

House Bill No. 1657

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80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.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 section unless the context shall clearly requires otherwise:

(1) “Authority” means the Downtown Development Authority of the City of Fort Lauderdale.

(2) “Board” means the governing body of the authority selected as herein provided.

(3) “Director” means the chief executive officer of the authority selected by the board as herein provided.

(4) “City” means the City of Fort Lauderdale.

(5)(a) “Downtown” means the lands described in section 2 not being used as a residence.

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

(c) “Residence” means a building in which one or more natural persons live.

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

(6) “Planning board” means the city planning and zoning board.

(7) “Bonds” means any bonds, including refunding bonds, notes, interim certificates, certificates of indebtedness, debentures, and other obligations.

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

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

(10) “Cost,” when used with reference to any project, includes, but is not limited to, the expense of determining the feasibility or practicability of acquisition, construction, or reconstruction; the cost of surveys, estimates, plans, designs, and specifications; the cost of improvements and engineering, fiscal, and legal expenses and charges; the cost of all labor, materials, machinery, and equipment; the cost of all lands, properties, rights, easements, and franchises acquired; federal, state, and local taxes and assessments; financing charges; the creation of initial reserve and debt service funds; working capital; interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such period of time after completion of construction or acquisition as the board may determine; the cost of issuance of bonds pursuant to this act, including advertisements and printing, the cost of any referendum held pursuant to this act, and all other expenses of issuance of bonds; discount, if any, on the sale or exchange of bonds; administrative expenses; such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project or to the financing thereof, or the development of any lands within the authority; and reimbursement of any public or private body, person, firm, or corporation for any moneys advanced in connection with any of the foregoing items of cost. Any obligation or expense incurred prior to the issuance of bonds in connection with the acquisition, construction, or reconstruction of any project or improvements thereon, or in connection with any other development of land that the board shall determine to be necessary or desirable in carrying out the purposes of this act, may be treated as a part of such cost.

(11) “Project” means any development, improvement, property, utility, facility, works road, sidewalk, enterprise, service, or convenience, including,

without limitation, public transportation facilities and services, now existing or hereafter undertaken or established, that under the provisions of this act the authority is authorized to construct, acquire, undertake, or furnish for its own use or for the use of any other person, firm, or corporation owning, leasing, or otherwise using the same, for any profit or nonprofit purpose or activity, and shall include, without limitation, such repairs, replacements, additions, extensions, and betterments of and to any project as may be deemed necessary or desirable by the board to place or to maintain such project in proper condition for the safe, efficient, and economic operation thereof.

(12) “Public body” means the state or any municipality, board, commission, authority, district, department, or any other subdivision or public body of the state.

(13) “Federal Government” means the United States of America or any agency or instrumentality, corporation, or otherwise of the United States of America.

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

(15) “Blighted area” means an area which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a community, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

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

- (a) Acquisition of a slum area or a blighted area or portion thereof.
- (b) Demolition and removal of buildings and improvements.

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

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

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

(f) Acquisition of any other real property in the renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

(17) “Renewal area” means a slum area or a blighted area or a combination thereof which the authority designates as appropriate for a renewal project.

(18) “Renewal plan” means a plan, as it exists from time to time, for a renewal project, which plan:

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

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

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

(20) “Obligee” shall include any bondholder, agents, or trustees for any bondholders, or lessor demising to the authority property used in connection with a renewal project, or any assignee or assignees of such lessor’s interest or any part thereof, and the Federal Government when it is a party to any contract with the municipality.

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

(22) “Area of operation” means the downtown.

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

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

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

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

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

4. All lands not being used as a residence lying south of Northeast Fourth Street and within one hundred fifty feet of and being in common ownership with Northeast Third Avenue and Northeast Sixth Avenue. For the purposes of definition, the words, “common ownership” contained herein shall be “contiguous to and owned by the same entity; and

5. All lands not being used as a residence lying north of Northeast Second Street, east of Northeast Second Avenue, south of Northeast Sixth Street, and west of Federal Highway, together with all lands not being used as a residence lying north of Southeast Seventh Street, east of the F.E.C. Railroad Tracks, south of Southeast Sixth Court, and west of Federal Highway, as legally described as follows:

#### PARCEL I

All of Blocks 1, 2, 4, 29 and 30, and portions of Blocks 33 and 34, NORTH LAUDERDALE AMENDED, according to the plat thereof recorded in Plat Book 1, Page 182, of the public records of Dade County, Florida; TOGETHER WITH all of the Blocks 2, 31, and 32, NORTH LAUDERDALE AMENDED RE-SUB, according to the plat thereof recorded in Plat Book 5, Page 25, of the public records of Broward County, Florida; ALSO TOGETHER WITH portions of Blocks A and B, GEORGE M. PHIPPENS SUB., according to the plat thereof recorded in Plat Book B, Page 146, of the public records of Dade County, Florida; ALSO TOGETHER WITH portions of Blocks A and B, FORT LAUDERDALE LAND AND DEVELOPMENT CO., SUB., according to the plat thereof recorded in Plat Book 1, Page 56, of the public records of Dade County, Florida; AND ALSO TOGETHER WITH portions of Northeast 3rd Street, Northeast 4th Street, Northeast 5th Street, Northeast 5th Avenue, and Northeast 5th Terrace, lying adjacent to said Blocks, and being all more fully described as follows:

Beginning at the Northwest corner of Lot 26, of said Block 4, thence due South, on the West lines of said Blocks 4 and 29, and extensions thereof, a distance of 1300.00 feet; thence due East, on the North right-of-way line of said Northeast 4th Street, a distance 83.99 feet; thence due South, a distance of 50.00 feet; thence due East, on the South right-of-way line of said Northeast 4th Street, a distance of 392 feet; thence South 00°01'00" West, on the West lines of Lots 20 and 19, Block A, and the West line of Lot 20, Block B, of said GEORGE M. PHIPPENS SUB., and extensions thereof, a distance of 495.00 feet; thence South 89°57'46" East, on the South lines of Lots 20, 18, 16, 14, 12, 10, 8, 6, 4, and 2, Block B, of said GEORGE M. PHIPPENS SUB., and the Easterly extension thereof, a distance of 720.17 feet; thence North 00°01'54" West, on the Southerly extension of the East line of Lot 20, Block A, of said FORT LAUDERDALE LAND AND DEVELOPMENT CO., SUB. and the Northerly extension thereof, a distance of 205.47 feet, thence due West, on the North right-of-way line of said Northeast 3rd Street, a distance of 25.00 feet; thence North 00°01'00" East, on the East lines of Lots 7 and 20, Block B, of said FORT LAUDERDALE LAND AND DEVELOPMENT CO. SUB., and extensions thereof, a distance of 289.15 feet; thence due East, on the South right-of-way line of Northeast 4th Street, a distance of 169.75 feet; thence North 00°17'27" East, on the West right-of-way line of U.S. Highway No. 1; a distance of 1323.87 feet to the Point of Beginning less the following described land: Lots 20, 21, 22, 23, 24, 25 and 26, Block "B", FORT LAUDERDALE LAND AND DEVELOPMENT CO. Subdivision of Lots 1 and 2, Block 1, Fort Lauderdale, according to the plat thereof, recorded in Plat Book 1, Page 56, of the public records of Dade County, Florida, and Lots 2 and 4, Block "A", GEORGE M. PHIPPEN'S SUBDIVISION of Lots 3, 4, 5 and 6, Block 1, and Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block 14, TOWN OF FORT LAUDERDALE, according to the plat thereof, recorded in Plat Book B, Page 146, of the public records of Dade County, Florida.

## PARCEL II

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, HARCOURT, according to the plat thereof, as recorded in Plat Book 2, Page 9, of the public records of Broward County, Florida; AND the west one-half (W ½) of Federal Highway (US No. 1), lying East of and adjacent to said Lots 4, 5, 6, 7, 9, 9, 10, 11 and 12; AND the East one-half (E ½) of S.E. 5th Terrace, lying West of and adjacent to said Lots 14, 15, 16, 17, 18, 19, 20 and 21.

### TOGETHER WITH:

Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12, HENRY SHACKELFORD AMENDED PLAT SUBDIVISION OF LOTS 2 & 3, BLOCK 57, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book 3, Page 3, of the public records of Dade County, Florida; AND the West one-half of S.E. 5th Terrace, lying East of adjacent to and referenced Lots; AND the East one-half of S.E. 5th Avenue, lying West of adjacent of above referenced Lots.

### TOGETHER WITH:

Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12, RE-AMENDED PLAT OF HENRY SHACKELFORD'S SUBDIVISION OF LOTS 2 & 3, BLOCK 57, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book 3, Page 3 of the public records of Dade County, Florida; AND the West one-half of S.E. 5th Avenue, lying East of adjacent to and referenced Lots; AND the East one-half of S.E. 4th Avenue, lying West of adjacent to the above referenced Lots.

AND ALSO TOGETHER WITH:

Lots 2, 3, 4, 5, 6, 7, 8 and 9, MRS. DAISY SHACKELFORD'S AMENDED NEW SUBDIVISION OF LOT 4, BLOCK 57, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book 1, Page 165, of the public records of Dade County, Florida, AND 10.00 foot Alley adjacent to said Lot 6 and Lots 7, 8 & 9; AND the West one-half of (W ½) of S.E. 4th Avenue, lying East of and adjacent to above referenced Lots.

AND ALSO TOGETHER WITH:

Lots 5, 6, 7, 8, 9, 10, 11 and 12, SOUTH FLORIDA DREDGING COMPANY DIVISION OF LOT 5, BLOCK 57, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book 3, Page 27, of the public records of Broward County, Florida; AND 10.00 foot Alley adjacent to Lot 9 and Lots 10, 11 and 12; AND 5.50 foot Alley lying East of and adjacent to above referenced Lots; AND the East one-half (E ½) of S.E. 3rd Avenue, lying West of and adjacent to said Lots.

AND ALSO TOGETHER WITH:

The South 80.00 feet of Lots 2, 4 and 6, Block 3, all of Blocks 4, 5 and 6, SUBDIVISION OF BLOCK 56, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book 1, Page 63, of the public records of Dade County, Florida; AND the West one-half (W ½) of S.E. 3rd Avenue, lying East of and adjacent to above referenced South 80.00 feet of Lot 2 and said Block 6; AND the East one-half (E ½) of S.E. 1st Avenue, lying West of and adjacent to above referenced Block 4; AND the North one-half (N ½) of S.E. 6th Court, lying South of and adjacent to said Lots 2, 4 and 6, Block 3; AND the South one-half of S.E. 6th Court, lying North of and adjacent to said Blocks 4, 5 and 6.

AND ALSO TOGETHER WITH:

Lots 17, 18, 19, 20 and 21, Block 55, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book "B", Page 40, of the public records of Dade County, Florida, AND Parcel "A"; AND the East one-half of Andrews Avenue, lying West of and adjacent to said Parcel "A"; AND all that certain 14.00 foot Alley within said Block 55, lying North and East of said Parcel "A"; AND all that certain irregular Alley, lying North of said Parcel "A" and South of said Lot 17.

AND ALSO TOGETHER WITH:

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, Block 54, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book "B", Page 40, of the public records of Dade County,

Florida; AND the West one-half (W½) of Andrews Avenue, lying East of and adjacent to said Lots 13, 14, 15, 16, 17, 18, 19, 20 and 21; AND the East one-half of S.W. 1st Avenue lying West of and adjacent to said Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12; AND all that certain 14.00 foot Alley in said Block 54, lying adjacent to above referenced Lots.

AND ALSO TOGETHER WITH:

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and Lot 20, less the North 25.00 feet thereof, Block 53, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book "B", Page 40, of the public records of Dade County, Florida; AND the West one-half of (W½) of S.W. 1st Avenue, lying East of and adjacent to said Lots 13, 14, 15, 16, 17, 18, 19 and Lot 20, less the North 25.00 feet thereof; AND all of S.W. Flagler Avenue lying West of and adjacent to said Lots 4, 5, 6, 7, 8, 9, 10, 11 and 12; AND the East one-half (E½) of the Florida East Coast Railroad Right-of-Way, lying West of said S.W. Flagler Avenue and South of the Westerly extension of the North line of said Lot 4 and North of the Westerly extension of the Northerly right of way line of S.W. 7th Street.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 24.8679 Acres more or less.

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

(b) All lands not being used a residence lying south of Southeast and Southwest Sixth Streets, east of the Florida East Coast Railroad, and west of Southeast Sixth Avenue, which are situated within one hundred fifty feet (150') of and are in contiguous proprietorship with Southeast or Southwest Sixth Street, upon approval of the majority of those voting in a referendum in which those participating are limited to the electors of the downtown (including also the lands added to the downtown by this act) who at the time of the referendum are owners of freeholds in the downtown (as hereby expanded), not wholly exempt from taxation, and who are then duly registered for a Downtown Development Authority referendum, according to law. For the purposes of such referendum, the electors who register only as owners of freeholds which are situated within the lands authorized to be added to the downtown by this act may be separately registered and their votes cast in separate ballot boxes or voting machines (as the case may be) and separately tabulated, in case on or more other questions are being voted upon at such referendum, and such separate registrants shall thus be permitted to vote upon such other question or questions. If this law is approved at such referendum, such separately registered electors shall be incorporated into the permanent registration of electors of the Downtown Development Authority and their votes then counted on any other question or questions voted upon at such referendum.

7. All of lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48, and portions of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 36 and 37, Block



19, BRYAN SUBDIVISION of Blocks 5, 8 and 19, of the Town of Fort Lauderdale, as recorded in Plat Book 1, Page 18, of the public records of Dade County, Florida, together with portions of those certain 10 foot alleys, lying within said Block 19,

TOGETHER WITH all of Lots 2, 3, 4, 5, 6, 7, 8, 9, and 10, AND A PORTION OF Lot 1, Block 18, TOWN OF FORT LAUDERDALE, as recorded in Plat Book 8, Page 40, of the public records of Dade County, Florida, together with that portion of a 14-foot alley lying within said Block 18,

ALSO TOGETHER WITH all of Lots 1 and 2, T.M. BRYAN SUBDIVISION of Lots 11 and 12, Block 18, Town of Fort Lauderdale, as recorded in Plat Book 3, Page 12, of the public records of Dade County, Florida,

ALSO TOGETHER WITH all of Lots 6, 7, 8 and 9, and portions of Lots 1, 2, 3, 4 and 5, Block 1, all of Lots 6, 7, 8, 9, 10 and 11 and portions of Lots 1, 2, 3, 4 and 5, Block 2 KELLY'S RESUBDIVISION, as recorded in Plat Book 16, Page 50, of the public records of Broward County, Florida,

ALSO TOGETHER WITH all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, A, B and C, HULDA S. HOLMES SUBDIVISION of Block 23, Fort Lauderdale, as recorded in Plat Book 7, Page 26, of the public records of Broward County, Florida,

ALSO TOGETHER WITH Lots 1, 2, 3, and 4, and a portion of Lot 5, Block 24, TOWN OF FORT LAUDERDALE, as recorded in Plat Book 8, Page 40, of the public records of Dade County, Florida,

ALSO TOGETHER WITH all of Lots 1, 2, 3, and 4, F.H. BENTON'S SUBDIVISION in Block 24, Town of Fort Lauderdale, as recorded in Plat Book 3, Page 30, of the public records of Broward County, Florida, together with all that portion of a 10 foot driveway and cul-de-sac of said F. H. BENTON'S SUBDIVISION,

ALSO TOGETHER WITH all of Lots 1 and 2, Canal 2 and Canal 3 and portions of Lots 6, 7, 8, 9, 10, 11 and 13 and Canal No. 1, L.H. BRYAN'S SUBDIVISION of Block 32, of Fort Lauderdale, Florida, as recorded in Plat Book 3, Page 78, of the public records of Dade County, Florida,

AND ALSO TOGETHER WITH portions of S.W. Fifth Avenue, S.W. Sixth Avenue, S.W. Second Street, S.W. Second Court, Las Olas Boulevard, N.W. River Drive and North River Street, lying within or adjacent to the above said Blocks and being all more fully described as follows:

Commencing at the Northwest corner of Lot 24 of said Block 18, TOWN OF FORT LAUDERDALE, thence South 0° 07' 30" East, along the East line of said alley within Block 18, a distance of 15.00 feet to the Point of Beginning; thence continuing South 0° 07' 24" East, along the East line of said alley a distance of 585.04 feet; thence South 89° 59' 02" East, a distance of 40.97 feet, thence South 0° 07' 24" East, along the Northerly extension of the East line of the said F.H. BENTON'S SUBDIVISION, and along the said East line, a distance of 316.49 feet to a point on the existing bulkhead forming the Northerly limits of New River; thence Westerly and Southerly along the said existing bulkhead and extensions

thereof, the following 11 courses and distances: thence North 87° 04' 09" West, a distance of 37.36 feet; thence South 86° 43' 52" West, a distance of 13.74 feet, thence South 77° 14' 35" West, a distance of 50.12 feet, thence South 73° 43' 38" West, a distance of 43.15 feet; thence South 54° 27' 01" West a distance of 67.25 feet; thence South 45° 58' 48" East, a distance of 7.62 feet; thence South 35° 35' 21" West, a distance of 175.30 feet; thence South 7° 34' 31" West, a distance of 51.26 feet; thence South 2° 01' 02" West, a distance of 25.35 feet, thence South 7° 22' 59" West, a distance of 205.31 feet, thence South 29° 18' 46" West, a distance of 92.94 feet to the Point of Termination of the said 11 courses and distances; thence North 89° 59' 37" West, along the Easterly extension of the South line of Canal No. 3 of L.H. BRYAN'S SUBDIVISION and along the said South line and extensions thereof, a distance of 211.49 feet to a point on the Easterly right-of-way line of S.W. Seventh Avenue and a point on a curve; thence Northwesterly along the said Easterly right-of-way line and along a curve to the right, whose tangent bears North 54° 00' 36" West, with a radius of 630.35 feet and a central angle of 18° 52' 41", an arc distance of 207.69 feet to a point of compound curve; thence Northwesterly along the said Easterly right-of-way line and along a curve to the right, with a radius of 513.96 feet and a central angle of 35° 00' 00", an arc distance of 313.96 feet to a point of tangency; thence North 0° 07' 55" West, along the said Easterly right-of-way line and along the line 20.00 feet East of and parallel with the West line of said Block 1 and 2 of said KELLY'S SUBDIVISION and along the line of 20.00 feet East of and parallel with the West line of said Block 19, BRYAN SUBDIVISION of Blocks 5, 8 and 19, a distance of 1008.08 feet to a point of curve; thence Northeasterly along a curve to the right, with a radius of 25.00 feet and a central angle of 90° 07' 55", an arc distance of 39.33 feet to a point of tangency; thence due East, along the South right-of-way line of Broward Boulevard and along the line 15.00 feet South of and parallel with the North line of said Block 19, BRYAN SUBDIVISION of Blocks 5, 8 and 19 and said Block 18, TOWN OF FORT LAUDERDALE, a distance of 898 .88 feet to the Point of Beginning.

All of the above said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 22.8328 acres more or less.

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

(2) The Legislature hereby finds and declares that the downtown area is a blighted area and that portions therein are slums. The area constitutes a serious and growing menace, injurious to the public health and the safety, morals, and welfare of the residents, occupants, workers, and property owners of the area; the existence of such slum and blighted conditions contributes substantially and increasingly to the spread of disease and crime,

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

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

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

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

(6) The area now has few residences and most of the residences which do exist are undersized and of inferior construction which would not be permitted for new construction under the city's building code. Many former residents have left the area and few suitable residence facilities exist. The area is predominately commercial and is occupied primarily by day workers who

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

(7) The Legislature further finds and declares that the provisions of this act and the powers afforded to the governing board of the authority are essential to guide and accomplish the coordinated, balanced, and harmonious development of the downtown in accordance with existing and future needs; to promote the health, safety, morals, and general welfare of the area and its inhabitants, visitors, property owners, and workers; to establish, maintain, and preserve aesthetic values and preserve and foster the development and display of attractiveness; to prevent overcrowding and congestion; to regulate auto traffic and provide pedestrian safety; to secure safety from fire, storm, panic, riot, vandals, and other dangers; to conserve and provide adequate light and air; and to provide a way of life which combines the conveniences and amenities of modern living with the traditions and pleasures of the past.

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

Section 5. The affairs of the authority shall be under the direct supervision and control of a board of seven members. Two members shall serve for terms expiring at the end of each year during the period commencing 1976 and ending 1978. One member shall serve for a term expiring at the end of 1975. Thereafter, members shall be appointed to serve for regular terms of 4 years from the expiration of the terms of their predecessors. The terms of incumbent members at the time this law takes effect shall not be affected by this law. A member's term shall automatically expire and his or her office shall be deemed vacant for purposes of appointment of a new member if, while in office, he or she shall cease to be qualified for membership under

section 6. Every board member shall continue to hold office until his or her successor has been appointed and has qualified. All appointments of the board shall be made by the city commission. Appointments made to fill a vacancy during a term of office shall be for the unexpired term only.

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

(2) The board shall adopt and promulgate rules governing its procedures and shall hold regular meetings no less often than one a month. Special meetings may be held when called in the manner provided in the rules of the board. All meetings of the board shall be open to the public. Each member of the board shall be paid a salary of \$1 per year for services on the board, unless the city commission shall otherwise designate such salary and provide from the general funds of the city for such salary.

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

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

Section 8. The board shall have the power to:

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

(2) Adopt bylaws, rules, resolutions, and orders prescribing the powers, duties, and functions of the officers of the authority, the conduct of the business of the authority, the maintenance of the records, and the form of all other documents and records of the authority. The board may adopt administrative rules and regulations with respect to any projects of the

authority on such notice and public hearing, if any, as the board may determine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) RECREATIONAL FACILITIES.—To own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve parks, playgrounds, picnic grounds, camping facilities, golf courses, athletic fields, marinas, piers, wharves, docks, harbors, boating and fishing facilities, swimming pools, bathing beaches and other water recreational facilities, stadiums, auditoriums, civic centers, aquariums, libraries, museums, recreational centers, convention halls and facilities, radio and television transmission and receiving stations, community antenna television systems, and cultural, recreational, and educational buildings, facilities, and projects of all kinds and descriptions.

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

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

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

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



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

(11) ROADS, BRIDGES, LIGHTING, AND RELATED OR SIMILAR FACILITIES.—The authority shall have the right and power to acquire, open, extend, construct, reconstruct, pave, operate, improve, and maintain highways, streets, toll roads and bridges, alleys, sidewalks, promenades, boardwalks, malls, esplanades, bridges, tunnels, interchanges, underpasses, overpasses, causeways, and public thoroughfares of all kinds and descriptions (hereinafter collectively and severally referred to as “public roads”) and connections to and extension of any and all existing public roads within the downtown area, deemed necessary or convenient by the board to provide access to and efficient development of the territory within the downtown, and to construct and maintain sidewalks and street lights along public roads in the downtown and toll plaza signs and street signs, provided that nothing in this law shall be construed to give the authority control over city property.

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

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

(1) A director, who shall be a person of good moral character and possessed of a reputation for integrity, responsibility, and business ability. No member of the board shall be eligible to hold the position of director. Before entering upon his or her duties of his or her office, the director shall take and subscribe to the oath and furnish bond as required of members of the board. He or she shall be the chief executive officer of the authority and may be employed on either a full-time or part-time basis, at the board’s discretion. He or she shall not engage in any other business or profession while serving as director unless the board’s approval is obtained, but he or she may serve as a director or officer of any civil organization or corporation which has goals or purposes the same as, or similar to, those of the authority. Subject to the approval of the board, and direction by it when necessary, he or she shall have general supervision over and be responsible for the preparation of plans and the performance of the functions of the authority in the

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

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

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

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

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

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

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

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

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

Section 12. The city commission is authorized to levy an ad valorem tax on all downtown real and personal property not exceeding 1 mill on the dollar valuation (as such valuations are assessed for the general ad valorem roll of the city) of such property for the purpose of financing the operation of the authority provided that no tax under this law shall be levied upon property which is exempt from taxation by general or constitutional law. The city tax collector shall transmit funds so collected to the appropriate officer of the city responsible for the handling of the public money who shall

deposit same in the city treasury to the credit of the authority. Such money shall be used for no purpose other than those purposes authorized herein and only upon approval of the board, pursuant to vouchers signed by the director and the treasurer of the authority. The funds of the authority shall be secured as other public funds are secured. Other moneys received by the authority shall forthwith be deposited in the city treasury to the credit of the authority, subject to disbursement as herein authorized.

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

Section 14. No board member nor any employee of the board shall vote or otherwise participate in any matter in which he or she has a financial interest, either direct or indirect. Such indirect financial interest shall not, however, be deemed to include that indirect financial interest which would accrue to all members of the board solely by virtue of being lessees or owners of property in the downtown area, it being the intent hereof that the prohibition herein shall apply in the event a specific indirect financial interest accrues to one rather than to all members. When such interest shall appear, it shall be the duty of the board member or employee to make such interest known and he or she shall thenceforth refrain from voting on or otherwise participating in the particular transaction involving such interest. Willful violation of the provisions hereof shall constitute malfeasance on the part of the board and shall be grounds for instant dismissal of any employee. The board may, in its rules of procedure, provide for automatic forfeiture of office by a board member for violation hereof. Any transaction involving a conflict of interest, wherein a violation of this section is involved, may be rendered void at the option of the board.

Section 15. On December 31, 2030, this law shall expire and all assets of the authority shall on or before that date be transferred by the authority to the city. Any assets remaining in the hands of the authority on December 31, 2030, shall automatically devolve upon and become the property of the city. In the event there shall be any indebtedness outstanding against the authority, the city may continue to levy whatever portion shall be necessary of the tax authorized by this law to retire such indebtedness.

Section 16. Bonds.—The board is authorized and empowered in order to provide for and carry out the work of this act to raise funds by the issuance of bonds of the same types and in the same manner with the same power and authority and subject to the same limitations as is now provided by statute for the issuance of bonds by the city, provided that the board and its staff and agents shall perform all of the governmental functions to be done with regard to the bonds. The aggregate amount of the bonded indebtedness shall at no time exceed 15 percent of the assessed valuation of the taxable property in the downtown area at the time of issuance. The term of the bonds may exceed beyond the life of the authority if the city shall have agreed to service and pay the bonds after the expiration of the authority. In that event, after the authority expires, the city shall continue to levy and collect the

same special tax which is authorized by this law to be levied and collected for the authority and use the revenue therefrom for the retirement of the bonds and expense necessary in connection with servicing the bonds until the bonds are retired. Any excess revenue remaining after retirement of the bonds shall be transferred to the general revenue fund of the city and such special tax shall not be levied in any subsequent year.

Section 17. Eminent domain.—The board shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for the action of the authority or for the performance of its lawful functions under this act. Said authority may exercise the power of eminent domain in the manner provided in chapters 73 and 74, Florida Statutes, and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provision for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner. However, no real property belonging to the state, or any political subdivision thereof, may be acquired without consent.

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

(2) CANVAS OF RETURNS; CERTIFICATES OF REFERENDUM.—The result of the voting of each polling place when ascertained shall be certified by return in duplicate, signed by the clerk and by the majority of inspectors of referendum and transmitted to the board at a meeting to be held on a day following the referendum. At said meeting, the board shall canvas the returns and the result as shown by such returns shall be by the board declared to be the result of the referendum. One copy of the board's declaration, including a copy of the returns of each polling place, shall be promptly filed with the city clerk, together with a copy of proof of publication of the notice of the referendum.

(3) LEGISLATIVE FINDINGS.—The Legislature finds that the activities and functions of the authority are essentially public works and are not concerned with political or governmental purposes. For these reasons the authority is denied police powers. The right to participate in referenda of the authority is more of a private or property right than a public or political

right. It is the purpose of the Legislature to grant to those who will have to pay the costs of the improvements a voice commensurate with that cost.

(4) ELECTORS OF DOWNTOWN, VOTING.—The referendum shall be conducted with written ballots unless the board by resolution prescribes the use of voting machines. At the referendum, the duly registered owner of each freehold within the downtown shall represent one share and the owner of each share shall be entitled to one vote for each \$10,000 or fraction thereof of the nonexempt assessed valuation of the freehold within the downtown, according to the last certified tax assessment roll of Broward County at the time of the referendum. In case record title to land is in a trustee, the trustee shall be deemed the owner for the purposes of this law. Ownership shall not include reversions, remaindermen, trustees other than persons owning a freehold estate as of deed of record, or mortgagees, but they shall be represented by the owner of the freehold estate. In case of undivided multiple ownership of any sort, a majority (in value) of the registered owner may, by written proxy, designate one person to serve as elector for that share and unless an elector be so designated by the majority, the vote of that share shall not be accepted. In case of ownership by a corporation, the corporation may, by proxy, designate an elector to vote the ownership of the corporation. Electors may vote by proxy in writing. An executed copy of each proxy shall be filed with the clerk by the elector at time of voting under that proxy.

(5) REGISTRATION OF ELECTORS.—The director shall be the registration officer for the authority and shall register all persons (including corporations) applying to him or her who are qualified as full or part owners of a freehold in the downtown area which is not wholly exempt from taxation. At the time of registration the applicant shall exhibit to the director evidence of ownership satisfactory to the director, including, in addition, an accurate reference to the official record book and page or other precise place in the public records of Broward County, which the evidence of ownership shall have been duly recorded. No application for registration shall be accepted whose evidence of ownership is not recorded in the public records (including court records) of Broward County. The board may designate one or more deputies to be the registration officer in the absence or illness of the director. In case of application for registration for a share or partial undivided interest in a share already registered in the name of another, the registration officer, upon being satisfied by the evidence exhibited that the ownership has been duly transferred to the new applicant, shall mail a notice of cancellation of registration to the existing registrant at the address shown on the official registration record as the address of the registrant's place of residence (or corporation's principal place of business) notifying the registrant that the registration will be canceled unless, within 10 days after the mailing of such notice, the registrant shall appear in person or by representative in person before the registration officer and show by evidence satisfactory to the registration officer that the registrant still owns all or a part of the share in question. If no objection in person is received by the registration officer within such 10-day period, he or she shall promptly so notify the new applicant by mail whose registration will be accepted upon renewal of the application within 10 days after the mailing of such notice. In case timely objection is duly made by the existing registrant, the registration officer shall determine the true ownership on the basis of the evidence

reasonably available to him or her and reject or accept the applicant as the circumstances warrant, promptly notifying the existing registrant of the decision. No application for change of registration for any share shall be accepted within 15 days of the referendum unless accompanied by written consent of the existing registrant, duly acknowledged in the manner required by law for instruments recorded in the public records of the county, and unless applied for before the day of the referendum. If it shall be made known to the director that an existing registrant has died or he or she has parted with his or her title to the downtown, the director shall issue a notice of cancellation in the same manner as is provided in the case of a new applicant for an existing registrant and the registration shall be canceled in the same manner in the absence of objection, except that the time for objection in such case shall be 30 days.

(6) EMPLOYMENT OF OUTSIDE AGENCIES.—The board may pay reasonable compensation to the Broward County Supervisor of Elections and the Broward County Property Appraiser for services rendered to the authority in connection with registration for and conduct of a referendum. The board may also employ the services of an abstract or title company for assistance in ascertaining the identity of ownership.

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

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

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

(a) Printing and publishing notices and proceedings.

(b) Costs of abstracts of title.

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

The director shall also prepare or cause to be prepared in duplicate a tentative apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and in relation to apportionment of cost provided herein for the preliminary assessment roll. Such tentative apportionment of total estimated cost shall not be held to limit or restrict the duties of the director in the preparation of such preliminary assessment roll. One of the duplicates of such plans, specifications, and estimates and such tentative apportionment shall be filed with the board and the other duplicate shall be retained by the director in his or her files, all thereof to remain open to public inspection. In performing the duties of assessment and apportionment of costs, the director may employ and utilize such technical consultants as may be necessary, including, but not limited, to engineers, architects, planners, economists, and appraisers.

(3) The board upon the filing with it of such plans, specifications, estimates, and tentative apportionment of cost shall publish once in a newspaper or newspapers published or of general circulation in the downtown a notice stating that at a meeting of the board on a certain day and hour, not earlier than 15 days from such publication, the board will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed assessable improvements with the location thereof, and shall also state that plans, specifications, estimates, and tentative apportionment of cost thereof are on file with the board. The board shall keep a record in which shall be inscribed, at the request of any person, firm, or corporation having or claiming to have any interest in any lot or parcel of land or property, the name and post office address of such person, firm, or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the board to mail a copy of such notice to such person, firm, or corporation at such address at least 10 days before the time for the hearing as stated in such notice, but the failure of the board to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

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

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

(6) Whenever any resolution providing for the construction or reconstruction of assessable improvements and for the levying of special assessments upon benefited property for the payment thereof shall have been confirmed, as hereinabove provided, or at any time thereafter, the board may issue assessment bonds payable out of such assessments when collected. Said bonds shall mature not later than 2 years after the last installment in which said special assessments may be paid, as provided in subsection (10), and may bear interest. Such assessment bonds shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this act for revenue bonds, except as the same are inconsistent with the provisions of this section. The amount of such assessment bonds for any assessable improvement, after the confirmation of the initial resolution, shall not exceed 80 percent of the estimated amount of the cost of such assessable improvements which are to be specially assessed against the land or property to be specially benefited thereby, as shown in the estimates of the director of the authority referred to in subsection (2). The amount of such assessment bonds for any assessable improvement to be issued, after the confirmation of the preliminary assessment roll provided for in subsection (9), including any assessment bonds theretofore issued, shall not exceed the amount of special assessments actually confirmed and levied by the board as provided in subsection (9). Such assessment bonds shall be payable from the proceeds of the special assessments levied for the assessable improvement for which such assessment bonds are issued, provided, however, that the director may pledge the full faith and credit of the authority for the payment of the principal of and interest on such assessment bonds if the issuance of such assessment bonds shall be approved in the manner provided by law.

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



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

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

In making such preliminary assessments, the director may use any method of determining the amount of special benefits accruing to each lot or parcel of land or property from such assessable improvements as shall be approved by the board. Such special benefits may be based on an area assessment where benefits from such assessable improvements are equal or nearly equal for lands of property in a particular area, front footage, square footage of structures, cubic measurement of structures, potential uses, or any other factors which the board deems fair and equitable as between the different lots or parcels of land or property benefited. It shall be the duty of the director in making such preliminary assessment roll to view all lots or parcels of land or property to be assessed, and to determine, for the preliminary assessment roll, the amount of benefit which each lot or parcel of land or property will receive from such assessable improvements, under the method or methods prescribed by the board, or any combination thereof.

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

(9) At the time and place stated in such notice, the board shall meet and receive the objections in writing of all interested persons as stated in such notice. The board may adjourn the hearing from time to time. After the completion thereof the board shall either annul or sustain or modify in whole or in part the preliminary assessment as indicated on such roll, either by confirming the preliminary assessment against any or all lots or parcels described therein or by canceling, increasing, or reducing the same, according to the special benefits which the board decides each such lot or parcel has received or will receive on account of such improvement. If any property

which may be chargeable under this section shall have been omitted from the preliminary roll, or if the preliminary assessment shall not have been made against it, the board may place on such roll an apportionment to such property. The board shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken within 30 days in the Circuit Court for the Seventeenth Circuit to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the board shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be reduced or abated by the court, unless the assessment upon the entire authority be reduced or abated, or the amount by which such assessment is so reduced or abated, may by resolution of the board be made chargeable against the authority at large; or, at the discretion of the board, a new assessment roll may be prepared and confirmed in the manner hereinbefore provided for the preparation and confirmation of the original assessment roll.

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

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

(12) All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general city taxes falling due in the same year or years in which such assessment or installments thereof fall due, and any assessment or installment not paid when due shall be collectible with such interest and with a reasonable attorney's fee and costs, but without penalties, by the authority by proceedings in the Circuit Court for the Seventeenth Circuit to foreclose the lien of assessments, as a lien for mortgages is or may be foreclosed under the laws of the state, provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if prior to any sale of the property under decree of foreclosure in such proceedings, payment be

made of the installment or installments which are shown to be due under the provisions of the resolution passed pursuant to subsections (9) and (10), and all costs including interest and attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities, and the proceedings shall be dismissed. It shall be the duty of the authority to enforce the prompt collection of assessments by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this act in the Circuit Court for the Seventeenth Circuit by mandamus or other appropriate proceedings or action. Not later than 30 days after any installments are due and payable, it shall be the duty of the board to direct the attorney or attorneys whom the board shall then designate to institute action within 2 months after such direction to enforce the collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. Such action shall be prosecuted in a manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interests of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the authority, and the same shall be collectible as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the authority may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the authority may be sold or otherwise disposed of, the proceeds of such disposition to be placed in the fund provided by subsection (13) of this section, provided, however, that no sale or other disposition thereof shall be made unless the notice calling for bids therefor to be received at a stated time and place shall have been published at least once in a newspaper or newspapers published or of general circulation in the downtown.

(13) All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any assessable improvements for which assessment bonds shall have been issued under the provisions of this law, or which have been pledged as additional security for any other bonds or obligations issued under this act, shall be maintained in a special fund or funds and be used only for the payment of principal or interest on such assessment bonds or other bonds or obligations.

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

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

Section 21. Workable program.—The authority for the purposes of this act may cooperate with the city, or with Broward County, in the formulation of a workable program for community improvements, utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provisions for: the prevention of the spread of blight into areas of the authority which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, by encouraging voluntary rehabilitation, and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.

Section 22. Renewal projects and plans.—

(1) The authority shall not approve a renewal project for a renewal area unless the board has, by resolution, determined such area to be a slum area or a blighted area or a combination thereof and designated such area as appropriate for a renewal project. Said board shall not approve a renewal plan until a general plan for the downtown has been prepared. For this purpose and other authority purposes, authority is hereby vested in said authority to prepare, to adopt, and to revise from time to time a general plan for the physical development of the downtown as a whole (giving due regard to the environs and metropolitan surroundings), provided, however, that the Legislature finds that all of the requirements of a general plan for the physical development of the downtown have been fulfilled by the Plans and Proposals of either Concepts A or B of the 1967 Fort Lauderdale Central Area Study prepared for the authority by Victor Gruen, Architect, F.A.I.A. The authority may revise said general plan from time to time and may adopt another general plan.

(2) The authority may prepare or cause to be prepared a renewal plan, or any person or agency, public or private, may submit such a plan to said authority. Prior to its approval of a renewal project, the board shall submit such plan to the planning board of the city for review and recommendations

as to its conformity with the general plan for the development of the city as a whole. The planning board shall submit its written recommendations with respect to the proposed renewal plan to the authority within 30 days after receipt of the plan for review. Upon receipt of the recommendations of the planning board, or, if no recommendations are received within said 30 days, then without such recommendations, said authority may proceed with the hearing on the proposed renewal project prescribed herein. No person other than the city shall be entitled to raise the question of inconsistency of any plan with the general plan of the city.

(3) The authority shall hold a public hearing on a renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the authority. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the renewal area covered by the plan, and shall outline the general scope of the renewal project under consideration.

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

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

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

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

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

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

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

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

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

(2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a renewal project, and to include in any contract let in connection with such a project provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

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

(4) To invest any renewal project funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which banks may legally invest funds subject to their control, and to redeem such bonds as have been issued pursuant to this act at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(5) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government, the state, county, city, or other public body, or from any sources, public or private, for the purposes of this act, and to give such security as may lawfully be required and to enter into and carry out contracts in connection therewith. The authority may include in any contract for financial assistance with the Federal Government for a renewal project

such conditions imposed pursuant to federal laws as the authority may deem reasonable and appropriate and which are not inconsistent with the purposes of this act.

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

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

(b) Renewal plans.

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

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

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

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

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

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

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

(10) Within its area of operation, to organize, coordinate, and direct the administration of the provisions of this act as they apply to such authority in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such authority may be most effectively promoted and achieved, and to establish such new office or offices of the authority or to reorganize existing offices in order to carry out such purpose most effectively.

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

Section 24. Disposal of property in renewal area.-

(1) The authority may sell, lease, or otherwise transfer real property or any interest therein acquired by it, and may enter into contracts with respect thereto, in a renewal area for residential, recreational, commercial, industrial, or other uses or for public use, or may retain such property or interest for public use, in accordance with the renewal plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as may be deemed to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this act, provided that such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the renewal plan by the board. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the renewal plan, and may be obligated to comply with such other requirements as the authority may determine to be in the renewal plan, and may be obligated to comply with such other requirements as the authority may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the renewal plan. In determining the fair value of real property for uses in accordance with the renewal plan, the authority shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the authority retaining the property; and the objectives of such plan for the prevention of the recurrence of a slum or blighted areas. The authority in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee, shall be without power to sell, lease, or otherwise transfer the real property without the prior written consent of the authority until he or she has obligated himself or herself to construct thereon. Real property acquired by the authority which, in accordance with the provisions of the renewal plan, is to be transferred shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the renewal plan. Any contract for such transfer and the renewal plan (or such part or parts of such contract or plan as the authority may determine) may be recorded in the office of the Clerk of the Circuit Court of Broward County.

(2) The authority may dispose of real property in a renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The authority may, by public notice by publication in a newspaper having a general circulation in the community (30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a renewal area, or any part thereof. Such notice



shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within 30 days after the date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The authority shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the authority in the renewal area. The authority may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this act, provided that a notification of intention to accept such proposal shall be filed with the board not less than 30 days prior to such acceptance. Thereafter, the authority may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(3) The authority may temporarily operate and maintain real property acquired in a renewal area pending the disposition of the property as authorized in this act, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable even though not in conformity with the renewal plan.

Section 25. Issuance of bonds.—

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

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

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the board and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear such interest, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to

such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

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

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

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

Section 26. Bonds as legal investments.—All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and all other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the authority pursuant to this act, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions, and officers,

public or private, to use any funds owned or controlled by them for the purpose of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section 27. Exemption from execution.—All property of the authority, including funds, owned or held by it for the purposes of this act shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same, nor shall judgment against the authority be a charge or lien upon such property, provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this act by the authority on its rents, fees, grants, or revenues from renewal projects.

Section 28. Cooperation by public bodies.—

(1) For the purpose of aiding in the planning, undertaking, or carrying out of a renewal project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to the authority.

(b) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section.

(c) Do any and all things necessary to aid or cooperate in the planning or carrying out of a renewal plan.

(d) Lend, grant, or contribute funds to said authority.

(e) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with said authority or other public body respecting action to be taken pursuant to any of the powers granted by this act, including the furnishing of funds or other assistance in connection with a renewal project.

(f) Cause public buildings and public facilities, including parks and playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake or to be furnished, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan or zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the authority.

If at any time title to or possession of any renewal project is held by any public body or governmental agency, other than the authority, which is authorized by law to engage in the undertaking, carrying out, or administration of renewal projects (including any agency or instrumentality of the

United States of America), the provisions of the agreements referred to in this section shall inure to the benefit of, any may be enforced by, such public body or governmental agency.

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

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

(4) For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of a renewal project of the authority, said authority may in addition to any other authority to issue bonds pursuant to this act issue and sell its general obligation bonds. Any bonds issued by the authority pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such authority for public purposes generally, except as to constitutional requirements.

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

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

Section 31. Severability.—If any section, clause, sentence, or provision of this act or the application of such section, clause, sentence, or provision to any person or bodies or under any circumstances shall be held to be inoperative, invalid, or unconstitutional, the invalidity of such section, clause, sentence, or provision shall not be deemed, held, or taken to affect the validity or constitutionality of any of the remaining parts of this act, or the application of any of the provisions of this act to persons, bodies, or in circumstances other than those as to which it or any part thereof shall have been inoperative, invalid, or unconstitutional, and it is intended that this act shall be construed and applied as if any section, clause, sentence, or provision held inoperative, invalid, or unconstitutional had not been included in this act.

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

Section 33. This act shall be known and may be cited as the “Fort Lauderdale Downtown Development Authority Law.”

Section 34. (1) TRUST FUND; CREATION, DURATION, USE, AND TERMINATION.—

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

(b) Anything to the contrary notwithstanding, the redevelopment trust fund shall not come into existence until this act has been approved by an ordinance adopted by the Board of County Commissioners of Broward County and by an ordinance adopted by the City Commission of the City of Fort Lauderdale. Upon the final adoption and passage of such ordinance by the Board of County Commissioners of Broward County and the City Commission of the City of Fort Lauderdale, the redevelopment trust fund shall thereafter continue in full force and effect in accordance with all of the terms and provisions this act.

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

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

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

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

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

(3) ANNUAL APPROPRIATION.—

(a) For the first 5 years during which the redevelopment trust fund is in existence, each taxing authority, except school districts and the authority, shall annually appropriate from any available funds a sum which is not less in amount than the increment of ad valorem tax revenues, as defined and determined in subsection (3) accruing to said taxing authority.

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

(c) The obligation of the taxing authorities, except school districts and the authority, to make annual appropriations to the fund shall continue so long as the authority exists, or until all bonds, loans, advances, and indebtedness, or interest thereof, incurred by the authority under this act, and for which redevelopment trust funds have been pledged have been paid, pro-

vided that such obligation shall be imposed on the annual tax increment calculated in accordance with subsection (3) is greater than zero.

(4) BOARD OF TRUSTEES.—

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

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

(c) The board of trustees shall control, operate, and administer the Redevelopment Trust Fund of the Downtown Development Authority of the City of Fort Lauderdale as provided in this section. No project for which redevelopment trust funds are to be used shall be undertaken unless first approved by a resolution of the board of trustees. Any such project shall be acquired, constructed, and operated in accordance with the provisions of such resolution and shall not be conveyed by the authority to any person unless such conveyance is first approved by a resolution of the board of trustees. The board of trustees may attach such conditions to the approval of such project as the board of trustees deems necessary. The authority shall not pledge funds in the redevelopment trust fund for the payment of any bond, loan, advance, or indebtedness, unless the authority has, by a resolution, pledged said funds for the time during which any such bond, loan, advance, or indebtedness, or any interest thereon, remains unpaid.

(5) REVENUE BONDS AND NOTES.—

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

(b) Revenue bonds and notes issued under the provisions of this section shall not constitute a debt, liability, or obligation of the authority, Broward

County, the City of Fort Lauderdale, or the state or any political subdivision thereof, or a pledge of the faith or credit of Broward County, the City of Fort Lauderdale, or the state or any political subdivision thereof, but shall be payable solely from the redevelopment trust fund as provided for in this section. All such revenue bonds and notes shall contain on the face thereof a statement to the effect that the authority shall not be obligated to pay the same or the interest thereon except from the redevelopment trust fund of the authority held for that purpose and that neither the faith nor credit nor the taxing power of the authority, Broward County, the City of Fort Lauderdale, or the state or any political subdivision thereof is pledged to the payment of principal or interest on such revenue bonds and notes.

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

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

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the provisions or applications of the acts which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 5. 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 repealed.

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

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.