

House Bill No. 1159

An act relating to the Tallahassee-Leon County Civic Center Authority; codifying, amending, repealing, and reenacting the authority's special acts; providing for planning, developing, operating, and maintaining a comprehensive complex of civic, governmental, educational, recreational, convention, and entertainment facilities; providing for the method and manner of the election, selection, and terms of membership of the authority; providing powers, functions, privileges, duties, and responsibilities of the authority; providing for the issuance of bonds; providing for the rights and remedies of bondholders; providing for the sources of revenues to the authority; naming the Tallahassee-Leon County Civic Center; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to the authority or its designee; providing severability; repealing chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida; 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 Tallahassee-Leon County Civic Center Authority. It is the intent of the Legislature to provide a single, comprehensive special act charter for the authority, including all current legislative enactments as herein provided and any additional authority granted by this act and chapter 189, Florida Statutes, as the same may be amended from time to time for the betterment of the citizens of the City of Tallahassee, Leon County, and the university community. It is further the intent of this act to preserve selected authority of the Tallahassee-Leon County Civic Center Authority while providing local authority and management services to Florida State University.

Section 2. Chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida, relating to the Tallahassee-Leon County Civic Center Authority, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter of the Tallahassee-Leon County Civic Center Authority is re-created and reenacted to read:

Section 1. The Tallahassee-Leon County Civic Center Authority, hereinafter referred to as the authority, a local public agency, politic and corporate, is created for the purpose of planning, developing, operating, and maintaining a comprehensive complex of civic, governmental, educational, recreational, convention, and entertainment facilities for the use and enjoyment of the citizens of Leon County and the state. It is the finding of the Legislature that said purposes are essential public purposes.

Section 2. (1) The authority shall consist of a thirteen-member board composed of seven members appointed by the President of Florida State

University, one of these appointments shall be elected the chair, two members appointed by the President of Florida Agricultural and Mechanical University, two members appointed by the Mayor of the City of Tallahassee, and two members appointed by the Chair of the Leon County Board of County Commissioners. All members shall be appointed to serve staggered 4-year terms. In order to achieve staggered terms, beginning July 1, 2004, of the initial appointments by the President of Florida State University, three members shall serve 2-year terms, and one member appointed by the President of Florida Agricultural and Mechanical University, one member appointed by the mayor, and one member appointed by the Chair of the Leon County Board of County Commissioners shall serve 2-year terms.

(2) Upon the death or resignation of any member of the authority, a successor shall be appointed by the appropriate body for the unexpired term. The members shall not be entitled to any compensation for their duties except for actual expenses necessarily incurred in the performance of their duties.

(3) Each member shall serve until his or her successor shall be appointed. A majority of the members of the authority shall constitute a quorum. A vacancy in the authority shall not impair the rights of a quorum to exercise all the rights and perform all the duties of the authority.

(4) The authority shall elect one of its members as chair subject to subsection (1), one as vice chair, and one as secretary-treasurer.

Section 3. The following words and terms are defined as follows:

(1) "City" means the City of Tallahassee.

(2) "County" means Leon County.

(3) "Authority" means the Tallahassee-Leon County Civic Center Authority.

(4) "Civic, governmental, educational, recreational, convention, and entertainment facilities" means and includes facilities for all types of civic, governmental, educational, recreational, convention, and entertainment purposes, including, but not limited to, facilities for accommodating conferences, meetings, conventions, citizens' and taxpayers' gatherings, exhibitions, sporting events, dances, shows, plays, games, and like events.

(5) "Cost," as applied to any facility, means and includes all expenses as may be necessary or incident to acquisition, construction, or financing.

Section 4. The authority is hereby authorized and empowered:

(1) To sue and be sued.

(2) To contract.

(3) To adopt bylaws for the regulation of its affairs and the conduct of its business.

(4) To adopt an official seal.

(5) To purchase, acquire, develop, construct, improve, relocate, equip, maintain, and operate any auditorium, stadium, coliseum, or other similar facility, including motor vehicle parking therefor, which may be used in conjunction with the facility.

(6) To make a comprehensive, long-range master plan for the overall orderly development of a civic center complex, to develop detailed plans for specific facilities within the aforesaid master plan.

(7) To acquire by grant, purchase, lease, gift, devise, or condemnation all property, real or personal, or any estate, easement, franchise, or interest therein necessary, desirable, or convenient for the purposes of this act, which land shall be adjacent and contiguous to the civic center complex; to sell, lease, rent, transfer, or otherwise dispose of any property or any part thereof or interest therein; and to exercise all of its powers and authority with respect thereto.

(8) To borrow money and issue negotiable bonds, and to provide for the rights of the holders thereof, and to secure the payment of said bonds by a pledge of all or any portion of the revenues and other moneys legally available therefor, and, in general, to provide for the security of the bonds and the rights and remedies of the holders thereof.

(9) To fix and collect rates, rentals, fees, and charges for the use of any and all facilities owned by the authority, including, but not limited to, recreational, convention, entertainment, and parking facilities of the authority.

(10) To provide through contract or in-house service for the operation of food and beverage, parking, and other concessions relating to the operation of the recreational, convention, and entertainment facilities of the authority.

(11) To make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of the duties imposed and the execution of the powers granted under this act and to employ such consulting services, engineers, superintendents, managers, construction and financial experts and attorneys, and such employees and agents as may, in the judgment of the authority, be deemed necessary and fix their compensation.

(12) To cooperate with and contract with the government of the United States or the state, or any agency or instrumentality of either thereof, or with any municipality, district, private corporation, copartnership, association, or individual in carrying out the powers granted in this act.

(13) To accept gifts of money or property, real or personal, from any individual or the federal, state, county, or municipal government.

(14) To provide use of the facility for graduation ceremonies for Florida Agricultural and Mechanical University, Tallahassee Community College, Florida State University, and public high schools in Leon County.

(15) The purpose of the Tallahassee-Leon County Civic Center Authority shall continue to be service to the community, community users, including, but not limited to, the university community, civic associations, and other not-for-profit groups within the service district. Furthermore, the city and county shall be assured of the option to locate a community performing arts center at the Tallahassee-Leon County Civic Center complex and shall consult with the authority regarding any location at the complex. A final decision regarding the location of the performing arts center shall be made no later than June 30, 2005. Should a community performing arts center be located at the Tallahassee-Leon County Civic Center, the usage shall be governed by the community.

(16) The Tallahassee-Leon County Civic Center Authority shall be a local public agency, politic and corporate primarily acting as an instrumentality or agency of the state, pursuant to section 768.28(2), Florida Statutes, for purposes of sovereign immunity.

Section 5. (1) The authority is hereby authorized to issue bonds from time to time in such principal amount as in the opinion of the authority shall be necessary to provide sufficient moneys for achieving its lawful purposes. Bonds shall be authorized by resolution of the members of the authority and shall bear such date or dates; mature at such time or times, not to exceed 40 years; bear interest at such rate or rates as shall be determined by the authority; be payable solely from all revenues and income of the authority, including the receipts from lease rentals and appropriations from the United States, the state, or any political subdivision thereof, in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities of lien on the revenues and other available moneys as such resolution may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine. Such bonds shall have the seal of the authority affixed or imprinted thereon. The bonds shall be sold at public or private sale and upon such terms and conditions as the authority deems in the best public interest.

(2) The authority may enter into any deeds of trust, indentures, or other agreements with any bank or trust company within or without the state as security for such bonds and may, under such agreements, assign and pledge all or any of the revenues and other available moneys pursuant to the terms of this act. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instrument or as the authority may authorize, including, but not limited to, provisions as to:

(a) The pledging of all or any part of the revenues or other moneys lawfully available therefor.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustees and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

(e) Any other or additional matters of like or different character that in any way may affect the security or protection of the bonds.

(3) The bonds issued pursuant to this act are hereby declared to be negotiable instruments and shall have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

Section 6. The boundaries of the Tallahassee-Leon County Civic Center Authority shall be coexistent with the boundaries of Leon County.

Section 7. The Civic Center facility shall continue to be named the "Donald L. Tucker Civic Center" and referred to as such in all publications, advertisements, notices, and other such documents in recognition of the untiring and unselfish efforts of Donald L. Tucker in his years of service as a representative of the district encompassing Tallahassee and Leon County and in recognition and appreciation of the invaluable service he has provided to his constituency and to the state by his efforts in bringing about the construction of this complex.

Section 8. The authority is authorized and directed to erect suitable markers, which shall include a marker over the main entrance of the center, reflecting the name of the civic center as described in section 7. Subsequent facilities located within, on site or the greater complex may be designated for other individuals who are deemed by the authority to have made substantial contribution to the further development of the facility.

Section 9. In addition to any licenses that may be issued under the provisions of the beverage law of the state, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation shall issue a special license or special licenses to qualified applicants consisting of the Tallahassee-Leon County Civic Center Authority or its designee for use within the confines of the 20-acre civic center complex located within the City of Tallahassee and known as the Donald L. Tucker Civic Center; however, such license issued pursuant to this act shall only permit the licensee to sell alcoholic beverages for on-premises consumption, or off-premises consumption for events sponsored through the civic center.

Section 10. The provisions of this act are severable, and it is the intent of the Legislature to confer the whole or any part of the powers herein provided for. If any of the provisions of this act or any of the powers granted by this act are held unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions of this act or any of the remaining powers granted by this act.

Section 4. Chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.