

House Bill No. 939

An act relating to Escambia County; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, a special district in Escambia County; providing legislative intent; amending, repealing, codifying, and reenacting special acts related to the district; declaring the Authority to be a dependent special district; providing a district charter; 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 Pensacola-Escambia Governmental Center Authority, a special district in Escambia County, Florida. 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.

Section 2. Chapters 69-1049, 70-679, and 71-631, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Pensacola-Escambia Governmental Center Authority is re-created and reenacted to read:

Section 1. The Pensacola-Escambia Governmental Center Authority.— There is hereby created and established a body politic and corporate as an agency of the City of Pensacola and the County of Escambia, or the successor of either or both, an authority to be named and known as the “Pensacola-Escambia Governmental Center Authority,” hereinafter in this act called the “Authority.” The Authority is hereby declared to be a dependent special district.

Section 2. Definitions.—The following words and terms when used in this act shall be deemed to have the meaning set forth below:

“Area” – The land selected as the site for operation of the complex.

“Facilities” – As used herein shall include among other establishments and installations not enumerated, lands, buildings, structures, equipment, machinery, installations, concessions, sewage systems, water systems, fire fighting systems and equipment, power lines and cables, gas systems, and other utilities desirable or convenient for the development and service of the area, and businesses and improvements thereon; streets, roads, alleyways, sidewalks and other public ways, parks, office buildings, store buildings, warehouses, depots, stations, and all other kinds of properties.

“Board of County Commissioners” – The Board of County Commissioners of Escambia County, Florida.

“City” – The City of Pensacola.

“City Council” – The City Council of the City of Pensacola.

“Complex” or “City-County Complex” – The area selected by the Authority with the consent of the Board of County Commissioners and the City Council for the operation of the Pensacola-Escambia Governmental Center.

“County” – County of Escambia.

Section 3. Membership of Authority; appointment; officers; compensation; headquarters.—

(a) The Authority shall consist of five members, to-wit: Two members shall be appointed by the Board of County Commissioners, two members shall be appointed by the City Council, and one member shall be appointed by the other four members of the Authority.

One member of the Authority shall be appointed by the Board of County Commissioners to serve from July 1, 1969, until July 1, 1971; one member of the Authority shall be appointed by the City Council to serve from July 1, 1969, until July 1, 1971; one member of the Authority shall be appointed by the Board of County Commissioners to serve from July 1, 1969, until July 1, 1973, and one member of the Authority shall be appointed by the City Council to serve from July 1, 1969, until July 1, 1973.

At the first meeting of the Authority held on or after July 1, 1969, the newly appointed members of the Authority shall appoint the fifth member to serve from July 1, 1969, to July 1, 1973.

Thereafter, not less than 30 and not more than 60 days prior to July 1, 1971, and every 2 years thereafter, one member of the Authority shall be appointed by the Board of County Commissioners to serve for 4 years and one member of the Authority shall be appointed by the City Council to serve for 4 years.

At the first meeting of the Authority held on or after July 1, 1973, and every fourth year thereafter, the fifth member of the Authority shall be appointed by the four members previously appointed.

Any vacancies occurring during a term of service on the Authority shall be filled for the balance of the term in the same manner as the original appointment.

Nothing in this act shall be construed to prohibit members of the Board of County Commissioners or the City Council from serving as members of the Authority. Notwithstanding the provisions of this act, any member appointed to the Authority who is also a City Council member or a member of the Board of County Commissioners while serving on the Authority shall serve in a representative capacity during his or her term of office as a member of the City Council or Board of County Commissioners.

(b) Members of the Authority shall receive no compensation for their services, but shall be entitled to receive their necessary expenses incurred in the performance of their official duties.

(c) The Authority shall select from its membership a chair, a vice chair, and a secretary-treasurer. In the absence, sickness, or inability of the chair to act, the duties of the chair shall be performed by the vice chair. The Authority shall also be authorized to select an assistant secretary-treasurer. In the absence, sickness, or inability of the secretary-treasurer of the Authority to act, the duties of the secretary-treasurer shall be performed by the assistant secretary-treasurer.

(d) The Authority shall adopt rules for the transaction of its business and shall keep a record of its transactions, findings, and determinations, which record shall be a public record.

(e) The headquarters of the Authority shall be in the County of Escambia and the Authority shall be furnished suitable office accommodations in such place as may be jointly designated by the City Council and the Board of County Commissioners.

Section 4. Powers and duties of Authority.—The general purposes of the Authority shall be to acquire, construct, improve, operate, maintain, and manage a governmental center complex consisting of lands and buildings and related facilities thereon for the use and occupancy by the City of Pensacola, the County of Escambia, their agencies and departments, and other governmental agencies and departments.

For the accomplishment of such purposes, the Authority shall have the power and authority:

(a) To sue and be sued; to adopt a seal and alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and to make and from time to time amend and repeal bylaws not inconsistent with this act, to carry into effect the powers and purposes of the Authority.

(b) To make and from time to time amend and repeal rules which shall be effective within the Complex, including, but not limited to, rules designed and intended to promote health, sanitation, and safety generally, the disposal of sewage, garbage, and trash, and the regulation of traffic within the area.

(c) To regulate the character of public and private businesses that may be operated within the Complex.

(d) To operate and maintain and to provide for the maintenance and operation of buildings, structures, improvements, and parking lots and other facilities within the Complex.

(e) To own and acquire property, real and personal, and any interest therein and any right pertaining thereto by purchase, lease, donation, gift,

or transfer, and to acquire, construct, reconstruct, improve, repair, maintain, or operate, sell, convey, lease, and dispose of any such property or facility; provided, however, that no lease shall be granted for a term longer than 40 years.

(f) To enter into contracts with individuals, corporations, the State of Florida, the United States, or any agency or department thereof, and Escambia County and the City of Pensacola or any agent or department of either.

(g) To construct, develop, improve, manage, and operate and to contract for the development, improvement, operation, management, maintenance, and operation of the Complex and the facilities.

(h) In the event the Authority shall determine that the interests of the Complex so require, to grant leases or rent space to the United States, the State of Florida, or any agency or department thereof, the County, the City, or any corporation or person for such consideration as it deems proper; provided, however, that the granting of any such lease or the renting of any such space shall be subject to the approval of the City Council and Board of County Commissioners. Any such lease may be authorized by resolution of the City Council if the City is to be a party, or by resolution of the Board of County Commissioners if the County is to be a party, without regard to any limitation or requirement elsewhere in the laws of Florida. If any such lease is by its terms so limited that all payments to be made thereunder by the City or the County are to be paid from sources other than ad valorem taxes, and if the remedies of the Authority and its bondholders upon default by the City or County do not include foreclosure on a mortgage or eviction from any premises used or required for City or County purposes, then such lease may be entered into for such period of time not exceeding 40 years as the parties may agree upon without the necessity of any election. However, if any payments under any such lease are to be made from money derived from ad valorem taxation, or if the Authority or any of its bondholders shall have, as a remedy for default, the right to foreclosure on a mortgage or to evict the City or the County from any premises used or required for City or County purposes, then any such lease entered into by the Authority with the City for a period longer than 1 year shall first be approved by a vote of the electors qualified to vote on ad valorem tax bond issues at an election duly called and held by the City in the manner provided for voting on ad valorem tax bonds, in the Constitution and laws of the State of Florida and any such lease entered into by the Authority with the County for a period longer than 1 year shall first be approved by a vote of the electors qualified to vote on ad valorem tax bond issues at an election duly called and held by the County in the manner provided for voting on ad valorem tax bonds in the Constitution and laws of the state.

(i) To employ adequate personnel, including, but not limited to, professional, technical, clerical, skilled, and unskilled persons, for which funds are available, for the operation of the Authority, the Complex, and the Facilities thereon; provided, however, that civil service laws and rules shall not be applicable to any such personnel.

(j) To accept advances, donations, and contributions from public and private sources, and to enter into contracts with respect thereto.

(k) To enter into contracts or leases with the occupants of properties acquired by the Authority, for such period or periods of time necessary until arrangements can be made by such occupants to obtain and move to other premises and vacate the properties so acquired by the Authority or until it shall be necessary for the Authority to take possession of such properties for the purposes for which they were acquired, whichever first occurs.

Section 5. Cooperation with other units, boards, agencies, and individuals.—Express authority and power is hereby given the County, City, any drainage district, road or bridge district, school district, or any other political subdivision, board, or commission in the City or County to make and enter into with the Authority, contracts and leases, within the provisions and purposes of this act. The Authority is hereby authorized to make agreements with and enter into any and all contracts with any agency of the state subject to the approval of the City Council and the Board of County Commissioners.

The City of Pensacola and the County of Escambia are hereby authorized to make appropriations to and advance funds to the Authority for necessary operating and planning expenses incurred or to be incurred prior to receipt by the Authority of funds from financing or revenues. Annual budgets shall be prepared by the Authority subject to approval by the City and the County.

The City and the County are each hereby authorized to establish by resolution a special fund and to pledge and dedicate all money in said special fund, or such part thereof as may be necessary, to the payment of rentals under any lease between the Authority and said City or County. Said City or County may pledge as security for rental payments under any lease with the Authority all or any portion of any money it may receive from sources other than ad valorem taxes to said special fund and to the payments to be made therefrom, subject only to obligations made by said City or County prior to the execution of such lease; said sources may include the proceeds of any excise taxes, utility revenues, or funds derived from the state or Federal Government not restricted to other purposes.

Section 6. Further powers of Authority.—There is hereby granted to and vested in the Authority the power, right, franchise, and authority:

(1) To take, exclusively occupy, use, and possess rights-of-way for any projects, enterprises, or undertakings of the Authority.

(2)(a) The Authority is hereby authorized and empowered to exercise the power of eminent domain and may condemn for the use of said Authority any and all lands, easements, rights-of-way, riparian rights, property, and property rights of every description required in carrying out the objectives and purposes of this act.

(b) The proceedings for condemnation hereunder may be instituted and conducted in the name of the Authority, and the procedure shall be the same as is prescribed by law.

(3)(a) In order to carry out the objectives and purposes of this act, which are hereby declared to be a public purpose, the Authority is authorized to

acquire, own, construct, operate, maintain, improve, and extend public buildings and facilities within the City and County which are of the character hereinafter specifically mentioned. All public buildings and facilities which the Authority is authorized to own, construct, operate, and maintain must be such as can ultimately be owned and operated by the City or County or by an agency, department, board, bureau, or commission of the City or County. All or any such buildings or facilities may be of a revenue producing character in order that the cost of the same or some part thereof, improvements or extensions thereto may be paid from receipts therefrom including rentals, leases, and sales to both public and nonpublic agencies. The buildings or facilities which said Authority is hereby authorized to acquire, construct, operate, maintain, improve, and extend are public buildings, facilities as defined in this act, and additions and improvements to existing buildings and facilities for ultimate use in connection with any governmental operation. Any property acquired by the Authority under the provisions of this act may ultimately be conveyed to the City or County free and clear of all debt or other encumbrance.

(b) The Authority is hereby authorized to collect reasonable rentals for the use of the public buildings, facilities, or works constructed, acquired, or owned by it and for the products and services of the same exclusively for the purpose of paying the expenses of improving, repairing, maintaining, and operating its facilities and properties and paying the principal and interest on its obligations.

(4)(a) The Authority is hereby authorized and empowered to issue its negotiable bonds, notes, or certificates in its own name to effectuate all or any of the purposes of this act and to pay any expenses incident thereto. The form, denominations, rate of interest, amount, place of payment, manner, place, and price of sale, date of retirement and terms of redemption prior to maturity of said bonds, notes, or certificates shall be fixed by said Authority. In no case shall any such bonds, notes, or certificates mature later than 40 years from date of issue, or bear interest at a rate greater than 7 percent per annum or be sold at such price that the net interest cost to the Authority shall exceed 7 percent to the respective maturities thereof. The Authority may issue and sell its bonds, notes, or certificates at either public or private sale as it shall, in its discretion, determine.

(b) The bonds, notes, or certificates authorized under this act shall be issued by resolution approved by at least four of the members of the Authority; they shall be executed and signed by its chair or vice chair and attested by its secretary-treasurer or assistant secretary-treasurer, or such other officer as may be designated by resolution of the Authority, under the seal of said Authority and such execution and attestation may be with an engraved, imprinted, lithographed, or otherwise reproduced facsimile signature of such chair or vice chair and secretary-treasurer, or assistant secretary-treasurer, or such other officer as may be designated by resolution of the Authority; provided, however, that at least one signature required to be placed thereon shall be manually subscribed. The bonds, notes, or certificates shall recite that they are issued under authority of this act. The said bonds, notes, or certificates of each separate issue shall be consecutively

numbered and shall be recorded by the secretary-treasurer of the Authority in a book to be kept for that purpose.

(c) In case any bond shall be mutilated, destroyed, or improperly canceled, the Authority may issue a replacement bond, which shall not be deemed an overissue, in accordance with the Uniform Commercial Code, chapter 678, Florida Statutes.

(d) As part of the security of any bonds the Authority may covenant that some or all payments to be made to it under any lease shall be paid directly to a trustee and applied by said trustee as directed by the proceedings authorizing the bonds. Such proceedings may further assign to the trustee any or all rights of the Authority under any such lease or leases and may authorize the trustee in its own name or in the name of the Authority to bring such suit on any such lease or take such other action as it deems advisable for the security of the holders of the bonds.

(e) Bonds issued hereunder may be validated in accordance with chapter 75, Florida Statutes. If bonds are payable from amounts to be paid under leases by the City, the County, or any person, firm, or corporation, public or private, or the state, and if the complaint seeking the validation of such bonds shall so request, the order and service required by section 75.05, Florida Statutes, shall show the name or names of the lessee or lessees, the duration of the lease or leases, and that at the time and place fixed for hearing on the validation of said bonds the court shall also hear all questions of law and fact relating to the validation of such lease or leases. Said order shall also require all persons, in general terms and without naming them, the lessees, and the state through its state attorney to appear at said time and place and show why the complaint should not be granted and each such lease validated. A copy of the complaint and order shall be served on the lessee. If, in the final judgment entered upon said hearing, the court declares any such lease to be valid and binding, and if no appeal is taken within the time prescribed, or if on appeal such judgment is affirmed, then such lease shall be conclusively deemed to be valid and binding upon the Authority and upon the lessee and, if any such lessee be the City, the County, or the State, upon all property owners, taxpayers, citizens, and other persons in interest within the territorial limits of such lessee.

(f) Whenever any bonds of the Authority shall have been authorized under this act and validated, the Authority is authorized to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and within the authorized maximum amount of such bond issue. Any such loan shall mature within 3 years after the date on which the issuance of such bonds shall have been authorized. Bond anticipation notes shall be issued for all moneys borrowed under the provisions of this section, and such notes may be renewed from time to time, but all such notes shall mature within the time above limited for the maturity of the original loan, except that if the bonds are offered for public sale at the maximum rate specified in the validation petition and no bids are received, said notes may be renewed for a period ending 6 months from the date of said attempted public sale. Subsequent 6-month renewals may be made after attempted public sales of the bonds until the bonds are

sold or other provisions made for payment of the notes. Such notes shall be authorized by resolution of the Authority and shall be in such denomination or denominations, shall bear interest at such rate or rates not exceeding the maximum rate permitted by the resolution authorizing the issuance of the bonds, shall be in such form and shall be executed in such manner, all as the Authority shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, they may be exchanged for notes then outstanding on such terms as the Authority shall determine. The Authority may, in its discretion, retire any such notes by means of current rentals, assessments, or other legally available revenues, in lieu of retiring them by means of bonds; provided, however, that before the retirement of such notes by any means other than the issuance of bonds it shall amend or repeal the resolution authorizing the issuance of the bonds in anticipation of the proceeds of the sale of which such notes shall have been issued so as to reduce the authorized amount of the bond issue by the amount of the notes so retired.

(5) This act shall, without reference to any other act of the Legislature, be full authority for the issuance and disposition of the bonds, notes, or certificates herein authorized, and all of same shall be investment securities under the Uniform Commercial Code, chapter 678, Florida Statutes. No financing, continuation, or other statements need be filed to perfect or protect the rights and priorities of the holders of such bonds, notes, or certificates. Said bonds, notes, and certificates shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value; payment of said bonds, notes, and certificates shall be secured by a pledge of the revenues derived from all or any part of the facility or facilities of the Authority, including rental payments received by the Authority and any other revenues or funds received by the Authority. The provisions of this act shall constitute an irrevocable contract between the Authority and the holders of any bonds, notes, or certificates issued under this act. No bond or any other indebtedness created by the Authority shall be construed as an obligation of the City, the County, or the State, nor shall the City, the County, or the State under any theory be bound therefor except as herein provided. Said bonds shall be the obligations of the Authority and shall be secured only by such revenues or other funds of the Authority as shall be pledged as security for the payment thereof.

(6) The Authority is hereby authorized and empowered to pledge by resolution or contract the revenues arising from the operation of any project or projects, facility or facilities acquired, constructed, owned, operated, or maintained by the Authority to the payment of the cost of operation, maintenance, repair, improvement, extension and/or enlargement of the project or projects, facility or facilities from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects, facility or facilities, and to combine for financing purposes any two or more projects of facilities constructed or acquired by the Authority under the provisions of this act. In any such case the Authority may adopt separate budgets for the operation of such project or projects, facility or facilities, and it shall not be necessary to include such revenues and the expenditure thereof in the general Authority

budget except by reference and for accounting purposes only. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension, and enlargement of the project or projects, facility or facilities, from the operation of which such revenues arise, for the performance of the Authority's contracts in connection with such project or projects, facility or facilities, and for the payment of principal and interest requirements of any bonds issued in connection with the project or projects, facility or facilities. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation and debt service of any of the Authority's facilities or for the repair, improvement, and/or extension thereof as the Authority may determine, unless and to the extent that such surplus has been pledged for the payment of principal and interest on bonds, notes, or certificates issued pursuant to subsection (4) of this Section.

Section 7. Issuance of bonds, notes, etc., of Authority.—The Authority shall further have power and be authorized, notwithstanding the provisions of any other laws to the contrary, to issue its bonds, notes, or certificates as provided in this act for the purpose of refunding any outstanding bonds, notes, or certificates theretofore issued for any project or projects, facility or facilities, or for the combined purpose of refunding any outstanding bonds, notes, or certificates, and the acquisition or construction of any new improvement of any existing projects or project, facility or facilities, or any combination of two or more projects, facility, or facilities whether new projects or existing projects, facility or facilities; provided, however, that the outstanding bonds, notes, or certificates shall mature or be callable prior to maturity not later than 10 years after the date of issuance of the new bonds, notes, or certificates issued to refund such outstanding bonds, notes, or certificates. Pending the payment of the principal of and interest on any such outstanding bonds, notes, or certificates which mature after the date of issuance of such new bonds, notes, or certificates, a sufficient amount of the proceeds of such new bonds, notes, or certificates shall be held irrevocably in trust and used only for the payment of the principal and interest of, and redemption premiums, if any, on said outstanding bonds, notes, or certificates at or prior to the maturity or first call date thereof. Such trust fund may be invested and reinvested during such period in direct obligations of the United States Government, or in obligations the principal of and interest on which are unconditionally guaranteed by the United States Government, or in bank deposits evidenced by Bank Certificates of Deposit fully secured by direct obligations of the United States Government or obligations the principal and interest on which are unconditionally guaranteed by the United States Government, maturing not later than the dates upon which the moneys in said fund will be needed for such purposes.

Section 8. Bonds or revenue certificates; legal investments and security.—Notwithstanding any other restrictions on investments contained in any law of this state, the state and all public officers, municipal corporations, political subdivisions and public bodies, all banks, bankers, trust companies, savings banks, building and loan associations, savings and loan associations, investment companies, insurance companies, insurance associations, and all persons carrying on an insurance business, and all executors,

administrators, guardians, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in bonds or revenue certificates of the Authority, provided that such bonds or certificates have been validated by a court of competent jurisdiction, and such bonds or certificates shall be authorized security for all public deposits, it being the purpose of this Section to authorize any person, firm, or corporation, association, political subdivision, body, and officer, public or private, to use any funds owned or controlled by them, including, but not limited to, sinking, insurance investment, retirement, compensation, pension, and trust funds, and funds held on deposit, for the purchase of any such bonds or certificates, up to the amount as authorized by law to be invested in any type of security, including United States Government bonds.

Section 9. The Authority is hereby authorized to select any site or sites of land to be used by it in the development of the Complex, the selection of such site or sites to be subject to the approval of the Board of County Commissioners and the City Council.

Section 10. The provisions of this act are hereby declared to be severable and if any provision shall for any reason be declared invalid that declaration shall not affect the validity of the remainder of the provisions hereof.

Section 11. The Authority herein created and established shall commence to operate hereunder only after the approval of the creation of said Authority by the City Council, evidenced by an ordinance duly adopted by the City Council and a resolution duly adopted by the Board of County Commissioners, within 120 days after the effective date of this act.

Section 4. Chapters 69-1049, 70-679, and 71-631, Laws of Florida, relating to the Pensacola-Escambia Governmental Center Authority, are repealed.

Section 5. In the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

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

Approved by the Governor June 8, 2001.

Filed in Office Secretary of State June 8, 2001.