

1                                A bill to be entitled  
2            An act relating to the Canaveral Port District,  
3            Brevard County; amending chapter 2014-241, Laws of  
4            Florida; revising provisions relating to the  
5            publication of legal notices; correcting references to  
6            certain courts; revising a provision limiting the  
7            location of a foreign trade zone; clarifying authority  
8            to engage or employ attorneys; revising notice and  
9            approval requirements for certain leases; deleting  
10           obsolete provisions for commissioner terms; revising a  
11           provision relating to the payment of a filing fee;  
12           providing for the use of electronic recordkeeping;  
13           providing for an increase in the amount of levied tax  
14           permitted to be used for payment of principal and  
15           interest on revenue certificates and bonds; revising  
16           provisions relating to advertisement for competitive  
17           solicitations by the port authority; revising  
18           provisions relating to contracts and competitive bids;  
19           revising circumstances under which specified  
20           competitive bid requirements do not apply; conforming  
21           provisions to changes made by the act; requiring the  
22           port authority to take reasonable measures to support  
23           the Commercial Space Launch Industry and to submit an  
24           annual report; providing a definition; requiring the  
25           port authority to hold public hearings to discuss the

26 state of the Commercial Space Launch Industry  
 27 interests; providing requirements for such hearings  
 28 and notices; providing construction; providing an  
 29 effective date.

30  
 31 Be It Enacted by the Legislature of the State of Florida:

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

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 43 ARTICLE II  
 44 DEFINITIONS

45  
 46 Section 2. The term "Public Notice" means notice that is  
 47 published in the following methods:

- 48 ~~(a) Once a week for 2 consecutive weeks in a newspaper of~~  
 49 ~~general circulation published in Brevard County;~~  
 50 (a)-(b) On the Port Authority website for 2 consecutive

51 weeks; and  
 52 (b)-(e) In a manner no less than ~~may be~~ required by Florida  
 53 law.

54  
 55 Additional requirements for Public Notice may be provided for  
 56 herein.

57  
 58 ARTICLE III  
 59 GOVERNING AUTHORITY

60  
 61 The governing authority of the Port District shall be known  
 62 as the Canaveral Port Authority. Said Canaveral Port Authority  
 63 is a body politic and body corporate and is deemed a political  
 64 subdivision of the state within the meaning of sovereign  
 65 immunity from taxation; it shall have perpetual existence; it  
 66 may adopt and use a common seal and alter the same; it may  
 67 contract and be contracted with; it may sue in its corporate  
 68 name in any of the courts in the several states and in the  
 69 courts of the United States; and it may be sued only in the  
 70 courts of the state and the courts of the United States for the  
 71 Middle ~~Southern~~ District of the state (or in such other District  
 72 Court of the United States to which Brevard County may hereafter  
 73 be transferred), except as may be limited by s. 768.28, Florida  
 74 Statutes, or any succeeding enactment.

ARTICLE IV

GENERAL GRANT OF POWERS

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

97 Section 9. The Port Authority has the power to create and  
98 designate such offices, departments, and divisions, other than  
99 those herein specifically provided for, as the Port Authority  
100 may determine to be necessary and prescribe the duties and

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

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

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

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

123 ~~2. A lease for a period of more than 30 years, but not~~  
 124 ~~exceeding 50 years, may be approved by a majority vote at a~~  
 125 ~~public meeting. Before considering such a lease, in addition to~~

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

134 2.3. A lease for a period of more than 30 ~~50~~ years, but  
 135 not exceeding 99 years, may be approved by a super majority vote  
 136 of 75 percent of the full Port Authority Commission voting at  
 137 two public meetings. Before considering such a lease, ~~in~~  
 138 ~~addition to providing public notice regarding the intent to~~  
 139 ~~enter into such a lease,~~ the Port Authority shall publish notice  
 140 in a manner provided in chapter 50, Florida Statutes, no less  
 141 than 60 days before the first public meeting at which the Port  
 142 Authority will consider the lease and provide Public Notice of  
 143 ~~advertise, in a newspaper of general circulation in Brevard~~  
 144 ~~County,~~ the Port Authority's intent to enter into such a lease  
 145 ~~no less than 60 days before the first public meeting at which~~  
 146 ~~the Port Authority will consider the lease. The notice~~  
 147 ~~requirement contained in this section shall run concurrently~~  
 148 ~~with the public notice requirements contained in Article II.~~

149 Section 25. (a) The authority has the power to sell or  
 150 otherwise convey or dispose of any lands or any interests or

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

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

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

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

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

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



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ARTICLE V  
PORT COMMISSIONERS

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 2016 and each general election thereafter.~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

250 (c) Candidates for nomination in primary elections shall

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

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

263 Section 7. All meetings of the Port Authority shall be  
264 open to the public, shall be governed by chapters 286 and 189,  
265 Florida Statutes, and shall be held at a duly noticed location  
266 within the Port District. Records of all business transacted by  
267 the Port Authority shall be kept and preserved in substantial  
268 minute books by the secretary as permanent records, and the  
269 minute books or excerpts therefrom, duly certified by the  
270 secretary under the seal of the Port Authority, shall be prima  
271 facie evidence in all courts of the proceedings of the Port  
272 Authority. Unless prohibited by law, such records may be  
273 maintained in an electronic format in lieu of physical books.  
274 The Port Authority shall have the power to prescribe by  
275 resolution rules for the conduct of its meetings not

276 | inconsistent herewith.

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278 | ARTICLE VI

279 | ADDITIONAL POWERS

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281 | Section 4. Commencing in 2015, and every 3 years  
 282 | thereafter, the Port Authority shall review the Port District  
 283 | Land Use Plan. Before approving any amendment to the Land Use  
 284 | Plan, the Port Authority shall provide Public Notice ~~public~~  
 285 | ~~notice~~ of the Port Authority meeting at which the amendment to  
 286 | the Land Use Plan will be considered. Any amendment to the Port  
 287 | District Land Use Plan shall only be considered at a duly  
 288 | noticed public hearing. Nothing herein shall restrict the Port  
 289 | Authority's ability to use Port Authority property in a manner  
 290 | as determined by the Port Authority to be in the Port  
 291 | Authority's best interest.

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293 | ARTICLE VIII

294 | LEVY OF TAXES

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296 | Section 1. The Port Authority shall not, during any one  
 297 | year, levy a tax in any greater sum or amount than shall be  
 298 | necessary for the following purposes:

299 | (a) A tax not exceeding 3 mills on the dollar of the total  
 300 | assessed valuations of all taxable property, both real and

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

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

311  
 312 ARTICLE XVII

313 CONTRACTS; COMPETITION

314  
 315 Section 1. No contract shall be let by the Port Authority  
 316 for any construction, improvement, repair, or building, nor  
 317 shall any goods, supplies, or materials for Port District  
 318 purposes or uses be purchased, when the amount to be paid by the  
 319 Port Authority shall exceed \$100,000 unless competitive  
 320 conditions have been maintained and competitive solicitations  
 321 sought except as otherwise provided by general law or this  
 322 charter. The Port Authority shall advertise a competitive  
 323 solicitation at least 10 days, but not more than 90 days, before  
 324 receiving bids in a manner provided in chapter 50, Florida  
 325 Statutes, ~~once a week for 3 consecutive weeks in a newspaper of~~

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

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

349 (a) Request ~~Obtain at least three~~ written bid offers to  
350 perform such work or furnish such property from at least three

351 independent persons or business entities responsible in the  
 352 subject business endeavor under consideration.

353 (b) Make a record of the offers.

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

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

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

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

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

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

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

374 (f) Purchases of required equipment, supplies, materials,  
 375 or services that are highly specialized or proprietary, or when

376 no other authorized vendor can supply the required equipment,  
377 supplies, materials, or services;

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

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

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

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

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

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



401 ~~District purposes.~~

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403

ARTICLE XIX

404

COMMERCIAL FISHING

405

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

423 Section 3. Before the nonrenewal of a lease or the  
 424 involuntary relocation of a lessee engaged in commercial fish  
 425 dealing operations, the Port Authority shall provide Public

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

442 | ARTICLE XX

443 | PUBLIC RECREATIONAL INTERESTS

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

451 interests at Port Canaveral at a regularly scheduled Port  
 452 Authority meeting.

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

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

460

461 ARTICLE XXI

462 COMMERCIAL SPACE LAUNCH INDUSTRY

463

464 Section 1. The Port Authority shall take reasonable  
 465 measures to support the Commercial Space Launch Industry at Port  
 466 Canaveral and shall submit by February 1 of each year,  
 467 commencing February 1, 2025, an annual report to the chair of  
 468 the Space Florida Board of Directors on such measures. The term  
 469 "Commercial Space Launch Industry" means any company  
 470 substantially engaged in the transport, operation, and recovery  
 471 of space launch or landing services with active maritime  
 472 operations at Port Canaveral.

473 Section 2. The Port Authority shall hold a public hearing  
 474 at least once every 2 years to discuss the state of Commercial  
 475 Space Launch Industry interests at Port Canaveral. The Port

476 Authority shall invite representatives from the Commercial Space  
 477 Launch Industry with active maritime assets or operations at  
 478 Port Canaveral and Space Florida to attend the public hearing at  
 479 least 45 days before the public hearing. The Port Authority  
 480 shall provide Public Notice before holding the public hearing at  
 481 a regularly scheduled Port Authority meeting. In addition, the  
 482 Port Authority shall provide written notice of the hearing via  
 483 United States mail to the chair of the Space Florida Board of  
 484 Directors at least 45 days before the public hearing.

485 Section 3. At the public hearing, representatives from the  
 486 Commercial Space Launch Industry and Space Florida and members  
 487 of the public will be permitted to discuss any issues, concerns,  
 488 or proposals related to the growth of the Commercial Space  
 489 Launch Industry at Port Canaveral.

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

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