

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Jacksonville Port Authority,
8 Consolidated City of Jacksonville, Duval County; creating
9 and establishing separate charter provisions concerning
10 the seaport authority known as the Jacksonville Port
11 Authority which was established effective October 1, 2001,
12 pursuant to chapter 2001-319, Laws of Florida, as amended;
13 establishing the separate seaport authority as a county
14 authority, providing for governing bodies, appointment of
15 members, terms, staggered terms, and rules of procedure;
16 providing for employment of a managing director and other
17 employees; providing for interrelations with and use of
18 services of the City of Jacksonville; providing
19 definitions; establishing powers; providing for issuance
20 of bonds; providing for budgetary and financial matters;
21 providing for rights of bondholders; providing rights of
22 employees and participation in the Florida Retirement
23 System; providing for cooperation with other entities;

24 providing for audits and bonds; providing for purchasing,
 25 procurement, and award of contracts; providing for
 26 execution of instruments and examination of claims;
 27 effective October 1, 2001, providing for transfer of
 28 assets and liabilities from the former consolidated
 29 Jacksonville Port Authority to the separate seaport
 30 authority and for assumption of responsibilities; making
 31 the Port Facilities Financing Act applicable to seaport
 32 operations; declaring a county and public purpose;
 33 providing for liberal construction; providing for
 34 severability; repealing chapter 2001-319, Laws of Florida,
 35 as amended; providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. Section 1. Creation of Jacksonville Port
 40 Authority.--

41 (1) The charter provisions concerning the marine
 42 operations of the former Jacksonville Port Authority established
 43 pursuant to chapter 2001-319, Laws of Florida, as amended, are
 44 hereby repealed and the following is created for the
 45 Jacksonville Port Authority. There is hereby created and
 46 established as of October 1, 2001 a separate body politic and
 47 corporate to be known as the Jacksonville Port Authority
 48 (formerly known as the Jacksonville Seaport Authority from
 49 October 1, 2001 to July 16, 2003 and hereinafter referred to
 50 singly as the "authority"), which is created as an agency and
 51 political subdivision of the State of Florida in the nature of

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52 counties and not municipalities. This authority is authorized to
 53 exercise its jurisdiction, powers, and duties within the
 54 geographic area defined by the boundary lines of Duval County as
 55 established by section 7.16, Florida Statutes, which boundary
 56 lines also define the geographic area of the City of
 57 Jacksonville, and outside such boundary lines as hereinafter
 58 provided. The Jacksonville Port Authority shall operate, manage,
 59 and control the publicly owned seaport and ancillary facilities
 60 located within Duval County and outside such boundary lines as
 61 hereinafter provided. The authority was separated from the
 62 Jacksonville Airport Authority pursuant to chapter 2001-319,
 63 Laws of Florida, as amended, and this separation shall be
 64 reviewed for performance and efficiency after a period of 4
 65 years from October 1, 2001.

66 (2) The governing body for the Jacksonville Port Authority
 67 shall consist of seven members, four of whom shall be appointed
 68 by the Mayor of the City of Jacksonville with the confirmation
 69 of the council of the City of Jacksonville, and three of whom
 70 shall be appointed by the Governor of Florida with the
 71 confirmation of the Senate. Members shall serve for terms of 4
 72 years commencing on October 1st of the year of the appointment
 73 or for the unexpired portion of a term deemed to have commenced
 74 on October 1st. Members of the authority, during their terms,
 75 shall serve at the pleasure of the Mayor or Governor, whoever
 76 appointed the member. Members shall continue to serve on the
 77 authority until their death, resignation, removal, or until
 78 their respective successors are appointed and confirmed. A
 79 vacancy occurring during a term of an appointed member on the

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80 authority, shall be filled only for the balance of the unexpired
81 term unless otherwise specified in the appointment and
82 confirmation. Any member appointed to the authority for two
83 consecutive full terms shall not be eligible for appointment to
84 the authority for the next succeeding term. Provided, however,
85 notwithstanding the above, members initially appointed to the
86 authority shall serve in staggered terms to provide continuity
87 of experience to the authority with two gubernatorial
88 appointments and two mayoral appointments being for initial 2-
89 year terms, which shall count as a full term for purposes of
90 term limits herein.

91 (3) The authority shall elect a chair, vice chair,
92 secretary, and treasurer from its members, and such other
93 officers it deems proper, not necessarily from its members, to
94 perform such duties as the authority may direct. Four members of
95 the authority shall constitute a quorum for the authority, but
96 at least four members of the authority must approve any action
97 to be taken by the authority. Resolutions adopted by the vote of
98 at least four members of the authority shall become effective
99 without further action by the authority. Each member of the
100 authority shall have one vote. The yeas and nays shall be called
101 and entered upon the minutes of each meeting upon the passage of
102 every resolution or other action of the authority. The authority
103 may meet at such times and places designated by it but shall
104 hold regular meetings as necessary, and generally once a month.
105 Special meetings of the authority may be called upon the call of
106 its chair or any three members of the authority. The members of
107 the authority shall not be entitled to compensation but members

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108 and employees of the authority shall be entitled to payment of
 109 reasonable expenses as provided by the council of the City of
 110 Jacksonville.

111 (4) The authority shall employ and fix the compensation of
 112 a managing director who shall manage the affairs of the
 113 authority under the supervision and control of the authority.
 114 Such managing director may be given any title suitable to the
 115 authority. The authority may employ such engineers, certified
 116 public accountants, consultants, and employees as it may
 117 require, and fix and pay their compensation. The authority may
 118 use any of the services available to governmental units through
 119 the Administration and Finance Department of the City of
 120 Jacksonville, but is not required by law to do so. However, the
 121 authority shall be required to use the legal services of the
 122 City of Jacksonville, except in those cases when the chief legal
 123 officer of the city determines that the city legal staff cannot
 124 provide legal services in the required legal area. Such use of
 125 city services, including, but not limited to, legal services,
 126 shall be on contractual basis and the authority is authorized to
 127 pay the city reasonable and fair compensation for such services
 128 so furnished by the city and used by the authority. The use by
 129 the authority of any such services furnished by the city shall
 130 not obligate the authority except to the extent it contracts
 131 with the city, or otherwise subject the authority to any rules,
 132 regulations, or ordinances of said city not otherwise applicable
 133 to the authority under this act and the charter of said city.
 134 The authority may delegate to one or more of its agents or
 135 employees such of its powers as it may deem necessary to carry

136 out the purposes of this act, subject always to the supervision
 137 and control of the authority, and may do any and all things
 138 necessary to accomplish the purposes of this act.

139 (5) The provisions of section 286.012, Florida Statutes,
 140 requiring any member of the authority present at a meeting to
 141 vote unless there is a possible conflict of interest, and the
 142 provisions of sections 112.311-112.3175, Florida Statutes, and
 143 as the same may be amended in the future, relating to financial
 144 disclosure and conflicts of interest, shall apply to each member
 145 of the authority.

146 Section 2. Definitions.--In the interpretation hereof the
 147 following words and terms shall be taken to include the
 148 following meanings when the context shall require or permit:

149 (1) The term "bonds" means and embraces bonds, notes,
 150 certificates, and other financial obligations issued by the
 151 authority for financing or refinancing purposes, and except
 152 where otherwise required by the context, notes, and other
 153 instruments executed to evidence obligations of the authority
 154 for the repayment of borrowed funds.

155 (2) The term "county" means the County of Duval.

156 (3) The term "city" or "City of Jacksonville" means the
 157 consolidated government of the City of Jacksonville created
 158 pursuant to section 9, Article VIII of the State Constitution.

159 (4) The term "federal agency" means and includes the
 160 United States, the President of the United States, and any
 161 department of, or corporation, agency, or instrumentality
 162 thereof, heretofore or hereafter created, designated, or
 163 established by the United States.

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164 (5) Words importing singular number shall include the
165 plural number in each case and vice versa, and words importing
166 persons shall include firms and corporations.

167 (6) The term "project" embraces any one or any combination
168 of 2 or more of the following, to wit: facilities for the
169 construction, manufacture, repair, or maintenance of boats,
170 ships, and watercraft of all kinds, and other facilities,
171 directly or indirectly related to the promotion and development,
172 of waterborne and maritime activities and commerce, travel,
173 exploration, and researching, and other harbor, port, shipping,
174 and seaport facilities of all kinds, including, but not limited
175 to, harbors, channels, turning basins, anchorage areas, jetties,
176 breakwaters, waterways, canals, locks, tidal basins, wharves,
177 docks, piers, slips, bulkheads, warehouses, terminals,
178 refrigerating, and cold storage plants and facilities, parking
179 areas and facilities, intermodal and railroad and motor
180 terminals for passengers, freight, exploration, and research,
181 rolling stock, ferries, boats, conveyors, and appliances of all
182 kinds for the handling, storage, inspection, and transportation
183 of freight and the handling of passenger traffic, mail, express,
184 and freight, administration and service buildings, toll
185 highways, tunnels, causeways, and bridges connected therewith or
186 incident or auxiliary thereto, and may include all property,
187 structures, facilities, rights, easements, and franchises
188 relating to any such project deemed necessary or convenient for
189 the acquisition, construction, purchase, or operation thereof.
190 The authority is authorized to use such of its real property as
191 it deems fit for facilities for recreational programs and

192 activities, provided, however, that such programs and activities
 193 are approved by a simple majority vote of the Jacksonville City
 194 Council.

195 (7) The term "cost," as applied to improvements, means the
 196 cost of constructing or acquiring improvements as hereinabove
 197 defined and shall embrace the cost of all labor and materials,
 198 the cost of all machinery and equipment, financing charges, the
 199 cost of engineering and legal expenses, plans, specifications,
 200 and such other expenses as may be necessary or incident to such
 201 construction or acquisition.

202 (8) The term "cost," as applied to a project acquired,
 203 constructed, extended, or enlarged, includes the purchase price
 204 of any project acquired, the cost of improvements, the cost of
 205 such construction, extension, or enlargement, the cost of all
 206 lands, properties, rights, easements, and franchises acquired,
 207 the cost of all machinery and equipment, financing charges,
 208 interest during construction, and if deemed advisable, for up to
 209 1 year after completion of construction, cost of investigations
 210 and audits, and of engineering and legal services, and all other
 211 expenses necessary or incident to determining the feasibility or
 212 practicability of such acquisition or construction,
 213 administrative expense, and such other expenses as may be
 214 necessary or incident to the financing herein authorized and to
 215 the acquisition or construction of a project and the placing of
 216 the same in operation. Any obligation or expense incurred by the
 217 authority prior to the issuance of revenue bonds under the
 218 provisions of this act for engineering studies and for estimates
 219 of cost and of revenue and for other technical, financial, or

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220 legal services in connection with the acquisition or
 221 construction of any project may be regarded as a part of the
 222 cost of such project.

223 Section 3. Powers.--The authority shall have the below
 224 specified powers (in addition to other powers otherwise
 225 conferred by law) and shall also have all powers that relate to
 226 maritime issues vested in the former Jacksonville Port
 227 Authority:

228 (1) To adopt, use, and alter at will a corporate seal; to
 229 sue and be sued, implead and be impleaded, complain, and defend
 230 in all courts; to exercise the power of eminent domain to
 231 acquire property for any authorized purposes, including the
 232 taking of such property ancillary to said power in the manner
 233 from time to time provided by the laws of the State of Florida;
 234 to accept grants, gifts, and donations; and to enter into
 235 contracts, leases, or other transactions with any legal entity,
 236 person, federal agency, the state, any agency of the state, the
 237 County of Duval, the City of Jacksonville, or with any other
 238 public body of the state.

239 (2) To adopt rules and regulations with reference to all
 240 projects and matters under the control of the authority. All
 241 rules and regulations promulgated and all impositions and
 242 exactions made by the authority hereof shall be just and
 243 reasonable and consistent with public interest and their
 244 application shall be subject to review by certiorari in any
 245 court of proper and competent jurisdiction. All rules and
 246 regulations shall be a matter of public record (except as

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247 otherwise provided by applicable law) and copies thereof shall
 248 be dispensed at cost to all applicants therefor.

249 (3) To construct, acquire, establish, improve, extend,
 250 enlarge, reconstruct, re-equip, maintain, repair, and operate
 251 any project as herein defined.

252 (4) Subject to the jurisdiction of the United States and
 253 the State of Florida, to construct, establish, and improve
 254 harbors within the county, to improve navigable waters within
 255 the county, and to construct and maintain canals, slips, turning
 256 basins, and channels, all upon such terms and conditions as may
 257 be required by the United States and the State of Florida.

258 (5) To acquire for any project authorized by this act by
 259 grant, purchase, gift, devise, condemnation by eminent domain
 260 proceedings, exchange, or in any other manner, all property,
 261 real or personal, or any estate or interest therein, upon such
 262 terms and conditions as the authority shall by resolution fix
 263 and determine. The right of eminent domain herein conferred
 264 shall be exercised by the authority in the manner provided by
 265 law.

266 (6) To issue revenue bonds, payable solely from revenues,
 267 to pay all or a part of the cost of acquisition, construction,
 268 extension, enlargement, improvement, or modernization of any
 269 project and to pledge the revenues to secure the payment of
 270 bonds.

271 (7) To enter into arrangements with steamship lines,
 272 railroads, any intermodal or common carrier, or any other
 273 commercial enterprise, related to the authority's basic mission,
 274 if the authority shall deem it advantageous so to do.

275 (8) To make and enter into all contracts and agreements
 276 and to do and perform all acts and deeds necessary and
 277 incidental to the performance of the duties of the authority and
 278 the exercise of its powers; to make and execute leases or
 279 agreements for the use and occupation of the property and/or
 280 projects under the control of the authority on such terms,
 281 conditions, and period of time as it may determine; and to sell
 282 and dispose of such property and/or projects as shall no longer
 283 be needed for the uses and purposes of the authority on such
 284 terms and conditions as shall be prescribed by resolution of the
 285 authority; however, before disposing of any real property which
 286 was acquired from either the city or county, other than by
 287 purchase or by swap, the authority shall give written notice to
 288 the governmental unit from which such real property was
 289 acquired. If said governmental unit desires to accept a
 290 reconveyance of said real property, it shall give the authority
 291 written notice of such intention within 30 days from the date of
 292 mailing of the authority's notice regarding the disposal of such
 293 property, and the authority shall make the reconveyance of such
 294 property to said governmental unit forthwith. If within such 30
 295 days, said governmental unit does not notify the authority in
 296 writing of a desire to accept a reconveyance of said property or
 297 refuses to accept a reconveyance of same the authority may sell
 298 and dispose of same on such terms and conditions as shall be
 299 prescribed by resolution of the authority. The authority shall
 300 not sell real property for less than the appraised value.

301 (9) To the extent permitted by law to fix, regulate, and
 302 collect rates and charges for the services and facilities

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303 furnished by any project under the control of the authority, and
 304 to establish, limit, and control the use of any project as may
 305 be deemed necessary to ensure the proper operation of the
 306 project; and to impose sanctions to promote and enforce
 307 compliance with any rule or regulation which the authority may
 308 adopt in the regulation of the ports, harbors, wharves, docks,
 309 and other projects under its control.

310 (10) To fix the rates for wharfage, dockage, warehousing,
 311 storage, and port and terminal charges for the use of the
 312 facilities owned or operated by the authority.

313 (11) To solicit shipping lines, intermodal or common
 314 carriers, and other businesses and to do all things necessary or
 315 advisable to promote commerce and increase passenger traffic and
 316 freight tonnage through the seaport operated by the authority;
 317 to publicize, advertise, and promote the activities and projects
 318 authorized by this act and to promote the objects of the
 319 authority in the manner set forth by resolution of the
 320 authority; to make known to the users, potential users, and
 321 public in general the advantages, facilities, resources,
 322 products, attractions, and attributes of the activities and
 323 projects authorized by this act; to further create a favorable
 324 climate of opinion concerning the activities and projects
 325 authorized and indicated by this act; to cooperate, including
 326 expenditure of funds, to and with other agencies, both public
 327 and private, in accomplishing the purposes enumerated and
 328 indicated by this act; and in furtherance thereof, to authorize
 329 expenditures for any and all of the purposes herein enumerated,
 330 including, but not limited to, meals, hospitality, and

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331 entertainment of persons in the interest of promoting and
332 engendering good will toward the activities and projects herein
333 authorized, provided, however, that funds obtained under
334 chapters 159 and 315, Florida Statutes, may not be used for such
335 purposes. Whenever an expenditure of funds for any of the
336 foregoing purposes is made by a member or employee of the
337 authority, the authority may reimburse such member or employee
338 therefor, but only in the manner duly authorized by the
339 authority.

340 (12) To receive and accept from any federal or state
341 agency grants for or in aid of the construction, improvement, or
342 operation of any project and to receive and accept contributions
343 from any source of money, property, labor, or other things of
344 value.

345 (13) To make any and all applications required by the
346 Treasury Department and other departments or agencies of the
347 federal government as a condition precedent to the establishment
348 within or without the county of a free port, foreign trade zone,
349 or area for the reception from foreign countries of articles or
350 commerce and to expedite and encourage foreign commerce, and the
351 handling, processing, and delivery thereof into foreign commerce
352 free from the payment of custom duties and, provided there is an
353 economic benefit to the authority and/or Duval County, to enter
354 into any agreements required by such departments or agencies in
355 connection therewith and to make like applications and
356 agreements with respect to the establishment within and without
357 said county of one or more bonded warehouses.

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358 (14) To enter into any contract with a legal entity,
 359 person, the State of Florida, the federal government, or any
 360 agency of said governments, which may be necessary for
 361 development of any project related to the authority's basic
 362 mission.

363 (15) To make or cause to be made such surveys,
 364 investigations, studies, borings, maps, plans, drawings, and
 365 estimates of cost and revenues as the authority may deem
 366 necessary and may prepare and adopt a comprehensive plan or
 367 plans, for the location, construction, improvement, and
 368 development of any project.

369 (16) To grant exclusive or non-exclusive franchises to
 370 persons, firms, or corporations for the operation of
 371 restaurants, cafeterias, bars, cigar and cigarette stands,
 372 newsstands, buses, taxicabs, vending machines, hotels, motels,
 373 service stations, real estate developments, and other
 374 concessions in, on, and in connection with any property and/or
 375 project owned and operated by the authority. In granting such
 376 franchises it shall be the duty of the authority to investigate
 377 and consider the qualifications and ability of the lessee or
 378 concessionaires to provide or perform the contemplated services
 379 and the revenues which will be derived therefrom by such
 380 authority and to exercise sound prudent business judgment on
 381 behalf of the authority with respect thereto, calling for bids
 382 when practicable and when the interests of the public will best
 383 be served by such action.

384 (17) To enter into contracts with utility companies or
 385 others for the supplying by said utility companies or others of

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386 water, electricity, or telephone service to or in connection
387 with any project.

388 (18) To pledge by resolution or contract the revenues
389 arising from the operation of any project or projects owned and
390 operated by the authority, or under its control, to the payment
391 of the cost of operation, maintenance, repair, improvement,
392 extension, or enlargement of the project or projects from the
393 operation of which such revenues are received and for the
394 payment of principal and interest on bonds issued in connection
395 with any such project or projects and to combine for financing
396 purposes any two or more projects constructed or acquired by
397 such authority under the provisions of this act. In any such
398 case the authority may adopt separate budgets for the operation
399 of such project or projects. In every such case such revenues
400 shall be expended exclusively for the payment of the costs of
401 operation, maintenance, repair, improvement, extension, and
402 enlargement of the project or projects from the operation of
403 which such revenues arise, for the performance of the
404 authority's contracts in connection with such project or
405 projects, and for the payment of principal of premium, if any,
406 and interest requirements of any bonds issued in connection with
407 the project or projects. Any surplus of such funds remaining on
408 hand at the end of any year shall be carried forward and may be
409 expended in the succeeding year for the payment of the costs of
410 operation of such project or projects or for the repair,
411 improvement, or extension thereof as the authority may
412 determine, unless such surplus has been pledged for the payment
413 of principal of premium, if any, and interest on bonds, as

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414 authorized in subsections (1)-(6) of section 4, in which event
 415 any such surplus shall be applied in accordance with the
 416 resolution pledging the same.

417 (19) To do all other acts and things necessary or proper
 418 in the exercise of the powers herein granted.

419 (20) To do all acts or things necessary or proper to be
 420 and serve as a local governmental body within the meaning of
 421 section 10(c)(2), Article VII of the State Constitution, with
 422 respect to any project as defined therein.

423 (21) To appoint officers for the administration of
 424 criminal justice as set forth by general law.

425 Section 4. Issuance of bonds.--

426 (1) The authority is authorized to issue general
 427 obligation bonds or revenue bonds of the authority for the
 428 purpose of paying all or a part of the cost of any one or more
 429 projects as herein defined, including the cost of enlargement,
 430 expansion, or development of such project whether the property
 431 used therefor has previously been acquired or not, and the cost
 432 of removing therefrom or relocating or reconstructing at another
 433 location any buildings, structures, or facilities, which in the
 434 opinion of the authority constitute obstructions or hazards to
 435 the safe or efficient operation of any such project and for the
 436 purpose of paying off and retiring any bonds issued or assumed
 437 under the provisions of this act.

438 (2) The bonds of each issue shall be authorized by
 439 resolution of the authority and shall be dated, shall mature at
 440 such time or times not exceeding 40 years from their date or
 441 dates, as may be determined by the authority, and may be made

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442 redeemable before maturity, at the option of the authority, at
 443 such price or prices and under such terms and conditions as may
 444 be fixed by the authority prior to the issuance of the bonds.
 445 The authority shall determine the form of bonds, including any
 446 interest coupons to be attached thereto, and the manner of
 447 execution of the bonds and shall fix the denomination or
 448 denominations of the bonds and the place or places of payment of
 449 principal and interest, which may be at any bank or trust
 450 company within or without the state. The resolution authorizing
 451 the issuance of the bonds shall contain such provisions relating
 452 to the use of the proceeds from the sale of the bonds and for
 453 the protection and security of holders of the bonds, including
 454 their rights and remedies, and the rights, powers, privileges,
 455 duties, and obligations of the authority with respect to the
 456 same, as shall be determined by the authority. In case any
 457 officer whose signature or facsimile of whose signature shall
 458 appear on any bonds or coupons shall cease to be such officer
 459 before the delivery of such bonds, such signature or such
 460 facsimile shall nevertheless be valid and sufficient for all
 461 purposes to the same extent as if such officer had remained in
 462 office until such delivery. The bonds may be issued in coupon
 463 registered or book entry form, as the authority may determine,
 464 and provisions may be made for the registration of any coupon
 465 bonds as to principal alone and also as to both principal and
 466 interest and for the reconversion into coupon bonds of any bonds
 467 registered as to both principal and interest.

468 (3) Prior to any public sale of bonds, the authority may,
 469 in addition to any other publication and notice to the financial

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470 community, cause notice to be given by publication in a daily
471 newspaper published and having a general circulation in the city
472 that the authority will receive bids for the purchase of the
473 bonds at the office of the authority in the city. Said notice
474 may be published once not less than 15 days prior to the date
475 set for receiving the bids. Said notice may specify the amount
476 of the bonds offered for sale, state that the bids shall be
477 sealed bids, and give the schedule of the maturities of the
478 proposed bonds and such other pertinent information as may be
479 prescribed in the resolution authorizing the issuance of such
480 bonds or any resolution subsequent thereto. Bidders may be
481 invited to name the rate or rates of interest which the bonds
482 are to bear or the authority may name rates of interest and
483 invite bids thereon. In addition to publication of notice of the
484 proposed sale, a copy of such advertisement shall be given to
485 the Florida Division of Bond Finance and to at least three
486 recognized bond dealers in the state, in the time established by
487 applicable law.

488 (4) Except as otherwise provided in this subsection, bonds
489 and refunding bonds issued pursuant to this act may be sold at
490 public sale and shall be awarded to the bidder whose bid
491 produces the lowest true interest cost to the authority. The
492 authority shall reserve the right to reject any or all bids.
493 Notwithstanding the foregoing, bonds and refunding bonds issued
494 pursuant to this act may be sold at private sale at such price
495 or prices as the authority shall determine to be in its best
496 interest. However, any price less than 100 percent of par value
497 shall be subject to section 215.84, Florida Statutes, as it may

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498 be amended from time to time. In no event shall said bonds be
 499 sold at a net interest cost to the authority in excess of the
 500 legal limit, as established by section 215.84, Florida Statutes,
 501 or according to said section as it may be amended from time to
 502 time. The net interest cost of bonds shall be determined by
 503 taking the aggregate amount of interest at the rate or rates
 504 specified in the bonds, computed from the date of the bonds to
 505 the date of the various stated maturities thereof, and deducting
 506 therefrom the amount of any premium offered in excess of the par
 507 value of the bonds or adding thereto the amount of any discount
 508 offered below the par value of the bonds with interest computed
 509 on a 360-day basis. Pending the preparation of definitive bonds,
 510 interim bonds may be issued to the purchaser or purchasers of
 511 such bonds and may contain such terms and conditions as the
 512 authority may determine.

513 (5) The authority shall require all bidders for said bonds
 514 to enclose a certified or bank cashier's check, in the amount of
 515 2 percent of the total par value of the bonds offered for sale,
 516 drawn on an incorporated bank or trust company payable
 517 unconditionally to the order of the authority, as a guarantee of
 518 good faith in the performance of each bid. The checks of the
 519 unsuccessful bidders shall be returned immediately upon the
 520 award of the bonds and the check of the successful bidder shall
 521 be retained by the authority and credited against the full
 522 purchase price of the bonds at the time of delivery or retained
 523 as and for liquidated damages in case of the failure of such
 524 bidder to fulfill the terms of his or her bid.

525 (6) No general obligation bonds shall be issued by the
 526 authority hereunder unless the issuance of such bonds shall have
 527 been approved by a majority of the votes cast by qualified
 528 voters in an election held for such purpose. Whenever the
 529 authority, by resolution, requests the council of the City of
 530 Jacksonville to hold such an election, said council shall, on
 531 behalf of the authority, hold, conduct, canvass, and announce
 532 the results of such election in accordance with the procedure
 533 prescribed by law for the issuance of county bonds. The expenses
 534 of such election shall be paid by the authority. In no event
 535 shall such general obligation bonds be construed or considered
 536 to be bonds of the City of Jacksonville or any other
 537 municipality but shall be solely bonds of the authority that
 538 issues the bonds.

539 (7) The authority is authorized to borrow money and to
 540 issue notes for any purpose or purposes for which bonds may be
 541 issued under the provisions of this act and to refund the same
 542 and to issue notes in anticipation of the receipt of the
 543 proceeds of the sale of any such bonds.

544 (8) Subject to the restrictions contained in subsections
 545 (2), (3), and (4) of section 4., the authority shall have the
 546 power to provide for the issuance of refunding bonds of the
 547 authority for the purpose of refunding any revenue bonds or
 548 general obligation bonds, or any combination of general
 549 obligation or revenue bonds then outstanding which have been
 550 assumed by the authority or issued for the purpose of financing
 551 the cost of making enlargements, extensions, and improvements to
 552 any project acquired, constructed, or operated under the

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553 provisions of this act. The authority is further authorized to
 554 provide for the issuance of revenue bonds or general obligation
 555 bonds, or any combination thereof, of the authority for the
 556 combined purpose of:

557 (a) Paying the cost of enlargement, extension,
 558 reconstruction, or improvement of any project or combination of
 559 projects.

560 (b) Refunding revenue bonds or general obligation bonds,
 561 or any combination thereof, which have been assumed by the
 562 authority under the provisions of this act (or its predecessor
 563 act) which shall then be outstanding and which shall then have
 564 matured or be subject to redemption or can be acquired for
 565 retirement. The issuance of such bonds, the maturities or other
 566 details thereof, the rights or remedies of the holders thereof,
 567 and the rights, powers, privileges, duties, and obligations of
 568 the authority with respect to the same shall be set forth in the
 569 resolution of the authority authorizing the issuance of such
 570 bonds.

571 Section 5. Budget and finance.--The fiscal year of the
 572 authority shall commence on October 1 of each year and end on
 573 the following September 30. The authority shall prepare and
 574 submit its budget to the council of the City of Jacksonville on
 575 or before July 1 for the ensuing fiscal year. The council,
 576 consistent with the provisions of the Charter of the City of
 577 Jacksonville, may increase or decrease the appropriation
 578 (budget) requested by the authority on a total basis or a line-
 579 by-line basis; however, the appropriation for construction,
 580 reconstruction, enlargement, expansion, improvement, or

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581 development of any project or projects authorized to be
582 undertaken by the former Jacksonville Port Authority and the
583 authority shall not be reduced below \$800,000 for each year that
584 the bonds to which the \$800,000 is pledged remain outstanding.

585 Section 6. Rights of bondholders.--All bonds issued by the
586 City of Jacksonville or the former Jacksonville Port Authority
587 related to properties transferred to the authority and bonds
588 issued under authority of chapter 63-1447, Laws of Florida,
589 remain the liability, responsibility, and obligation of the
590 issuer and the rights of the holders of existing outstanding
591 bonds shall be unimpaired. Rights, duties, and obligations of
592 the authority with respect to the property transferred to it by
593 the former Jacksonville Port Authority are ratified and remain
594 unchanged.

595 Section 7. Rights of employees.--All employment rights and
596 employee benefits authorized under section 11, chapter 63-1447,
597 Laws of Florida, as amended, are hereby confirmed, ratified, and
598 continued, notwithstanding the repeal of said chapter 63-1447,
599 Laws of Florida, as amended. Effective October 1, 2001, in order
600 to preserve the rights of employees of the former Jacksonville
601 Port Authority to continue participation in the Florida
602 Retirement System pursuant to chapter 121, Florida Statutes, the
603 authority created by this act (and its predecessor act) shall be
604 a county agency and employees of each such authority shall
605 participate in the Florida Retirement System, notwithstanding
606 any law to the contrary. Effective October 1, 2001, those
607 employees of the Jacksonville Port Authority who were assigned
608 to any activity related to the operation of the marine

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609 facilities shall become employees of the Jacksonville Port
610 Authority created by this act (and its predecessor act).
611 Effective October 1, 2001, central administrative employees
612 shall be employed by either the authority created by this act
613 (and its predecessor act) or the Jacksonville Airport Authority,
614 or as otherwise agreed by both the authority and the
615 Jacksonville Airport Authority. It is expressly provided that
616 none of those employees of the former Jacksonville Port
617 Authority who remain with the authority created by this act (and
618 its predecessor act) shall lose any rights or benefits of
619 whatsoever kind or nature afforded to them by any law,
620 ordinance, collective bargaining agreement, or existing policy
621 or plan, including, but not limited to, pension benefits by
622 virtue of the change in corporate structure. In order to
623 effectively implement the foregoing, the authority shall perform
624 all functions with regard to its own employees that prior to the
625 operation of the two authorities created by this act (and its
626 predecessor act) were performed by the former Jacksonville Port
627 Authority. In order to specifically preserve the rights of
628 employees of the former Jacksonville Port Authority to continue
629 participation in the Florida Retirement System, pursuant to
630 chapter 121, Florida Statutes, the authority created by this act
631 (and its predecessor act) shall be a county authority and
632 employees of this authority who are currently participating in
633 the Florida Retirement System and all employees of the authority
634 after October 1, 2001, shall participate in the Florida
635 Retirement System.

636 Section 8. Cooperation with other units, boards, agencies,
 637 legal entities and persons.--Express authority and power is
 638 hereby given and granted any county, municipality, drainage
 639 district, road and bridge district, school district, or any
 640 other political subdivision, board, commission, or individual
 641 in, or of, the state to make and enter into with the authority,
 642 contracts, leases, conveyances, or other agreements within the
 643 provisions and purposes of this act. The authority is hereby
 644 expressly authorized to make and enter into contracts, leases,
 645 conveyances, and other agreements with any political
 646 subdivision, agency, or instrumentality of the state and any and
 647 all federal agencies, legal entities and persons for the purpose
 648 of carrying out the provisions of this act.

649 Section 9. Audits; bonds.--The authority shall issue
 650 quarterly and annually financial reports of its operations and
 651 shall also cause annual audits to be made of its operations and
 652 affairs by an independent certified public accountant, in such
 653 detail as may be necessary to show the financial operation and
 654 status of the authority, and the same shall be preserved as
 655 public records of the authority. The authority's records may be
 656 audited at any time by the Council Auditor of the City of
 657 Jacksonville. Members of the authority shall be required to give
 658 a good and sufficient surety bond in the sum of \$50,000, payable
 659 to the City of Jacksonville, conditioned upon the faithful
 660 performance of their duties as members of the authority. Such
 661 bonds shall be approved by and filed with the clerk of the
 662 circuit court of Duval County, and the premium or premiums
 663 thereon shall be paid by the authority as a necessary expense of

664 the authority. The authority shall have power to require its
 665 managing director and such others of its employees as they may
 666 deem necessary to furnish good and sufficient surety bond in
 667 such sum as the authority shall require, conditioned upon the
 668 faithful performance of duties, and to pay the premium or
 669 premiums thereon as a necessary expense of the authority.

670 Section 10. Award of contracts.--

671 (1) If the total cost, value, or amount of construction,
 672 reconstruction, repairs, or work of any nature, including the
 673 labor and materials, exceeds \$50,000 when purchased by the
 674 authority, any such construction, reconstruction, repairs, or
 675 work exceeding the foregoing amount established for the
 676 authority shall be done only under contract or contracts to be
 677 entered into by the authority with the lowest responsible bidder
 678 upon proper terms and after due public notice has been given
 679 asking for competitive bids as hereinafter provided. The
 680 foregoing requirement for competitive bidding shall not apply to
 681 construction, reconstruction, repairs, or work done by employees
 682 of the authority or by labor supplied under agreement with the
 683 federal or state government. The authority shall keep a current
 684 list of responsible bidders and, whenever the authority shall
 685 award a contract, the bidder shall come from such list. No
 686 contract shall be entered into for construction, improvement, or
 687 repair of any project, or any part thereof, unless the
 688 contractor shall have given an undertaking with a sufficient
 689 surety or sureties, approved by the authority, and in an amount
 690 fixed by the authority, for the faithful performance of the
 691 contract. All such contracts shall provide, among other things,

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692 that the person or corporation entering into such contract with
 693 the authority shall pay for all materials furnished and services
 694 rendered for the performance of the contract and that any person
 695 or corporation furnishing such materials or rendering such
 696 services may maintain an action to recover for the same against
 697 the obligor in the undertaking, as though such person or
 698 corporation were named therein, provided the action is brought
 699 within 1 year after the time the cause of action accrued.

700 Nothing in this section shall be construed to limit the power of
 701 the authority to construct any project, or any part thereof, or
 702 any addition, betterment, or extension thereto, directly by the
 703 officers, agents, and employees of the authority, or otherwise,
 704 other than by contract.

705 (2) All supplies, equipment, machinery, and materials
 706 exceeding \$25,000 in cost purchased by the authority shall be
 707 purchased by the authority only after due advertisement as
 708 provided hereinafter. When purchasing supplies, equipment,
 709 machinery, and materials pursuant to competitive bid as mandated
 710 herein, the authority shall accept the lowest bid or bids, kind,
 711 quality, and material being equal but the authority shall have
 712 the right to reject any or all bids or select a single item from
 713 any bid. The provision as to bidding shall not apply to the
 714 purchase of patented and manufactured products offered for sale
 715 in a noncompetitive market or solely by a manufacturer's
 716 authorized dealer.

717 (3) The term "advertisement" or "due public notice"
 718 wherever used in this section means a notice published at least
 719 once a week for 2 consecutive weeks before the award of any

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720 contract, in a daily newspaper published and having a general
721 circulation in the county, and in such other newspapers or
722 publications as the authority shall deem advisable.

723 (4) Subject to the aforesaid provisions, the authority
724 may, but without intending by this provision to limit any powers
725 of the authority, enter into and carry out such contract or
726 establish or comply with such rules and regulations concerning
727 labor and materials and other related matters in connection with
728 any project, or portion thereof, as the authority may deem
729 desirable or as may be requested by the federal or state
730 government assisting in the financing of its projects, seaport
731 facilities, and facilities related thereto, or any part thereof,
732 provided the provisions of this subsection shall not apply to
733 any case in which the authority has taken over by transfer or
734 assignment any contract assigned to it or assumed by it in
735 connection with the transfer of city and county properties
736 authorized under the provisions of sections 11 and 12, or to any
737 contract in connection with projects which the authority may
738 have had transferred to it by any persons or private
739 corporations, and further provided the provisions of this
740 section shall not apply to any contract or agreement between the
741 authority and any engineers, architects, attorneys, or other
742 professional services or to any contract or agreement relating
743 to fiscal advisors, fiscal agents, or investment bankers,
744 relating to the financing of projects herein authorized.

745 Section 11. Execution of instruments; examination of
746 claims.--All instruments in writing necessary to be signed by
747 the authority shall be executed by its chair and secretary. The

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748 authority may, by resolution, designate one or more officers,
 749 members, employees, or agents of such authority to execute
 750 instruments in writing where it is necessary that such
 751 instruments be signed by the authority. No expenditure of funds
 752 of the authority shall be made except by voucher approved by the
 753 authority and signed by its chair and secretary, or by one or
 754 more officers, members, or employees of the authority as the
 755 authority may designate by resolution. The foregoing authority
 756 of the chair may be exercised by the vice chair in the absence
 757 of the chair and the foregoing authority of the secretary may be
 758 exercised by an assistant secretary designated by the authority
 759 in the absence of the secretary. The authority shall provide for
 760 the examination of all payrolls, bills, and other claims and
 761 demands against the authority to determine before the same are
 762 paid that they are duly authorized, in proper form, correctly
 763 computed, legally due and payable, and that the authority has
 764 funds on hand to make payment.

765 Section 12. Transfer of assets and liabilities.--The
 766 former Jacksonville Port Authority shall take all actions
 767 necessary to convey, assign, transfer, and set over:

768 (1) All of the right, title, and interests of the former
 769 Jacksonville Port Authority in and to its marine port
 770 facilities, including, without limitation, its real and personal
 771 property and any interests therein, books, records, contracts,
 772 leases, and all other property of any kind or nature related to
 773 the operation of the marine port, by operation of this act (and
 774 its predecessor act), and without further act, to the authority.

775 (2) All contracts and leases relating to the former
 776 Jacksonville Port Authority's marine port operations, shall, by
 777 operation of this act (and its predecessor act), and without
 778 further act, become contracts and leases of the authority.

779 (3) All accounts receivable, accounts payable, and cash on
 780 hand relating to the former Jacksonville Port Authority's marine
 781 port operations shall, by operation of this act (and its
 782 predecessor act), and without further act, be transferred or
 783 delivered to the authority.

784 (4) All operating expenses, including taxes of all kinds
 785 and all revenue and expense accruals of the former Jacksonville
 786 Port Authority's marine operations shall be transferred to the
 787 authority, on the effective date at transfer.

788 (5) The conveyances specified in this section shall be
 789 effective as of October 1, 2001.

790 Section 13. Chapter 315, Florida Statutes, relating to
 791 port facilities financing, also applicable.--The provisions of
 792 chapter 315, Florida Statutes, relating to port facilities
 793 financing, shall also be applicable to the authority.

794 Section 14. Declaration of purposes.--The authority
 795 created by this act and the purposes which it is intended to
 796 serve is hereby found to be for a county and public purpose.
 797 Such authority is a political subdivision of the State of
 798 Florida, local governmental body within the meaning of section
 799 10(c)(2), Article VII of the State Constitution. Nothing in this
 800 act is intended to create an entity which is exempt from ad
 801 valorem taxation except as otherwise set forth by applicable
 802 law.

803 Section 2. The powers of the authority created by this act
 804 shall be construed liberally in favor of the authority. No
 805 listing of powers included in this act is intended to be
 806 exclusive or restrictive and the specific mention of, or failure
 807 to mention, particular powers in this act shall not be construed
 808 as limiting in any way the general powers of the authority as
 809 stated in section 3. It is the intent of this act to grant the
 810 authority full power and right to exercise all authority
 811 necessary for the effective operation and conduct of the
 812 authority. It is further intended that the authority should have
 813 all implied powers necessary or incidental to carrying out the
 814 expressed powers and the expressed purposes for which the
 815 authority is created. The fact that this article specifically
 816 states that the authority possesses a certain power does not
 817 mean that the authority must exercise such power unless this
 818 article specifically so requires.

819 Section 3. The provisions of this act are severable and it
 820 is the intention to confer the whole or any part of the powers
 821 provided for herein and if any of the provisions of this act
 822 shall be held unconstitutional by any court of competent
 823 jurisdiction, the decision of such court shall not affect or
 824 impair any of the remaining provisions.

825 Section 4. Effective on the effective date of this act, as
 826 defined below, chapters 2001-319, 2002-349, and 2003-341, Laws
 827 of Florida, are hereby repealed.

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