expenditure of funds of the authority. He  
 985 or she shall perform such other duties as may be delegated to

HB 1657

2005

986 him or her by the board.

987 (4) A secretary, who shall maintain custody of the  
 988 official seal and of all records, books, documents, or other  
 989 papers not required to be maintained by the treasurer. He or  
 990 she shall attend all meetings of the board and keep a record of  
 991 all its proceedings. He or she shall perform such other duties  
 992 as may be delegated to him or her by the board.

993 Section 11. The director shall prepare and submit for the  
 994 approval of the board a budget for the operation of the  
 995 authority for the next fiscal year. The budget shall conform to  
 996 the fiscal year of the city and shall contain the information  
 997 required of all city departments. After approval by the board,  
 998 a copy of the budget shall be delivered to the city by the  
 999 director with a statement of the millage required therefor as  
 1000 determined by the board, which millage shall be levied by the  
 1001 city commission not to exceed the limits fixed by law. The  
 1002 operations of the authority shall be financed from any lawful  
 1003 source, including the following sources:

1004 (1) Moneys borrowed and to be repaid from other funds  
 1005 received under the authority of this act.

1006 (2) Donations and contributions to the authority for the  
 1007 performance of its functions from any source, public or private.

1008 (3) Revenues from the rental, operation, or sale of  
 1009 assets, facilities, and projects of the authority.

1010 (4) Proceeds of special assessments and an ad valorem tax  
 1011 of property in the downtown area.

1012 Section 12. The city commission is authorized to levy an  
 1013 ad valorem tax on all downtown real and personal property not  
 1014 exceeding 1 mill on the dollar valuation (as such valuations are

HB 1657

2005

1015 assessed for the general ad valorem roll of the city) of such  
 1016 property for the purpose of financing the operation of the  
 1017 authority provided that no tax under this law shall be levied  
 1018 upon property which is exempt from taxation by general or  
 1019 constitutional law. The city tax collector shall transmit funds  
 1020 so collected to the appropriate officer of the city responsible  
 1021 for the handling of the public money who shall deposit same in  
 1022 the city treasury to the credit of the authority. Such money  
 1023 shall be used for no purpose other than those purposes  
 1024 authorized herein and only upon approval of the board, pursuant  
 1025 to vouchers signed by the director and the treasurer of the  
 1026 authority. The funds of the authority shall be secured as other  
 1027 public funds are secured. Other moneys received by the  
 1028 authority shall forthwith be deposited in the city treasury to  
 1029 the credit of the authority, subject to disbursement as herein  
 1030 authorized.

1031 Section 13. The city commission shall have the power to  
 1032 assess against the funds of the authority, for the use and  
 1033 benefit of the general fund of the city, a reasonable pro rata  
 1034 share of such funds for the cost of handling and auditing, which  
 1035 assessment when made shall be paid annually by the board  
 1036 pursuant to an appropriate item in the budget.

1037 Section 14. No board member nor any employee of the board  
 1038 shall vote or otherwise participate in any matter in which he or  
 1039 she has a financial interest, either direct or indirect. Such  
 1040 indirect financial interest shall not, however, be deemed to  
 1041 include that indirect financial interest which would accrue to  
 1042 all members of the board solely by virtue of being lessees or  
 1043 owners of property in the downtown area, it being the intent

HB 1657

2005

1044 hereof that the prohibition herein shall apply in the event a  
 1045 specific indirect financial interest accrues to one rather than  
 1046 to all members. When such interest shall appear, it shall be  
 1047 the duty of the board member or employee to make such interest  
 1048 known and he or she shall thenceforth refrain from voting on or  
 1049 otherwise participating in the particular transaction involving  
 1050 such interest. Willful violation of the provisions hereof shall  
 1051 constitute malfeasance on the part of the board and shall be  
 1052 grounds for instant dismissal of any employee. The board may,  
 1053 in its rules of procedure, provide for automatic forfeiture of  
 1054 office by a board member for violation hereof. Any transaction  
 1055 involving a conflict of interest, wherein a violation of this  
 1056 section is involved, may be rendered void at the option of the  
 1057 board.

1058 Section 15. On December 31, 2030, this law shall expire  
 1059 and all assets of the authority shall on or before that date be  
 1060 transferred by the authority to the city. Any assets remaining  
 1061 in the hands of the authority on December 31, 2030, shall  
 1062 automatically devolve upon and become the property of the city.

1063 In the event there shall be any indebtedness outstanding  
 1064 against the authority, the city may continue to levy whatever  
 1065 portion shall be necessary of the tax authorized by this law to  
 1066 retire such indebtedness.

1067 Section 16. Bonds.--The board is authorized and empowered  
 1068 in order to provide for and carry out the work of this act to  
 1069 raise funds by the issuance of bonds of the same types and in  
 1070 the same manner with the same power and authority and subject to  
 1071 the same limitations as is now provided by statute for the  
 1072 issuance of bonds by the city, provided that the board and its

HB 1657

2005

1073 staff and agents shall perform all of the governmental functions  
 1074 to be done with regard to the bonds. The aggregate amount of  
 1075 the bonded indebtedness shall at no time exceed 15 percent of  
 1076 the assessed valuation of the taxable property in the downtown  
 1077 area at the time of issuance. The term of the bonds may exceed  
 1078 beyond the life of the authority if the city shall have agreed  
 1079 to service and pay the bonds after the expiration of the  
 1080 authority. In that event, after the authority expires, the city  
 1081 shall continue to levy and collect the same special tax which is  
 1082 authorized by this law to be levied and collected for the  
 1083 authority and use the revenue therefrom for the retirement of  
 1084 the bonds and expense necessary in connection with servicing the  
 1085 bonds until the bonds are retired. Any excess revenue remaining  
 1086 after retirement of the bonds shall be transferred to the  
 1087 general revenue fund of the city and such special tax shall not  
 1088 be levied in any subsequent year.

1089 Section 17. Eminent domain.--The board shall have the  
 1090 right to acquire by condemnation any interest in real property,  
 1091 including a fee simple title thereto, which it may deem  
 1092 necessary for the action of the authority or for the performance  
 1093 of its lawful functions under this act. Said authority may  
 1094 exercise the power of eminent domain in the manner provided in  
 1095 chapters 73 and 74, Florida Statutes, and acts amendatory  
 1096 thereof or supplementary thereto, or it may exercise the power  
 1097 of eminent domain in the manner now or which may be hereafter  
 1098 provided by any other statutory provision for the exercise of  
 1099 the power of eminent domain. Property already devoted to a  
 1100 public use may be acquired in like manner. However, no real  
 1101 property belonging to the state, or any political subdivision

HB 1657

2005

1102 thereof, may be acquired without consent.

1103 Section 18. (1) CALLING REFERENDA.--Whenever by law or  
 1104 for the convenience of administration of the authority a  
 1105 referendum of electors is needed for the authority, the board  
 1106 shall pass a resolution calling and providing for a referendum  
 1107 to be held in the downtown within 3 months after the date of the  
 1108 resolution. The resolution shall provide for one or more  
 1109 polling or voting places. The board shall cause notice of said  
 1110 referendum to be given by publishing said notice for 2  
 1111 consecutive weeks in a newspaper published in the city which is  
 1112 of general circulation in the downtown area. The first  
 1113 publication shall occur not more than 42 and not less than 21  
 1114 days prior to the date of the referendum. Said notice shall  
 1115 designate the polling place or places for said referendum. The  
 1116 board shall make all necessary arrangements for holding the  
 1117 referendum and shall declare the result thereof. The board  
 1118 shall appoint such inspectors and clerks for each polling place  
 1119 as it deems necessary. Form of the ballot at such referendum  
 1120 shall be determined by the board.

1121 (2) CANVAS OF RETURNS; CERTIFICATES OF REFERENDUM.--The  
 1122 result of the voting of each polling place when ascertained  
 1123 shall be certified by return in duplicate, signed by the clerk  
 1124 and by the majority of inspectors of referendum and transmitted  
 1125 to the board at a meeting to be held on a day following the  
 1126 referendum. At said meeting, the board shall canvas the returns  
 1127 and the result as shown by such returns shall be by the board  
 1128 declared to be the result of the referendum. One copy of the  
 1129 board's declaration, including a copy of the returns of each  
 1130 polling place, shall be promptly filed with the city clerk,

HB 1657

2005

1131 together with a copy of proof of publication of the notice of  
 1132 the referendum.

1133 (3) LEGISLATIVE FINDINGS.--The Legislature finds that the  
 1134 activities and functions of the authority are essentially public  
 1135 works and are not concerned with political or governmental  
 1136 purposes. For these reasons the authority is denied police  
 1137 powers. The right to participate in referenda of the authority  
 1138 is more of a private or property right than a public or  
 1139 political right. It is the purpose of the Legislature to grant  
 1140 to those who will have to pay the costs of the improvements a  
 1141 voice commensurate with that cost.

1142 (4) ELECTORS OF DOWNTOWN, VOTING.--The referendum shall be  
 1143 conducted with written ballots unless the board by resolution  
 1144 prescribes the use of voting machines. At the referendum, the  
 1145 duly registered owner of each freehold within the downtown shall  
 1146 represent one share and the owner of each share shall be  
 1147 entitled to one vote for each \$10,000 or fraction thereof of the  
 1148 nonexempt assessed valuation of the freehold within the  
 1149 downtown, according to the last certified tax assessment roll of  
 1150 Broward County at the time of the referendum. In case record  
 1151 title to land is in a trustee, the trustee shall be deemed the  
 1152 owner for the purposes of this law. Ownership shall not include  
 1153 reversions, remaindermen, trustees other than persons owning a  
 1154 freehold estate as of deed of record, or mortgagees, but they  
 1155 shall be represented by the owner of the freehold estate. In  
 1156 case of undivided multiple ownership of any sort, a majority (in  
 1157 value) of the registered owner may, by written proxy, designate  
 1158 one person to serve as elector for that share and unless an  
 1159 elector be so designated by the majority, the vote of that share

HB 1657

2005

1160 shall not be accepted. In case of ownership by a corporation,  
 1161 the corporation may, by proxy, designate an elector to vote the  
 1162 ownership of the corporation. Electors may vote by proxy in  
 1163 writing. An executed copy of each proxy shall be filed with the  
 1164 clerk by the elector at time of voting under that proxy.

1165 (5) REGISTRATION OF ELECTORS.--The director shall be the  
 1166 registration officer for the authority and shall register all  
 1167 persons (including corporations) applying to him or her who are  
 1168 qualified as full or part owners of a freehold in the downtown  
 1169 area which is not wholly exempt from taxation. At the time of  
 1170 registration the applicant shall exhibit to the director  
 1171 evidence of ownership satisfactory to the director, including,  
 1172 in addition, an accurate reference to the official record book  
 1173 and page or other precise place in the public records of Broward  
 1174 County, which the evidence of ownership shall have been duly  
 1175 recorded. No application for registration shall be accepted  
 1176 whose evidence of ownership is not recorded in the public  
 1177 records (including court records) of Broward County. The board  
 1178 may designate one or more deputies to be the registration  
 1179 officer in the absence or illness of the director. In case of  
 1180 application for registration for a share or partial undivided  
 1181 interest in a share already registered in the name of another,  
 1182 the registration officer, upon being satisfied by the evidence  
 1183 exhibited that the ownership has been duly transferred to the  
 1184 new applicant, shall mail a notice of cancellation of  
 1185 registration to the existing registrant at the address shown on  
 1186 the official registration record as the address of the  
 1187 registrant's place of residence (or corporation's principal  
 1188 place of business) notifying the registrant that the

HB 1657

2005

1189 registration will be canceled unless, within 10 days after the  
 1190 mailing of such notice, the registrant shall appear in person or  
 1191 by representative in person before the registration officer and  
 1192 show by evidence satisfactory to the registration officer that  
 1193 the registrant still owns all or a part of the share in  
 1194 question. If no objection in person is received by the  
 1195 registration officer within such 10-day period, he or she shall  
 1196 promptly so notify the new applicant by mail whose registration  
 1197 will be accepted upon renewal of the application within 10 days  
 1198 after the mailing of such notice. In case timely objection is  
 1199 duly made by the existing registrant, the registration officer  
 1200 shall determine the true ownership on the basis of the evidence  
 1201 reasonably available to him or her and reject or accept the  
 1202 applicant as the circumstances warrant, promptly notifying the  
 1203 existing registrant of the decision. No application for change  
 1204 of registration for any share shall be accepted within 15 days  
 1205 of the referendum unless accompanied by written consent of the  
 1206 existing registrant, duly acknowledged in the manner required by  
 1207 law for instruments recorded in the public records of the  
 1208 county, and unless applied for before the day of the referendum.  
 1209 If it shall be made known to the director that an existing  
 1210 registrant has died or he or she has parted with his or her  
 1211 title to the downtown, the director shall issue a notice of  
 1212 cancellation in the same manner as is provided in the case of a  
 1213 new applicant for an existing registrant and the registration  
 1214 shall be canceled in the same manner in the absence of  
 1215 objection, except that the time for objection in such case shall  
 1216 be 30 days.

1217 (6) EMPLOYMENT OF OUTSIDE AGENCIES.--The board may pay

HB 1657

2005

1218 reasonable compensation to the Broward County Supervisor of  
 1219 Elections and the Broward County Property Appraiser for services  
 1220 rendered to the authority in connection with registration for  
 1221 and conduct of a referendum. The board may also employ the  
 1222 services of an abstract or title company for assistance in  
 1223 ascertaining the identity of ownership.

1224 Section 19. The authority may provide for the construction  
 1225 or reconstruction of assessable improvements and for the levying  
 1226 of special assessments upon benefited property for the payment  
 1227 thereof under the provisions of this section.

1228 (1) The initial proceeding under this section shall be the  
 1229 passage by the board of a resolution ordering the construction  
 1230 or reconstruction of such assessable improvements indicating the  
 1231 location by terminal points, routes, or otherwise, and either  
 1232 giving a description of the improvements by their material,  
 1233 nature, character, and size or giving two or more descriptions  
 1234 with the directions that the material, nature, character, and  
 1235 size shall be subsequently determined in conformity with one of  
 1236 such descriptions. Assessable improvements need not be  
 1237 continuous and may be in more than one locality or street. The  
 1238 resolution ordering any such improvement may give any short and  
 1239 convenient designation to each improvement ordered thereby, and  
 1240 the property against which assessments are to be made for the  
 1241 cost of such improvement may be designated as an assessment  
 1242 district, followed by a letter or number or name to distinguish  
 1243 it from the other assessment districts, after which it shall be  
 1244 sufficient to refer to such improvement and property by such  
 1245 designation in all proceedings and assessments, except in the  
 1246 notices required by this section.

HB 1657

2005

1247 (2) As soon as possible after the passage of such  
 1248 resolution, the director shall prepare or cause to be prepared  
 1249 in duplicate plans and specifications for each improvement  
 1250 ordered thereby and an estimate of the cost thereof. Such cost  
 1251 shall include, in addition to the items of cost as defined in  
 1252 this act, the cost of relaying streets, sidewalks, and other  
 1253 public facilities or conveniences necessarily torn up or damaged  
 1254 and the following items of incidental expenses:

1255 (a) Printing and publishing notices and proceedings.

1256 (b) Costs of abstracts of title.

1257 (c) Any other expense necessary or proper in conducting  
 1258 the proceedings and work provided for in this section, including  
 1259 the estimated amount of discount, if any, upon the sale of  
 1260 assessment bonds or any other obligations issued hereunder for  
 1261 which such special assessments are to be pledged. If the  
 1262 resolution shall provide alternative descriptions of material,  
 1263 nature, character, and size, such estimate shall include an  
 1264 estimate of the cost of the improvement of each such  
 1265 description.

1266  
 1267 The director shall also prepare or cause to be prepared in  
 1268 duplicate a tentative apportionment of the estimated total cost  
 1269 of the improvement as between the district and each lot or  
 1270 parcel of land subject to special assessment under the  
 1271 resolution, such apportionment to be made in accordance with the  
 1272 provisions of the resolution and in relation to apportionment of  
 1273 cost provided herein for the preliminary assessment roll. Such  
 1274 tentative apportionment of total estimated cost shall not be  
 1275 held to limit or restrict the duties of the director in the

HB 1657

2005

1276 preparation of such preliminary assessment roll. One of the  
 1277 duplicates of such plans, specifications, and estimates and such  
 1278 tentative apportionment shall be filed with the board and the  
 1279 other duplicate shall be retained by the director in his or her  
 1280 files, all thereof to remain open to public inspection. In  
 1281 performing the duties of assessment and apportionment of costs,  
 1282 the director may employ and utilize such technical consultants  
 1283 as may be necessary, including, but not limited, to engineers,  
 1284 architects, planners, economists, and appraisers.

1285 (3) The board upon the filing with it of such plans,  
 1286 specifications, estimates, and tentative apportionment of cost  
 1287 shall publish once in a newspaper or newspapers published or of  
 1288 general circulation in the downtown a notice stating that at a  
 1289 meeting of the board on a certain day and hour, not earlier than  
 1290 15 days from such publication, the board will hear objections of  
 1291 all interested persons to the confirmation of such resolution,  
 1292 which notice shall state in brief and general terms a  
 1293 description of the proposed assessable improvements with the  
 1294 location thereof, and shall also state that plans,  
 1295 specifications, estimates, and tentative apportionment of cost  
 1296 thereof are on file with the board. The board shall keep a  
 1297 record in which shall be inscribed, at the request of any  
 1298 person, firm, or corporation having or claiming to have any  
 1299 interest in any lot or parcel of land or property, the name and  
 1300 post office address of such person, firm, or corporation,  
 1301 together with a brief description or designation of such lot or  
 1302 parcel, and it shall be the duty of the board to mail a copy of  
 1303 such notice to such person, firm, or corporation at such address  
 1304 at least 10 days before the time for the hearing as stated in

HB 1657

2005

1305 such notice, but the failure of the board to keep such record or  
 1306 so to inscribe any name or address or to mail any such notice  
 1307 shall not constitute a valid objection to holding the hearing as  
 1308 provided in this section or to any other action taken under the  
 1309 authority of this section.

1310 (4) At the time named in such notice, or to which an  
 1311 adjournment may be taken by the board, the board shall receive  
 1312 any objections of interested persons and may then or thereafter  
 1313 repeal or confirm such resolution with such amendments, if any,  
 1314 as may be desired by the board and which do not cause any  
 1315 additional property to be specially assessed.

1316 (5) All objections to any such resolution on the ground  
 1317 that it contains items which cannot be properly assessed against  
 1318 property, or that it is, for any default or defect in the  
 1319 passage or character of the resolution or the plans or  
 1320 specifications or estimates, void or voidable in whole or in  
 1321 part, or that it exceeds the power of the board, shall be made  
 1322 in writing in person or by attorney, and filed with the board at  
 1323 or before the time or adjourned time of such hearing. Any  
 1324 objections against the making of any assessable improvements not  
 1325 so made shall be considered waived, and if any objection shall  
 1326 be made and overruled or shall not be sustained, the  
 1327 confirmation of the resolution shall be the final adjudication  
 1328 of the issues presented unless proper steps shall be taken in  
 1329 the Circuit Court for the Seventeenth Circuit to secure relief  
 1330 within 20 days.

1331 (6) Whenever any resolution providing for the construction  
 1332 or reconstruction of assessable improvements and for the levying  
 1333 of special assessments upon benefited property for the payment

HB 1657

2005

1334 thereof shall have been confirmed, as hereinabove provided, or  
 1335 at any time thereafter, the board may issue assessment bonds  
 1336 payable out of such assessments when collected. Said bonds  
 1337 shall mature not later than 2 years after the last installment  
 1338 in which said special assessments may be paid, as provided in  
 1339 subsection (10), and may bear interest. Such assessment bonds  
 1340 shall be executed, shall have such provisions for redemption  
 1341 prior to maturity, shall be sold in the manner and be subject to  
 1342 all of the applicable provisions contained in this act for  
 1343 revenue bonds, except as the same are inconsistent with the  
 1344 provisions of this section. The amount of such assessment bonds  
 1345 for any assessable improvement, after the confirmation of the  
 1346 initial resolution, shall not exceed 80 percent of the estimated  
 1347 amount of the cost of such assessable improvements which are to  
 1348 be specially assessed against the land or property to be  
 1349 specially benefited thereby, as shown in the estimates of the  
 1350 director of the authority referred to in subsection (2). The  
 1351 amount of such assessment bonds for any assessable improvement  
 1352 to be issued, after the confirmation of the preliminary  
 1353 assessment roll provided for in subsection (9), including any  
 1354 assessment bonds theretofore issued, shall not exceed the amount  
 1355 of special assessments actually confirmed and levied by the  
 1356 board as provided in subsection (9). Such assessment bonds shall  
 1357 be payable from the proceeds of the special assessments levied  
 1358 for the assessable improvement for which such assessment bonds  
 1359 are issued, provided, however, that the director may pledge the  
 1360 full faith and credit of the authority for the payment of the  
 1361 principal of and interest on such assessment bonds if the  
 1362 issuance of such assessment bonds shall be approved in the

HB 1657

2005

1363 manner provided by law.

1364 (7) After the passage of the resolution authorizing the  
 1365 construction or reconstruction of assessable improvements has  
 1366 been confirmed as provided in subsection (4), the authority may  
 1367 proceed with the construction or reconstruction work in  
 1368 accordance with the provisions of this act. Promptly after the  
 1369 completion of the work, the director for the authority, who is  
 1370 hereby designated as the official of the authority to make  
 1371 preliminary assessment of benefits from assessable improvements  
 1372 shall prepare a preliminary assessment roll and file the same  
 1373 with the board, which roll shall contain the following:

1374 (a) A description of the lots and parcels of land or  
 1375 property within the authority which will benefit from such  
 1376 assessable improvements and the amount of such benefits to each  
 1377 such lot or parcel of land or property, and the preliminary  
 1378 assessment. Such lots and parcels shall include the property of  
 1379 the county or counties and any school district or other  
 1380 political subdivision within the authority. There shall also be  
 1381 given the name of the owner of record of each lot or parcel  
 1382 where practicable, and a statement of the method of assessment  
 1383 used by the director.

1384 (b) The total cost of the improvement and the amount of  
 1385 incidental expense.

1386  
 1387 In making such preliminary assessments, the director may use any  
 1388 method of determining the amount of special benefits accruing to  
 1389 each lot or parcel of land or property from such assessable  
 1390 improvements as shall be approved by the board. Such special  
 1391 benefits may be based on an area assessment where benefits from

HB 1657

2005

1392 such assessable improvements are equal or nearly equal for lands  
 1393 of property in a particular area, front footage, square footage  
 1394 of structures, cubic measurement of structures, potential uses,  
 1395 or any other factors which the board deems fair and equitable as  
 1396 between the different lots or parcels of land or property  
 1397 benefited. It shall be the duty of the director in making such  
 1398 preliminary assessment roll to view all lots or parcels of land  
 1399 or property to be assessed, and to determine, for the  
 1400 preliminary assessment roll, the amount of benefit which each  
 1401 lot or parcel of land or property will receive from such  
 1402 assessable improvements, under the method or methods prescribed  
 1403 by the board, or any combination thereof.

1404 (8) The preliminary roll shall be advisory only and shall  
 1405 be subject to the action of the board as hereinafter provided.  
 1406 Upon the filing with the board of the preliminary assessment  
 1407 roll, the board shall publish at least once in a newspaper or  
 1408 newspapers published or of general circulation within the  
 1409 downtown, a notice stating that at a meeting of the board to be  
 1410 held on a certain day and hour, not less than 15 days from the  
 1411 date of such publication, which meeting may be a regular,  
 1412 adjourned, or special meeting, all interested persons may appear  
 1413 and file written objections to the confirmation of such roll.  
 1414 Such notice shall state the class of the assessable improvements  
 1415 and the location thereof by terminal points, route, or  
 1416 otherwise. The board shall also mail a copy of such notice to  
 1417 the persons, firms, or corporations referred to in subsection  
 1418 (3) at least 10 days before the time for the meeting as stated  
 1419 in such notice, but the failure of the board to mail any such  
 1420 notice shall not constitute a valid objection to holding such

HB 1657

2005

1421 meeting or to any other action taken under the authority of this  
 1422 section.

1423 (9) At the time and place stated in such notice, the board  
 1424 shall meet and receive the objections in writing of all  
 1425 interested persons as stated in such notice. The board may  
 1426 adjourn the hearing from time to time. After the completion  
 1427 thereof the board shall either annul or sustain or modify in  
 1428 whole or in part the preliminary assessment as indicated on such  
 1429 roll, either by confirming the preliminary assessment against  
 1430 any or all lots or parcels described therein or by canceling,  
 1431 increasing, or reducing the same, according to the special  
 1432 benefits which the board decides each such lot or parcel has  
 1433 received or will receive on account of such improvement. If any  
 1434 property which may be chargeable under this section shall have  
 1435 been omitted from the preliminary roll, or if the preliminary  
 1436 assessment shall not have been made against it, the board may  
 1437 place on such roll an apportionment to such property. The board  
 1438 shall not confirm any assessment in excess of the special  
 1439 benefits to the property assessed, and the assessments so  
 1440 confirmed shall be in proportion to the special benefits. The  
 1441 assessment so made shall be final and conclusive as to each lot  
 1442 or parcel assessed unless proper steps be taken within 30 days  
 1443 in the Circuit Court for the Seventeenth Circuit to secure  
 1444 relief. If the assessment against any property shall be  
 1445 sustained or reduced or abated by the court, the board shall  
 1446 note that fact on the assessment roll opposite the description  
 1447 of the property affected thereby. The amount of the special  
 1448 assessment against any lot or parcel which may be reduced or  
 1449 abated by the court, unless the assessment upon the entire

HB 1657

2005

1450 authority be reduced or abated, or the amount by which such  
 1451 assessment is so reduced or abated, may by resolution of the  
 1452 board be made chargeable against the authority at large; or, at  
 1453 the discretion of the board, a new assessment roll may be  
 1454 prepared and confirmed in the manner hereinbefore provided for  
 1455 the preparation and confirmation of the original assessment  
 1456 roll.

1457 (10) Any assessment may be paid at the office of the board  
 1458 within 60 days after the confirmation thereof, without interest.  
 1459 Thereafter all assessments shall be payable at such times, over  
 1460 such period of years not exceeding 20 years, and in such annual  
 1461 or other installments with interest at such rate not exceeding 8  
 1462 percent per annum on the principal amount of such assessments  
 1463 from the expiration of said 60 days, as the board shall  
 1464 determine by resolution. The board may provide that any  
 1465 assessment may be paid at any time before due together with  
 1466 interest accrued thereon to the date of prepayment, if such  
 1467 prior payment shall be permitted by the proceedings authorizing  
 1468 any assessment bonds or other obligations for the payment of  
 1469 which such special assessments have been pledged.

1470 (11) All such special assessments shall be collected by  
 1471 the city tax collector, or by such other officer or agent as the  
 1472 board may designate, at such time or times as the board shall  
 1473 specify in the proceedings authorizing or confirming the special  
 1474 assessments, and if no other time is specified then at the same  
 1475 time as general city taxes are collected in the city.

1476 (12) All assessments shall constitute a lien upon the  
 1477 property so assessed from the date of confirmation of the  
 1478 resolution ordering the improvement, of the same nature and to

HB 1657

2005

1479 the same extent as the lien for general city taxes falling due  
1480 in the same year or years in which such assessment or  
1481 installments thereof fall due, and any assessment or installment  
1482 not paid when due shall be collectible with such interest and  
1483 with a reasonable attorney's fee and costs, but without  
1484 penalties, by the authority by proceedings in the Circuit Court  
1485 for the Seventeenth Circuit to foreclose the lien of  
1486 assessments, as a lien for mortgages is or may be foreclosed  
1487 under the laws of the state, provided that any such proceedings  
1488 to foreclose shall embrace all installments of principal  
1489 remaining unpaid with accrued interest thereon, which  
1490 installments shall, by virtue of the institution of such  
1491 proceedings, immediately become due and payable. Nevertheless,  
1492 if prior to any sale of the property under decree of foreclosure  
1493 in such proceedings, payment be made of the installment or  
1494 installments which are shown to be due under the provisions of  
1495 the resolution passed pursuant to subsections (9) and (10), and  
1496 all costs including interest and attorney's fees, such payment  
1497 shall have the effect of restoring the remaining installments to  
1498 their original maturities, and the proceedings shall be  
1499 dismissed. It shall be the duty of the authority to enforce the  
1500 prompt collection of assessments by the means herein provided,  
1501 and such duty may be enforced at the suit of any holder of bonds  
1502 issued under this act in the Circuit Court for the Seventeenth  
1503 Circuit by mandamus or other appropriate proceedings or action.  
1504 Not later than 30 days after any installments are due and  
1505 payable, it shall be the duty of the board to direct the  
1506 attorney or attorneys whom the board shall then designate to  
1507 institute action within 2 months after such direction to enforce

HB 1657

2005

1508 the collection of all special assessments for assessable  
 1509 improvements made under this section and remaining due and  
 1510 unpaid at the time of such direction. Such action shall be  
 1511 prosecuted in a manner and under the conditions in and under  
 1512 which mortgages are foreclosed under the laws of the state. It  
 1513 shall be lawful to join in one action the collection of  
 1514 assessments against any or all property assessed by virtue of  
 1515 the same assessment roll unless the court shall deem such  
 1516 joinder prejudicial to the interests of any defendant. The  
 1517 court shall allow a reasonable attorney's fee for the attorney  
 1518 or attorneys of the authority, and the same shall be collectible  
 1519 as a part of or in addition to the costs of the action. At the  
 1520 sale pursuant to decree in any such action, the authority may be  
 1521 a purchaser to the same extent as an individual person or  
 1522 corporation, except that the part of the purchase price  
 1523 represented by the assessments sued upon and the interest  
 1524 thereon need not be paid in cash. Property so acquired by the  
 1525 authority may be sold or otherwise disposed of, the proceeds of  
 1526 such disposition to be placed in the fund provided by subsection  
 1527 (13) of this section, provided, however, that no sale or other  
 1528 disposition thereof shall be made unless the notice calling for  
 1529 bids therefor to be received at a stated time and place shall  
 1530 have been published at least once in a newspaper or newspapers  
 1531 published or of general circulation in the downtown.

1532 (13) All assessments and charges made under the provisions  
 1533 of this section for the payment of all or any part of the cost  
 1534 of any assessable improvements for which assessment bonds shall  
 1535 have been issued under the provisions of this law, or which have  
 1536 been pledged as additional security for any other bonds or

HB 1657

2005

1537 obligations issued under this act, shall be maintained in a  
 1538 special fund or funds and be used only for the payment of  
 1539 principal or interest on such assessment bonds or other bonds or  
 1540 obligations.

1541 (14) Subject to the terms of any bonds or other obligation  
 1542 payable from or secured by the assessments provided for herein,  
 1543 the board may at any time and from time to time modify, in whole  
 1544 or in part, or revoke any plan or specification for any  
 1545 assessable improvement. In connection with the revision of any  
 1546 such plan or specification, benefits may be reassessed or  
 1547 additional assessments made in accordance with the provisions  
 1548 and procedures of this section. The board may at any time  
 1549 approve and make effective technical changes and modifications  
 1550 of any plan for any improvement not affecting the determination  
 1551 of assessed benefits or the security of bond owners.

1552 Section 20. Encouragement of private enterprise.--The  
 1553 authority, to the greatest extent it determines to be feasible  
 1554 in carrying out the provisions of this act, shall afford maximum  
 1555 opportunity, consistent with the sound needs of said authority  
 1556 as a whole, to the rehabilitation or redevelopment of the  
 1557 renewal area by private enterprise. The authority shall give  
 1558 consideration to this objective in exercising its powers under  
 1559 this act, including the approval of renewal plans (consistent  
 1560 with the general plan of the city), the enforcement of  
 1561 restrictions, regulations, and agreements relating to the use of  
 1562 land and the use and occupancy of buildings and improvements,  
 1563 the disposition of any property acquired, and the provision of  
 1564 necessary public improvements.

1565 Section 21. Workable program.--The authority for the

HB 1657

2005

1566 purposes of this act may cooperate with the city, or with  
 1567 Broward County, in the formulation of a workable program for  
 1568 community improvements, utilizing appropriate private and public  
 1569 resources to eliminate and prevent the development or spread of  
 1570 slums and urban blight, to encourage needed urban  
 1571 rehabilitation, to provide for the redevelopment of slum and  
 1572 blighted areas, or to undertake such of the aforesaid activities  
 1573 or other feasible municipal activities as may be suitably  
 1574 employed to achieve the objectives of such workable program.  
 1575 Such workable program may include, without limitation,  
 1576 provisions for: the prevention of the spread of blight into  
 1577 areas of the authority which are free from blight through  
 1578 diligent enforcement of housing, zoning, and occupancy controls  
 1579 and standards; the rehabilitation or conservation of slum and  
 1580 blighted areas or portions thereof by replanning, removing  
 1581 congestion, providing parks, playgrounds, and other public  
 1582 improvements, by encouraging voluntary rehabilitation, and by  
 1583 compelling the repair and rehabilitation of deteriorated or  
 1584 deteriorating structures; and the clearance and redevelopment of  
 1585 slum and blighted areas or portions thereof.

1586 Section 22. Renewal projects and plans.--

1587 (1) The authority shall not approve a renewal project for  
 1588 a renewal area unless the board has, by resolution, determined  
 1589 such area to be a slum area or a blighted area or a combination  
 1590 thereof and designated such area as appropriate for a renewal  
 1591 project. Said board shall not approve a renewal plan until a  
 1592 general plan for the downtown has been prepared. For this  
 1593 purpose and other authority purposes, authority is hereby vested  
 1594 in said authority to prepare, to adopt, and to revise from time

HB 1657

2005

1595 to time a general plan for the physical development of the  
 1596 downtown as a whole (giving due regard to the environs and  
 1597 metropolitan surroundings), provided, however, that the  
 1598 Legislature finds that all of the requirements of a general plan  
 1599 for the physical development of the downtown have been fulfilled  
 1600 by the Plans and Proposals of either Concepts A or B of the 1967  
 1601 Fort Lauderdale Central Area Study prepared for the authority by  
 1602 Victor Gruen, Architect, F.A.I.A. The authority may revise said  
 1603 general plan from time to time and may adopt another general  
 1604 plan.

1605 (2) The authority may prepare or cause to be prepared a  
 1606 renewal plan, or any person or agency, public or private, may  
 1607 submit such a plan to said authority. Prior to its approval of  
 1608 a renewal project, the board shall submit such plan to the  
 1609 planning board of the city for review and recommendations as to  
 1610 its conformity with the general plan for the development of the  
 1611 city as a whole. The planning board shall submit its written  
 1612 recommendations with respect to the proposed renewal plan to the  
 1613 authority within 30 days after receipt of the plan for review.  
 1614 Upon receipt of the recommendations of the planning board, or,  
 1615 if no recommendations are received within said 30 days, then  
 1616 without such recommendations, said authority may proceed with  
 1617 the hearing on the proposed renewal project prescribed herein.  
 1618 No person other than the city shall be entitled to raise the  
 1619 question of inconsistency of any plan with the general plan of  
 1620 the city.

1621 (3) The authority shall hold a public hearing on a renewal  
 1622 project, after public notice thereof by publication in a  
 1623 newspaper having a general circulation in the area of operation

HB 1657

2005

1624 of the authority. The notice shall describe the time, date,  
1625 place, and purpose of the hearing, shall generally identify the  
1626 renewal area covered by the plan, and shall outline the general  
1627 scope of the renewal project under consideration.

1628 (4) Following such hearing, the authority may approve a  
1629 renewal project if it finds that:

1630 (a) A feasible method exists for the location of families  
1631 who will be displaced from the renewal area in decent, safe, and  
1632 sanitary dwelling accommodations within their means and without  
1633 undue hardship to such families.

1634 (b) The renewal plan conforms to the general plan of the  
1635 municipality as a whole.

1636 (c) The renewal plan will afford maximum opportunity,  
1637 consistent with the sound needs of the municipality as a whole,  
1638 for the rehabilitation or redevelopment of the renewal area by  
1639 private enterprise.

1640 (5) A renewal plan may be modified at any time, provided  
1641 that if modified after the lease or sale by the authority of  
1642 real property in the renewal project area, such modification may  
1643 be conditioned upon such approval of the owner, lessee, or  
1644 successor in interest as the authority may deem advisable and in  
1645 any event shall be subject to such rights at law or in equity as  
1646 a lessee or purchaser, or his or her successor or successors in  
1647 interest, may be entitled to assert.

1648 (6) Upon the approval by the authority of a renewal plan  
1649 or of any modification thereof, such plan or modification shall  
1650 be deemed to be in full force and effect for the respective  
1651 renewal area and the authority may then cause such plan or  
1652 modification to be carried out in accordance with its terms.

HB 1657

2005

1653       (7) Notwithstanding any other provisions of this act,  
1654 where the authority certifies that an area is in need of  
1655 redevelopment or rehabilitation as a result of a flood, fire,  
1656 hurricane, earthquake, storm, or other catastrophe respecting  
1657 which the Governor has certified the need for disaster  
1658 assistance under Public Law 875, Eighty-first Congress, or other  
1659 federal law, the board may approve a renewal plan and a renewal  
1660 project with respect to such area without regard to the  
1661 provisions of subsection (4) of this section and the provisions  
1662 of this section requiring a general plan for the city and the  
1663 public hearing on the renewal project.

1664       Section 23. Powers.--The authority shall have all the  
1665 powers necessary or convenient to carry out and effectuate the  
1666 purposes and provisions of this act, including the following  
1667 powers in addition to others herein granted:

1668       (1) To undertake and carry out renewal projects within its  
1669 area of operation; to make and execute contracts and other  
1670 instruments necessary or convenient to the exercise of its  
1671 powers under this act; and to disseminate slum clearance and  
1672 renewal information.

1673       (2) To provide or to arrange or contract for the  
1674 furnishing or repair by any person or agency, public or private,  
1675 of services, privileges, works, streets, roads, public  
1676 utilities, or other facilities for or in connection with a  
1677 renewal project; to install, construct, and reconstruct streets,  
1678 utilities, parks, playgrounds, and other public improvements;  
1679 and to agree to any conditions that it may deem reasonable and  
1680 appropriate attached to federal financial assistance and imposed  
1681 pursuant to federal law relating to the determination of

HB 1657

2005

1682 prevailing salaries or wages or compliance with labor standards,  
 1683 in the undertaking or carrying out of a renewal project, and to  
 1684 include in any contract let in connection with such a project  
 1685 provisions to fulfill such of said conditions as it may deem  
 1686 reasonable and appropriate.

1687 (3) Within its area of operation, to enter into any  
 1688 building or property in any renewal area in order to make  
 1689 inspections, surveys, appraisals, soundings, or test borings,  
 1690 and to obtain an order for this purpose from a court of  
 1691 competent jurisdiction in the event entry is denied or resisted;  
 1692 to acquire by purchase, lease, option, gift, grant, bequest,  
 1693 devise, eminent domain, or otherwise any real property (or  
 1694 personal property for its administrative purposes) together with  
 1695 any improvements thereon; to hold, improve, clear, or prepare  
 1696 for redevelopment any such property; to dispose of any real  
 1697 property; to insure or provide for the insurance of any real or  
 1698 personal property or operation of the authority against any  
 1699 risks or hazards, including the power to pay premiums on any  
 1700 such insurance; and to enter into any contracts necessary to  
 1701 effectuate the purposes of this act provided, however, that no  
 1702 statutory provision with respect to the acquisition, clearance,  
 1703 or disposition of property by public bodies shall restrict the  
 1704 authority in the exercise of such functions with respect to a  
 1705 renewal project, unless the Legislature shall specifically so  
 1706 state.

1707 (4) To invest any renewal project funds held in reserves  
 1708 or sinking funds or any such funds not required for immediate  
 1709 disbursement, in property or securities in which banks may  
 1710 legally invest funds subject to their control, and to redeem

HB 1657

2005

1711 such bonds as have been issued pursuant to this act at the  
 1712 redemption price established therein or to purchase such bonds  
 1713 at less than redemption price, all such bonds so redeemed or  
 1714 purchased to be canceled.

1715 (5) To borrow money and to apply for and accept advances,  
 1716 loans, grants, contributions, and any other form of financial  
 1717 assistance from the Federal Government, the state, county, city,  
 1718 or other public body, or from any sources, public or private,  
 1719 for the purposes of this act, and to give such security as may  
 1720 lawfully be required and to enter into and carry out contracts  
 1721 in connection therewith. The authority may include in any  
 1722 contract for financial assistance with the Federal Government  
 1723 for a renewal project such conditions imposed pursuant to  
 1724 federal laws as the authority may deem reasonable and  
 1725 appropriate and which are not inconsistent with the purposes of  
 1726 this act.

1727 (6) Within its area of operation, to make or have made all  
 1728 surveys and plans necessary to the carrying out of the purposes  
 1729 of this act and to contract with any person, public or private,  
 1730 in making and carrying out such plans and to adopt or approve,  
 1731 modify and amend such plans. Such plans may include, without  
 1732 limitation:

1733 (a) A general plan for the locality as a whole.

1734 (b) Renewal plans.

1735 (c) Preliminary plans outlining renewal activities for  
 1736 neighborhoods to embrace two or more renewal areas.

1737 (d) Plans for carrying out a program of voluntary or  
 1738 compulsory repair and rehabilitation of buildings and  
 1739 improvements.

HB 1657

2005

1740       (e) Plans for the enforcement of state and local laws,  
 1741 codes, and regulations relating to the use of land and the use  
 1742 and occupancy of buildings and improvements and to the  
 1743 compulsory repair, rehabilitation, demolition, or removal of  
 1744 buildings and improvements.

1745       (f) Appraisals, title searches, surveys, studies, and  
 1746 other plans and work necessary to prepare for the undertaking of  
 1747 renewal projects. The authority is authorized to develop, test,  
 1748 and report methods and techniques, and carry out demonstrations  
 1749 and other activities, for the prevention and the elimination of  
 1750 slums and blight and to apply for, accept, and utilize grants of  
 1751 funds from the Federal Government for such purposes.

1752       (7) To prepare plans for the relocation of persons,  
 1753 including families, business concerns, and others, displaced by  
 1754 a renewal project, and to make relocation payments to or with  
 1755 respect to such persons for moving expenses and losses of  
 1756 property for which reimbursement or compensation is not  
 1757 otherwise made, including the making of such payments financed  
 1758 by the Federal Government.

1759       (8) To appropriate such funds and make such expenditures  
 1760 as may be necessary to carry out the purposes of this act, and  
 1761 to levy taxes and assessments for such purposes, subject to  
 1762 millage limitations of this act and the State Constitution.

1763       (9) To plan or replan streets, roads, sidewalks, ways, or  
 1764 other places and to plan or replan any part of the downtown.

1765       (10) Within its area of operation, to organize,  
 1766 coordinate, and direct the administration of the provisions of  
 1767 this act as they apply to such authority in order that the  
 1768 objective of remedying slum and blighted areas and preventing

HB 1657

2005

1769 the causes thereof within such authority may be most effectively  
 1770 promoted and achieved, and to establish such new office or  
 1771 offices of the authority or to reorganize existing offices in  
 1772 order to carry out such purpose most effectively.

1773 (11) To exercise all or any part or combination of powers  
 1774 herein granted.

1775 Section 24. Disposal of property in renewal area.—

1776 (1) The authority may sell, lease, or otherwise transfer  
 1777 real property or any interest therein acquired by it, and may  
 1778 enter into contracts with respect thereto, in a renewal area for  
 1779 residential, recreational, commercial, industrial, or other uses  
 1780 or for public use, or may retain such property or interest for  
 1781 public use, in accordance with the renewal plan, subject to such  
 1782 covenants, conditions, and restrictions, including covenants  
 1783 running with the land, as may be deemed to be necessary or  
 1784 desirable to assist in preventing the development or spread of  
 1785 future slums or blighted areas or to otherwise carry out the  
 1786 purposes of this act, provided that such sale, lease, other  
 1787 transfer, or retention, and any agreement relating thereto, may  
 1788 be made only after the approval of the renewal plan by the  
 1789 board. The purchasers or lessees and their successors and  
 1790 assigns shall be obligated to devote such real property only to  
 1791 the uses specified in the renewal plan, and may be obligated to  
 1792 comply with such other requirements as the authority may  
 1793 determine to be in the renewal plan, and may be obligated to  
 1794 comply with such other requirements as the authority may  
 1795 determine to be in the public interest, including the obligation  
 1796 to begin within a reasonable time any improvements on such real  
 1797 property required by the renewal plan. Such real property or

HB 1657

2005

1798 interest shall be sold, leased, otherwise transferred, or  
 1799 retained at not less than its fair value for uses in accordance  
 1800 with the renewal plan. In determining the fair value of real  
 1801 property for uses in accordance with the renewal plan, the  
 1802 authority shall take into account and give consideration to the  
 1803 uses provided in such plan; the restrictions upon, and the  
 1804 covenants, conditions, and obligations assumed by, the purchaser  
 1805 or lessee or by the authority retaining the property; and the  
 1806 objectives of such plan for the prevention of the recurrence of  
 1807 a slum or blighted areas. The authority in any instrument of  
 1808 conveyance to a private purchaser or lessee may provide that  
 1809 such purchaser or lessee, shall be without power to sell, lease,  
 1810 or otherwise transfer the real property without the prior  
 1811 written consent of the authority until he or she has obligated  
 1812 himself or herself to construct thereon. Real property acquired  
 1813 by the authority which, in accordance with the provisions of the  
 1814 renewal plan, is to be transferred shall be transferred as  
 1815 rapidly as feasible in the public interest consistent with the  
 1816 carrying out of the provisions of the renewal plan. Any  
 1817 contract for such transfer and the renewal plan (or such part or  
 1818 parts of such contract or plan as the authority may determine)  
 1819 may be recorded in the office of the Clerk of the Circuit Court  
 1820 of Broward County.

1821 (2) The authority may dispose of real property in a  
 1822 renewal area to private persons only under such reasonable  
 1823 competitive bidding procedures as it shall prescribe or as  
 1824 hereinafter provided in this subsection. The authority may, by  
 1825 public notice by publication in a newspaper having a general  
 1826 circulation in the community (30 days prior to the execution of

HB 1657

2005

1827 any contract to sell, lease, or otherwise transfer real property  
 1828 and prior to the delivery of any instrument of conveyance with  
 1829 respect thereto under the provisions of this section) invite  
 1830 proposals from and make available all pertinent information to  
 1831 private redevelopers or any persons interested in undertaking to  
 1832 redevelop or rehabilitate a renewal area, or any part thereof.  
 1833 Such notice shall identify the area, or portion thereof, and  
 1834 shall state that proposals shall be made by those interested  
 1835 within 30 days after the date of publication of said notice, and  
 1836 that such further information as is available may be obtained at  
 1837 such office as shall be designated in said notice. The  
 1838 authority shall consider all such redevelopment or  
 1839 rehabilitation proposals and the financial and legal ability of  
 1840 the persons making such proposals to carry them out, and may  
 1841 negotiate with any persons for proposals for the purchase,  
 1842 lease, or other transfer of any real property acquired by the  
 1843 authority in the renewal area. The authority may accept such  
 1844 proposal as it deems to be in the public interest and in  
 1845 furtherance of the purposes of this act, provided that a  
 1846 notification of intention to accept such proposal shall be filed  
 1847 with the board not less than 30 days prior to such acceptance.  
 1848 Thereafter, the authority may execute such contract in  
 1849 accordance with the provisions of subsection (1) and deliver  
 1850 deeds, leases, and other instruments and take all steps  
 1851 necessary to effectuate such contract.

1852 (3) The authority may temporarily operate and maintain  
 1853 real property acquired in a renewal area pending the disposition  
 1854 of the property as authorized in this act, without regard to the  
 1855 provisions of subsection (1), for such uses and purposes as may

HB 1657

2005

1856 be deemed desirable even though not in conformity with the  
 1857 renewal plan.

1858 Section 25. Issuance of bonds.-

1859 (1) The authority shall have the power to issue bonds from  
 1860 time to time in its discretion to finance the undertaking of any  
 1861 renewal project under this act, including without limiting the  
 1862 generality thereof, the payment of principal and interest upon  
 1863 any advances for surveys and plans, and shall also have power to  
 1864 issue refunding bonds for the payment or retirement of such  
 1865 bonds previously issued by it. Such bonds may be made payable  
 1866 as to bond principal and interest, from the income, proceeds,  
 1867 revenues, and funds of the authority derived from or held in  
 1868 connection with its undertaking and carrying out of renewal  
 1869 projects under this act, provided, however, that payment of such  
 1870 bonds, both as to principal and interest, may be further secured  
 1871 by a pledge of any loan, grant, or contribution from the Federal  
 1872 Government or other source, in aid of any renewal projects of  
 1873 the authority under this act.

1874 (2) Bonds issued under this section shall not constitute  
 1875 an indebtedness within the meaning of any constitutional or  
 1876 statutory debt limitation or restriction, and shall not be  
 1877 subject to the provisions of any other law or charter relating  
 1878 to the authorization, issuance, or sale of bonds. Bonds issued  
 1879 under the provisions of this act are declared to be issued for  
 1880 an essential public and governmental purpose and, together with  
 1881 interest thereon and income therefrom, shall be exempted from  
 1882 all taxes.

1883 (3) Bonds issued under this section shall be authorized by  
 1884 resolution or ordinance of the board and may be issued in one or

HB 1657

2005

1885 more series and shall bear such date or dates, be payable upon  
 1886 demand or mature at such time or times, bear such interest, be  
 1887 in such denomination or denominations, be in such form either  
 1888 coupon or registered, carry such conversion or registration  
 1889 privileges, have such rank or priority, be executed in such  
 1890 manner, be payable in such medium of payment, at such place or  
 1891 places, and be subject to such terms of redemption (with or  
 1892 without premium), be secured in such manner, and have such other  
 1893 characteristics as may be provided by such resolution or trust  
 1894 indenture or mortgage issued pursuant thereto.

1895 (4) Such bonds may be sold at not less than par at public  
 1896 sales held after notice published prior to such sale in a  
 1897 newspaper having a general circulation in the area of operation  
 1898 and in such other medium of publications as the authority may  
 1899 determine or may be exchanged for other bonds on the basis of  
 1900 par, provided that such bonds may be sold to the Federal  
 1901 Government at private sale at not less than par and, in the  
 1902 event less than all of the authorized principal amount of such  
 1903 bonds is sold to the Federal Government, the balance may be sold  
 1904 at private sale at not less than par at an interest cost to the  
 1905 authority not to exceed the interest cost to the authority of  
 1906 the portion of the bonds sold to the Federal Government.

1907 (5) In case any of the public officials of the authority  
 1908 whose signatures appear on any bonds or coupons issued under  
 1909 this act shall cease to be such officials before the delivery of  
 1910 such bonds, such signatures shall, nevertheless, be valid and  
 1911 sufficient for all purposes, the same as if such officials had  
 1912 remained in office until such delivery. Any provisions of any  
 1913 law to the contrary notwithstanding, any bonds issued pursuant

HB 1657

2005

1914 to this act shall be fully negotiable.

1915 (6) In any suit, action, or proceeding involving the  
 1916 validity or enforceability of any bond issued under this act or  
 1917 the security therefor, any such bond reciting in substance that  
 1918 it has been issued by the authority in connection with a renewal  
 1919 project, as herein defined, shall be conclusively deemed to have  
 1920 been issued for such purpose and such project shall be  
 1921 conclusively deemed to have been planned, located, and carried  
 1922 out in accordance with the provisions of this act.

1923 Section 26. Bonds as legal investments.--All banks, trust  
 1924 companies, bankers, savings banks and institutions, building and  
 1925 loan associations, savings and loan associations, investment  
 1926 companies, and all other persons carrying on a banking or  
 1927 investment business; all insurance companies, insurance  
 1928 associations, and other persons carrying on an insurance  
 1929 business; and all executors, administrators, curators, trustees,  
 1930 and other fiduciaries may legally invest any sinking funds,  
 1931 moneys, or other funds belonging to them or within their control  
 1932 in any bonds or other obligations issued by the authority  
 1933 pursuant to this act, provided that such bonds and other  
 1934 obligations shall be secured by an agreement between the issuer  
 1935 and the Federal Government in which the issuer agrees to borrow  
 1936 from the Federal Government and the Federal Government agrees to  
 1937 lend to the issuer, prior to the maturity of such bonds or other  
 1938 obligations, moneys in an amount which (together with any other  
 1939 moneys irrevocably committed to the payment of interest on such  
 1940 bonds or other obligations) will suffice to pay the principal of  
 1941 such bonds or other obligations with interest to maturity  
 1942 thereon, which moneys under the terms of said agreement are

HB 1657

2005

1943 required to be used for the purpose of paying the principal of  
 1944 and the interest on such bonds or other obligations at their  
 1945 maturity. Such bonds and other obligations shall be authorized  
 1946 security for all public deposits. It is the purpose of this  
 1947 section to authorize any persons, political subdivisions, and  
 1948 officers, public or private, to use any funds owned or  
 1949 controlled by them for the purpose of any such bonds or other  
 1950 obligations. Nothing contained in this section with regard to  
 1951 legal investments shall be construed as relieving any person of  
 1952 any duty of exercising reasonable care in selecting securities.

1953 Section 27. Property tax exemption.--

1954 (1) All property of the authority, including funds, owned  
 1955 or held by it for the purposes of this act shall be exempt from  
 1956 levy and sale by virtue of an execution, and no execution or  
 1957 other judicial process shall issue against the same, nor shall  
 1958 judgment against the authority be a charge or lien upon such  
 1959 property, provided, however, that the provisions of this section  
 1960 shall not apply to or limit the right of obligees to pursue any  
 1961 remedies for the enforcement of any pledge or lien given  
 1962 pursuant to this act by the authority on its rents, fees,  
 1963 grants, or revenues from renewal projects.

1964 (2) The property of the authority, acquired or held for  
 1965 the purposes of this act, is declared to be public property used  
 1966 for essential public and governmental purposes and such property  
 1967 shall be exempt from all taxes of the municipality, the county,  
 1968 the state, or any political subdivision thereof, provided that  
 1969 such tax exemption shall terminate when the authority sells,  
 1970 leases, or otherwise disposes of such property in a renewal area  
 1971 to a purchaser or lessee which is not a public body entitled to

HB 1657

2005

1972 tax exemption with respect to such property.  
 1973 Section 28. Cooperation by public bodies.--  
 1974 (1) For the purpose of aiding in the planning,  
 1975 undertaking, or carrying out of a renewal project located within  
 1976 the area in which it is authorized to act, any public body may,  
 1977 upon such terms, with or without consideration, as it may  
 1978 determine:  
 1979 (a) Dedicate, sell, convey, or lease any of its interest  
 1980 in any property or grant easements, licenses, or other rights or  
 1981 privileges therein to the authority.  
 1982 (b) Incur the entire expense of any public improvements  
 1983 made by such public body in exercising the powers granted in  
 1984 this section.  
 1985 (c) Do any and all things necessary to aid or cooperate in  
 1986 the planning or carrying out of a renewal plan.  
 1987 (d) Lend, grant, or contribute funds to said authority.  
 1988 (e) Enter into agreements (which may extend over any  
 1989 period, notwithstanding any provision or rule of law to the  
 1990 contrary) with said authority or other public body respecting  
 1991 action to be taken pursuant to any of the powers granted by this  
 1992 act, including the furnishing of funds or other assistance in  
 1993 connection with a renewal project.  
 1994 (f) Cause public buildings and public facilities,  
 1995 including parks and playgrounds, recreational, community,  
 1996 educational, water, sewer, or drainage facilities, or any other  
 1997 works which it is otherwise empowered to undertake or to be  
 1998 furnished, furnish, dedicate, close, vacate, pave, install,  
 1999 grade, regrade, plan, or replan streets, roads, sidewalks, ways,  
 2000 or other places; plan or replan or zone or rezone any part of

HB 1657

2005

2001 the public body or make exceptions from building regulations;  
 2002 and cause administrative and other services to be furnished to  
 2003 the authority.

2004  
 2005 If at any time title to or possession of any renewal project is  
 2006 held by any public body or governmental agency, other than the  
 2007 authority, which is authorized by law to engage in the  
 2008 undertaking, carrying out, or administration of renewal projects  
 2009 (including any agency or instrumentality of the United States of  
 2010 America), the provisions of the agreements referred to in this  
 2011 section shall inure to the benefit of, any may be enforced by,  
 2012 such public body or governmental agency.

2013 (2) Any sale, conveyance, lease, or agreement provided for  
 2014 in this section may be made by a public body without appraisal,  
 2015 public notice, advertisement, or public bidding.

2016 (3) For the purpose of aiding in the planning,  
 2017 undertaking, or carrying out of a renewal project of the  
 2018 authority hereunder, the city may (in addition to its other  
 2019 powers and upon such terms, with or without consideration, as it  
 2020 may determine) do and perform any or all of the actions or  
 2021 things which, by the provisions of subsection (1), a public body  
 2022 is authorized to do or perform, including the furnishing of  
 2023 financial and other assistance.

2024 (4) For the purposes of this section, or for the purpose  
 2025 of aiding in the planning, undertaking, or carrying out of a  
 2026 renewal project of the authority, said authority may in addition  
 2027 to any other authority to issue bonds pursuant to this act issue  
 2028 and sell its general obligation bonds. Any bonds issued by the  
 2029 authority pursuant to this section shall be issued in the manner

HB 1657

2005

2030 and within the limitations prescribed by the laws of this state  
 2031 for the issuance and authorization of bonds by such authority  
 2032 for public purposes generally, except as to constitutional  
 2033 requirements.

2034 Section 29. Title of purchaser.--Any instrument executed  
 2035 by the authority and purporting to convey any right, title, or  
 2036 interest in any property under this act shall be conclusively  
 2037 presumed to have been executed in compliance with the provisions  
 2038 of this act insofar as title or other interest of any bona fide  
 2039 purchaser, lessee, or transferee of such property is concerned.

2040 Section 30. Maximum millage.--The maximum millage of the  
 2041 ad valorem tax authorized to be levied to finance the operation  
 2042 of the authority may be increased by the board so as to be any  
 2043 rate not exceeding 10 mills which shall have been approved by  
 2044 vote of the majority of those voting in a referendum in which  
 2045 those participating are limited to the electors of the downtown  
 2046 who at the time of the referendum are owners of freeholds in the  
 2047 downtown not wholly exempt from taxation and who are then duly  
 2048 registered for an authority referendum as authorized by this  
 2049 act.

2050 Section 31. Severability.--If any section, clause,  
 2051 sentence, or provision of this act or the application of such  
 2052 section, clause, sentence, or provision to any person or bodies  
 2053 or under any circumstances shall be held to be inoperative,  
 2054 invalid, or unconstitutional, the invalidity of such section,  
 2055 clause, sentence, or provision shall not be deemed, held, or  
 2056 taken to affect the validity or constitutionality of any of the  
 2057 remaining parts of this act, or the application of any of the  
 2058 provisions of this act to persons, bodies, or in circumstances

HB 1657

2005

2059 other than those as to which it or any part thereof shall have  
 2060 been inoperative, invalid, or unconstitutional, and it is  
 2061 intended that this act shall be construed and applied as if any  
 2062 section, clause, sentence, or provision held inoperative,  
 2063 invalid, or unconstitutional had not been included in this act.

2064 Section 32. Liberal construction.--The provisions of this  
 2065 act shall be liberally construed to effect its purposes and  
 2066 shall be deemed cumulative, supplemental and alternative  
 2067 authority for the exercise of the powers provided herein.

2068 Section 33. This act shall be known and may be cited as  
 2069 the "Fort Lauderdale Downtown Development Authority Law."

2070 Section 34. (1) TRUST FUND; CREATION, DURATION, USE, AND  
 2071 TERMINATION.--

2072 (a) There is established a fund to be known as the  
 2073 Redevelopment Trust Fund of the Downtown Development Authority  
 2074 of the City of Fort Lauderdale. In addition to any other funds  
 2075 available to the authority, funds allocated to and deposited  
 2076 into said redevelopment trust fund may be used by the authority,  
 2077 subject to prior approval by the board of trustees and pursuant  
 2078 to the provisions of this act, to finance or refinance all or  
 2079 part of the cost of construction or acquisition of any project  
 2080 now or hereafter undertaken by the authority individually or  
 2081 with or by any other governmental entity.

2082 (b) Anything to the contrary notwithstanding, the  
 2083 redevelopment trust fund shall not come into existence until  
 2084 this act has been approved by an ordinance adopted by the Board  
 2085 of County Commissioners of Broward County and by an ordinance  
 2086 adopted by the City Commission of the City of Fort Lauderdale.  
 2087 Upon the final adoption and passage of such ordinance by the

HB 1657

2005

2088 Board of County Commissioners of Broward County and the City  
 2089 Commission of the City of Fort Lauderdale, the redevelopment  
 2090 trust fund shall thereafter continue in full force and effect in  
 2091 accordance with all of the terms and provisions this act.

2092 (c) If the Downtown Development Authority of the City of  
 2093 Fort Lauderdale ceases to exist, the redevelopment trust fund  
 2094 shall be dissolved, and all funds previously deposited therein  
 2095 by a taxing authority together with a pro rata share of any  
 2096 interest having accrued thereon shall be returned to such taxing  
 2097 authority, after the indebtedness outstanding against the  
 2098 authority is retired and any expenses incurred in servicing the  
 2099 indebtedness is paid, provided, however, that in no event shall  
 2100 the redevelopment trust fund continue to exist after the payment  
 2101 in full of such indebtedness and expenses incurred in servicing  
 2102 the indebtedness.

2103 (d) The term of bonds issued in accordance with section 16  
 2104 of this act, for which the development trust fund has been  
 2105 pledged, may extend beyond the life of the redevelopment trust  
 2106 fund if the City of Fort Lauderdale and Broward County have  
 2107 agreed to service and pay such bonds after the expiration of the  
 2108 fund. In such an event, after the redevelopment trust fund  
 2109 expires, the county shall continue to levy and collect the tax  
 2110 authorized by this law and use the revenue therefrom to retire  
 2111 the bonds and to pay any expenses necessary for servicing the  
 2112 bonds until the bonds are retired. Any excess revenue remaining  
 2113 after the bonds are retired, together with a pro rata share of  
 2114 any interest having accrued thereon, shall be returned to the  
 2115 taxing authorities.

2116 (2) FUNDING.--The funding of the redevelopment trust fund

HB 1657

2005

2117 shall take place annually commencing with the ad valorem taxes  
 2118 levied and assessed for the year 1980, or the year in which the  
 2119 ordinances provided for in paragraph (b) of subsection (2) are  
 2120 adopted by the County Commission of Broward County and the City  
 2121 Commission of the City of Fort Lauderdale, whichever shall occur  
 2122 last. The funding of the redevelopment trust fund shall not  
 2123 exceed that amount equal to the difference between:

2124 (a) The amount of ad valorem taxes levied each year by or  
 2125 for all taxing authorities, except school districts and the  
 2126 authority, on its buildings, fixtures, and other improvements  
 2127 upon taxable real property contained within the geographic  
 2128 boundaries of the renewal area; and

2129 (b) The amount of ad valorem taxes which would have been  
 2130 produced at the rate upon which the ad valorem taxes are levied  
 2131 each year or for all taxing authorities, except school districts  
 2132 and the authority, upon the total of the assessed value of all  
 2133 building fixtures, and other improvements upon taxable real  
 2134 property in the renewal area, which building, fixtures, and  
 2135 improvements appeared and were listed upon the most recent tax  
 2136 assessment roll used by each taxing authority, except school  
 2137 districts and the authority, prior to the effective date of this  
 2138 act. Taxes levied and assessed on the real property upon which  
 2139 such buildings, fixtures, and improvements are located shall not  
 2140 be included in the annual funding calculation of the  
 2141 redevelopment trust fund.

2142 (3) ANNUAL APPROPRIATION.--

2143 (a) For the first 5 years during which the redevelopment  
 2144 trust fund is in existence, each taxing authority, except school  
 2145 districts and the authority, shall annually appropriate from any

HB 1657

2005

2146 available funds a sum which is not less in amount than the  
 2147 increment of ad valorem tax revenues, as defined and determined  
 2148 in subsection (3) accruing to said taxing authority.

2149 (b) During each year subsequent to the fifth year of the  
 2150 existence of the redevelopment trust fund, each taxing  
 2151 authority, except school districts and the authority, shall, on  
 2152 a pro rata basis, appropriate to said fund a sum which is no  
 2153 less than the amount determined by the board to be necessary  
 2154 during the next fiscal year in order to provide for payment of  
 2155 any bonds, loans, advances, undertakings, or indebtedness, plus  
 2156 interest accruing thereon, or any other financial obligation  
 2157 approved by the board and to the payment of which redevelopment  
 2158 trust funds have been pledged or committed. The redevelopment  
 2159 trust fund budget for each fiscal year shall be prepared and  
 2160 approved by the board and trustees and a copy thereof shall be  
 2161 furnished to each taxing authority, except school districts, at  
 2162 least 30 days prior to the first day of such fiscal year. The  
 2163 ad valorem tax revenues as defined and determined in subsection  
 2164 (3) accruing to such authorities.

2165 (c) The obligation of the taxing authorities, except  
 2166 school districts and the authority, to make annual  
 2167 appropriations to the fund shall continue so long as the  
 2168 authority exists, or until all bonds, loans, advances, and  
 2169 indebtedness, or interest thereof, incurred by the authority  
 2170 under this act, and for which redevelopment trust funds have  
 2171 been pledged have been paid, provided that such obligation shall  
 2172 be imposed on the annual tax increment calculated in accordance  
 2173 with subsection (3) is greater than zero.

2174 (4) BOARD OF TRUSTEES.--

HB 1657

2005

2175       (a) The redevelopment Trust Fund of the Downtown  
 2176       Development Authority of the City of Fort Lauderdale shall be  
 2177       subject to the jurisdiction, administration, and control of a  
 2178       board of trustees consisting of five members.

2179       (b) Within 30 days after the board of County  
 2180       Commissioners of Broward County adopts the ordinance approving  
 2181       the act, the board of County Commissioners of Broward County  
 2182       shall appoint two of its members to the board of trustees, the  
 2183       City Commission of the City of Fort Lauderdale shall appoint two  
 2184       members of its commission to the board of trustees, and the  
 2185       Downtown Development Authority of the City of Fort Lauderdale,  
 2186       shall appoint one member of the board of trustees. All  
 2187       appointments shall be by resolution. The terms of office of a  
 2188       member of the board of trustees shall be 1 year from the date of  
 2189       appointment. A vacancy occurring during a term shall be filled  
 2190       for the unexpired portion of the terms by the governing body  
 2191       which made the original appointment. A member of the board of  
 2192       trustees shall continue to serve until his or her successor has  
 2193       been appointed. Decisions of the board of trustees shall be  
 2194       made on the affirmative vote of a majority of its members.

2195       (c) The board of trustees shall control, operate, and  
 2196       administer the Redevelopment Trust Fund of the Downtown  
 2197       Development Authority of the City of Fort Lauderdale as provided  
 2198       in this section. No project for which redevelopment trust funds  
 2199       are to be used shall be undertaken unless first approved by a  
 2200       resolution of the board of trustees. Any such project shall be  
 2201       acquired, constructed, and operated in accordance with the  
 2202       provisions of such resolution and shall not be conveyed by the  
 2203       authority to any person unless such conveyance is first approved

HB 1657

2005

2204 by a resolution of the board of trustees. The board of trustees  
 2205 may attach such conditions to the approval of such project as  
 2206 the board of trustees deems necessary. The authority shall not  
 2207 pledge funds in the redevelopment trust fund for the payment of  
 2208 any bond, loan, advance, or indebtedness, unless the authority  
 2209 has, by a resolution, pledged said funds for the time during  
 2210 which any such bond, loan, advance, or indebtedness, or any  
 2211 interest thereon, remains unpaid.

2212 (5) REVENUE BONDS AND NOTES.--

2213 (a) Revenue bonds and notes of every issue under this  
 2214 section shall be payable solely out of revenues deposited in the  
 2215 authority's development trust fund. The lien created by such  
 2216 revenue bonds and notes shall not attach until the revenues  
 2217 referred to herein are deposited in the authority's  
 2218 redevelopment trust fund at the times and to the extent that  
 2219 such revenues accrue. The holders of such revenue bonds and  
 2220 notes shall have no right to require or compel the imposition of  
 2221 any tax or the establishment of any rate of taxation for which  
 2222 to provide for the payment of such revenue bonds and notes.

2223 (b) Revenue bonds and notes issued under the provisions of  
 2224 this section shall not constitute a debt, liability, or  
 2225 obligation of the authority, Broward County, the City of Fort  
 2226 Lauderdale, or the state or any political subdivision thereof,  
 2227 or a pledge of the faith or credit of Broward County, the City  
 2228 of Fort Lauderdale, or the state or any political subdivision  
 2229 thereof, but shall be payable solely from the redevelopment  
 2230 trust fund as provided for in this section. All such revenue  
 2231 bonds and notes shall contain on the face thereof a statement to  
 2232 the effect that the authority shall not be obligated to pay the

HB 1657

2005

2233 same or the interest thereon except from the redevelopment trust  
 2234 fund of the authority held for that purpose and that neither the  
 2235 faith nor credit nor the taxing power of the authority, Broward  
 2236 County, the City of Fort Lauderdale, or the state or any  
 2237 political subdivision thereof is pledged to the payment of  
 2238 principal or interest on such revenue bonds and notes.

2239 (c) Revenue bonds and notes issued under the provisions of  
 2240 this section shall not be included in the computation of any  
 2241 limitation or the amount of bonded indebtedness which the  
 2242 authority may incur under other sections of this act.

2243 (6) REVENUE BONDS, PLEDGE OF REDEVELOPMENT TRUST FUNDS AND  
 2244 BONDS AS LEGAL INVESTMENTS.--Bonds issued under this section  
 2245 shall be authorized by resolution of the board of trustees.  
 2246 They may be issued in one or more series and shall bear such  
 2247 date or dates, be payable upon demand or mature at such time or  
 2248 times, bear interest at such rate or rates, be in such  
 2249 denomination or denominations, be either with or without coupon  
 2250 or registered, carry such conversion or registration privileges,  
 2251 have such rank or priority, be executed in such manner, be  
 2252 payable in such medium of payment at such place or places, be  
 2253 subject to such terms of redemption (with or without premium),  
 2254 be secured in such manner, and have such other characteristics  
 2255 as may be provided by such resolution or trust indenture or  
 2256 mortgage issued pursuant thereto. Bonds issued under this  
 2257 section may be sold in such manner, either at public or private  
 2258 sale, and for such price as the board of trustees may determine  
 2259 will effectuate the purpose of this section.

2260 Section 4. If any provision of this act or the application  
 2261 thereof to any person or circumstance is held invalid, the

HB 1657

2005

2262 invalidity shall not affect the provisions or applications of  
 2263 the acts which can be given effect without the invalid provision  
 2264 or application, and to this end the provisions of this act are  
 2265 declared severable.

2266 Section 5. Chapters 65-1541, 67-1385, 69-1056, 75-371, 80-  
 2267 501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of  
 2268 Florida, are repealed.

2269 Section 6. This act shall take effect upon becoming a law.