

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Local Government & Veterans Affairs offered the following:

**Amendment**

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 1. Creation of Jacksonville Seaport Authority and Jacksonville Airport Authority.--  
(1) There are hereby created and established two separate bodies politic and corporate to be known as the Jacksonville Seaport Authority and the Jacksonville Airport Authority respectively (hereinafter referred to singly as an "authority" and collectively as "authorities"), which are created as agencies and political subdivisions of the State of Florida in the nature of counties and not municipalities. These authorities are authorized to exercise their respective jurisdictions, powers, and duties within the territorial limits of the former Duval County, which territorial limits now exist within the City of Jacksonville. The Jacksonville Seaport Authority shall operate, manage, and control the

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1 seaport and ancillary facilities located within Duval County.  
2 The Jacksonville Airport Authority shall operate, manage, and  
3 control all publicly owned airports and ancillary facilities  
4 located within Duval County. This authorization for a port  
5 authority split shall be reviewed for performance and  
6 efficiency after a period of 4 years.

7 (2) The governing body for the Seaport Authority shall  
8 consist of seven members, four of whom shall be appointed by  
9 the Mayor of the City of Jacksonville with the confirmation of  
10 the council of the City of Jacksonville, and three of whom  
11 shall be appointed by the Governor of Florida with the  
12 confirmation of the Senate. The governing body for the Airport  
13 Authority shall consist of seven members, four of whom shall  
14 be appointed by the Governor of Florida with the confirmation  
15 of the Senate, and three of whom shall be appointed by the  
16 Mayor of the City of Jacksonville with the confirmation of the  
17 council of the City of Jacksonville. Members shall serve for  
18 terms of 4 years commencing on October 1st of the year of the  
19 appointment or for the unexpired portion of a term deemed to  
20 have commenced on October 1st. Members of either authority,  
21 during their terms, shall serve at the pleasure of the Mayor  
22 or Governor, whoever appointed the member. Members shall  
23 continue to serve on either authority until their respective  
24 successors are appointed. A vacancy occurring during a term of  
25 an appointed member, on either authority, shall be filled only  
26 for the balance of the unexpired term. Any member appointed to  
27 an authority for two consecutive full terms shall not be  
28 eligible for appointment to that same authority for the next  
29 succeeding term. Provided, however, notwithstanding the above,  
30 members initially appointed to the authority shall serve in  
31 staggered terms to provide continuity of experience to each

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1 authority with two gubernatorial appointments and two mayoral  
2 appointments being for initial 2-year terms, which shall count  
3 as a full term for purposes of term limits herein.

4 (3) Each authority shall elect a chair, vice chair,  
5 secretary, and treasurer from its members, and such other  
6 officers it deems proper, not necessarily from its members, to  
7 perform such duties as each authority may direct. Four members  
8 of each authority shall constitute a quorum for such  
9 authority, but at least four members of such authority must  
10 approve any action to be taken by such authority. Resolutions  
11 adopted by the vote of at least four members of an authority  
12 shall become effective without further action by such  
13 authority. Each member of each authority shall have one vote.  
14 The yeas and nays shall be called and entered upon the minutes  
15 of each meeting upon the passage of every resolution or other  
16 action of each authority. Each authority may meet at such  
17 times and places designated by it but shall hold regular  
18 meetings as necessary, and generally once a month. Special  
19 meetings of an authority may be called upon the call of its  
20 chair or any three members of such authority. The members of  
21 each authority shall not be entitled to compensation but  
22 members and employees of each authority shall be entitled to  
23 payment of reasonable expenses as provided by the council of  
24 the City of Jacksonville.

25 (4) Each authority shall employ and fix the  
26 compensation of a managing director who shall manage the  
27 affairs of each respective authority under the supervision and  
28 control of the authority employing such managing director.  
29 Such managing director may be given any title suitable to  
30 either such authority. Each authority may employ such  
31 engineers, certified public accountants, consultants, and

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1 employees as either said authority may require, and fix and  
2 pay their compensation. Each authority may use any of the  
3 services available to governmental units through the  
4 Administration and Finance Department of the City of  
5 Jacksonville, but is not required by law to do so. However,  
6 the authority shall be required to use the legal services of  
7 the City of Jacksonville, except in those cases when the chief  
8 legal officer of the city determines that the city legal staff  
9 cannot provide legal services in the required legal area. Such  
10 use of city services, including, but not limited to, legal  
11 services, shall be on contractual basis and the authorities  
12 are authorized to pay the city reasonable and fair  
13 compensation for such services so furnished by the city and  
14 used by the authorities. The use by each authority of any such  
15 services furnished by the city shall not obligate either  
16 authority except to the extent it contracts with the city, or  
17 otherwise subject either authority to any rules, regulations,  
18 or ordinances of said city not otherwise applicable to the  
19 authorities under this act and the charter of said city. Each  
20 authority may delegate to one or more of its agents or  
21 employees such of its powers as it may deem necessary to carry  
22 out the purposes of this act, subject always to the  
23 supervision and control of each authority, and may do any and  
24 all things necessary to accomplish the purposes of this act.

25 (5) The provisions of section 286.012, Florida  
26 Statutes, requiring any member of each authority present at a  
27 meeting to vote unless there is a possible conflict of  
28 interest, and the provisions of sections 112.311-112.3175,  
29 Florida Statutes, and as the same may be amended in the  
30 future, relating to financial disclosure and conflicts of  
31 interest, shall apply to each member of each authority.

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

4           (1) The term "bonds" means and embraces bonds, notes,  
5 certificates, and other financial obligations issued by either  
6 authority for financing or refinancing purposes, and except  
7 where otherwise required by the context, notes, and other  
8 instruments executed to evidence obligations of either  
9 authority for the repayment of borrowed funds.

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

11           (3) The term "city" or "City of Jacksonville" means  
12 the consolidated government of the City of Jacksonville  
13 created pursuant to section 9, Article VIII of the State  
14 Constitution.

15           (4) The term "federal agency" means and includes the  
16 United States, the President of the United States, and any  
17 department of, or corporation, agency, or instrumentality  
18 thereof, heretofore or hereafter created, designated, or  
19 established by the United States.

20           (5) Words importing singular number shall include the  
21 plural number in each case and vice versa, and words importing  
22 persons shall include firms and corporations.

23           (6) The term "project" embraces any one or any  
24 combination of 2 or more of the following, to-wit: facilities  
25 for the construction, manufacture, repair, or maintenance of  
26 boats, ships, and watercraft of all kinds and airplanes,  
27 helicopters, and aircraft of all kinds, and other facilities,  
28 directly or indirectly related to the promotion and  
29 development, of waterborne and airborne commerce, travel,  
30 exploration, and researching, and other harbor, port,  
31 shipping, and airport facilities of all kinds, including, but

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1 not limited to, harbors, channels, turning basins, anchorage  
2 areas, jetties, breakwaters, waterways, canals, locks, tidal  
3 basins, wharves, docks, piers, slips, bulkheads, landings,  
4 ramps, runways, taxiways, warehouses, terminals,  
5 refrigerating, and cold storage plants and facilities, tiedown  
6 and parking areas and facilities, railroads and air and motor  
7 terminals for passengers, freight, exploration, and research,  
8 rolling stock, ferries, boats, airplanes, helicopters,  
9 conveyors, and appliances of all kinds for the handling,  
10 storage, inspection, and transportation of freight and the  
11 handling of passenger traffic, mail, express, and freight,  
12 administration and service buildings, toll highways, tunnels,  
13 causeways, and bridges connected therewith or incident or  
14 auxiliary thereto, and may include all property, structures,  
15 facilities, rights, easements, and franchises relating to any  
16 such project deemed necessary or convenient for the  
17 acquisition, construction, purchase, or operation thereof.  
18 Each authority is authorized to use such of its real property  
19 as it deems fit for facilities for recreational programs and  
20 activities, provided, however, that such programs and  
21 activities are approved by a simple majority vote of the  
22 Jacksonville City Council.

23 (7) The term "cost," as applied to improvements, means  
24 the cost of constructing or acquiring improvements as  
25 hereinabove defined and shall embrace the cost of all labor  
26 and materials, the cost of all machinery and equipment,  
27 financing charges, the cost of engineering and legal expenses,  
28 plans, specifications, and such other expenses as may be  
29 necessary or incident to such construction or acquisition.

30 (8) The term "cost," as applied to a project acquired,  
31 constructed, extended, or enlarged, includes the purchase

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1 price of any project acquired, the cost of improvements, the  
2 cost of such construction, extension, or enlargement, the cost  
3 of all lands, properties, rights, easements, and franchises  
4 acquired, the cost of all machinery and equipment, financing  
5 charges, interest during construction, and if deemed  
6 advisable, for up to 1 year after completion of construction,  
7 cost of investigations and audits, and of engineering and  
8 legal services, and all other expenses necessary or incident  
9 to determining the feasibility or practicability of such  
10 acquisition or construction, administrative expense, and such  
11 other expenses as may be necessary or incident to the  
12 financing herein authorized and to the acquisition or  
13 construction of a project and the placing of the same in  
14 operation. Any obligation or expense incurred by either  
15 authority prior to the issuance of revenue bonds under the  
16 provisions of this act for engineering studies and for  
17 estimates of cost and of revenue and for other technical,  
18 financial, or legal services in connection with the  
19 acquisition or construction of any project may be regarded as  
20 a part of the cost of such project.

21 Section 3. Powers.--Each authority shall have the  
22 below specified powers, in addition to other powers otherwise  
23 conferred by law; however, those powers that relate to  
24 maritime issues are vested in the Jacksonville Seaport  
25 Authority; those powers that relate to aviation issues are  
26 vested in the Jacksonville Airport Authority; those powers  
27 that are neutral in nature are vested in both authorities:

28 (1) To adopt, use, and alter at will a corporate seal;  
29 to sue and be sued, implead and be impleaded, complain, and  
30 defend in all courts; to exercise the power of eminent domain  
31 to acquire property for any authorized purposes, including the

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1 taking of such property ancillary to said power in the manner  
2 from time to time provided by the laws of the State of  
3 Florida; to accept grants, gifts, and donations; and to enter  
4 into contracts, leases, or other transactions with any federal  
5 agency, the state, any agency of the state, the County of  
6 Duval, the City of Jacksonville, or with any other public body  
7 of the state.

8 (2) To adopt rules and regulations with reference to  
9 all projects and matters under their respective control. All  
10 rules and regulations promulgated and all impositions and  
11 exactions made by each authority hereof shall be just and  
12 reasonable and consistent with public interest and their  
13 application shall be subject to review by certiorari in any  
14 court of proper and competent jurisdiction. All rules and  
15 regulations shall be a matter of public record and copies  
16 thereof shall be dispensed at cost to all applicants therefor.

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

20 (4) Subject to the jurisdiction of the United States  
21 and the State of Florida, to construct, establish, and improve  
22 harbors within the county, to improve navigable waters within  
23 the county, and to construct and maintain canals, slips,  
24 turning basins, and channels, all upon such terms and  
25 conditions as may be required by the United States and the  
26 State of Florida.

27 (5) To acquire for any project authorized by this act  
28 by grant, purchase, gift, devise, condemnation by eminent  
29 domain proceedings, exchange, or in any other manner, all  
30 property, real or personal, or any estate or interest therein,  
31 upon such terms and conditions as each authority shall by



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1 resolution fix and determine. The right of eminent domain  
2 herein conferred shall be exercised by each authority in the  
3 manner provided by law.

4 (6) To issue revenue bonds, payable solely from  
5 revenues, to pay all or a part of the cost of acquisition,  
6 construction, extension, enlargement, improvement, or  
7 modernization of any project and to pledge the revenues to  
8 secure the payment of bonds.

9 (7) To enter into joint arrangements with airlines,  
10 steamship lines, railroads, any common carrier, or any other  
11 commercial enterprise, related to either authority's basic  
12 mission, if either authority shall deem it advantageous so to  
13 do.

14 (8) To make and enter into all contracts and  
15 agreements and to do and perform all acts and deeds necessary  
16 and incidental to the performance of their respective duties  
17 and the exercise of their respective powers; to make and  
18 execute leases or agreements for the use and occupation of the  
19 property and projects under their respective control on such  
20 terms, conditions, and period of time as each authority may  
21 determine, except as noted in subsection (3) of section 1; and  
22 to sell and dispose of such property and projects as shall no  
23 longer be needed for the uses and purposes of either authority  
24 on such terms and conditions as shall be prescribed by  
25 resolution of either authority; however, before disposing of  
26 any real property which was acquired from either the city or  
27 county under the provisions of this act, each authority shall  
28 give written notice to the governmental unit from which such  
29 real property was acquired. If said governmental unit desires  
30 to accept a reconveyance of said real property, it shall give  
31 such authority written notice of such intention within 30 days

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1 from the date of mailing of such authority's notice regarding  
2 the disposal of such property, and such authority shall make  
3 the reconveyance of such property to said governmental unit  
4 forthwith. If within such 30 days, said governmental unit does  
5 not notify such authority in writing of a desire to accept a  
6 reconveyance of said property or refuses to accept a  
7 reconveyance of same such authority may sell and dispose of  
8 same on such terms and conditions as shall be prescribed by  
9 resolution of such authority. Neither authority shall sell  
10 real property for less than the appraised value.

11 (9) To the extent permitted by law to fix, regulate,  
12 and collect rates and charges for the services and facilities  
13 furnished by any project under the respective control of  
14 either authority, and to establish, limit, and control the use  
15 of any project as may be deemed necessary to ensure the proper  
16 operation of the project; and to impose sanctions to promote  
17 and enforce compliance with any rule or regulation which  
18 either authority may adopt in the regulation of the ports,  
19 harbors, wharves, docks, and other projects under its control.

20 (10) To fix the rates for wharfage, dockage,  
21 warehousing, storage, landing, and port and terminal charges  
22 for the use of the facilities owned or operated by such  
23 respective authority.

24 (11) To solicit air carriers, shipping lines, and  
25 other businesses and to do all things necessary or advisable  
26 to promote commerce and increase passenger traffic and freight  
27 tonnage through the seaport and airports operated by the  
28 respective authorities; to publicize, advertise, and promote  
29 the activities and projects authorized by this act and to  
30 promote the objects of either authority in the manner set  
31 forth by resolution of said authority; to make known to the

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1 users, potential users, and public in general the advantages,  
2 facilities, resources, products, attractions, and attributes  
3 of the activities and projects authorized by this act; to  
4 further create a favorable climate of opinion concerning the  
5 activities and projects authorized and indicated by this act;  
6 to cooperate, including expenditure of funds, to and with  
7 other agencies, both public and private, in accomplishing the  
8 purposes enumerated and indicated by this act; and in  
9 furtherance thereof, to authorize expenditures for any and all  
10 of the purposes herein enumerated, including, but not limited  
11 to, meals, hospitality, and entertainment of persons in the  
12 interest of promoting and engendering good will toward the  
13 activities and projects herein authorized, provided, however,  
14 that funds obtained under chapters 159 and 315 may not be used  
15 for such purposes. Whenever an expenditure of funds for any of  
16 the foregoing purposes is made by a member or employee of  
17 either authority, such authority may reimburse such member or  
18 employee therefor, but only after such expenditures have been  
19 duly authorized by such authority.

20 (12) To receive and accept from any federal or state  
21 agency grants for or in aid of the construction, improvement,  
22 or operation of any project and to receive and accept  
23 contributions from any source of money, property, labor, or  
24 other things of value.

25 (13) To make any and all applications required by the  
26 Treasury Department and other departments or agencies of the  
27 Federal Government as a condition precedent to the  
28 establishment within the county of a free port, foreign trade  
29 zone, or area for the reception from foreign countries of  
30 articles or commerce and to expedite and encourage foreign  
31 commerce, and the handling, processing, and delivery thereof

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1 into foreign commerce free from the payment of custom duties  
2 and to enter into any agreements required by such departments  
3 or agencies in connection therewith and to make like  
4 applications and agreements with respect to the establishment  
5 within said county of one or more bonded warehouses.

6 (14) To enter into any contract with the State of  
7 Florida, the Federal Government, or any agency of said  
8 governments, which may be necessary for development of any  
9 project related to the authority's basic mission.

10 (15) To make or cause to be made such surveys,  
11 investigations, studies, borings, maps, plans, drawings, and  
12 estimates of cost and revenues as either authority may deem  
13 necessary and may prepare and adopt a comprehensive plan or  
14 plans, for the location, construction, improvement, and  
15 development of any project.

16 (16) To grant exclusive or non-exclusive franchises to  
17 persons, firms, or corporations for the operation of  
18 restaurants, cafeterias, bars, cigar and cigarette stands,  
19 newsstands, buses, taxicabs, vending machines, hotels, motels,  
20 service stations, and other concessions in, on, and in  
21 connection with any project owned and operated by such  
22 authority. In granting such franchises it shall be the duty of  
23 the authority to investigate and consider the qualifications  
24 and ability of the lessee or concessionaires to provide or  
25 perform the contemplated services for the public using the  
26 facilities and the revenues which will be derived therefrom by  
27 such authority and to exercise sound prudent business judgment  
28 on behalf of such authority with respect thereto, calling for  
29 bids when practicable and when the interests of the public  
30 will best be served by such action.

31 (17) To enter into contracts with utility companies or

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1 others for the supplying by said utility companies or others  
2 of water, electricity, or telephone service to or in  
3 connection with any project.

4 (18) To pledge by resolution or contract the revenues  
5 arising from the operation of any project or projects owned  
6 and operated by such authority, or under its control, to the  
7 payment of the cost of operation, maintenance, repair,  
8 improvement, extension, or enlargement of the project or  
9 projects from the operation of which such revenues are  
10 received and for the payment of principal and interest on  
11 bonds issued in connection with any such project or projects  
12 and to combine for financing purposes any two or more projects  
13 constructed or acquired by such authority under the provisions  
14 of this act. In any such case the authorities may adopt  
15 separate budgets for the operation of such project or  
16 projects. In every such case such revenues shall be expended  
17 exclusively for the payment of the costs of operation,  
18 maintenance, repair, improvement, extension, and enlargement  
19 of the project or projects from the operation of which such  
20 revenues arise, for the performance of either authority's  
21 contracts in connection with such project or projects, and for  
22 the payment of principal of premium, if any, and interest  
23 requirements of any bonds issued in connection with the  
24 project or projects. Any surplus of such funds remaining on  
25 hand at the end of any year shall be carried forward and may  
26 be expended in the succeeding year for the payment of the  
27 costs of operation of such project or projects or for the  
28 repair, improvement, or extension thereof as the authorities  
29 may determine, unless such surplus has been pledged for the  
30 payment of principal of premium, if any, and interest on  
31 bonds, as authorized in subsections (1)-(6) of section 4, in

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1 which event any such surplus shall be applied in accordance  
2 with the resolution pledging the same.

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

5 (20) To do all acts or things necessary or proper to  
6 be and serve as a local governmental body within the meaning  
7 of Article VII, Section 10(c)(2) of the State Constitution, or  
8 as an Industrial Development Authority under part III, chapter  
9 159, Florida Statutes, with respect to any project as defined  
10 therein.

11 (21) To appoint officers for the administration of  
12 criminal justice, as defined by Title 28, Chapter 1, Part 20,  
13 Code of Federal Regulations, and required by Part 107 of the  
14 Federal Aviation Regulations, at Jacksonville International  
15 Airport, Herlong Airport, Craig Airport, and Cecil Field. The  
16 Airport Authority shall assume all civil responsibility for  
17 the actions of such officers and shall provide for the  
18 necessary bond to cover any and all actions at law which might  
19 arise from the conduct of such officers within the scope of  
20 their employment.

21 Section 4. Issuance of bonds.--

22 (1) Each authority is authorized to issue general  
23 obligation bonds or revenue bonds of either said authority for  
24 the purpose of paying all or a part of the cost of any one or  
25 more projects as herein defined, including the cost of  
26 enlargement, expansion, or development of such project whether  
27 the property used therefor has previously been acquired or  
28 not, and the cost of removing therefrom or relocating or  
29 reconstructing at another location any buildings, structures,  
30 or facilities, which in the opinion of either such authority  
31 constitute obstructions or hazards to the safe or efficient

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1 operation of any such project and for the purpose of paying  
2 off and retiring any bonds issued or assumed under the  
3 provisions of this act.

4 (2) The bonds of each issue shall be authorized by  
5 resolution of the issuing authority and shall be dated, shall  
6 mature at such time or times not exceeding 40 years from their  
7 date or dates, as may be determined by the issuing authority,  
8 and may be made redeemable before maturity, at the option of  
9 the issuing authority, at such price or prices and under such  
10 terms and conditions as may be fixed by the issuing authority  
11 prior to the issuance of the bonds. The issuing authority  
12 shall determine the form of bonds, including any interest  
13 coupons to be attached thereto, and the manner of execution of  
14 the bonds and shall fix the denomination or denominations of  
15 the bonds and the place or places of payment of principal and  
16 interest, which may be at any bank or trust company within or  
17 without the state. The resolution authorizing the issuance of  
18 the bonds shall contain such provisions relating to the use of  
19 the proceeds from the sale of the bonds and for the protection  
20 and security of holders of the bonds, including their rights  
21 and remedies, and the rights, powers, privileges, duties, and  
22 obligations of the issuing authority with respect to the same,  
23 as shall be determined by the issuing authority. In case any  
24 officer whose signature or facsimile of whose signature shall  
25 appear on any bonds or coupons shall cease to be such officer  
26 before the delivery of such bonds, such signature or such  
27 facsimile shall nevertheless be valid and sufficient for all  
28 purposes to the same extent as if such officer had remained in  
29 office until such delivery. All bonds issued under the  
30 provisions of this act shall have and are hereby declared to  
31 have all the qualities and incidents of negotiable instruments

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1 under the negotiable instruments law of the state. The bonds  
2 may be issued in coupon registered or book entry form, as the  
3 issuing authority may determine, and provisions may be made  
4 for the registration of any coupon bonds as to principal alone  
5 and also as to both principal and interest and for the  
6 reconversion into coupon bonds of any bonds registered as to  
7 both principal and interest. The issuance of such bonds shall  
8 not be subject to any limitations or conditions contained in  
9 any other law.

10 (3) Prior to any public sale of bonds, either  
11 authority shall, in addition to any other publication and  
12 notice to the financial community, cause notice to be given by  
13 publication in a daily newspaper published and having a  
14 general circulation in the city that the issuing authority  
15 will receive bids for the purchase of the bonds at the office  
16 of the issuing authority in the city. Said notice shall be  
17 published once not less than 15 days prior to the date set for  
18 receiving the bids. Said notice shall specify the amount of  
19 the bonds offered for sale, shall state that the bids shall be  
20 sealed bids, and shall give the schedule of the maturities of  
21 the proposed bonds and such other pertinent information as may  
22 be prescribed in the resolution authorizing the issuance of  
23 such bonds or any resolution subsequent thereto. Bidders may  
24 be invited to name the rate or rates of interest which the  
25 bonds are to bear or the issuing authority may name rates of  
26 interest and invite bids thereon. In addition to publication  
27 of notice of the proposed sale, a copy of such advertisement  
28 shall be given to the Florida Division of Bond Finance and to  
29 at least three recognized bond dealers in the state, not less  
30 than 10 days prior to the date set for receiving the bids.

31 (4) Except as otherwise provided in this subsection,



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1 bonds and refunding bonds issued pursuant to this act shall be  
2 sold at public sale and shall be awarded to the bidder whose  
3 bid produces the lowest true interest cost to the issuing  
4 authority. The issuing authority shall reserve the right to  
5 reject any or all bids. Notwithstanding the foregoing, bonds  
6 and refunding bonds issued pursuant to this act may be sold at  
7 private sale at such price or prices as the issuing authority  
8 shall determine to be in its best interest. However, any price  
9 less than 100 percent of par value shall be subject to section  
10 215.84, Florida Statutes, as it may be amended from time to  
11 time. In no event shall said bonds be sold at a net interest  
12 cost to the issuing authority in excess of the legal limit, as  
13 established by section 215.84, Florida Statutes, or according  
14 to said section as it may be amended from time to time. The  
15 net interest cost of bonds shall be determined by taking the  
16 aggregate amount of interest at the rate or rates specified in  
17 the bonds, computed from the date of the bonds to the date of  
18 the various stated maturities thereof, and deducting therefrom  
19 the amount of any premium offered in excess of the par value  
20 of the bonds or adding thereto the amount of any discount  
21 offered below the par value of the bonds with interest  
22 computed on a 360-day basis. Pending the preparation of  
23 definitive bonds, interim bonds may be issued to the purchaser  
24 or purchasers of such bonds and may contain such terms and  
25 conditions as the authority may determine.

26 (5) The issuing authority shall require all bidders  
27 for said bonds to enclose a certified or bank cashier's check,  
28 in the amount of 2 percent of the total par value of the bonds  
29 offered for sale, drawn on an incorporated bank or trust  
30 company payable unconditionally to the order of the issuing  
31 authority, as a guarantee of good faith in the performance of

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1 each bid. The checks of the unsuccessful bidders shall be  
2 returned immediately upon the award of the bonds and the check  
3 of the successful bidder shall be retained by the authority  
4 and credited against the full purchase price of the bonds at  
5 the time of delivery or retained as and for liquidated damages  
6 in case of the failure of such bidder to fulfill the terms of  
7 his or her bid.

8 (6) No general obligation bonds shall be issued by  
9 either authority hereunder unless the issuance of such bonds  
10 shall have been approved by a majority of the votes cast by  
11 qualified voters in an election held for such purpose.  
12 Whenever an authority, by resolution, requests the council of  
13 the City of Jacksonville to hold such an election, said  
14 council shall, on behalf of such authority, hold, conduct,  
15 canvass, and announce the results of such election in  
16 accordance with the procedure prescribed by law for the  
17 issuance of county bonds. The expenses of such election shall  
18 be paid by the issuing authority that has requested the  
19 election. In no event shall such general obligation bonds be  
20 construed or considered to be bonds of the City of  
21 Jacksonville or any other municipality but shall be solely  
22 bonds of said authority that issues the bonds.

23 (7) Each authority is authorized to borrow money and  
24 to issue notes for any purpose or purposes for which bonds may  
25 be issued under the provisions of this act and to refund the  
26 same and to issue notes in anticipation of the receipt of the  
27 proceeds of the sale of any such bonds.

28 (8) Subject to the restrictions contained in  
29 subsections (2), (3), and (4) of section 4., each authority  
30 shall have the power to provide for the issuance of refunding  
31 bonds of such authority for the purpose of refunding any

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1 revenue bonds or general obligation bonds, or any combination  
2 of general obligation or revenue bonds then outstanding which  
3 have been assumed by such authority or issued for the purpose  
4 of financing the cost of making enlargements, extensions, and  
5 improvements to any project acquired, constructed, or operated  
6 under the provisions of this act. Said authority is further  
7 authorized to provide for the issuance of revenue bonds or  
8 general obligation bonds, or any combination thereof, of such  
9 authority for the combined purpose of:

10 (a) Paying the cost of enlargement, extension,  
11 reconstruction, or improvement of any project or combination  
12 of projects.

13 (b) Refunding revenue bonds or general obligation  
14 bonds, or any combination thereof, which have been assumed by  
15 such authority under the provisions of this act which shall  
16 then be outstanding and which shall then have matured or be  
17 subject to redemption or can be acquired for retirement.

18  
19 The issuance of such bonds, the maturities or other details  
20 thereof, the rights or remedies of the holders thereof, and  
21 the rights, powers, privileges, duties, and obligations of the  
22 respective authorities with respect to the same shall be set  
23 forth in the resolution of the authorities authorizing the  
24 issuance of such bonds.

25 Section 5. Budget and finance.--The fiscal year of  
26 each authority shall commence on October 1 of each year and  
27 end on the following September 30. Each authority shall  
28 prepare and submit its budget to the council of the City of  
29 Jacksonville on or before July 1 for the ensuing fiscal year.  
30 The council, consistent with the provisions of the Charter of  
31 the City of Jacksonville, may increase or decrease the

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1 appropriation [budget] requested by each authority on a total  
2 basis or a line-by-line basis; however, the appropriation for  
3 construction, reconstruction, enlargement, expansion,  
4 improvement, or development of any project or projects  
5 authorized to be undertaken by the Jacksonville Seaport  
6 Authority shall not be reduced below \$800,000 for each year  
7 that the bonds to which the \$800,000 is pledged remain  
8 outstanding.

9 Section 6. Rights of bondholders.--All bonds issued by  
10 the City of Jacksonville or the Jacksonville Port Authority  
11 related to properties transferred to the authorities and bonds  
12 issued under authority of chapter 63-1447, Laws of Florida,  
13 remain the liability, responsibility, and obligation of the  
14 issuer and the rights of the holders of existing outstanding  
15 bonds shall be unimpaired. Rights, duties, and obligations of  
16 the authorities with respect to the property transferred to it  
17 by the Jacksonville Port Authority are ratified and remain  
18 unchanged.

19 Section 7. Rights of employees.--

20 (a) Except as provided in paragraph (b), all  
21 employment rights and employee benefits authorized under  
22 section 11, chapter 63-1447, Laws of Florida, as amended, are  
23 hereby confirmed, ratified, and continued, notwithstanding the  
24 repeal of said chapter 63-1447, Laws of Florida, as amended.  
25 In order to preserve the rights of employees of the former  
26 Jacksonville Port Authority to continue participation in the  
27 Florida Retirement System pursuant to chapter 121, Florida  
28 Statutes, each separate authority created by this act shall be  
29 a county agency and employees of each such authority shall  
30 participate in the Florida Retirement System, notwithstanding  
31 any law to the contrary. Those employees of the Jacksonville

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1 Port Authority who were assigned to any activity related to  
2 the operation of the marine facilities shall become employees  
3 of the Jacksonville Seaport Authority. Those employees of the  
4 Jacksonville Port Authority who were assigned to any  
5 activities related to the operation of any aviation facilities  
6 operated by the Jacksonville Port Authority shall be employees  
7 of the Jacksonville Airport Authority. Central administrative  
8 employees shall be employed by either the Jacksonville Seaport  
9 Authority or the Jacksonville Airport Authority. It is  
10 expressly provided that none of those employees of the former  
11 Jacksonville Port Authority who remain with either the  
12 Jacksonville Seaport Authority or the Jacksonville Airport  
13 Authority shall lose any rights or benefits of whatsoever kind  
14 or nature afforded to them by any law, ordinance, collective  
15 bargaining agreement, or existing policy or plan, including,  
16 but not limited to, pension benefits by virtue of the change  
17 in corporate structure. In order to effectively implement the  
18 foregoing, each authority shall perform all functions with  
19 regard to its own employees that prior to the operation of the  
20 two authorities created by this act were performed by the  
21 Jacksonville Port Authority. In order to specifically preserve  
22 the rights of employees of the former Jacksonville Port  
23 Authority to continue participation in the Florida Retirement  
24 System, pursuant to chapter 121, Florida Statutes, each  
25 separate authority created by this act shall be a county  
26 authority and employees of each such authority who are  
27 currently participating in the Florida Retirement System and  
28 all employees of each authority after the effective date of  
29 this act shall participate in the Florida Retirement System.  
30 (b) The Jacksonville Port Authority firefighters shall  
31 become merged into the City of Jacksonville's Fire and Rescue

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1 Department and shall become employees of the City of  
2 Jacksonville; however, with respect to pension benefits such  
3 Jacksonville Port Authority Fire Department employees shall  
4 have a one-time option to continue participation in the  
5 Florida Retirement System or to participate in the City of  
6 Jacksonville Police and Fire Pension Fund. Such option must be  
7 exercised no later than November 1, 2001. Upon such merger,  
8 firefighting services for the airports owned and operated by  
9 the Jacksonville Airport Authority shall be provided by the  
10 Fire and Rescue Department of the City of Jacksonville  
11 pursuant to a written contract to be entered into by and  
12 between the City of Jacksonville and the Jacksonville Airport  
13 Authority. Notwithstanding any provision in this act to the  
14 contrary, such merger and contract shall become effective  
15 October 1, 2001. If any firefighter who has vested in the  
16 Florida Retirement System exercises the option to become a  
17 member of the City of Jacksonville Police and Fire Pension  
18 Fund, such vested time shall not be included in the City of  
19 Jacksonville Police and Fire Pension Fund.

20 Section 8. Cooperation with other units, boards,  
21 agencies, and individuals.--Express authority and power is  
22 hereby given and granted any county, municipality, drainage  
23 district, road and bridge district, school district, or any  
24 other political subdivision, board, commission, or individual  
25 in, or of, the state to make and enter into with the  
26 authorities, contracts, leases, conveyances, or other  
27 agreements within the provisions and purposes of this act. The  
28 authorities are hereby expressly authorized to make and enter  
29 into contracts, leases, conveyances, and other agreements with  
30 any political subdivision, agency, or instrumentality of the  
31 state and any and all federal agencies, corporations, and

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1 individuals for the purpose of carrying out the provisions of  
2 this act.

3 Section 9. Audits; bonds.--The authorities shall issue  
4 quarterly and annually financial reports of their respective  
5 operations and shall also cause annual audits to be made of  
6 their respective operations and affairs by an independent  
7 certified public accountant, in such detail as may be  
8 necessary to show the financial operation and status of the  
9 authorities, and the same shall be preserved as public records  
10 of the authorities. The authorities' records may be audited at  
11 any time by the Council Auditor of the City of Jacksonville.  
12 Members of said authorities shall be required to give a good  
13 and sufficient surety bond in the sum of \$50,000, payable to  
14 the City of Jacksonville, conditioned upon the faithful  
15 performance of their duties as members of the authorities.  
16 Such bonds shall be approved by and filed with the clerk of  
17 the circuit court of Duval County, and the premium or premiums  
18 thereon shall be paid by the respective authorities as a  
19 necessary expense of said authorities. Each authority shall  
20 have power to require their respective managing directors and  
21 such others of its employees as they may deem necessary to  
22 furnish good and sufficient surety bond in such sum as such  
23 authority shall require, conditioned upon the faithful  
24 performance of duties, and to pay the premium or premiums  
25 thereon as a necessary expense of each said authority.

26 Section 10. Award of contracts.--

27 (1) All construction, reconstruction, repairs, or work  
28 of any nature made by the authorities, where the entire costs,  
29 value, or amount of such construction, reconstruction,  
30 repairs, or work, including the labor and materials, exceeds  
31 \$12,000, except construction, reconstruction, repairs, or work

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1 done by employees of such authorities or by labor supplied  
2 under agreement with Federal Government or state government,  
3 with supplies and materials purchased as hereinafter provided,  
4 shall be done only under contract or contracts to be entered  
5 into by the authorities with the lowest responsible bidder  
6 upon proper terms, after due public notice has been given  
7 asking for competitive bids as hereinafter provided. Each  
8 authority shall keep a current list of responsible bidders  
9 and, whenever the authorities shall award a contract, the  
10 bidder shall come from such list. No contract shall be entered  
11 into for construction, improvement, or repair of any project,  
12 or any part thereof, unless the contractor shall have given an  
13 undertaking with a sufficient surety or sureties, approved by  
14 either authority, and in an amount fixed by either authority,  
15 for the faithful performance of the contract. All such  
16 contracts shall provide, among other things, that the person  
17 or corporation entering into such contract with each authority  
18 will pay for all materials furnished and services rendered for  
19 the performance of the contract and that any person or  
20 corporation furnishing such materials or rendering such  
21 services may maintain an action to recover for the same  
22 against the obligor in the undertaking, as though such person  
23 or corporation were named therein, provided the action is  
24 brought within 1 year after the time the cause of action  
25 accrued. Nothing in this section shall be construed to limit  
26 the power of either authority to construct any project, or any  
27 part thereof, or any addition, betterment, or extension  
28 thereto, directly by the officers, agents, and employees of  
29 such authority, or otherwise, other than by contract.

30 (2) All supplies, equipment, machinery, and materials,  
31 costing \$12,000 or more, shall be purchased by the authorities



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1 only after due advertisement as provided hereinafter. The  
2 authorities shall accept the lowest bid or bids, kind,  
3 quality, and material being equal but the authorities shall  
4 have the right to reject any or all bids or select a single  
5 item from any bid. The provision as to bidding shall not apply  
6 to the purchase of patented and manufactured products offered  
7 for sale in a noncompetitive market or solely by a  
8 manufacturer's authorized dealer.

9 (3) The term "advertisement" or "due public notice"  
10 wherever used in this section means a notice published at  
11 least once a week for 2 consecutive weeks before the award of  
12 any contract, in a daily newspaper published and having a  
13 general circulation in the county, and in such other  
14 newspapers or publications as each authority shall deem  
15 advisable.

16 (4) Subject to the aforesaid provisions, the  
17 authorities may, but without intending by this provision to  
18 limit any powers of either authority, enter into and carry out  
19 such contract or establish or comply with such rules and  
20 regulations concerning labor and materials and other related  
21 matters in connection with any project, or portion thereof, as  
22 the authorities may deem desirable or as may be requested by  
23 the Federal Government or state government assisting in the  
24 financing of its projects, seaport facilities, airport  
25 facilities, and facilities related thereto, or any part  
26 thereof, provided the provisions of this subsection shall not  
27 apply to any case in which an authority has taken over by  
28 transfer or assignment any contract assigned to it or assumed  
29 by it in connection with the transfer of city and county  
30 properties authorized under the provisions of sections 11 and  
31 12, or to any contract in connection with projects which an

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1 authority may have had transferred to it by any persons or  
2 private corporations, and further provided the provisions of  
3 this section shall not apply to any contract or agreement  
4 between an authority and any engineers, architects, attorneys,  
5 or other professional services or to any contract or agreement  
6 relating to fiscal advisors, fiscal agents, or investment  
7 bankers, relating to the financing of projects herein  
8 authorized.

9 Section 11. Execution of instruments; examination of  
10 claims.--All instruments in writing necessary to be signed by  
11 either authority shall be executed by its chair and secretary.  
12 Either authority may, by resolution, designate one or more  
13 officers, members, employees, or agents of such authority to  
14 execute instruments in writing where it is necessary that such  
15 instruments be signed by either authority. No expenditure of  
16 funds of either authority shall be made except by voucher  
17 approved by the spending authority and signed by its chair and  
18 secretary, or by one or more officers, members, or employees  
19 of such authority as such authority may designate by  
20 resolution. The foregoing authority of the chair may be  
21 exercised by the vice chair in the absence of the chair and  
22 the foregoing authority of the secretary may be exercised by  
23 an assistant secretary designated by each authority in the  
24 absence of the secretary. Each authority shall provide for the  
25 examination of all payrolls, bills, and other claims and  
26 demands against either authority to determine before the same  
27 are paid that they are duly authorized, in proper form,  
28 correctly computed, legally due and payable, and that the  
29 authority has funds on hand to make payment.

30 Section 12. Transfer of assets and liabilities.--The  
31 Jacksonville Port Authority shall take all actions necessary

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1 to convey, assign, transfer, and set over:

2 (1) All of the right, title, and interests of the  
3 Jacksonville Port Authority in and to its marine port  
4 facilities and its airport facilities, including, without  
5 limitation, its real and personal property and any interests  
6 therein, books, records, contracts, leases, and all other  
7 property of any kind or nature related to the operation of the  
8 marine port activities and airport activities, by operation of  
9 this act and without further act, to the Jacksonville Seaport  
10 Authority or Jacksonville Airport Authority, respectively,  
11 depending upon the operation or jurisdiction of each such  
12 authority.

13 (2) All contracts and leases relating to Jacksonville  
14 Port Authority's marine port operations and airport  
15 operations, respectively, shall, by operation of this act and  
16 without further act, become contracts and leases of the  
17 Jacksonville Seaport Authority or the Jacksonville Airport  
18 Authority, respectively, depending upon the operating  
19 jurisdiction of each successor authority.

20 (3) All accounts receivable, accounts payable, and  
21 cash on hand relating to the Jacksonville Port Authority's  
22 marine port operations and airport operations shall, by  
23 operation of this act, and without further act, be transferred  
24 or delivered to the Jacksonville Seaport Authority or the  
25 Jacksonville Airport Authority, respectively, depending upon  
26 the operating jurisdiction of each such authority.

27 (4) All operating expenses, including taxes of all  
28 kinds and all revenue and expense accruals of Jacksonville  
29 Port Authority's marine operations and airport operations  
30 shall be transferred to the Jacksonville Seaport Authority or  
31 to the Jacksonville Airport Authority, respectively, depending

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1 upon the operating jurisdiction of each such authority, on the  
2 effective date at transfer.

3  
4 The conveyances specified in this section shall be effective  
5 as of October 1, 2001.

6 Section 13. Chapter 315, Florida Statutes, relating to  
7 port facilities financing, also applicable.--The provisions of  
8 chapter 315, Florida Statutes, relating to port facilities  
9 financing, shall also be applicable to the Jacksonville  
10 Seaport Authority.

11 Section 14. Declaration of purposes.--The authorities  
12 created by this act and the purposes which they are intended  
13 to serve are hereby found to be for a county and public  
14 purpose. Such authorities are political subdivisions of the  
15 State of Florida, local governmental bodies within the meaning  
16 of Article VII, Section 10(c)(2) of the State Constitution,  
17 and, subject to proper resolution and establishment by the  
18 council of the City of Jacksonville pursuant to section  
19 159.45, Florida Statutes, an Industrial Development Authority  
20 under part III, chapter 159, Florida Statutes, with respect to  
21 any project as defined therein. Nothing in this act is  
22 intended to create entities which are exempt from ad valorem  
23 taxation.

24 Section 2. Section 1. Construction.--The powers of  
25 each authority created by this act shall be construed  
26 liberally in favor of each such authority. No listing of  
27 powers included in this act is intended to be exclusive or  
28 restrictive and the specific mention of, or failure to  
29 mention, particular powers in this act shall not be construed  
30 as limiting in any way the general powers of either respective  
31 authority as stated in section 3. It is the intent of this act

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1 to grant each authority full power and right to exercise all  
2 authority necessary for the effective operation and conduct of  
3 each such authority. It is further intended that each  
4 authority should have all implied powers necessary or  
5 incidental to carrying out the expressed powers and the  
6 expressed purposes for which each such authority is created.  
7 The fact that this article specifically states that either  
8 authority possesses a certain power does not mean that either  
9 such authority must exercise such power unless this article  
10 specifically so requires.

11 Section 2. Severability clause.--The provisions of  
12 this act are severable and it is the intention to confer the  
13 whole or any part of the powers provided for herein and if any  
14 of the provisions of this act shall be held unconstitutional  
15 by any court of competent jurisdiction, the decision of such  
16 court shall not affect or impair any of the remaining  
17 provisions.

18 Section 3. Repealer; abolition of Jacksonville Port  
19 Authority; assumption of responsibility.--

20 (1) Effective October 1, 2001, chapters 63-1447,  
21 65-1459, 65-1467, 65-1471, 65-1472, 65-1726, 67-1301, 67-1302,  
22 67-1303, 67-1304, 67-1305, 67-1533, 67-1536, 67-1542, 67-2227,  
23 70-663, 70-666, 70-667, 70-674, 70-677, 70-1002, 71-698(5),  
24 72-532, 73-452, 74-472, 77-546, 79-451, 80-517, 81-371,  
25 83-399, 85-429, 86-401, 86-412, 91-373, 92-338, and 94-422,  
26 Laws of Florida, which create, establish, revise, amend, or  
27 otherwise relate to the Jacksonville Port Authority, are  
28 hereby repealed.

29 (2) Effective October 1, 2001, the Jacksonville Port  
30 Authority, created, established, revised, or amended by the  
31 above-referenced laws, is hereby abolished, and all its

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1 functions, plans, projects, and programs in effect or  
2 undertaken by the Jacksonville Port Authority relative to  
3 seaport operations and airport operations shall be assumed by  
4 the Jacksonville Seaport Authority and the Jacksonville  
5 Airport Authority, respectively, on that date.

6 Section 3. Section 18.07 of chapter 92-341, Laws of  
7 Florida, as amended, being the Charter of the City of  
8 Jacksonville, is amended in part to read:

9 Section 18.07. Definitions.

10 For purposes of this Charter, the following terms shall  
11 have the following meanings:

12 (d) "Independent agencies" means the Duval County  
13 School Board, the Jacksonville Airport Authority, the  
14 Jacksonville Seaport Authority ~~the Jacksonville Port~~  
15 ~~Authority~~, the Jacksonville Transportation Authority, the  
16 Jacksonville Electric Authority, the Jacksonville Downtown  
17 Development Authority, and the Jacksonville Police and Fire  
18 Pension Board of Trustees.

19 Section 4. Subsection (4) of section 24.04 of Article  
20 24 of chapter 92-341, Laws of Florida, as amended by chapter  
21 97-339, Laws of Florida, is amended, and subsection (12) is  
22 added to said section, to read:

23 Section 24.04. Individual ex officio advisors to the  
24 commission.

25 The following individual ex officio advisors are named  
26 to assist the commission in an advisory or fact-finding role  
27 as may be requested individually or collectively of them by  
28 the commission so as to effectuate the centralized economic  
29 development goals of the commission. No ex officio advisor  
30 shall serve simultaneously as both an ex officio advisor and  
31 as an appointed member of the commission. These individual ex

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1 officio advisors shall be:

2 (4) The President/Chief Executive Officer of the  
3 Jacksonville Airport ~~Port~~ Authority.

4 (12) The President/Chief Executive Officer of the  
5 Jacksonville Seaport Authority.

6 Section 5. Sections 1 and 12 of section 1 of this act  
7 shall take effect upon this act becoming a law and the  
8 remaining sections of this act shall take effect on October 1,  
9 2001.

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