

## House Bill No. 1183

An act relating to the Orange County Civic Facilities Authority; codifying, reenacting, amending, and repealing chapters 71-803, 72-625, 73-569, 77-611, and 78-575, Laws of Florida, relating to the authority; 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 Orange County Civic Facilities Authority. 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 authority granted to the authority by its several legislative enactments.

Section 2. Chapters 71-803, 72-625, 73-569, 77-611, and 78-575, Laws of Florida, are amended, codified, reenacted, and repealed as provided in this act.

Section 3. The charter for the Orange County Civic Facilities Authority is re-created and reenacted to read:

Section 1. Creation; purposes.—There is hereby created and established the Orange County Civic Facilities Authority, a dependent district, hereafter referred to as the “authority,” as a public body, politic and corporate, in Orange County, for the purpose of planning, developing, constructing, acquiring, owning, reconstructing, extending, enlarging, repairing, improving, relocating, equipping, maintaining, and operating facilities for the holding of conventions and expositions and civic, cultural, recreational, athletic, and similar events and activities. Said facilities may be located anywhere in Orange County and shall not be restricted in number. Said property is hereby deemed to be a public purpose the fulfillment of which is an urgent public necessity.

Section 2. Membership and organization.—

(1) The authority shall consist of 11 members, each serving a 3-year term, except for the initial selections, of which three shall be for 1-year terms, four shall be for 2-year terms, and four shall be for 3-year terms, all as hereinafter provided. The members shall, insofar as practicable, be drawn from city, county, civic, cultural, recreational, athletic, business, and social interests. The members of the authority shall be selected by the County Commission of Orange County in the following manner:

(a) The county commission shall select four members from eight nominees made by the City Council of Orlando, which nominees are to be residents of the City of Orlando. After being presented with certified evidence of such nominations, the county commission shall forthwith, but in no event later than 20 days thereafter, by majority vote, select the said four members.

(b) The county commission shall select one member from two nominations made by the City Council of Winter Park, which nominees are to be residents of the City of Winter Park. After being presented with certified evidence of such nominations, the County Commission of Orange County shall forthwith, but in no event later than 20 days thereafter, by majority vote, select the said one member.

(c) The county commission shall select one member from two nominations made by the City Council of Maitland, which nominees are to be residents of the City of Maitland. After being presented with certified evidence of such nominations, the County Commission of Orange County shall forthwith, but in no event later than 20 days thereafter, by majority vote, select the said one member.

(d) The county commission shall select one member from the nominations made by the mayors or other heads of government of the incorporated municipalities within Orange County having a population of 3,000 persons or more other than the City of Orlando, the City of Winter Park, and the City of Maitland. Each mayor or head of government shall have the right to furnish one nominee to the county commission, which nominee shall be a resident of said municipality. After being presented with certified evidence of such nominations, the County Commission of Orange County shall forthwith, but in no event later than 20 days thereafter, by majority vote, select the said one member.

(e) The County Commission of Orange County shall select without nominations four members who reside within the remaining incorporated and unincorporated areas of Orange County.

(2) In the manner set forth above, of the four members selected by the county commission from the initial eight nominees made by the City of Orlando, the county commission shall designate one to serve for the initial 1-year term, one to serve for the initial 2-year term, and two to serve for the initial 3-year term. The one member selected by the county commission from the initial two nominees made by the City of Winter Park shall be designated to serve for the initial 2-year term. The one member selected by the county commission from the initial two nominees made by the City of Maitland shall be designated to serve for the initial 2-year term. The one member selected by the county commission from the initial nominees made by the mayors or other heads of government of the municipalities within Orange County having a population of 3,000 persons or more other than the City of Orlando, the City of Winter Park and the City of Maitland shall be designated to serve for the initial 1-year term. Of the four members initially selected without nomination by the county commission, the county commission shall designate one to serve for the initial 1-year term, one to serve for the initial 2-year term, and two to serve for the initial 3-year term. Nominations and selections of members upon expiration of initial terms and thereafter shall be allocated to and made by the governmental unit or units last making the nominations or selections of said members as provided herein. Nominees shall be double the number of members to be selected at any one time except as provided in subsection (1)(d).

(3) The initial nominations and selections called for in this section shall be made as soon as practicable after this act becomes law; however, this requirement shall not serve to invalidate the authority or any portions of the act. The results of all selections and removals shall be immediately certified to the authority.

(4) All members shall be at the time of their selection and during the term of their membership electors of Orange County. The members shall not receive any compensation for their services except that they may be reimbursed for actual expenses necessarily incurred by them in the performance of their duties under this act. Each member, unless removed as hereinafter provided, shall serve until his or her successor is selected and qualified. A member may be removed by the county commission for just cause by a four-fifths vote of the county commission. A vacancy in membership for any reason shall be filled for the unexpired term of that member as soon as practicable after the vacancy occurs by the method of nomination and selection as set forth in this act. Before entering upon the duties of office, each member of the authority shall take and file with the Clerk of the Circuit Court of Orange County an oath to faithfully discharge the duties of his or her office, and such other oaths as may be required by law. A majority of the members of the authority shall constitute a quorum. A vacancy or unselected member in the authority shall not impair the rights of a quorum to exercise all the rights and perform all the duties of the authority.

(5) The authority and the members thereof shall organize as soon as practicable after this act becomes law; however, this requirement shall not serve to invalidate the authority or any portion of this act. The authority shall elect by majority vote one of its members as chair, one as vice chair, one as secretary, and one as treasurer. The treasurer of the authority, prior to entering upon his or her duties as such officer, and any other officer or employee so required by the authority, shall provide a surety bond in an amount to be determined by the authority conditioned upon the faithful performance of the duties of his or her office or employment.

Section 3. Definitions.—As used in this act, unless some other meaning is plainly intended:

(1) “City” means any municipality in Orange County.

(2) “County” means the County of Orange.

(3) “Authority” means the Orange County Civic Facilities Authority created by the provisions of this act.

(4) “Governmental unit” means the County of Orange and each municipality and district, improvement or otherwise, in the county and each agency or instrumentality thereof. Included in the term “district,” but not limited thereto, is the Reedy Creek Improvement District, created under the name of “Reedy Creek Drainage District” by decree of the circuit court in and for the ninth judicial circuit, entered in chancery No. 66-1061 on May 13, 1966, and any and all bodies succeeding to the privileges and functions thereof, provided, however, that the term “governmental unit” or “governmental unit in or of Orange County” and similar designations shall apply only to the

portions of any governmental unit that is within the boundaries of Orange County.

(5) “Facilities” means and includes facilities and site or sites for holding any and all types of conventions, expositions, civic and cultural events, recreational and athletic events, and similar events and activities and includes auditoriums, towers, coliseums, athletic fields, stadiums, music halls and buildings, structures, utilities, parks, parking areas, roadways, and all other facilities and properties reasonably necessary or desirable to carry out the purposes of this act.

(6) “Cost” or “costs,” as applied to facilities, means and includes the cost of acquisition and construction of said facilities, including the cost of all land, property, property rights, easements, franchises, labor, insurance, materials, and equipment required to carry out the purposes of this act, and includes financing charges, including bond discount, interest, and debt service and reserves therefor prior to and during construction and for reasonable period of time thereafter, costs of plans and specifications, estimates of costs and of revenues, costs of engineering and architectural services, costs of legal services including those rendered for the issuance, validation and sale of bonds, all expenses necessary or incidental to determining the feasibility or practicability of such acquisition and construction, administrative expenses, and such other expenses as may be necessary or incident to the acquisition and construction or the financing herein authorized, and includes reimbursement from bond proceeds of any funds advanced for such purpose prior to the sale of the bonds authorized by this act.

Section 4. General powers.—The authority is hereby authorized and empowered to:

(1) Sue in its own name, which power is granted without waiving or removing its immunity from suit except insofar as such immunity is expressly herein waived or removed.

(2) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(3) Adopt and use an official seal.

(4) Plan, develop, purchase, lease, or otherwise acquire, construct, reconstruct, improve, extend, enlarge, relocate, equip, repair, maintain, and operate facilities. All contracts for constructing, improving, extending, enlarging, relocating, repairing, and equipping of facilities of the authority in the amount of \$5,000 or more shall be awarded by the authority to the bidder who, as determined by the authority, is the best bidder for the project contemplated after consideration of all relevant factors including the purposes and provisions of this act and the competitiveness of all bids received. The authority shall, at least 30 days prior to the award of such contract, publish one time in a newspaper of general circulation in Orange County a notice requesting bids on such contract. The authority shall have the right and power to reject all bids and request new bids in the same manner as bids were first requested. Notwithstanding anything that may be to the contrary, for the purposes of the three preceding sentences only, the purchase, lease,

or acquisition otherwise of site or sites specifically shall not be included in facilities. Without limiting anything elsewhere embraced in this act, the authority shall not be empowered or authorized to build or construct in its facilities any sleeping accommodations held out for rent to the public.

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

(6) Acquire by lease, grant, purchase, gift, or devise from any source, including governmental units, without requirement of referendum, all property, real or personal, or any estate or interest therein, necessary, desirable, or convenient for the purpose of this act, and lease or rent all or any part thereof and exercise all of its powers and authority with respect thereto. Governmental units may sell or lease said property to the authority for nominal consideration. Without limiting the foregoing or the existing powers and authority of the County of Orange or the municipalities in Orange County, the county and municipalities in the county may, within their respective territorial jurisdictions and by the methods provided by chapters 73 and 74, Florida Statutes, insofar as said statutes are consistent herewith, condemn real property and, as herein provided and with the agreement of the authority, transfer same to the authority, all to be done for the uses and purposes of this act. Any title to real property so acquired by condemnation may be in fee simple, absolute and unqualified in any way or any lesser interest therein. Nothing in this act shall be construed to allow condemnation of real property for purposes or uses other than as herein provided.

(7) Borrow money and issue revenue bonds and provide for the rights of the holders thereof.

(8) Issue revenue bonds of the authority, as hereinafter provided, to pay the cost of planning, developing, purchasing, leasing, or otherwise acquiring, constructing, reconstructing, improving, extending, enlarging, relocating, and equipping facilities and otherwise carrying out the purposes of this act and secure the payment of said bonds by a pledge of all or any portion of the revenues and moneys legally available therefor, and, in general, provide for the security of the bonds and the rights and remedies of the holders thereof, provided, however, that no revenue bonds may be issued unless it appears, after proper study, that the revenues available under this act to the authority will, with reasonable probability, be sufficient to pay the bonds.

(9) Issue revenue refunding bonds of the authority, as hereinafter provided, and refund any bonds then outstanding which shall have been issued under the provisions of this act.

(10) Lease, rent, or contract for the operation of any part of any of the facilities of the authority.

(11) Fix and collect rates, rentals, fees, and charges for the use of any and all of the facilities of the authority.

(12) Contract for the operation of concessions on or in any of the facilities of the authority. The authority may also at its discretion operate such concessions as it deems desirable.

(13) Advertise and promote within or without the state any of the facilities and activities of the authority. Without limiting the foregoing, funds available under section 5(5)(b) shall not be used to advertise or promote private enterprise.

(14) Make and enter into all contracts and agreements necessary or incidental to the performance of the duties imposed by and the execution of the powers granted under this act and 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.

(15) Cooperate with and contract with the government of the United States or the state or any agency, instrumentality, or political subdivision of either, or with any municipality, district, private corporation, copartnership, association, person, or individual in providing for or relating to the authority and facilities as may be necessary, desirable, or convenient in carrying out the provisions and purposes of this act.

(16) Without limiting the foregoing, do all acts or things necessary, desirable, or convenient to carry out the powers expressly granted in this act.

(17) Notwithstanding the foregoing, the powers enumerated in subsections (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), and (16) of this section may not be exercised when the cost involved in the exercise thereof exceeds an aggregate amount of \$25,000 without the prior written consent of the Board of County Commissioners of Orange County.

(18)(a) The authority shall begin its fiscal year on October 1 of each year and end it on September 30. Not less than 1 month prior to the end of each fiscal year of the authority, the authority shall adopt by resolution its proposed budget for the ensuing fiscal year, and submit the same to the Board of County Commissioners of Orange County for its review and approval. Such proposed budget shall include all anticipated expenditures of the authority for all of its projects during the ensuing fiscal year, including operating expenses, capital outlays, materials, labor, equipment, supplies, payments of principal and interest on all outstanding bonds of the authority, and sinking fund and reserve requirements of such bonds. Such proposed budget shall provide for expenditures only to the extent of funds legally available to the authority for such purposes and reasonably anticipated revenues of the authority for the ensuing fiscal year from established sources, based upon past experience and reasonable projections thereof, and from new projects or new sources of income of the authority. The Board of County Commissioners of Orange County may, within 10 days after receipt of such proposed budget, conduct a public hearing with respect thereto, and in that event, the chair and executive director of the authority shall be present at each such public hearing. After such public hearing, the board of county commissioners may require the authority to alter, amend, or otherwise modify its proposed budget as the board of county commissioners may direct. During the last 10 days of each of its fiscal years, the authority shall adopt by resolution its budget for the ensuing year, as may be altered, amended, or modified by the board of county commissioners, subject to the

same constraints as to the amount of expenditures as set forth above with respect to the proposed budget of the authority. Once adopted, the said budget shall not be amended except by resolution of the authority and the public notice of the authority's intention to consider amending its budget, which notice shall be by publication in a newspaper of general circulation in Orange County at least 10 days prior to the meeting of the authority at which such proposed amendment is to be finally considered.

(b) Within 90 days following the close of each fiscal year, the authority shall prepare a comprehensive report of its operations of each project under its control during the preceding fiscal year, including all matters relating to rates, charges, revenues, expenses of maintenance, repair, and operation and of replacements and extensions, principal and interest requirements, and the status of all funds. Copies of such annual reports shall be filed with the secretary of the authority and with the Board of County Commissioners of Orange County.

(c) The authority shall cause an audit to be made of its books and accounts for each of its fiscal years by an independent certified public accountant, which audit shall be accompanied by the accountant's opinion and qualifications relating thereto, if any.

Section 5. Bonds; financing and payment for the authority and facilities.—

(1) Subject to the provisions of section 4(17) of this act, the authority shall have the power and is hereby authorized from time to time to issue revenue bonds in such principal amount as, in the opinion of the authority, shall be necessary to provide sufficient moneys for achieving its purposes, including the cost of planning, development, construction, reconstruction, improvement, extension, enlargement, repair, relocation, and equipping of facilities, the cost of acquisition of property, interest on bonds during construction and for a reasonable period thereafter, establishment of reserves to secure bonds, and all other costs and expenditures of the authority incident to and necessary, desirable, or convenient to carry out its purposes and powers.

(2) 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 exceeding 40 years from their respective dates; bear interest at such rate or rates not exceeding the maximum rate or rates authorized by law; be in such denominations; be in such form, either coupon or fully registered; carry such registration, exchangeability, and interchangeability privileges; be payable 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 or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon. The coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority. Such bonds shall have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon.

(3) The bonds shall be sold at public or private sale at a price of not less than 95 percent of the par value thereof. Pending the preparation of definitive bonds, temporary bonds or interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(4) Payment of the bonds and the principal and interest thereon may be secured by a pledge of all or part of the revenues provided for in this act together with such other revenues as may otherwise be authorized by general or special law, provided, however, that no ad valorem taxes may be pledged for payment of the bonds except after full compliance with the State Constitution.

(5) The following revenues may be pledged by the authority as security for and may be used for payment of the bonds of the authority issued pursuant to this act, interest thereon, and other necessary expenses and costs of said bonds:

(a) The revenues accruing to the authority from operation or use of facilities.

(b) No taxes received by any governmental unit in Orange County pursuant to the Local Option Tourist Development Act, section 125.0104, Florida Statutes, shall be transmitted or paid over to the authority unless said transmittal or payment is part of Orange County's plan for tourist development, adopted or amended from time to time pursuant to said Local Option Tourist Development Act.

(c) Any other revenues provided to the authority by governmental units or by other entities for pledging by the authority as security for and payment of the revenue bonds of the authority issued pursuant to this act, interest thereon, and other necessary expenses and costs of the revenue bonds. Such other revenues that may be so provided to the authority, in the discretion of the governmental units or other entities, shall include, but not be limited to, cigarette taxes as authorized by general law accruing to governmental units in Orange County, ad valorem taxes, and occupational license taxes or similar taxes levied, collected, or received under general or special law or the law of any governmental unit in Orange County. Said other revenues may be so provided and used despite the provisions of any other law; provided, however, that ad valorem taxes may be so provided and used only after full compliance with the State Constitution.

(6) Without limiting anything contained elsewhere in this act, the revenues available to the authority as set forth in subsection (5)(a), (b), and (c), if not previously pledged to revenue bonds issued or to be issued pursuant to this act or otherwise committed, may be used to otherwise finance or pay for facilities and the authority or the operation thereof or otherwise in carrying out the purposes and provisions of this act.

(7) Notwithstanding anything that may be contrary in this act, the authority shall have the power in any bond resolution, trust indenture, or other agreement authorizing the issuance of revenue bonds pursuant to this act to provide for pledging for payment of said bonds all or any part of the



foregoing revenues set forth in subsection (5)(a), (b), and (c) and to establish the order of priority in which such revenues shall be applied and used in paying debt service (principal, interest, reserves, sinking funds, and other necessary costs and expenses) on such revenue bonds; and the authority shall further have the power to provide, if in any year all of the foregoing pledged revenues are not needed for payment of principal, interest, reserves, sinking funds, and other necessary costs and expenses of said bonds, that the previously pledged revenues may be used for other facility financing or payment of costs and expenses and for operating expenses and costs of the facilities and authority and otherwise in carrying out the purposes and provisions of this act and, if not so needed, that any such unneeded and unused revenues, except revenues derived from operation or use of the facilities, may be returned to the governmental unit or units or other entities from which they were received.

(8) Any such resolution or resolutions authorizing any bonds may contain provisions, which shall be part of the contract with the holders of such bonds, as to:

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

(b) The construction, reconstruction, improvement, extension, enlargement, repair, relocation, and equipping of facilities authorized by this act.

(c) Limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued or of any loan or grant by any federal agency or the state or any political subdivision thereof may be applied.

(d) The fixing, charging, establishing, revising, increasing, reducing, and collecting of rates, fees, rentals, or other charges for the use of facilities of the authority or any part thereof.

(e) The setting aside of reserves or of sinking funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds, or under which same may be issued.

(h) Any other or additional matters of like or different character, which in any way affect the security or protection of the bonds.

(9) 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 instruments or as the authority may authorize, including, but without limitation, 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 trustee 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 which in any way affect the security or protection of the bonds.

(10) It is the intention hereof that any pledge made by the authority shall be valid and binding from the time the pledge is made; that the moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and that the lien of any such pledge shall be valid and binding as against all parties. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

(11) Neither the members nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(12) The authority shall have power, out of any funds available therefor, to purchase its bonds, which shall thereupon be canceled, at a price not exceeding, if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next date of redemption thereof or, if the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption plus accrued interest to said date.

(13) Bonds issued under the provisions of this act shall not be deemed to constitute a debt of the County of Orange or any other governmental unit in Orange County or a pledge of the faith and credit of the County of Orange or any other governmental unit in Orange County, and a statement to that effect shall be recited on the face of the bonds.

(14) As the authority serves an essential public purpose and performs an essential public function and as its facilities will constitute public property used for public purposes, no taxes or assessments shall be levied upon any such property or upon the income therefrom and bonds issued under the provisions of this act, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within this state.

Section 6. Notes of the authority.—The authority is authorized from time to time to issue its negotiable notes for any corporate purpose and to renew from time to time any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes partly or wholly to renew notes or to discharge other obligations then outstanding or partly or wholly for any other purpose. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. Any resolution or resolutions authorizing notes of the authority or any issues thereof

may contain any provisions that the authority is authorized to include in any resolution or resolutions authorizing revenue bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants, or conditions that it is authorized to include in any bonds. All such notes shall be payable solely from the revenues available under this act to the authority, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

#### Section 7. Refunding bonds.—

(1) The authority is authorized to provide by resolution for the issuance from time to time of bonds for the purpose of refunding any bonds then outstanding. The authority is further authorized to provide by resolution for the issuance of bonds for the combined purpose of:

(a) Paying the cost of planning, developing, acquiring, constructing, re-constructing, improving, extending, enlarging, repairing, relocating, and equipping of facilities of the authority and other costs as may be defined in section 3(6).

(b) Refunding any bonds then outstanding. The authorization, sale, and issuance of such obligations, the maturities and other details thereof, and the rights, powers, privileges, duties, and obligations of the authority with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

(2) In the event the authority determines to issue bonds for the purpose of refunding any outstanding bonds prior to the maturity thereof, the proceeds of such refunding bonds may, pending the redemption of the bonds to be refunded, be invested in direct obligations of the United States, or certificates of deposit of banks or trust companies fully secured in the same manner as state and county deposits are required to be secured by law of the state. It is the express intention of this act that outstanding bonds may be refunded and retired by and upon the issuance of refunding bonds as long as the outstanding bonds to be refunded will mature or be subject to prior redemption not later than 10 years after the date of issuance of such refunding bonds or such longer period of time as may be allowed by law.

#### Section 8. Remedies.—

(1) The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by any resolution, indenture, or other agreement under which the bonds may be issued or secured. In the event that the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this act after such principal of or interest on the bonds has become due, whether at maturity or upon call for redemption as provided in said resolution, and such default shall continue for a period of 30 days, or in the event that the authority fails or refuses to comply with any material provision of any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding shall be entitled to the appointment of a trustee to represent such

bondholders for the purpose thereof; provided, however, that such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall have first given written notice of their intention to appoint a trustee to the authority.

(2) In the event of the default, failure, or refusal set forth in subsection (1), such trustee, and any trustee under any deed of trust, indenture, or other agreement, may, and upon written request of the holders of 25 percent in principal amount of the bonds then outstanding or such other percentage that may be specified in any deed of trust, indenture, or other agreement aforesaid shall, in any court of competent jurisdiction, in his or her or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate to carry out any agreement as to, or pledge of, the revenues and to require the authority to carry out any other covenants and agreements with or for the benefit of the bondholders and to perform its and their duties under this act;

(b) Bring suit upon the bonds;

(c) By an action or suit require the authority to account as if it were the trustee of an express trust for the bondholders; or

(d) By civil action or suit enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee when appointed as aforesaid, or acting under a deed of trust, indenture, or other agreement, in the event of the default, failure, or refusal set forth in subsection (1), and whether or not all bonds have been declared due and payable, shall be entitled to the appointment of a receiver who may enter upon and take possession of the facilities or any part or parts thereof, the revenues, and other pledged moneys and operate and maintain the same for and on behalf of and in the name of the authority and the bondholders, collect and receive all revenues and other pledged moneys in the same manner as the authority might do, and deposit all such revenues and moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and said receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any revenues. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

Section 9. Other revenues.—The County of Orange and any and all other governmental units in Orange County may appropriate additional funds for use by the authority for maintenance of the facilities and for the payment of employees' salaries, operating and planning expenses, and other necessary expenditures, and such expenditures are declared to be for valid, necessary public purposes.

Section 10. Public or private subscription.—The authority may solicit, encourage, promote, and accept any and all public or private subscriptions and donations of moneys and other property and assets for use in furthering the provisions and purposes of this act.

Section 11. Provisions of act severable.—The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers herein provided, and if any provision or provisions of this act or any of the powers granted by this act shall be held unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provision or provisions of this act or any of the remaining powers granted by this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional or invalid provision or provisions or power not been included therein.

Section 12. Alternative method.—This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby. This act, being for a public purpose, shall be liberally construed to affect the purposes thereof.

Section 4. Chapters 71-803, 72-625, 73-569, 77-611, and 78-575, Laws of Florida, are repealed.

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

Approved by the Governor June 13, 2005.

Filed in Office Secretary of State June 13, 2005.