

26 port authority to hold public hearings to discuss the
 27 state of the Commercial Space Launch Industry
 28 interests; providing requirements for such hearings
 29 and notices; providing construction; providing an
 30 effective date.

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32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Articles XXI and XXII of section 3 of chapter
 35 2014-241, Laws of Florida, are renumbered as Articles XXII and
 36 XXIII, respectively, section 2 of Article II, Article III,
 37 sections 3, 9, 16, and 25 of Article IV, sections 1, 2, and 7 of
 38 Article V, section 4 of Article VI, section 1 of Article VIII,
 39 sections 1, 2, and 3 of Article XVII, sections 2 and 3 of
 40 Article XIX, and Article XX of section 3 of that chapter are
 41 amended, and a new Article XXI is added to that section, to
 42 read:

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44 ARTICLE II
 45 DEFINITIONS

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47 Section 2. The term "Public Notice" means notice that is
 48 published in the following methods:

49 ~~(a) Once a week for 2 consecutive weeks in a newspaper of~~
 50 ~~general circulation published in Brevard County;~~

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ARTICLE IV
GENERAL GRANT OF POWERS

Section 3. The authority has the power to exercise control over Port Canaveral and any and all parts thereof; to apply to proper authorities of the United States government for the right to establish, operate, and maintain a foreign trade zone ~~within the limits of Brevard County~~ and to establish, operate, and maintain such foreign trade zone; to apply for and obtain permission from the United States government to create, improve, regulate, and control all waters and natural or artificial waterways within said Port Canaveral; to improve all navigable and nonnavigable waters situated within the Port District necessary or useful to the operation, improvement, and maintenance of Port Canaveral; to construct, improve, and maintain such inlets, slips, turning basins, and channels; to make and give to the United States government such guarantees upon such terms and conditions as may be required; and to enact, adopt, and establish rules and regulations for the complete exercise of jurisdiction and control over all of said lands and waters of Port Canaveral within the Port District.

Section 9. The Port Authority has the power to create and designate such offices, departments, and divisions, other than those herein specifically provided for, as the Port Authority

101 may determine to be necessary and prescribe the duties and
 102 compensation of such officers and employees; and to engage or
 103 employ attorneys ~~an attorney~~ for the Port Authority and fix and
 104 determine the compensation and duties of said attorneys
 105 ~~attorney~~. The term of service ~~office~~ of said attorneys ~~attorney~~
 106 and all appointees and employees shall be at the pleasure of the
 107 Port Authority.

108 Section 16. (a) The authority has the power to execute
 109 and deliver all contracts, deeds, leases, mortgages, promissory
 110 notes, franchises, assignments, releases, and all other
 111 instruments necessary and convenient to carry out the powers
 112 herein expressly or impliedly conferred, all of which shall be
 113 executed in the name of the Port Authority and signed by the
 114 chair and the secretary thereof and its corporate seal affixed
 115 thereto. All checks and vouchers for the disbursement of funds
 116 of the Port Authority shall be executed in the manner and form
 117 as prescribed by the Port Authority.

118 (b) The authority has the power and authority by majority
 119 vote at any regular meeting to lease the lands, personal
 120 properties, and facilities as provided herein:

121 1. A lease for a period not to exceed 30 years may be
 122 approved by a majority vote of the Port Authority at a public
 123 meeting.

124 ~~2. A lease for a period of more than 30 years, but not~~
 125 ~~exceeding 50 years, may be approved by a majority vote at a~~

126 ~~public meeting. Before considering such a lease, in addition to~~
 127 ~~providing public notice regarding the intent to enter into such~~
 128 ~~a lease, the Port Authority shall advertise, in a newspaper of~~
 129 ~~general circulation in Brevard County, the Port Authority's~~
 130 ~~intent to enter into such a lease no less than 30 days before~~
 131 ~~the consideration of such lease at a duly noticed regular~~
 132 ~~meeting of the Port Authority. The notice requirement contained~~
 133 ~~in this section shall run concurrently with the public notice~~
 134 ~~requirements contained in Article II.~~

135 2.3. A lease for a period of more than 30 ~~50~~ years, but
 136 not exceeding 99 years, may be approved by a super majority vote
 137 of 75 percent of the full Port Authority Commission ~~voting~~ at
 138 two public meetings. Before considering such a lease, ~~in~~
 139 ~~addition to providing public notice regarding the intent to~~
 140 ~~enter into such a lease,~~ the Port Authority shall publish notice
 141 in a manner provided in chapter 50, Florida Statutes, no less
 142 than 60 days before the first public meeting at which the Port
 143 Authority will consider the lease and provide Public Notice of
 144 ~~advertise, in a newspaper of general circulation in Brevard~~
 145 ~~County,~~ the Port Authority's intent to enter into such a lease
 146 ~~no less than 60 days before the first public meeting at which~~
 147 ~~the Port Authority will consider the lease. The notice~~
 148 ~~requirement contained in this section shall run concurrently~~
 149 ~~with the public notice requirements contained in Article II.~~

150 Section 25. (a) The authority has the power to sell or

151 otherwise convey or dispose of any lands or any interests or
 152 rights in lands to which the Port District acquired title after
 153 January 1, 1987, or to which it may hereafter acquire title,
 154 whenever the Port Authority determines it is in the best
 155 interest of the Port District to do so at the best price and
 156 terms obtainable, for such terms and conditions as the Port
 157 Authority may in its discretion determine. The power to sell or
 158 otherwise convey granted herein specifically includes the power
 159 by the Port Authority to enter into public partnerships
 160 regarding Port District lands upon such terms and conditions as
 161 the Port Authority may in its discretion determine. However, any
 162 conveyance or agreement must be for a public purpose.

163 1. All sales of land, interests, or rights in land, or the
 164 lease of any interests in land, shall be for cash or upon terms
 165 and security to be approved by the Port Authority. No deed shall
 166 be executed and delivered for any sale until full payment is
 167 made and received by the Port Authority.

168 2. Before selling or disposing of any land or any interest
 169 or rights in and to any land, ~~it shall be the duty of~~ the Port
 170 Authority shall ~~to~~ provide Public Notice regarding the intention
 171 to sell or dispose of the land. The notice ~~first publication~~
 172 shall be not less than 15 days nor more than 30 days before the
 173 meeting at which the proposed sale or disposition will be
 174 considered. The notice shall set forth a description of the
 175 lands or interests or rights in lands offered for sale or other

176 disposition.

177 3. Deeds of conveyance of lands, the titles to which are
 178 held by the Port District or in the name of the Port Authority,
 179 shall be by special warranty deed.

180 4. All deeds of conveyance held by the Port District or by
 181 the Port Authority shall convey only the interest of the Port
 182 District or the Port Authority in the property covered thereby.

183 (b) The Port Authority may exchange lands or interests or
 184 rights in lands owned and acquired by the Port Authority after
 185 January 1, 1987, or lands or interests or rights in said lands
 186 for which title is otherwise vested in the Port Authority for
 187 other lands or interests or rights in lands within the state
 188 owned by any person. The Port Authority shall fix the terms and
 189 conditions of any such exchange and may pay or receive any sum
 190 of money that the Port Authority considers necessary to equalize
 191 the values of exchanged properties. Public Notice of the meeting
 192 at which said exchange is considered shall be provided before
 193 the adoption by the Port Authority of a resolution authorizing
 194 the exchange of properties. The Port Authority shall also
 195 publish notice in a manner provided in chapter 50, Florida
 196 Statutes, of advertise, in a newspaper of general circulation in
 197 ~~Brevard County,~~ the Port Authority's intent to exchange such
 198 land or interest or rights in lands no less than 60 days before
 199 the public meeting at which the Port Authority will consider the
 200 exchange. ~~This 60-day notice requirement shall run concurrently~~

201 ~~with the public notice requirements contained in Article II.~~

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ARTICLE V

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PORT COMMISSIONERS

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Section 1. (a) The governing authority of the Port District is hereby created and shall be designated as the Port Authority and shall consist of five Port Commissioners, one Port Commissioner from each Commissioner Port District, who shall be a qualified elector and reside within the Commissioner Port District from which he or she is appointed or nominated and elected. All Port Commissioners shall be elected for 4-year terms, and said terms shall be arranged so that three Port Commissioners are elected at one general election and two Port Commissioners elected at the next ensuing general election. ~~For the general election in 2014, the term of office of each Port Commissioner shall commence on the Tuesday after the first Monday in January after his or her election. Commencing with the election in November 2016 and each general election thereafter,~~ The term of office of each Port Commissioner shall commence on the first Port Authority meeting after his or her election at the general election and. ~~The terms of office for those commissioners which would expire in January 2017 shall expire upon the commencement of their respective successor's term on the first Port Authority meeting after the general election in~~

226 | ~~2016 and each general election thereafter.~~

227 | (b) No Port Commissioner elected in the general election
228 | of 2014 or subsequent thereto shall serve more than three
229 | consecutive terms. Service as a Port Commissioner before the
230 | terms that commenced in January 2015 shall not be considered in
231 | applying the term limitations of this section. The service of
232 | any portion of, the resignation from, or forfeiture of an
233 | elective office during any part of a 4-year elective term shall
234 | be deemed to constitute a full and complete term under this
235 | section.

236 | Section 2. (a) Each Commissioner Port District shall be a
237 | residency district for all elections hereunder. The five Port
238 | Commissioners shall be elected at the general election held in
239 | each Commissioner Port District next ensuing and at all
240 | subsequent general primaries and general elections thereafter
241 | upon the official county ballots, pursuant to this charter.

242 | (b) Nomination of candidates shall be made by residency
243 | districts at the primary elections, by the various political
244 | parties, as general law provides for County Commissioners of
245 | Brevard County, at which primary elections the electors of the
246 | Port District at large who are qualified to vote in such primary
247 | elections shall be entitled to vote. The Board of County
248 | Commissioners shall not print the name of any person as a
249 | candidate on the ballots for general elections unless he or she
250 | shall have been so nominated.

251 (c) Candidates for nomination in primary elections shall
252 pay the same filing fee to the Brevard ~~Clerk of the Board of~~
253 County Supervisor of Elections Commissioners; file in the same
254 manner the like oaths, sworn statements, and receipts for party
255 assessments; be governed by the same restrictions; be subject to
256 like party assessments by the County Executive Committees of the
257 respective political parties; and in all respects comply with
258 the general laws of Florida governing candidates for Board of
259 County Commissioners in primaries.

260 (d) Elections of candidates shall be at general elections
261 as provided by general law, at which general elections all
262 qualified electors residing within the Port District shall be
263 entitled to vote.

264 Section 7. All meetings of the Port Authority shall be
265 open to the public, shall be governed by chapters 286 and 189,
266 Florida Statutes, and shall be held at a duly noticed location
267 within the Port District. Records of all business transacted by
268 the Port Authority shall be kept and preserved in substantial
269 minute books by the secretary as permanent records, and the
270 minute books or excerpts therefrom, duly certified by the
271 secretary under the seal of the Port Authority, shall be prima
272 facie evidence in all courts of the proceedings of the Port
273 Authority. Unless prohibited by law, such records may be
274 maintained in an electronic format in lieu of physical books.
275 The Port Authority shall have the power to prescribe by

276 resolution rules for the conduct of its meetings not
 277 inconsistent herewith.

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ARTICLE VI

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ADDITIONAL POWERS

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Section 4. Commencing in 2015, and every 3 years

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thereafter, the Port Authority shall review the Port District

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Land Use Plan. Before approving any amendment to the Land Use

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Plan, the Port Authority shall provide Public Notice ~~public~~

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~~notice~~ of the Port Authority meeting at which the amendment to

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the Land Use Plan will be considered. Any amendment to the Port

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District Land Use Plan shall only be considered at a duly

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noticed public hearing. Nothing herein shall restrict the Port

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Authority's ability to use Port Authority property in a manner

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as determined by the Port Authority to be in the Port

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Authority's best interest.

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ARTICLE VIII

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LEVY OF TAXES

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Section 1. The Port Authority shall not, during any one

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year, levy a tax in any greater sum or amount than shall be

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necessary for the following purposes:

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(a) A tax not exceeding 3 mills on the dollar of the total

301 assessed valuations of all taxable property, both real and
 302 personal, within said Port District for each year. Said tax
 303 shall constitute an administration fund for operation,
 304 maintenance, and general administration expenses and for the
 305 purchase of rights-of-way.

306 (b) A tax for the purpose of paying the principal and
 307 interest on revenue certificates and revenue bonds outstanding,
 308 and for the proper sinking funds for the protection thereof, and
 309 not exceeding in the aggregate the sum of \$20 ~~\$7.5~~ million in
 310 principal, as the same severally mature in accordance with their
 311 tenure.

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 313 ARTICLE XVII

314 CONTRACTS; COMPETITION

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 316 Section 1. No contract shall be let by the Port Authority
 317 for any construction, improvement, repair, or building, nor
 318 shall any goods, supplies, or materials for Port District
 319 purposes or uses be purchased, when the amount to be paid by the
 320 Port Authority shall exceed \$100,000 unless competitive
 321 conditions have been maintained and competitive solicitations
 322 sought except as otherwise provided by general law or this
 323 charter. The Port Authority shall advertise a competitive
 324 solicitation at least 10 days, but not more than 90 days, before
 325 receiving bids in a manner provided in chapter 50, Florida

326 ~~Statutes, once a week for 3 consecutive weeks in a newspaper of~~
327 ~~general circulation in the Port District and Brevard County and~~
328 ~~for no less than 3 consecutive weeks~~ on the Port Authority's
329 website. Following the receipt and evaluations of the proposals
330 or bids, the Port Authority shall award the contract to the
331 proposer or bidder who presents the most responsive, responsible
332 proposal or bid at a cost most advantageous to the Port
333 Authority, all factors considered. The Port Authority retains
334 the authority to reject all proposals and bids. The Port
335 Authority may also require the deposit of cash, certified check,
336 or bid bond, not to exceed 10 percent of the bid or proposal, as
337 evidence of good faith on the part of the proposers or bidders,
338 such deposit to be returned when the bid or proposal is rejected
339 or performance bond deposited or contract completed, or shall be
340 retained to secure the payment of the penal sum in the event the
341 proposer or bidder fails to enter into such contract and give
342 such performance and payment bond or bonds. The Port Authority
343 may provide for preferences in the evaluation process with
344 respect to businesses or residents located within the Port
345 District.

346 Section 2. In the event it is reasonably expected that the
347 cost of a contract under section 1 shall be greater than \$25,000
348 ~~\$10,000~~ but less than \$100,000, the Chief Executive Officer or
349 his or her designee shall do the following:

350 (a) Request ~~Obtain at least three~~ written bid offers to

351 perform such work or furnish such property from at least three
 352 independent persons or business entities responsible in the
 353 subject business endeavor under consideration.

354 (b) Make a record of the offers.

355 (c) After obtaining and recording such offers, award the
 356 contract to the most responsive, responsible, and qualified
 357 bidder of those solicited as provided in this article.

358 Section 3. ~~In lieu of~~ The ~~competitive~~ bid requirements set
 359 forth in sections 1 and 2 do not apply to:

360 (a) Purchases through a contract issued by a federal,
 361 state, or local government or a school board, or agencies
 362 thereof, if such contract has been competitively bid;

363 (b) Purchases made pursuant to the Consultants'
 364 Competitive Negotiation Act;

365 (c) Purchases made pursuant to s. 255.20, Florida
 366 Statutes, as may be amended from time to time;

367 (d) Purchases of equipment, supplies, materials, or
 368 services from a federal General Services Administration schedule
 369 or for a federal agency when required for Port operations;

370 (e) Purchases of equipment, supplies, materials, or
 371 services when competitive solicitation and award are excepted or
 372 exempted by law, including, but not limited to, those identified
 373 in chapters 255 and 287, Florida Statutes, as may be amended
 374 from time to time;

375 (f) Purchases of required equipment, supplies, materials,

376 or services that are highly specialized or proprietary, or when
 377 no other authorized vendor can supply the required equipment,
 378 supplies, materials, or services;

379 (g) Emergency purchases necessary to mitigate a situation
 380 that threatens the safety of employees or passengers, the
 381 operation of the Port, or the loss of Port property;

382 (h) Certain mandatory, recurring, or day-to-day
 383 expenditures such as utilities, government fees, or purchases of
 384 equipment, supplies, materials, or services provided through
 385 interlocal governmental agreements;

386 (i) Purchases of government surplus material and
 387 equipment;

388 (j) Purchases of used equipment and material to be used
 389 for Port purposes, provided that two independent appraisals are
 390 obtained and considered;

391 (k) Purchases through the Port Authority's Owner-Direct
 392 Purchase Program when the construction contract or construction
 393 management contract has been awarded in accordance with this
 394 Article; and

395 (l) Situations in which the Port Authority has taken over
 396 by transfer or assignment any contract authorized to be assigned
 397 to it under this act, the Port Authority may use purchase
 398 agreements or contracts of any state agency, county, school
 399 board, or municipality, or of the Federal Government or its
 400 agencies, which agreements or contracts have been competitively

401 ~~bid for the purchase of goods, supplies, or materials for Port~~
402 ~~District purposes.~~

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ARTICLE XIX

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COMMERCIAL FISHING

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Section 2. The Port Authority shall invite representatives of the commercial fish dealing industry to offer a presentation at a public hearing held at a regularly scheduled meeting, not less than once every 2 years, to discuss the state of the commercial fish dealing industry at Port Canaveral. The Port Authority shall provide Public Notice ~~public notice~~ before the annual public hearing to discuss the state of the commercial fish dealing industry at Port Canaveral. In addition, the Port Authority shall provide written notice via United States mail to existing commercial fish dealing lessees of the annual public hearing no later than 45 days before the public hearing. At such public hearing, members of the public will be permitted to discuss with the Port Authority the commercial fish dealing industry at Port Canaveral, ideas for improving the commercial fish dealing industry at Port Canaveral, or other issues related to the general state of the commercial fish dealing industry at Port Canaveral.

Section 3. Before the nonrenewal of a lease or the involuntary relocation of a lessee engaged in commercial fish

426 | dealing operations, the Port Authority shall provide Public
 427 | Notice ~~public notice~~ of the item to be considered at a public
 428 | hearing. At the public hearing, the lessee shall be entitled to
 429 | present information with respect to remaining in the current
 430 | location or to have its lease renewed, subject to the then
 431 | prevailing terms, conditions, and rates pertaining to similar
 432 | parcels of lands or leaseholds within the Port. The Port
 433 | Authority may offer the commercial fish dealing lessee a reduced
 434 | rental rate conditioned upon the lessee's primary use of the
 435 | premises for commercial fish dealing operations. Following the
 436 | lessee's presentation to the Port Authority, the Port Authority
 437 | may, by a supermajority vote, elect to not renew the lease or to
 438 | relocate the lessee if permitted pursuant to the terms of the
 439 | lease. This section shall only apply to leases between the Port
 440 | Authority and a lessee primarily engaged in commercial fish
 441 | dealing operations.

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 443 | ARTICLE XX

444 | PUBLIC RECREATIONAL INTERESTS

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 446 | (a) The Port Authority shall, in its discretion, use its
 447 | best efforts to facilitate public recreational interests. The
 448 | Port Authority shall hold an annual public hearing to discuss
 449 | the state of recreational interests at Port Canaveral. The Port
 450 | Authority shall provide Public Notice ~~public notice~~ before

451 holding the public hearing on the state of recreational
 452 interests at Port Canaveral at a regularly scheduled Port
 453 Authority meeting.

454 (b) At the public hearing, members of the public will be
 455 permitted to discuss any issues, problems, concerns, and
 456 proposals related to recreational interests at Port Canaveral.

457 (c) The term "recreational interests" shall include, but
 458 not be limited to, all activities at Port Canaveral related to
 459 parks, boating, fishing, and camping. The Port Authority will
 460 maintain these recreational interests.

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ARTICLE XXI

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COMMERCIAL SPACE LAUNCH INDUSTRY

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465 Section 1. Representative Thad Altman Aerospace Public
 466 Purpose Statement declares that it is the function of the Port
 467 Authority to facilitate and assist in human spaceflight, space
 468 exploration, and the United States Department of Defense launch
 469 activities.

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471 Section 2. The Port Authority shall take reasonable
 472 measures to support the Commercial Space Launch Industry at Port
 473 Canaveral and shall submit by February 1 of each year,
 474 commencing February 1, 2025, an annual report to the chair of
 475 the Space Florida Board of Directors on such measures. The term
"Commercial Space Launch Industry" means any company

476 substantially engaged in the transport, operation, and recovery
 477 of space launch or landing services with active maritime
 478 operations at Port Canaveral.

479 Section 3. The Port Authority shall hold a public hearing
 480 at least once every 2 years to discuss the state of Commercial
 481 Space Launch Industry interests at Port Canaveral. The Port
 482 Authority shall invite representatives from the Commercial Space
 483 Launch Industry with active maritime assets or operations at
 484 Port Canaveral and Space Florida to attend the public hearing at
 485 least 45 days before the public hearing. The Port Authority
 486 shall provide Public Notice before holding the public hearing at
 487 a regularly scheduled Port Authority meeting. In addition, the
 488 Port Authority shall provide written notice of the hearing via
 489 United States mail to the chair of the Space Florida Board of
 490 Directors at least 45 days before the public hearing.

491 Section 4. At the public hearing, representatives from the
 492 Commercial Space Launch Industry and Space Florida and members
 493 of the public will be permitted to discuss any issues, concerns,
 494 or proposals related to the growth of the Commercial Space
 495 Launch Industry at Port Canaveral.

496 Section 2. This act shall be liberally construed to
 497 effectuate the purposes set forth herein.

498 Section 3. This act shall take effect upon becoming a law.