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1
2 An act relating to the Port of Palm Beach District,
3 Palm Beach County; codifying, amending, reenacting,
4 and repealing special acts relating to the district;
5 repealing chs. 74-570, 75-468, 81-459, 87-523, 90-462,
6 95-467, and 99-457, Laws of Florida; deleting obsolete
7 language; redesignating the trade zones established by
8 the district as foreign trade zones and authorizing
9 such foreign trade zones to maintain trade operations
10 outside of the boundaries of the district; providing
11 an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Pursuant to s. 189.019, Florida Statutes, this
16 act constitutes the codification of all special acts and court
17 decrees relating to the Port of Palm Beach District. It is the
18 intent of the Legislature in enacting this act to provide a
19 single, comprehensive special act charter for the district,
20 including all current legislative authority granted to the
21 district by its several legislative enactments and any
22 additional authority granted by this act. It is further the
23 intent of the Legislature that this act preserve all district
24 authority in addition to any authority contained in chapter 298,
25 Florida Statutes.

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26 Section 2. Chapters 74-570, 75-468, 81-459, 87-523, 90-
 27 462, 95-467, and 99-457, Laws of Florida, are amended, codified,
 28 reenacted, and repealed as herein provided.

29 Section 3. The charter for the Port of Palm Beach District
 30 is re-created and reenacted to read:

31 ARTICLE I. PURPOSE.—

32 Section 1. Name.—The name of the district shall continue
 33 to be the "Port of Palm Beach District."

34 Section 2. Purpose.—The purposes of the changes as
 35 contained in this act are to provide an integrated charter of
 36 the powers and safeguards necessary for the desired promotion,
 37 development of the facilities and services of the Port of Palm
 38 Beach, and to provide for the liberal construction of this act
 39 so as to effectuate the purposes thereof for the welfare and
 40 convenience of the citizens and taxpayers of the Port of Palm
 41 Beach District, and of the Port of Palm Beach District and the
 42 County of Palm Beach.

43 ARTICLE II. GENERAL PROVISIONS.—No obligations or
 44 contracts of the Port of Palm Beach District, including revenue
 45 certificates heretofore issued, the issuance of tax anticipation
 46 notes, and any and all proceedings heretofore begun for any
 47 improvement or for the borrowing of money, or for the issuing of
 48 revenue certificates, shall be impaired or voided by this act
 49 and such debts, obligations, contracts and revenue certificates
 50 shall pass to and shall be binding upon the Port of Palm Beach

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51 District. All such proceedings heretofore begun for the
 52 construction of any improvements or for the borrowing of money,
 53 and issuing of revenue certificates, may be continued and
 54 completed and binding upon the Port of Palm Beach District, as
 55 said district shall continue to exist with provisions relating
 56 to jurisdiction, powers, and duties being supplemented, amended,
 57 and repealed by this act.

58 ARTICLE III. BOUNDARIES.—The following shall continue to
 59 be the territory known as the "Port of Palm Beach District" and
 60 shall consist of so much of Palm Beach County, as is described
 61 and embraced in the following boundaries:

62
 63 Beginning at the point of intersection of the Atlantic
 64 Ocean with the Township line between Townships T-41
 65 and 42 South; thence run West along said Township line
 66 and continue West to the Western Boundary of Palm
 67 Beach County, Florida; thence run South along the
 68 Western Boundary of said Palm Beach County to a point
 69 where the Township line between Townships 45 and 46
 70 South according to the United States Government
 71 Survey, if extended West, would intersect said West
 72 line of said Palm Beach County, thence run East to the
 73 Township Line between Townships 45 and 46 South, and
 74 continuing East along said Township line to its
 75 intersection with the Range Line between Ranges R-41

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76 and 42 East; thence North along the Range Line between
77 Ranges R-41 and 42 East to the point of intersection
78 of said Range Line with the Township Line between
79 Townships 43 and 44 South; thence run East along the
80 Township Line between Townships 43 and 44 South; to
81 the Atlantic Ocean; thence run North along the West
82 Shore of the Atlantic Ocean to the point of beginning;
83 all being in Palm Beach County, Florida.

84
85 ARTICLE IV. GOVERNING BODY.-

86 Section 1. Commissioners.-The governing body of the Port
87 of Palm Beach District shall be known as and designated the
88 "Board of Commissioners of the Port of Palm Beach District" and
89 shall be composed of five members who shall be elected as
90 provided for in Article V. The Port of Palm Beach District shall
91 constitute a body politic and a body corporate and is deemed to
92 be a political subdivision of the state within the meaning of
93 sovereign immunity from taxation.

94 Section 2. Powers.-Said governing body shall have all
95 powers of a body corporate, including, but not limited to, the
96 power to sue and be sued as a corporation in said name in any
97 court; to make contracts; to adopt and use a common seal and
98 alter the same at its pleasure; to buy, hold, lease, sell,
99 exchange, and convey such real estate and personal property as
100 the board may deem proper to carry out the purposes of this

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101 charter; to appoint and employ a chief engineer, a consulting
 102 engineer, an attorney or attorneys, an accountant or
 103 accountants, a traffic consultant or traffic consultants, and
 104 any and all such other consultants, agents, and employees as the
 105 board may deem necessary; and to borrow money and to issue
 106 negotiable promissory notes, bonds, revenue certificates, or
 107 other evidence of indebtedness therefor, in order to enable said
 108 governing body to carry out this charter.

109 Section 3. Quorum.—At any meeting of the board, three
 110 commissioners shall constitute a quorum for the transaction of
 111 business, but in the event a quorum is not present, the
 112 commissioner or commissioners so present may adjourn the meeting
 113 to some future date.

114 ARTICLE V. ELECTION OF BOARD OF COMMISSIONERS.—

115 Section 1. Conduct of affairs.—The Board of Commissioners
 116 of the Port of Palm Beach District shall consist of five
 117 commissioners, each elected by districtwide vote of the
 118 qualified electors within the Port of Palm Beach District for a
 119 term of 4 years. Each candidate for commissioner shall file and
 120 qualify in one of five groups, designated 1, 2, 3, 4, and 5.

121 Section 2. Requirements of commissioners.—All members of
 122 the Board of Commissioners of the Port of Palm Beach District
 123 shall be duly qualified electors of Palm Beach County and
 124 citizens of the United States of America; all of whom must
 125 reside within the limits of the Port of Palm Beach District. A

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126 change of legal residence of any commissioner beyond the limits
 127 of the Port of Palm Beach District shall create a vacancy in
 128 such office.

129 Section 3. Election laws.—All existing and future general
 130 laws of the state which regulate and control primaries and
 131 elections in connection with county offices are hereby adopted
 132 for and made applicable to the district.

133 Section 4. Present commissioners.—All of the present Port
 134 of Palm Beach District Commissioners shall hold office for the
 135 term for which they were elected. Nothing herein shall be
 136 construed to adversely affect their tenure as Commissioners of
 137 the Port of Palm Beach District for the term for which they have
 138 been duly elected and qualified, and they shall continue to
 139 serve as such commissioners until their successors have become
 140 duly qualified after the next general election, or until such
 141 time as they shall become previously disqualified by reason of
 142 death, change of residence, or by removal from office by the
 143 Governor, pursuant to applicable law.

144 Section 5. Term of office.—At each general election,
 145 successors to the commissioners whose terms are about to expire
 146 shall be elected for terms of 4 years each.

147 Section 6. Bond of commissioners.—Within 30 days after
 148 assuming the duties of the office of Commissioner of the Port of
 149 Palm Beach District, each commissioner shall execute and deliver
 150 to the Port of Palm Beach District a good and sufficient bond,

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151 executed by himself or herself as principal and a surety company
152 licensed to do business in the state as surety, in the principal
153 sum of \$25,000 conditioned upon his or her faithful performance
154 as such Commissioner of the Port of Palm Beach District of the
155 duties thereof. Each bond so given shall be approved by and
156 filed with the board. The failure of any person who is elected
157 or who is appointed as commissioner to give such bond within 30
158 days after he or she has assumed such office shall create a
159 vacancy in such office.

160 Section 7. Vacancies in board.—Any vacancy occurring on
161 the board shall be filled by the other commissioners appointing
162 a person to hold such office for the unexpired term; however, if
163 there should be as many as two vacancies simultaneously, for any
164 cause whatsoever, said vacancies shall be filled by appointment
165 by the Governor and the commission members so appointed by the
166 Governor shall serve until the next general election is held
167 within the district, at which time said vacancies shall be
168 filled according to the election laws of the State of Florida,
169 and as provided in Article V and this article, with the term of
170 office of each commissioner so elected to be for the unexpired
171 term of the commission seat on the board that he or she is
172 filling, or for a full term of 2 or 4 years, as the case may be.

173 ARTICLE VI. ORGANIZATION AND COMPENSATION OF BOARD OF
174 COMMISSIONERS.—

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175 Section 1. Organization of board.—As soon as practicable,
176 after the Commissioners of the Port of Palm Beach District have
177 been elected and have qualified, they shall meet and elect the
178 officers of the district as hereinafter provided.

179 Section 2. Officers.—The officers of the district shall be
180 chosen from the membership of the board and said commissioners
181 shall elect a chairperson, a vice chairperson, and a secretary-
182 treasurer. Said officers' terms shall be at the pleasure of a
183 majority of the board.

184 Section 3. Salary of commissioners—The salary of each
185 commissioner, regardless of the office that he or she shall
186 hold, shall be \$9,500 per annum, payable in monthly
187 installments.

188 Section 4. Secretary-treasurer bond.—The secretary-
189 treasurer of the Port of Palm Beach District shall execute and
190 deliver to said district a good and sufficient bond, executed by
191 himself or herself as principal with a surety company licensed
192 to do business in the State of Florida as surety, in the
193 principal sum of \$25,000, conditioned upon his or her faithful
194 performance as secretary-treasurer of the Port of Palm Beach
195 District and his or her duties thereof, with said bond to be in
196 addition to the bond given by each of the commissioners as
197 provided in section 6 of Article V. Said bond shall be approved
198 by and filed with the board, and if the secretary-treasurer
199 should fail to give such bond within 30 days after he or she has

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200 assumed the office of secretary-treasurer, said misfeasance
 201 shall create a vacancy in such office and a vacancy on the
 202 board.

203 Section 5. Present officers to continue.—The organization
 204 of the present Board of Commissioners of the Port of Palm Beach
 205 District shall continue, and the officers as selected by the
 206 commission shall continue in office, as the officers of the
 207 district, as provided hereinabove.

208 ARTICLE VII. DEFINITIONS.—As used in this charter, the
 209 following words and terms shall be taken to include the
 210 following meanings, when the context shall require or permit:

211 Section 1. "And" shall also mean "or" and the word "or"
 212 shall also mean "and," whenever the context shall so require.

213 Section 2. "Board of commissioners," "board," or
 214 "commissioners" means the Board of Commissioners of the Port of
 215 Palm Beach District.

216 Section 3.(1) "Cost," as applied to improvements, means
 217 the cost of constructing or acquiring improvements as defined or
 218 referred to in the definition of "project" and shall embrace the
 219 cost of all labor and materials; the cost of all machinery and
 220 equipment; financing charges, including capitalized interest;
 221 and the cost of engineering, legal expenses, plans,
 222 specifications, and such other expenses as may be necessary or
 223 incident to such construction or acquisition.

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224 (2) "Cost," as applied to a project acquired, constructed,
 225 extended, or enlarged, shall include the purchase price of any
 226 project acquired; the cost of improvements; the cost of such
 227 construction, extension, or enlargement; the cost of all lands,
 228 properties, rights, easements, and franchises acquired; the cost
 229 of all machinery and equipment; financing charges, including
 230 capitalized interest; cost of investigations, audits, and
 231 engineering and legal services; and all other expenses necessary
 232 or incident to determining the feasibility or practicability of
 233 such acquisition or construction, administrative expense or
 234 expenses, and all such other necessary expenses as may be
 235 necessary or incident to the financing herein authorized and to
 236 the acquisition and construction of a project and the placing of
 237 the same in operation. Any obligation or expense lawfully
 238 incurred by the district or the board before the issuance of
 239 revenue bonds under this charter, including, but not limited to,
 240 engineering studies, estimates of cost and of revenues, and such
 241 other technical, financial, or legal services in connection with
 242 the acquisition, construction, or feasibility of any project,
 243 may be regarded as a part of the cost of such project.

244 Section 4. "Federal agency" means and includes the United
 245 States of America and any department, agency, or instrumentality
 246 thereof, heretofore or hereafter created, designated, or
 247 established by the United States of America.

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248 Section 5. "Fiscal year" or any term referring to the 12-
249 month period of operation of the district means that period of
250 time beginning at 12:01 a.m. on October 1 of each and every
251 calendar year and expiring at 12:00 midnight on September 30 of
252 each and every calendar year.

253 Section 6. "Governing body" means the Board of
254 Commissioners of the Port of Palm Beach District or any board,
255 agency, or other body that shall hereafter be empowered to
256 exercise the general legislative and governing powers in said
257 district.

258 Section 7. "Outstanding obligations" means any outstanding
259 revenue bonds or certificates or general obligation bonds of
260 said district.

261 Section 8. "Port district" or "district" means the Port of
262 Palm Beach District, a political subdivision and independent
263 special district as defined by chapter 189, Florida Statutes.

264 Section 9. "Port facilities" means all structures,
265 terminals, warehouses, docks, approaches, berths, slips,
266 roadways, parkways, quay walls, jetties, lifts, turning basins,
267 machinery, fixtures, equipment, and all property whatsoever,
268 real or personal, tangible or intangible, now or hereafter
269 acquired or constructed by said district pursuant to law, or any
270 facilities of any nature hereafter or at any time acquired or
271 constructed pursuant to law by said district.

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272 Section 10. "Port improvements" means additions,
273 extensions, or improvements to the existing port facilities of
274 the district of every type and kind now or hereafter authorized
275 by law, or the acquisition or construction of any new port
276 facilities of any type or kind now or hereafter authorized by
277 law.

278 Section 11. "Port manager" means the person managing the
279 operation of the port marine facilities as designated by the
280 board.

281 Section 12. "Project" means one or any combination of two
282 or more of the following: harbor, port, shipping, and
283 oceanographic facilities of all kinds, including, but not
284 limited to, harbors, channels, turning basins, anchorage areas,
285 jetties, breakwaters, waterways, canals, locks, tidal basins,
286 wharves, docks, piers, slips, bulkheads, public landings,
287 warehouses, terminals, refrigerating and cold storage plants,
288 railroads and motor terminals for passengers or freight, rolling
289 stock, car ferries, boats, and conveyors and appliances of all
290 kinds for the handling of storage, inspection, and
291 transportation of freight and the handling of passenger traffic,
292 administration buildings, service buildings, tunnels, other than
293 subaqueous highway tunnels, and may include all property (real
294 and personal), structures, facilities, rights, easements, the
295 franchises relating to any such project deemed necessary or
296 convenient for the acquisition, construction, purchase, or

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297 operation thereof, and any other project or facility defined or
 298 authorized pursuant to chapter 315, Florida Statutes, or other
 299 general law.

300 Section 13. "Resolution" and "motion" shall be
 301 interchangeable, and wherever an action is required by
 302 resolution, the same may be made by motion, and if required by
 303 motion, the same may be made by resolution.

304 Section 14. "Revenue bonds" means revenue bonds,
 305 certificates, or other obligations payable from the gross or net
 306 revenues derived from the port facilities of the district, as
 307 provided in the resolution that authorized their issuance, and
 308 shall include both revenue bonds issued to finance port
 309 improvements or to refund outstanding obligations, or for both
 310 of said purposes.

311 Section 15. "Terminal facilities" means all property owned
 312 or leased by the Port of Palm Beach District and is not
 313 restricted to the terminal facilities that are waterfront
 314 facilities.

315 ARTICLE VIII. GRANT OF POWERS TO BOARD OF COMMISSIONERS.-

316 Section 1. General powers.-The Port of Palm Beach
 317 District, by and through its board of commissioners, in addition
 318 to powers set forth elsewhere herein, shall have full and
 319 complete power and authority:

320 (1) To act as the governing body for the operation,
 321 maintenance, and management of projects and facilities located

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322 within the district, with full power to establish and determine
323 such policies as may be deemed necessary in the opinion of the
324 board for the operation and promotion of the projects within the
325 district.

326 (2) To construct, acquire, establish, improve, extend,
327 enlarge, reconstruct, reequip, maintain, repair, and operate any
328 project as herein defined; provided that this act does not
329 authorize the construction of oil refineries, oil tank farms, or
330 steel mills.

331 (3) To acquire by purchase, gift, devise, condemnation,
332 lease, or otherwise, real or personal property, or any estate
333 therein, or riparian rights, or easements therein, streets and
334 roads, public parking lots or spaces, bridges and tunnel sites,
335 public parks, playgrounds, docks, seawalls, harbors, wharves,
336 warehouses and any other property (real or personal or mixed)
337 within the district; and to sell at public or private sale, or
338 lease to public or private entities, for public or private
339 purposes, all or any portion of any property now or hereafter
340 owned by the district, including any such properties, port
341 facilities, or projects, as extended, enlarged, or improved, on
342 such terms and subject to such conditions as the board shall
343 determine to be in the best interest of the district.

344 (4) To lay out, construct, condemn, purchase, own,
345 acquire, add to, maintain, conduct, operate, build, equip,
346 manage, replace, enlarge, improve, regulate, control, repair,

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347 and establish jetties, piers, quays, wharves, docks, warehouses,
348 storehouses, breakwaters, bulkheads, public landings, slips,
349 seawalls, turning basins, harbors, ports, waterways, channels,
350 moles, terminal facilities, canals, elevators, grain bins, cold
351 storage plants, terminal icing plants, refrigerating plants,
352 precooling plants, bunkers or oil tanks, pipelines, ferries,
353 locks, tidal basins, tramways, cableways, railroads, anchorage
354 areas, depots, conveyors, modern appliances for economic
355 handling, storage, and transportation of freight and handling of
356 passenger traffic, and all other harbor improvements and
357 facilities that the board may determine to be necessary for the
358 district, any project, or the operation of the port facilities,
359 or in connection with the operation or improvement of the
360 district; to perform all customary services, including the
361 handling, weighing, measuring, regulating, controlling,
362 inspecting, and reconditioning of all commodities and cargo
363 received or shipped through the facilities within the district
364 under the jurisdiction of the district.

365 (5) To exercise complete and exclusive control over the
366 port and harbor facilities within the district and to apply to
367 the proper public authorities of the United States of America
368 for the right to establish, operate, and maintain foreign trade
369 zones within or outside of the boundaries of the district and to
370 operate and maintain such foreign trade zones; provided,
371 however, that such foreign trade zones shall comply with federal

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372 laws and regulations applicable to foreign trade zones and such
373 trade zones shall be subject to all local government codes,
374 ordinances, and other laws.

375 (6) To improve all navigable and nonnavigable waters
376 situated within the district necessary to the operation,
377 improvement, and maintenance of the port and harbor facilities
378 within the district; to apply for and obtain permission from the
379 United States of America to create, improve, regulate, and
380 control all water and natural or artificial waterways within the
381 district necessary to the operation and maintenance of the
382 harbor and port facilities within said district; to construct
383 and maintain such inlets, slips, wharfs, piers, turning basins,
384 and channels; and to enact, adopt, and establish rules and
385 regulations for the complete and exclusive exercise of
386 jurisdiction and control over all of the waters and harbors
387 within the district.

388 (7) To fix and determine uniform rates of wharfage,
389 dockage, warehousing, storage, port, and terminal charges upon
390 all improvements and harbor facilities located within the
391 terminal facilities owned or leased by the district and to fix
392 and determine the rates, tolls, and other charges for the use of
393 harbor improvements and harbor facilities located within the
394 district insofar as it may be permissible for the district to do
395 so under the State Constitution, federal law, and the United
396 States Constitution.

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397 (8) To provide a procedure whereby the board establishes
398 rules and regulations concerning the publication of a schedule
399 of charges made by all private stevedoring and longshoremen's
400 companies operating within the harbor and waterfront facilities
401 or within the terminal facilities in the district; to provide
402 reasonable rules and regulations requiring stevedoring and
403 longshoremen's companies to publish charges made for services
404 furnished within the terminal facilities; and to provide rules
405 and regulations establishing a procedure whereby sufficient
406 notice shall be given to the board of any proposed changes in
407 rates or charges made by stevedoring or longshoremen's companies
408 operating within the terminal facilities for their services.

409 (9) To grant franchises of all kinds for the use of port,
410 terminal, and harbor facilities or projects within the district
411 upon such terms and conditions, and to grant leases and rights-
412 of-way upon such terms and conditions, as the board may by
413 resolution determine.

414 (10) To expend the money of the district for any and all
415 purposes as provided for in this charter and for any other
416 lawful purpose.

417 (11) To provide, by resolution adopted by a majority of
418 the five members of the board, for the borrowing of money and to
419 issue notes for any purpose or purposes for which bonds may be
420 issued under this charter and to refund the same; to issue notes
421 in anticipation of the receipt of the proceeds of the sale of

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422 any bonds; to secure an advance of credit for any such purpose
 423 or purposes under a credit agreement or other agreement with any
 424 bank or trust company or any person, firm, or corporation within
 425 or without the state; and to secure any such borrowing, notes,
 426 or agreement by pledge of all or any part of the available
 427 income or revenues to be received by the district under this
 428 charter or by an agreement to exercise any of the powers
 429 conferred by this charter.

430 (12) To raise annually by taxes and assessments in the
 431 district such sums of money as the board deems necessary for the
 432 purposes and needs of the district within the limitations as
 433 hereinafter provided.

434 (13) To construct, purchase, sell, lease, maintain,
 435 operate, equip, replace, enlarge, repair, condemn, own and
 436 otherwise acquire, regulate, and control a single or multiple
 437 track line or lines of railway, and also yards, terminals,
 438 stations, warehouses, team and other tracks, switches, turnouts
 439 and all buildings and appurtenances deemed necessary and
 440 appropriate in connection therewith for the receipt,
 441 transportation, housing, and delivery of passengers, freight,
 442 mail, and express, to extend or connect with the lines and
 443 facilities of any common carrier; to enter into such contract,
 444 lease, or franchise with the Florida East Coast Railway and its
 445 respective successors and assigns and any other common carrier
 446 whatsoever as the board shall by resolution determine to be

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447 necessary for the development and promotion of the shipping and
448 transportation facilities within the district, and the
449 development and promotion of the harbor, terminal facilities,
450 and port facilities within the district; to acquire by grant,
451 purchase, gift, devise, condemnation, exchange, or in any other
452 manner, all land, easements, and rights-of-way by resolution
453 deemed to be necessary by the district for such purpose; to
454 execute whatever documents and make such arrangements as may be
455 necessary in the opinion of the Interstate Commerce Commission
456 of the United States of America, so as to avoid submitting the
457 entire port district to the jurisdiction of said Interstate
458 Commerce Commission; and to perform and comply with all the
459 rules and regulations promulgated by the Interstate Commerce
460 Commission or any other state or federal agency, covering the
461 operation, maintenance, development, and ownership of the
462 transportation facilities used in connection with the harbor and
463 port facilities within the district.

464 (14) To provide for the operation, maintenance, and
465 regulation of railroad transportation facilities within the
466 district as a separate department of the district, with the
467 right to maintain separate records and accounting procedures for
468 such department. The board of commissioners may by resolution
469 authorize the creation of a separate department that shall have
470 the authority, under the district, to operate railroad

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471 transportation facilities within the district that are owned or
 472 leased by the district.

473 (15) To regulate the transportation of persons and
 474 property for hire over the streets, waterways, and property
 475 within the terminal facilities of the district, over property
 476 owned or leased by the district; to grant to any person,
 477 persons, firm, or corporation franchises for the use of the
 478 streets, roads, or other property, owned or leased by the
 479 district, for the operation of any automobile, bus, ferry, water
 480 transportation system, public service or utility, taxicabs, cars
 481 for hire, buses, or other transportation facilities, and any and
 482 all other business enterprises, whatsoever, subject to the terms
 483 and restrictions of any resolution adopted by the Board of
 484 Commissioners of the Port of Palm Beach District in the manner
 485 provided therein.

486 (16) To guide, stimulate, and promote the coordinated,
 487 efficient, and beneficial development of facilities under the
 488 jurisdiction of the district in accordance with present and
 489 future needs and requirements of the prosperity and welfare of
 490 the people served by the facilities of the district, the board
 491 shall have the power and authority to promote and encourage the
 492 development of business, agriculture, industry, commerce, and
 493 employment within the district; to establish, directly or
 494 indirectly, oceanographic facilities of all kinds, including,
 495 but not limited to, the encouragement of oceanographic research,

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496 development, commerce, and the encouragement of all businesses
497 related to oceanographic purposes; to conduct a campaign of
498 information, advertising, and publicity relating to the
499 facilities under the jurisdiction of the district and to
500 disseminate any and all such information; to encourage and
501 cooperate (including the granting of port funds) with public and
502 private organizations or groups in their efforts to publicize
503 facilities under the jurisdiction of the district; to plan and
504 carry out programs designed to enlarge and improve trade within
505 the state, with other states, and with foreign countries through
506 the use and facilities under the jurisdiction of the district;
507 and to advise, assist, and cooperate (including the granting of
508 funds) with municipal, county, regional, and governmental
509 planning and development agencies in preparing and putting into
510 effect plans and programs for economic development of areas
511 which will benefit through or by the development of the
512 facilities under the jurisdiction of the district, or will
513 encourage the development of the district and its facilities.

514 (17) To appoint a harbormaster and all persons necessary
515 to properly transact the shipping business in the Port of Palm
516 Beach terminals and to fix their powers and duties and
517 compensation. All such appointees shall serve at the pleasure of
518 the Palm Beach District Board of Commissioners; provided,
519 however, that in any event, their term of office shall terminate
520 with the term of office of the board so appointing them. In the

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521 event of a conflict between this charter and chapter 313,
 522 Florida Statutes, the provisions of this charter shall control
 523 to the extent of such conflict.

524 Section 2. Special powers.—The Port of Palm Beach District
 525 shall have the following specific powers in addition to the
 526 other powers conferred:

527 (1) Pensions, insurance coverage, and state retirement.—To
 528 provide for life, hospitalization, medical, and surgical
 529 insurance, including disability insurance, for its employees,
 530 agents, and officers and their immediate dependents, on a group
 531 insurance plan or plans approved by the board; to pay all or
 532 such portions of the premium or premiums thereon as the board,
 533 by resolution, may determine; and to assist each and every
 534 employee, agent, and officer to come under the State of Florida
 535 Retirement System as provided by general law. The Commissioners
 536 of the Port of Palm Beach District may participate in any
 537 insurance plan on the same basis as any employee.

538 (2) Tax anticipation loans.—To borrow money from time to
 539 time and to issue notes in anticipation of the taxes levied in
 540 any year, not in excess of the amount of the tax levied in such
 541 year by the board, and to evidence the loan or loans incurred in
 542 anticipation of the collection of taxes, the board is hereby
 543 authorized to issue negotiable tax anticipation notes, as said
 544 board may determine, said note or notes to mature no later than

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545 1 year after the date thereof and to bear interest at a rate not
 546 exceeding the legal limit as set by the state.

547 (3) Acquisition of facilities.—To acquire by purchase,
 548 grant, gift, or lease or by the exercise of the right of eminent
 549 domain and to hold and dispose of any property, real or
 550 personal, tangible or intangible, or any right or interest in
 551 any such property, for or in connection with any port facilities
 552 or projects, whether or not subject to mortgage, lien, charge,
 553 or other encumbrance. In exercising the power of eminent domain,
 554 proceedings shall be instituted and conducted in the name of the
 555 Port of Palm Beach District in exact accordance with the
 556 procedure described by chapters 73 and 74, Florida Statutes.

557 (4) Filling in of lands.—To add to or extend, or cause or
 558 permit to be added to or extended, any existing land, including
 559 submerged land, or islands, now or hereafter owned by the
 560 district, bordering on or being in any waters within the
 561 district, by the pumping of sand or earth from any land, under
 562 or above water, or by any other means of construction, as a part
 563 of or for the purpose of providing any project or facility, or
 564 for the purpose of improving, creating, or extending any
 565 property of the district, for the use of or disposal by the
 566 district.

567 (5) Construction of islands.—To construct, or cause or
 568 permit to be constructed, any island or islands in any waters
 569 within the district by the pumping of sand or earth from any

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570 land above or under water or by any other means of construction
571 as a part of or for the purpose of providing any port project or
572 facility herein, including, but not limited to, the creation of
573 any recreational area to be maintained or supervised by the
574 district or to be turned over to any governing body, public or
575 private, as a public recreational area.

576 (6) Access.—To construct or permit to be constructed any
577 bridge, tunnel, or causeway, or any combination thereof, to,
578 from, or between any project. If such be within the limits of
579 any municipality, the consent of the governing body of said
580 municipality must first be obtained.

581 (7) Dredging.—To dredge or deepen harbors, channels, and
582 turning basins; to cooperate with the United States of America
583 or any agency thereof in the dredging or deepening of any
584 harbor, channel, or turning basin; to enter into contracts with
585 the United States of America or with any agency thereof
586 concerning any such dredging or deepening project; to pay such
587 amounts to the United States of America or any agency thereof,
588 as required by the terms of such contract, and in addition
589 thereto to likewise contract with any private person, firm, or
590 corporation in connection with any of the aforesaid dredging or
591 deepening, and to pay such amounts as shall be required by the
592 terms of any such contract entered into.

593 (8) Extend existing projects—To fill in, extend, and
594 enlarge, or cause or permit to be filled in, extended, and

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595 enlarged, any existing project; to demolish and remove any and
 596 all structures thereon or constituting a part thereof; and
 597 otherwise to prepare the same for sale or lease in order to
 598 provide funds for financing projects under this charter.

599 (9) Acquire existing projects.—To acquire any existing
 600 projects and to fill in, extend, enlarge, or improve the same,
 601 or to cause or permit the same to be extended, enlarged, or
 602 improved, for any public purpose or for sale or lease for the
 603 purpose of providing funds for the acquisition by the district
 604 of any project or for the payment of bonds, notes, or other
 605 obligations of the district or in connection with any project.

606 (10) Sale or lease of projects.—To sell at public or
 607 private sale or lease for public or private purposes in
 608 accordance with general law, all or any portion of any project
 609 now or hereafter owned by the district, including any such
 610 project as extended, enlarged, or improved, and all or any
 611 portion of any property of the district created, extended, or
 612 enlarged under the authority of the district, deemed necessary,
 613 in the opinion of the board, on such terms and subject to such
 614 conditions as the board shall determine to be in the best
 615 interests of the district.

616 (11) Contracts for projects or facilities.—To contract for
 617 the purchase by the district of any port facilities or a port
 618 project, to be constructed, enlarged, extended, or improved by
 619 any public body, agency, or instrumentality, or by any private

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620 person, firm, or corporation, and to provide for payment of the
 621 purchase price thereof in such manner as may be deemed by the
 622 governing body to be in the best interests of the district,
 623 including, but not limited to, the sale or exchange of any
 624 property of the district thereof or the issuance of bonds or
 625 other obligations of the district.

626 (12) Loans or grants.—To accept loans or grants of money,
 627 materials, or property at any time from the United States of
 628 America, the State of Florida, or any agency, instrumentality,
 629 or subdivision thereof, upon such terms and conditions as the
 630 United States of America, the State of Florida, or such agency,
 631 instrumentality, or subdivision thereof may impose.

632 (13) Control.—To exercise jurisdiction, control, and
 633 supervision over any port project or port facilities now or
 634 hereafter acquired, owned, controlled, or constructed by the
 635 district.

636 (14) Set rentals, rates, and fees.—To operate and
 637 maintain, and to fix and collect rates, rentals, fees, and other
 638 charges, and to provide regulations and controls for any of the
 639 services and facilities provided by the port facilities or
 640 projects now or hereafter acquired, owned, or constructed by the
 641 district, excluding state bar pilots.

642 (15) Contract debts.—To contract debts for the acquisition
 643 of any port facilities or port project, or for any other
 644 purposes of this charter, to borrow money, to make advances, and

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645 to issue bonds or other obligations to finance all or any part
 646 of such acquisition or acquisitions or construction or in the
 647 carrying out of any purposes of this charter.

648 (16) Advances to the United States of America.—To make
 649 advances to the United States of America or any agency or
 650 instrumentality thereof in connection with any port project or
 651 port facilities, including, but not limited to, the dredging or
 652 deepening of any harbor, channel, or turning basin in connection
 653 with, or in order to serve, any port facility or any port
 654 project.

655 (17) Survey rights.—To enter on any lands, waters, or
 656 premises, within or without the district, or within the
 657 corporate limits of any county, port district, port authority,
 658 or municipality, for the purpose of making surveys, soundings,
 659 and examinations with relation to any existing or proposed port
 660 facilities or port projects.

661 (18) Contract with governmental agencies.—To contract with
 662 the United States of America or the State of Florida or any
 663 agency, instrumentality, or subdivision thereof, or with any
 664 public body or political subdivision, or with any private
 665 person, firm, or corporation with reference to any one or more
 666 of the powers granted by this charter.

667 (19) Contracts in general.—To make and enter into all
 668 contracts and agreements and to do and perform all acts and
 669 deeds necessary and incidental to the performance of the duties

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670 of the board and of the district, and of the exercise of its
 671 powers, as provided in this charter.

672 (20) Joint arrangements.—To enter into joint arrangements
 673 with steamship lines, railroads, airlines, or other
 674 transportation lines, or any common carrier, if in the opinion
 675 of the board, it is advantageous for the district to do so.

676 (21) Rates and charges.—To fix the rates of wharfage,
 677 dockage, warehousing, storage, and port and terminal charges for
 678 the use of the port, port terminal, and harbor facilities
 679 located within said district, and to fix and determine the
 680 rates, tolls, and other charges for the use of harbor facilities
 681 within said district, over which the district has established
 682 jurisdiction insofar as it may do so under this charter, the
 683 State Constitution, federal law, and the United States
 684 Constitution.

685 (22) Regulation of water craft.—To regulate the operation,
 686 docking, storing, and conduct of all water craft of any kind,
 687 plying or using the waterways under the control of the district.

688 (23) To carry out the purpose of act.—To do all acts and
 689 things and to enter into all contracts and agreements necessary
 690 or convenient to carry out the purposes of this charter.

691 (24) Publicize, advertise, and promote.—To publicize,
 692 advertise, and promote the activities and objectives authorized
 693 by this charter, and to promote the projects of said district,
 694 in the manner set forth by resolution of the board; to make

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695 | known to the users, potential users, and public in general the
696 | advantages, facilities, resources, products, attractions, and
697 | attributes of the activities and projects authorized by this
698 | charter; to further create a favorable climate of opinion
699 | concerning the activities and projects authorized and indicated
700 | by this charter; to cooperate, including the grant or
701 | expenditure of funds, to and with other agencies, both public
702 | and private, in accomplishing the purposes enumerated and
703 | indicated by this charter; and in furtherance thereof, to
704 | authorize reasonable expenditures by supporting voucher to be
705 | filed for audit for the purposes herein enumerated, including,
706 | but not limited to, meals, hospitality, and entertainment of
707 | persons in the interest of promoting and engendering good will
708 | towards the activities and projects herein authorized.

709 | (25) Other approval unnecessary.—Except as provided in
710 | this charter, the approval or consent of any other political
711 | subdivision or public body, agency, or instrumentality of the
712 | State of Florida, except the Board of Trustees of the Internal
713 | Improvement Trust Fund, shall not be required for the approval,
714 | grant, or exercise of any of the powers, both general and
715 | special, granted by this charter. The State of Florida hereby
716 | consents to the exercise of any and all powers granted by this
717 | charter without further authorization or approval thereof by any
718 | of its agencies or instrumentalities, except as may be required
719 | from the Board of Trustees of the Internal Improvement Trust

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720 Fund as to the use of any state lands lying under water and
 721 which are necessary for the accomplishment of the purposes of
 722 this charter.

723 (26) Advertising—To advertise the Port of Palm Beach
 724 District and its facilities or projects therein in such manner
 725 as the board deems advisable and to negotiate and contract with
 726 shipping companies and such other private firms, persons, and
 727 institutions as the board may deem necessary for the development
 728 of the Port of Palm Beach District, and the extension of
 729 commerce through it. All expenses incurred in exercise of the
 730 powers conferred by this subsection shall be approved by the
 731 board and shall be reimbursed or paid out of the operating fund
 732 of the district.

733 ARTICLE IX. GENERAL OBLIGATION BONDS.—

734 Section 1. Authorization to issue.—The Port of Palm Beach
 735 District, by and through its board of commissioners, shall have
 736 the power, and is hereby authorized, to issue general obligation
 737 bonds to finance the cost or part of the cost of the
 738 construction, acquisition, reconstruction, extension, repair, or
 739 improvement of any works, projects, properties, improvements, or
 740 other purposes, except for the payment of current expenses,
 741 which the district is authorized by this charter or any other
 742 law to construct, acquire, or undertake.

743 Section 2. Restrictions on issuance.—Said bonds may be in
 744 such form, denomination, and bearing such rate of interest not

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745 exceeding the legal limit under general law, and becoming due at
 746 such time, but not exceeding 40 years after the date of
 747 issuance, and upon such conditions as may be determined by the
 748 board; further, the amount thereof shall not exceed in the
 749 aggregate, 15 percent of the assessed valuation of the taxable
 750 property of the district, as certified by the Property Appraiser
 751 of Palm Beach County at the time of issue.

752 Section 3. Vote of qualified electors.—All general
 753 obligation bonds issued by the district, except general
 754 obligation refunding bonds, which must produce net interest cost
 755 savings, shall be issued only after the same has been approved
 756 by the qualified electors residing in said district, as provided
 757 for in the Constitution of the State of Florida as the same is
 758 now in existence, or as hereinafter lawfully amended.

759 Section 4. State law.—As far as practicable, and where not
 760 inconsistent with this charter, the procedure provided in
 761 chapter 100, Florida Statutes, shall govern.

762 Section 5. Advertisement.—In the event an election of the
 763 qualified electors is to be held, the Board of Commissioners of
 764 the Port of Palm Beach District shall by resolution order such
 765 election to be held in the district and shall give 30 days'
 766 notice of said election by publication in a newspaper or
 767 newspapers published in general circulation in said port
 768 district once a week for 4 consecutive weeks during such period,
 769 and no other advertisement shall be required; however, the board

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770 may, at its option, provide for additional advertisements of
771 said election.

772 Section 6. Use of Palm Beach County registration system.-
773 In determining the persons who are qualified registered electors
774 within the district, the registration system of Palm Beach
775 County shall be used, and the Supervisor of Elections of Palm
776 Beach County shall conduct the necessary election on behalf of
777 the Port of Palm Beach District.

778 Section 7. Form and content of bonds.-All bonds issued
779 under the provisions of this act shall bear interest as provided
780 hereinabove, payable annually or semiannually, and both
781 principal and interest shall be payable at such place or places
782 as the board may determine. The form of such bonds shall be
783 fixed by resolution of the board and said bonds shall be signed
784 by the manual or facsimile signature of the chairperson or vice-
785 chairperson or any other authorized member of the board, its
786 corporate seal to be affixed thereto, or reproduced or imprinted
787 thereon, attested by the manual or facsimile signature of the
788 secretary-treasurer of the said district. The delivery at any
789 subsequent date of any bond so executed shall be valid, although
790 before the date of delivery the person or persons signing the
791 bond shall cease to hold office.

792 Section 8. Registered bonds and notes.-Bonds issued
793 hereunder shall be registered bonds as to principal and

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794 interest. The district shall keep or cause to be kept
 795 registration books regarding its bonds and notes.

796 Section 9. More than one improvement may be included.—In
 797 issuing bonds under this charter, it shall be lawful for the
 798 board to include more than one improvement or purpose in any
 799 bond issue.

800 Section 10. Advertising for sale of general obligation
 801 bonds.—All general obligation bonds issued under this act shall
 802 be sold in the manner required under Florida law. No general
 803 obligation bonds issued hereunder shall be sold for less than 95
 804 percent of the par value and accrued interest.

805 Section 11. Refunding bonds.—The board shall have the
 806 power to provide by resolution for the issuance of refunding
 807 bonds to refund the principal and interest of an existing bond
 808 indebtedness, for the payment of which the credit of the Port of
 809 Palm Beach District is pledged, and such bonds may be issued at
 810 or before maturity of the bonds to be refunded. It is determined
 811 and declared as a matter of legislative intent that no election
 812 to authorize the issuance of refunding bonds shall be necessary
 813 except in cases where an election may be required by the State
 814 Constitution. In all cases where it is not necessary under the
 815 State Constitution to hold an election on the issuance of such
 816 refunding bonds, such resolution shall take effect immediately
 817 upon the adoption thereof. No other proceedings or procedures of

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818 any character whatsoever shall be required for the issuance of
 819 such bonds by the district.

820 Section 12. Terms of refunding general obligation bonds.—
 821 Unless otherwise required under general law, the resolution of
 822 the Board of Commissioners of the Port of Palm Beach District
 823 authorizing the issuance of general obligation and general
 824 obligation refunding bonds, may provide that such bonds may be
 825 issued in one or more series as the board may determine, not to
 826 exceed 40 years from their respective date; may bear interest at
 827 such rates, not exceeding the maximum rate of interest permitted
 828 under general law may carry such registration privileges as
 829 desired; may be executed in such manner and may be payable in
 830 such medium of payment, at such place, as desired; may be
 831 subject to such terms of redemption, with or without a premium;
 832 may provide for the replacement of mutilated, destroyed, stolen,
 833 or lost bonds; may be authenticated in such manner and upon
 834 compliance with such conditions as desired; and may contain such
 835 other terms and covenants as may be desired. Notwithstanding the
 836 form or tenor thereof, and in the absence of an express recital
 837 on the face thereof that the bond is not negotiable, all general
 838 obligation bonds, including general obligation refunding bonds,
 839 shall at all times be, and shall be treated as, negotiable
 840 instruments for all purposes.

841 Section 13. Validity of refunding bonds.—Refunding bonds
 842 bearing the signatures of officers of the Port of Palm Beach

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843 District in office on the date of the signing thereof shall be
844 valid and binding obligations of the district for all purposes,
845 notwithstanding that before the delivery thereof, any or all of
846 the persons whose signatures appear thereon shall have ceased to
847 be officers of the district. A resolution authorizing refunding
848 bonds may provide that any such refunding bond shall be
849 conclusively deemed to be valid and to have been issued in
850 conformity with this charter. The authority of the Port of Palm
851 Beach District to issue obligations under this charter may be
852 determined, and obligations to be issued under this charter may
853 be validated, all as provided by law.

854 Section 14. Expense to be included in cost.—The cost of
855 any works, projects, properties, improvements, or other purposes
856 financed by the issuance of general obligation bonds under this
857 article may include, construction costs, engineering, fiscal, or
858 financial and legal expenses, surveys, plans, and
859 specifications, interest during construction or acquisition and
860 for 1 year thereafter, initial reserve funds, discount, if any,
861 on the sale or exchange of bonds, acquisition of real or
862 personal property, and such other costs as are necessary and
863 incidental to the construction or acquisition of such works,
864 projects, properties, improvements, or other purposes and
865 financing thereof. The district shall have the power to retain
866 and enter into agreements with engineers, fiscal agents,
867 financial advisors, attorneys, architects, or other consultants

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868 or advisors for the planning, supervision, and financing of such
 869 works, projects, properties, improvements, or other purposes
 870 upon which terms and conditions as shall be deemed advisable to
 871 the board.

872 Section 15. Passage of resolutions.—Any resolution required
 873 to be passed under this article may be adopted at a regular or a
 874 special meeting, and at the same meeting in which it is
 875 introduced, by a majority of all of the members of the board
 876 then in office.

877 ARTICLE X. REVENUE BONDS OR CERTIFICATES.—

878 Section 1. How issued.—The Board of Commissioners of the
 879 Port of Palm Beach District shall have the full power to provide
 880 by resolution the issuance or sale of revenue bonds or revenue
 881 certificates to provide money for any of the purposes for which
 882 the Port of Palm Beach District has the power and authority to
 883 expend the money, including the power to refund any and all
 884 previous issues of bonds, and for any other lawful purposes of
 885 the Port of Palm Beach District, and to provide that such
 886 revenue bonds and interest thereon shall be payable as
 887 hereinafter provided.

888 Section 2. Refunding revenue bonds.—In addition to the
 889 revenue bonds provided for in section 1, said district shall
 890 also have power and is hereby authorized to issue its revenue
 891 bonds for the purpose of:

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892 (1) Refunding at any time any outstanding bonds and
 893 deposit a sufficient amount of the proceeds of such revenue
 894 bonds irrevocably in escrow for the payment at maturity or
 895 redemption of such outstanding obligations; and

896 (2) To pay all expenses incurred in the issuance thereof.
 897 Pending the date upon which such outstanding obligations mature
 898 or are subject to redemption prior to maturity, the district may
 899 invest the moneys so deposited in escrow for the payment of the
 900 principal of and interest on said outstanding obligations only
 901 in direct obligations of the United States of America or
 902 obligations guaranteed by the United States of America maturing
 903 not later than the date or dates upon which moneys so deposited
 904 in escrow shall be needed for the payment of maturing principal
 905 or interest, or the redemption of such outstanding obligations.
 906 Said revenue bonds issued to refund such outstanding obligations
 907 may be issued in such principal amount as shall be necessary, at
 908 the price received at the sale of such revenue bonds, to pay the
 909 principal of and interest and redemption premiums, if any, on
 910 such outstanding obligations to the date of maturity of such
 911 outstanding obligations, or to the date on which such
 912 outstanding obligations shall be callable prior to maturity, and
 913 to pay all expenses incurred in the issuance thereof.

914 Section 3. Payment provisions for revenue bonds.—The
 915 revenue bonds issued pursuant to this charter shall be payable
 916 from the revenues derived from the port facilities of the

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917 district and the full faith and credit of said district shall
918 not be pledged for such revenue bonds. A holder of revenue bonds
919 does not have the right to require ad valorem taxes on real
920 estate to be levied for the payment of the principal of or
921 interest on such revenue bonds, and such revenue bonds are not
922 an indebtedness of said district within the meaning of any
923 constitutional charter or statutory limitation or for any
924 purpose. A referendum or election is not required for the
925 issuance of such revenue bonds unless such a referendum or
926 election is required by the State Constitution.

927 Section 4. Partial pledging of revenues.—In providing for
928 the payment of revenue certificates or revenue bonds issued
929 pursuant to this charter, the board may, by resolution, limit
930 the revenues pledged for the payment thereof to a specific
931 project or projects so that not all of the revenues of the
932 district, at that time, or in the future are encumbered, or, in
933 the alternative, may specifically omit the pledging of certain
934 revenues or potential revenues.

935 Section 5. Approval, interest, and term.—Such revenue
936 bonds or such refunding bonds as the case may be, may be
937 authorized to be issued under this charter to provide funds for
938 the purpose or purposes prescribed in this article, by
939 resolution or resolutions of the board, and shall take effect
940 immediately upon adoption. Said revenue bonds shall bear
941 interest at such rate or rates, not exceeding the legal limit

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942 set forth under general law, payable semiannually, may be in one
943 or more series, may bear such date or dates, may mature at such
944 time or times not exceeding 40 years from their respective
945 dates, may be payable in such medium of payment, at such place
946 or places within or without the state, may be subject to such
947 terms or redemption, with or without premium, may be executed in
948 such a manner and may contain such terms, covenants, or
949 conditions, as such resolutions or subsequent resolutions may
950 provide. Said revenue bonds may be sold, all at one time, or in
951 blocks from time to time, at public or private sale, or if
952 issued to refund outstanding obligations to be refunded thereby,
953 in such manner as the governing body shall determine by
954 resolution, and at such price or prices as determined by the
955 governing body. Pending the preparation of the definitive
956 revenue bonds, interim certificates, or receipts or temporary
957 revenue bonds in such form and with such provisions as the
958 governing body may determine may be issued to the purchaser or
959 purchasers of revenue bonds issued pursuant to this charter.
960 Said revenue bonds, and such interim certificates or receipts or
961 temporary revenue bonds, shall be and constitute negotiable
962 instruments within the meaning of and for all purposes of the
963 law merchant and the Uniform Commercial Code-Investment
964 Securities Law of the State of Florida. Revenue bonds issued
965 pursuant to this charter may also be delivered to the contractor
966 or contractors constructing any port improvements in the

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967 district to be financed by the issuance of such revenue bonds,
 968 in payment for such construction.

969 Section 6. Covenants in resolutions.—Any resolution
 970 authorizing the issuance of revenue bonds under this charter may
 971 contain covenants as to:

972 (1) The purpose or purposes to which the proceeds of sale
 973 of said revenue bonds may be applied and the securing, use, and
 974 disposition thereof, including, if deemed desirable, the
 975 appointment of a trustee or depositary for such funds.

976 (2) The use and disposition of the gross revenues derived
 977 from the port facilities, including the parts thereof heretofore
 978 or hereafter constructed or acquired, and the creation and
 979 maintenance of reserve funds and including, if deemed desirable,
 980 the appointment of a trustee or depositary for such funds.

981 (3) The pledging of all or any part of the gross revenues
 982 derived from the port facilities, including any part thereof
 983 heretofore or hereafter constructed or acquired, or derived from
 984 any sources, to the payment of the principal of and interest on
 985 revenue bonds issued pursuant to this charter, and for such
 986 reserve and other funds as may be deemed necessary or desirable.

987 (4) The fixing, establishing, and collecting of such fees,
 988 rates, rentals, or other charges for the use of the port
 989 facilities of the district, including the parts thereof
 990 heretofore or hereafter constructed or acquired, and the
 991 revision of same from time to time, as will always provide

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992 revenues at least sufficient to pay all of the principal of and
 993 interest on such revenue bonds or any other obligations payable
 994 from the revenues of such port facilities, including reserves
 995 therefor, and the expenses of operation, maintenance, and repair
 996 of such port facilities, to the full extent the same are not
 997 paid from other legally available funds, or any other payments
 998 required by the terms of the resolution or resolutions
 999 authorizing the issuance of such revenue bonds.

1000 (5) Limitations or restrictions upon the issuance of
 1001 additional revenue bonds or other obligations payable from the
 1002 revenues of such port facilities and the rights and remedies of
 1003 the holders of such additional revenue bonds issued thereafter.

1004 (6) The appointment of a trustee or trustees to apply and
 1005 hold any revenues derived from such port facilities.

1006 (7) The appointment of a trustee or trustees to act for
 1007 and on behalf of bondholders the manner and terms of such
 1008 appointment and the powers of such trustee or trustees.

1009 (8) Budgets for the annual operation, maintenance, and
 1010 repair of such port facilities, restrictions, and limitations
 1011 upon expenditures for such purposes and the manner of adoption,
 1012 modification, repeal, or amendment thereof.

1013 (9) The amounts of insurance to be maintained upon such
 1014 port facilities, or any part thereof, and the use and
 1015 disposition of the proceeds of any such insurance.

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1016 (10) The keeping of books of account relating to such port
 1017 facilities and the audit and inspection thereof.

1018 (11) Limitations and restrictions on the right of the
 1019 district to sell, mortgage, dispose of, or otherwise encumber
 1020 such port facilities or any part thereof.

1021 (12) Such other additional covenants as shall be deemed
 1022 necessary and desirable by the governing body of the district
 1023 for the security of the holders of revenue bonds issued pursuant
 1024 to this charter. All such covenants and agreements shall
 1025 constitute valid and legally binding contracts between the
 1026 district and the holders of any revenue bonds issued pursuant to
 1027 this charter and such resolutions, regardless of the time of
 1028 issuance and subject to any limitations contained in such
 1029 resolutions, shall be enforceable by any holder or holders of
 1030 such revenue bonds acting either for himself or herself or
 1031 themselves alone or acting on behalf of all other holders of
 1032 such revenue bonds by appropriate proceedings in any court of
 1033 competent jurisdiction.

1034 Section 7. Validity of revenue bonds.—Any revenue bonds
 1035 issued pursuant to this act bearing the signatures of any
 1036 officer or officers in office on the date of the signing thereof
 1037 shall be valid and legally binding obligations, notwithstanding
 1038 that before the delivery thereof and payment therefore any or
 1039 all of the persons whose signatures appear thereon, shall have
 1040 ceased to be officers of the district. The validity of said

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1041 revenue bonds shall not be dependent on, nor affected by, the
 1042 validity or regularity of any proceedings relating to the
 1043 construction or acquisition of such port improvements for which
 1044 said revenue bonds are issued, or the validity or regularity of
 1045 any proceedings relating to the establishment and collection of
 1046 fees, rates, rentals, or other charges for the use of the port
 1047 facilities of said district.

1048 Section 8. Lien of revenue bonds.—All revenue bonds issued
 1049 pursuant to this charter shall have a lien upon the revenues
 1050 derived from said port facilities to the extent and in the
 1051 manner provided in the resolution authorizing the issuance of
 1052 such revenue bonds, which lien shall be prior and paramount to
 1053 any other lien or obligation of any nature against said revenues
 1054 subsequently arising or subsequently incurred, except as may be
 1055 provided in the resolution or resolutions authorizing such
 1056 revenue bonds. The rank and priority of different issues of
 1057 revenue bonds issued pursuant to this charter shall be provided
 1058 in the resolution or resolutions authorizing such revenue bonds;
 1059 however, nothing herein shall be construed to impair in any
 1060 manner any of the rights of the holders of any outstanding
 1061 obligations heretofore issued by the district and not
 1062 outstanding, and the rights of the holders of revenue bonds
 1063 pursuant to this charter shall be subject to any of the valid
 1064 and legal rights of the holders of such outstanding obligations.

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1065 Section 9. Duty to fix and collect charges.—The governing
 1066 body of the district shall prescribe and collect fees, rates,
 1067 rentals, or other charges for the port facilities of said
 1068 district and shall revise such rates, fees, rentals, or other
 1069 charges from time to time whenever necessary, and it shall be
 1070 the mandatory duty of the district at all times to fix,
 1071 establish, and maintain such fees, rates, rentals, or other
 1072 charges as will produce sufficient revenues to pay when due the
 1073 principal of and interest on all revenue bonds or other
 1074 obligations for the payment of which such revenues are or shall
 1075 have been pledged or encumbered, including reserves therefor,
 1076 and to provide for any other funds that may be required pursuant
 1077 to the resolution authorizing the issuance of such revenue bonds
 1078 and to provide for all expenses of operation and maintenance of
 1079 such port facilities, to the full extent that such cost of
 1080 operation and maintenance is not paid from other legally
 1081 available funds.

1082 Section 10. Default provisions.—The resolution authorizing
 1083 the issuance of such revenue bonds may provide that in the event
 1084 of a default in the payment of the principal of or interest on
 1085 the revenue bonds issued pursuant to this charter, or in the
 1086 performance by the district of any duties imposed upon the
 1087 district by this charter, or by any covenants or agreements
 1088 theretofore entered into between the district and the holders of
 1089 such revenue bonds, any holder or holders of such revenue bonds

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1090 (unless the resolution authorizing the issuance of such revenue
 1091 bonds shall limit the right of the appointment of a receiver to
 1092 a specified number of the percentage of bondholders), acting for
 1093 himself or herself or themselves alone or also acting for all
 1094 other holders of such revenue bonds, shall be entitled as of
 1095 right to the appointment of a receiver of the port facilities,
 1096 including all parts thereof heretofore or hereafter constructed
 1097 or acquired, by any court of competent jurisdiction of the
 1098 state. Jurisdiction shall be that prescribed by general law in
 1099 any action or proceeding for the appointment of such receiver
 1100 and such receiver is authorized and empowered in the event of
 1101 such default or defaults to take over, operate, manage, and
 1102 control such port facilities and to collect the revenues derived
 1103 from the use of such port facilities to the same extent and in
 1104 the same manner as the district is authorized to do. Such
 1105 receiver shall so operate, manage, and control such port
 1106 facilities only under the supervision and direction of the
 1107 appropriate circuit court and such operation, management, and
 1108 control shall be in the name of the district. Notwithstanding
 1109 any provision of any other law to the contrary, such port
 1110 facilities shall be deemed to be in the district's control and
 1111 management through such court and its duly appointed receiver
 1112 for the joint protection of the district and such bondholders.

1113 Section 11. Exemption of property and revenues from
 1114 taxation.—All property of and all revenues derived from such

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1115 port facilities, including such parts thereof heretofore or
 1116 hereafter constructed or acquired, shall be exempt from all
 1117 taxation by the state or by any county, municipality, or other
 1118 political subdivision thereof.

1119 Section 12. Power to contract.—The district shall have
 1120 power to contract with any person; any private or public
 1121 corporation; the state or any agency, instrumentality, county,
 1122 municipality, or political subdivision thereof; or any agency,
 1123 instrumentality, or corporation of or created by the United
 1124 States of America, with respect to such port facilities or any
 1125 port improvements or any parts thereof and shall also have power
 1126 to accept and receive grants or loans from the same and in
 1127 connection with any such contract, grant, or loan. The district
 1128 may stipulate and agree to such covenants, terms, and conditions
 1129 as the governing body of the district shall deem appropriate.

1130 Section 13. Waiver of other control.—The fees, rates,
 1131 rentals, or other charges for the port facilities of said
 1132 district, when constructed, acquired, or improved as provided in
 1133 this charter, shall not be subject to supervision, regulation,
 1134 or control of any bureau, board, commission, or other like
 1135 instrumentality of the state.

1136 Section 14. Covenants of State of Florida—The State of
 1137 Florida covenants with the holders of any revenue bonds issued
 1138 pursuant to this act, that it will not in any manner limit or
 1139 alter the powers and obligations vested by this act in the

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1140 district to fix, establish, and collect, in the manner provided
 1141 in this act, fees, rates, rentals, or other charges for the port
 1142 facilities of the district and to revise the same from time to
 1143 time whenever necessary, which will always be sufficient to
 1144 comply with and fully perform the terms of all the covenants and
 1145 agreements made by the district with the holders of such revenue
 1146 bonds until all principal of and interest on said revenue bonds
 1147 and all the costs and expenses in connection with any action or
 1148 proceedings by and on behalf of the holders of such revenue
 1149 bonds are fully paid and discharged or adequate provisions made
 1150 for the payment or discharge thereof.

1151 Section 15. Covenants of district.—The board covenants and
 1152 agrees with any holder or holders of said revenue certificates
 1153 or revenue bonds, that the governing body of said district will
 1154 cause, to the best of its judgment, the facilities of the
 1155 district to be made known to all potential shippers and users of
 1156 said district, by the active promotion or advertising of the
 1157 facilities of the district, so as to attempt to increase the
 1158 potential revenues to be derived by the district.

1159 Section 16. Waiver of limitations in any other law.—Any
 1160 and all port improvements authorized herein may be constructed,
 1161 acquired, or improved and revenue bonds or certificates issued
 1162 pursuant to this charter without regard to, or necessity for,
 1163 compliance with the limitations or restrictions contained in any
 1164 other law, general, special, or local.

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1165 Section 17. Power to issue.—The district, by and through
 1166 its board of commissioners, shall have the power and authority
 1167 to issue revenue certificates and refunding revenue certificates
 1168 to finance the cost or part of the cost of the construction,
 1169 acquisition, reconstruction, extension, repair, or improvement
 1170 of any works, projects, properties, improvements, or other
 1171 purposes, including any lawful purpose, which the district is
 1172 authorized by this charter or any other law to construct,
 1173 acquire, or undertake.

1174 Section 18. Expenses to be included in cost.—The cost of
 1175 any works, projects, properties, improvements, or other purposes
 1176 financed by the issuance of either revenue certificates or
 1177 refunding revenue certificates under this article shall include,
 1178 but is not limited to, construction costs, engineering, fiscal
 1179 or financial and legal expenses, surveys, plans and
 1180 specifications, interest during construction or acquisition and,
 1181 for 1 year thereafter, initial reserve funds, discount, if any,
 1182 on the sale or exchange of certificates, acquisition of real or
 1183 personal property and such other costs as are necessary and
 1184 incidental to the construction or acquisition of such works,
 1185 projects, properties, improvements, or other purposes and the
 1186 financing thereof. The district shall have the power to retain
 1187 and enter into agreements with engineers, fiscal agents,
 1188 financial advisors, attorneys, architects, or other consultants
 1189 or advisors for the planning, supervision, and financing of such

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1190 works, projects, properties, improvements, or other purposes
 1191 upon such terms and conditions as shall be deemed advisable to
 1192 the board.

1193 Section 19. Passage of resolutions.—Any resolution
 1194 required to be passed under this article may be adopted at a
 1195 regular or a special meeting, and at the same meeting in which
 1196 it is introduced, by a majority of all of the members of the
 1197 board of commissioners then in office.

1198 ARTICLE XI. AD VALOREM TAXES.—

1199 Section 1. Annual levy.—Subject to Section 1 of Article IX
 1200 of this charter, the board is hereby authorized and empowered to
 1201 levy upon all the real and personal taxable property of said
 1202 district an ad valorem tax sufficient in amount to pay the
 1203 interest becoming due and payable annually upon any bonds issued
 1204 or to be issued, or money borrowed or to be borrowed by the said
 1205 district, for which the full faith and credit of the district is
 1206 pledged, and also to create a sinking fund for the payment of
 1207 principal thereof at maturity.

1208 Section 2. Authorization to levy ad valorem tax.—The board
 1209 of commissioners is authorized to levy an ad valorem tax not
 1210 exceeding 2 mills on the dollar of the assessed valuation of
 1211 taxable property in the district or \$200,000 dollars, whichever
 1212 is smaller, in each year to pay the costs of operation,
 1213 maintenance, and other purposes of the district authorized and
 1214 prescribed by this charter. Said levy shall be made each year

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1215 not later than July 1 of each year by resolution of said board
 1216 of a majority thereof duly entered at large upon its minutes.
 1217 Certified copies of such resolution executed in the name of said
 1218 board by its chairperson and secretary-treasurer under its
 1219 corporate seal shall be made and delivered to the Board of
 1220 County Commissioners of Palm Beach County, and to the Chief
 1221 Financial Officer of the state, not later than July 15 of each
 1222 and every year thereafter. It shall be the duty of the
 1223 Commissioners of Palm Beach County to order the assessor of said
 1224 county to assess and the collector of said county to collect the
 1225 amount of taxes so assessed by the board upon all the taxable
 1226 real and personal property in the district at the rate of
 1227 taxation adopted by the said board for the said year and
 1228 included in said resolution, and said levy shall be included in
 1229 the warrant of the tax assessor and attached to the assessment
 1230 roll of taxes for said county each year. The tax collector shall
 1231 collect such taxes so levied by said board in the same manner as
 1232 other taxes are collected, except as otherwise provided in this
 1233 charter, and shall pay the same to the secretary-treasurer of
 1234 said board on or before the 1st and 15th of each month. The said
 1235 tax assessor and the said tax collector shall be paid for such
 1236 services by the board as shall be prescribed by the laws of the
 1237 state. It shall be the duty of said Chief Financial Officer to
 1238 assess and levy upon all the railroad lines, railroad property,
 1239 telegraph lines, and telegraphs situated in said district the

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1240 amount of each such levy as in case of other state and county
 1241 taxes and collect said taxes thereon in the same manner as is
 1242 required by law to assess and collect taxes for state and county
 1243 purposes, and to remit the same to the secretary-treasurer of
 1244 said board. All such taxes shall be held by said secretary-
 1245 treasurer for the credit of said board and paid out by him or
 1246 her as provided herein.

1247 ARTICLE XII. EMPLOYMENT OF PORT MANAGER, EMPLOYEES, AND
 1248 CONSULTANTS.-

1249 Section 1. Port manager and employees.-The board of
 1250 commissioners shall have the authority to employ a port manager
 1251 and to prescribe his or her duties and compensation; however,
 1252 the manager of the Port of Palm Beach District shall not be a
 1253 commissioner of the Port of Palm Beach District. The board of
 1254 commissioners may employ or may authorize the manager to employ
 1255 agents, clerks, and servants to administer any project under the
 1256 rules, regulations, directions, and supervision of the port
 1257 manager or the board and may exact of said manager, agent,
 1258 clerk, or servant a good and sufficient bond with proper surety
 1259 thereon to secure the faithful performance of his or her or
 1260 their duties in an amount and in the form determined by the
 1261 board.

1262 Section 2. Consultants.-The board shall have full power to
 1263 employ such consultants and professional persons as said board
 1264 shall deem fit and necessary and to prescribe the compensation

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1265 to be paid to said consultants or professional persons. Any such
 1266 contracts shall be reduced to writing and shall be signed by the
 1267 consultant or professional person and by the board, with an
 1268 executed copy to be filed by the secretary-treasurer of the
 1269 board.

1270 ARTICLE XIII. PUBLICIZING OF PORT FACILITIES.-

1271 Section 1. General.-The board of commissioners is hereby
 1272 authorized and empowered to publicize, advertise, and promote
 1273 the activities, projects, and facilities referred to in this
 1274 charter, and said board is authorized to expend such amounts as
 1275 it deems necessary and advisable, not to exceed 10 percent of
 1276 the sum collected by the district from all sources, including
 1277 its operation, but specifically excluding any taxes that are
 1278 levied and collected, all in the preceding fiscal year of the
 1279 district, for the publicizing of the port facilities and the
 1280 promotion thereof.

1281 Section 2. Payment of vouchers.-All obligations, expenses,
 1282 and costs incurred under this article shall be paid when
 1283 vouchers thereof, approved by the board, are exhibited.

1284 ARTICLE XIV. BONDS, LEGAL INVESTMENTS.-General obligation
 1285 and refunding bonds and revenue and revenue refunding bonds
 1286 issued by the district under the provisions of this act are
 1287 legal investments for which all public officers and public
 1288 bodies of the state and its political subdivisions, all
 1289 insurance companies, trust companies, banking associations,

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1290 investment companies, executors, administrators, trustees, and
 1291 other fiduciaries may properly and legally invest funds,
 1292 including capital in their control or belonging to them. Such
 1293 bonds are hereby made securities, which may properly and legally
 1294 be deposited with and received by any state or port district
 1295 officer or any agency or political subdivision of the state for
 1296 any purpose for which the deposit of bonds or obligations of the
 1297 district is now or may hereafter be authorized by law.

1298 ARTICLE XV. AUDIT.—At least once each year, the board of
 1299 commissioners shall employ a certified public accountant for the
 1300 purpose of auditing the books of said Port of Palm Beach
 1301 District and pay him or her a reasonable compensation therefore.
 1302 Such audit shall be made public by publication in the community.
 1303 An audit by the state auditor should also be performed at least
 1304 once every 2 years. At least once each year, the board shall
 1305 name a committee of three representative businesspersons of said
 1306 district for the purpose of auditing the books of said board.
 1307 Such committee shall have the power to audit or to employ a
 1308 competent accountant or auditor to audit the books, accounts,
 1309 and records of said board of commissioners and of the secretary-
 1310 treasurer thereof. No person acting on such committee within the
 1311 last preceding 12 months shall be appointed to such committee.
 1312 The compensation of such committee shall not exceed that of the
 1313 commissioners under this charter. Such compensation of the
 1314 committee shall, together with a reasonable compensation for a

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1315 competent auditor or accountant, be paid by the board of
1316 commissioners as other bills are paid by said board.

1317 ARTICLE XVI. INVESTMENT OF PORT FUNDS.—The board is hereby
1318 authorized and empowered to invest the moneys belonging to the
1319 Port of Palm Beach District in direct obligations of the United
1320 States of America, certificates of deposits of state and
1321 national banks, general obligations of states, general
1322 obligations of counties, municipalities, or other public purpose
1323 districts of the state, bonds and securities not subject to
1324 limitation, obligations of agencies created by act of the United
1325 States Congress and authorized thereby to issue securities or
1326 evidences of indebtedness, regardless of guaranty of repayment
1327 by the United States Government, public housing authority
1328 obligations and in direct ownership or in leasehold improvements
1329 of land and buildings used by the Port of Palm Beach District in
1330 the transaction of its business, for such periods of time as the
1331 board shall deem to be in the best interests of the district and
1332 in keeping with good business practices. The board is hereby
1333 authorized and empowered when necessary to protect the interest
1334 of said board and said funds of the district, to sell and
1335 dispose of any of the securities and authorized investments in
1336 which said funds may be invested, and reinvest the proceeds
1337 thereof from time to time in conformity with this charter as
1338 said board shall deem expedient. The secretary-treasurer of the

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1339 board shall act as the custodian of all funds belonging to said
 1340 board and to said district.

1341 ARTICLE XVII. DISBURSEMENT OF FUNDS.—All funds of the
 1342 district shall be disbursed upon the order of said board signed
 1343 by any two officers thereof; however, the board may disburse
 1344 funds of the district into an impress account and, when
 1345 establishing said account, may authorize and designate the port
 1346 manager or other employee of the district to disburse funds from
 1347 said particular impress account, upon such directions as the
 1348 board shall give, all in keeping with good business practices.
 1349 The port manager or employee of the district who has the
 1350 authority to disburse funds of the district from any account
 1351 indicated hereinabove shall at all times be bonded with a
 1352 fidelity bond in at least an amount equal to the maximum amount
 1353 of funds that would be held in said account at any one time and
 1354 be subject to withdrawal by the manager or employee.

1355 ARTICLE XVIII. DEPOSITORIES.—The board of commissioners
 1356 shall be empowered and authorized to select as depositories, in
 1357 which the funds of said board and said district shall be
 1358 deposited, any bank or trust company authorized under the laws
 1359 of the United States or under the laws of the state, upon such
 1360 terms and conditions as said board may deem just and reasonable,
 1361 and upon such terms as to security as the board shall deem
 1362 proper.

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1363 ARTICLE XIX. ACTION BY RESOLUTION.—All action required or
 1364 authorized to be taken under this charter by the board of
 1365 commissioners may be by resolution, which resolution may be
 1366 adopted at the meeting of the board at which such resolution is
 1367 introduced and shall take effect immediately upon such adoption.
 1368 Except as otherwise provided in this charter, no resolution
 1369 under this charter need be published or posted, nor shall any
 1370 such resolution require for its passage more than a majority of
 1371 all the members of the board then in office.

1372 ARTICLE XX. PUBLIC PURPOSES.—It is hereby determined and
 1373 declared that each and all of the powers conferred by this
 1374 charter and the exercise thereof are proper public and
 1375 proprietary purposes.

1376 ARTICLE XXI. ADDITIONAL AND ALTERNATIVE METHOD.—This act
 1377 shall be deemed to provide an additional and alternative method
 1378 for the doing of the things authorized hereby and shall be
 1379 regarded as supplemental and additional to the powers conferred
 1380 by any other law, and shall not be regarded as in derogation of
 1381 any powers now existing nor a limitation thereof.

1382 ARTICLE XXII. LIBERAL CONSTRUCTION.—This charter, being
 1383 necessary for the welfare of the inhabitants of the state, shall
 1384 be liberally construed to effect the purposes thereof.

1385 ARTICLE XXIII. SEVERABILITY.—The provisions of this
 1386 charter are severable and it is the intention to confer the
 1387 whole or any part of the powers provided herein. If any of the

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1388 | provisions of this charter shall be held unconstitutional by any
1389 | court of competent jurisdiction, the decision of such court
1390 | shall have no effect to impair any of the remaining provisions.

1391 | Section 4. Chapters 74-570, 75-468, 81-459, 87-523, 90-
1392 | 462, 95-467, and 99-457, Laws of Florida, are repealed.

1393 | Section 5. This act shall take effect upon becoming a law.