

By Representatives Davis, Fields, Mahon and Jordan

1                                   A bill to be entitled  
2           An act relating to the Consolidated City of  
3           Jacksonville; creating and establishing  
4           separate airport and seaport authorities;  
5           providing for governing bodies, appointment of  
6           members, terms, staggered terms, rules of  
7           procedure; providing for employment of a  
8           managing director and other employees,  
9           providing for interrelations with and use of  
10          services of the City of Jacksonville; providing  
11          definitions; establishing powers; providing for  
12          issuance of bonds; providing for budgetary and  
13          financial matters; providing for rights of  
14          bondholders; providing rights of employees;  
15          establishing the separate authorities as county  
16          authorities; providing for participation in the  
17          Florida Retirement System; providing for  
18          cooperation with other entities; providing for  
19          audits and bonds; providing for purchasing,  
20          procurement, and award of contracts; providing  
21          for execution of instruments and examination of  
22          claims; providing for transfer of assets and  
23          liabilities from the Jacksonville Port  
24          Authority to the separate seaport and airport  
25          authorities and for assumption of  
26          responsibilities; making the Port Facilities  
27          Financing Act applicable to seaport operations;  
28          declaring a county and public purpose;  
29          providing for liberal construction; providing  
30          for severability; repealing certain existing  
31          local laws relative to the creation and

1 operation of the Jacksonville Port Authority;  
2 providing for conforming amendments to sections  
3 18.07 and 24.04, of chapter 92-341, Laws of  
4 Florida, being the Charter of the City of  
5 Jacksonville, to replace references to the  
6 Jacksonville Port Authority with references to  
7 the Jacksonville Seaport Authority and the  
8 Jacksonville Airport Authority; providing an  
9 effective date.

10

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

12

13 Section 1.

14 Section 1. Creation of Jacksonville Seaport Authority  
15 and Jacksonville Airport Authority.--

16 (1) There are hereby created and established two  
17 separate bodies politic and corporate to be known as the  
18 Jacksonville Seaport Authority and the Jacksonville Airport  
19 Authority respectively (hereinafter referred to singly as an  
20 "authority" and collectively as "authorities"), which are  
21 created as agencies and political subdivisions of the State of  
22 Florida in the nature of counties and not municipalities.  
23 These authorities are authorized to exercise their respective  
24 jurisdictions, powers, and duties within the territorial  
25 limits of the former Duval County, which territorial limits  
26 now exist within the City of Jacksonville. The Jacksonville  
27 Seaport Authority shall operate, manage, and control the  
28 seaport and ancillary facilities located within Duval County.  
29 The Jacksonville Airport Authority shall operate, manage, and  
30 control all publicly owned airports and ancillary facilities  
31 located within Duval County. This authorization for a port

1 authority split shall be reviewed for performance and  
2 efficiency after a period of 4 years.

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

31

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

22           (4) Each authority shall employ and fix the  
23 compensation of a managing director who shall manage the  
24 affairs of each respective authority under the supervision and  
25 control of the authority employing such managing director.  
26 Such managing director may be given any title suitable to  
27 either such authority. Each authority may employ such  
28 engineers, certified public accountants, consultants, and  
29 employees as either said authority may require, and fix and  
30 pay their compensation. Each authority may use any of the  
31 services available to governmental units through the

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

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

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

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

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

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

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

17       (5) Words importing singular number shall include the  
18 plural number in each case and vice versa, and words importing  
19 persons shall include firms and corporations.

20       (6) The term "project" embraces any one or any  
21 combination of 2 or more of the following, to-wit: facilities  
22 for the construction, manufacture, repair, or maintenance of  
23 boats, ships, and watercraft of all kinds and airplanes,  
24 helicopters, and aircraft of all kinds, and other facilities,  
25 directly or indirectly related to the promotion and  
26 development, of waterborne and airborne commerce, travel,  
27 exploration, and researching, and other harbor, port,  
28 shipping, and airport facilities of all kinds, including, but  
29 not limited to, harbors, channels, turning basins, anchorage  
30 areas, jetties, breakwaters, waterways, canals, locks, tidal  
31 basins, wharves, docks, piers, slips, bulkheads, landings,

1 ramps, runways, taxiways, warehouses, terminals,  
2 refrigerating, and cold storage plants and facilities, tiedown  
3 and parking areas and facilities, railroads and air and motor  
4 terminals for passengers, freight, exploration, and research,  
5 rolling stock, ferries, boats, airplanes, helicopters,  
6 conveyors, and appliances of all kinds for the handling,  
7 storage, inspection, and transportation of freight and the  
8 handling of passenger traffic, mail, express, and freight,  
9 administration and service buildings, toll highways, tunnels,  
10 causeways, and bridges connected therewith or incident or  
11 auxiliary thereto, and may include all property, structures,  
12 facilities, rights, easements, and franchises relating to any  
13 such project deemed necessary or convenient for the  
14 acquisition, construction, purchase, or operation thereof.  
15 Each authority is authorized to use such of its real property  
16 as it deems fit for facilities for recreational programs and  
17 activities, provided, however, that such programs and  
18 activities are approved by a simple majority vote of the  
19 Jacksonville City Council.

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

27 (8) The term "cost," as applied to a project acquired,  
28 constructed, extended, or enlarged, includes the purchase  
29 price of any project acquired, the cost of improvements, the  
30 cost of such construction, extension, or enlargement, the cost  
31 of all lands, properties, rights, easements, and franchises

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

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

25 (1) To adopt, use, and alter at will a corporate seal;  
26 to sue and be sued, implead and be impleaded, complain, and  
27 defend in all courts; to exercise the power of eminent domain  
28 to acquire property for any authorized purposes, including the  
29 taking of such property ancillary to said power in the manner  
30 from time to time provided by the laws of the State of  
31 Florida; to accept grants, gifts, and donations; and to enter



1 into contracts, leases, or other transactions with any federal  
2 agency, the state, any agency of the state, the County of  
3 Duval, the City of Jacksonville, or with any other public body  
4 of the state.

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

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

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

24 (5) To acquire for any project authorized by this act  
25 by grant, purchase, gift, devise, condemnation by eminent  
26 domain proceedings, exchange, or in any other manner, all  
27 property, real or personal, or any estate or interest therein,  
28 upon such terms and conditions as each authority shall by  
29 resolution fix and determine. The right of eminent domain  
30 herein conferred shall be exercised by each authority in the  
31 manner provided by law.

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

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

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

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

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

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

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

1 further create a favorable climate of opinion concerning the  
2 activities and projects authorized and indicated by this act;  
3 to cooperate, including expenditure of funds, to and with  
4 other agencies, both public and private, in accomplishing the  
5 purposes enumerated and indicated by this act; and in  
6 furtherance thereof, to authorize expenditures for any and all  
7 of the purposes herein enumerated, including, but not limited  
8 to, meals, hospitality, and entertainment of persons in the  
9 interest of promoting and engendering good will toward the  
10 activities and projects herein authorized. Whenever an  
11 expenditure of funds for any of the foregoing purposes is made  
12 by a member or employee of either authority, such authority  
13 may reimburse such member or employee therefor, but only after  
14 such expenditures have been duly authorized by such authority.

15 (12) To receive and accept from any federal or state  
16 agency grants for or in aid of the construction, improvement,  
17 or operation of any project and to receive and accept  
18 contributions from any source of money, property, labor, or  
19 other things of value.

20 (13) To make any and all applications required by the  
21 Treasury Department and other departments or agencies of the  
22 Federal Government as a condition precedent to the  
23 establishment within the county of a free port, foreign trade  
24 zone, or area for the reception from foreign countries of  
25 articles or commerce and to expedite and encourage foreign  
26 commerce, and the handling, processing, and delivery thereof  
27 into foreign commerce free from the payment of custom duties  
28 and to enter into any agreements required by such departments  
29 or agencies in connection therewith and to make like  
30 applications and agreements with respect to the establishment  
31 within said county of one or more bonded warehouses.

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

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

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

26       (17) To enter into contracts with utility companies or  
27 others for the supplying by said utility companies or others  
28 of water, electricity, or telephone service to or in  
29 connection with any project.

30       (18) To pledge by resolution or contract the revenues  
31 arising from the operation of any project or projects owned

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

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

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

17       Section 4. Issuance of bonds.--

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

31

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



1 for the registration of any coupon bonds as to principal alone  
2 and also as to both principal and interest and for the  
3 reconversion into coupon bonds of any bonds registered as to  
4 both principal and interest. The issuance of such bonds shall  
5 not be subject to any limitations or conditions contained in  
6 any other law.

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

28 (4) Except as otherwise provided in this subsection,  
29 bonds and refunding bonds issued pursuant to this act shall be  
30 sold at public sale and shall be awarded to the bidder whose  
31 bid produces the lowest true interest cost to the issuing

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

23 (5) The issuing authority shall require all bidders  
24 for said bonds to enclose a certified or bank cashier's check,  
25 in the amount of 2 percent of the total par value of the bonds  
26 offered for sale, drawn on an incorporated bank or trust  
27 company payable unconditionally to the order of the issuing  
28 authority, as a guarantee of good faith in the performance of  
29 each bid. The checks of the unsuccessful bidders shall be  
30 returned immediately upon the award of the bonds and the check  
31 of the successful bidder shall be retained by the authority

1 and credited against the full purchase price of the bonds at  
2 the time of delivery or retained as and for liquidated damages  
3 in case of the failure of such bidder to fulfill the terms of  
4 his or her bid.

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

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

25 (8) Subject to the restrictions contained in  
26 subsections (2), (3), and (4), each authority shall have the  
27 power to provide for the issuance of refunding bonds of such  
28 authority for the purpose of refunding any revenue bonds or  
29 general obligation bonds, or any combination of general  
30 obligation or revenue bonds then outstanding which have been  
31 assumed by such authority or issued for the purpose of

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

7 (a) Paying the cost of enlargement, extension,  
8 reconstruction, or improvement of any project or combination  
9 of projects.

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

15  
16 The issuance of such bonds, the maturities or other details  
17 thereof, the rights or remedies of the holders thereof, and  
18 the rights, powers, privileges, duties, and obligations of the  
19 respective authorities with respect to the same shall be set  
20 forth in the resolution of the authorities authorizing the  
21 issuance of such bonds.

22 Section 5. Budget and finance.--The fiscal year of  
23 each authority shall commence on October 1 of each year and  
24 end on the following September 30. Each authority shall  
25 prepare and submit its budget to the council of the City of  
26 Jacksonville on or before July 1 for the ensuing fiscal year.  
27 The council, consistent with the provisions of the Charter of  
28 the City of Jacksonville, may increase or decrease the  
29 appropriation [budget] requested by each authority on a total  
30 basis or a line-by-line basis; however, the appropriation for  
31 construction, reconstruction, enlargement, expansion,

1 improvement, or development of any project or projects  
2 authorized to be undertaken by the Jacksonville Seaport  
3 Authority shall not be reduced below \$800,000 for each year  
4 that the bonds to which the \$800,000 is pledged remain  
5 outstanding.

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

16 Section 7. Rights of employees.--

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

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

27 (b) The Jacksonville Port Authority firefighters shall  
28 become merged into the City of Jacksonville's Fire and Rescue  
29 Department and shall become employees of the City of  
30 Jacksonville; however, with respect to pension benefits such  
31 Jacksonville Port Authority Fire Department employees shall

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

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

31

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

24           Section 10. Award of contracts.--

25           (1) All construction, reconstruction, repairs, or work  
26 of any nature made by the authorities, where the entire costs,  
27 value, or amount of such construction, reconstruction,  
28 repairs, or work, including the labor and materials, exceeds  
29 \$12,000, except construction, reconstruction, repairs, or work  
30 done by employees of such authorities or by labor supplied  
31 under agreement with Federal Government or state government,



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

28       (2) All supplies, equipment, machinery, and materials,  
29 costing \$12,000 or more, shall be purchased by the authorities  
30 only after due advertisement as provided hereinafter. The  
31 authorities shall accept the lowest bid or bids, kind,

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

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

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

1 this section shall not apply to any contract or agreement  
2 between an authority and any engineers, architects, attorneys,  
3 or other professional services or to any contract or agreement  
4 relating to fiscal advisors, fiscal agents, or investment  
5 bankers, relating to the financing of projects herein  
6 authorized.

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

28 Section 12. Transfer of assets and liabilities.--The  
29 Jacksonville Port Authority shall take all actions necessary  
30 to convey, assign, transfer, and set over:  
31

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

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

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

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

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 but, where the provisions of said chapter  
11 315, Florida Statutes, are inconsistent with the provisions of  
12 this act, the provisions of this act shall prevail.

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

26 Section 15. Construction.--The powers of each  
27 authority created by this act shall be construed liberally in  
28 favor of each such authority. No listing of powers included in  
29 this act is intended to be exclusive or restrictive and the  
30 specific mention of, or failure to mention, particular powers  
31 in this act shall not be construed as limiting in any way the

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

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

19 Section 17. Repealer; abolition of Jacksonville Port  
20 Authority; assumption of responsibility.--

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

30 (2) Effective October 1, 2001, the Jacksonville Port  
31 Authority, created, established, revised, or amended by the

1 above-referenced laws, is hereby abolished, and all its  
2 functions, plans, projects, and programs in effect or  
3 undertaken by the Jacksonville Port Authority relative to  
4 seaport operations and airport operations shall be assumed by  
5 the Jacksonville Seaport Authority and the Jacksonville  
6 Airport Authority, respectively, on that date.

7 Section 2. Section 18.07 of chapter 92-341, Laws of  
8 Florida, as amended, being the Charter of the City of  
9 Jacksonville, is amended in part to read:

10 Section 18.07. Definitions.

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

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

20 Section 3. Subsection (4) of section 24.04 of Article  
21 24 of chapter 92-341, Laws of Florida, as amended by chapter  
22 97-337, Laws of Florida, is amended, and subsection (12) is  
23 added to said section, to read:

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

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

1 as an appointed member of the commission. These individual ex  
2 officio advisors shall be:

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

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

7 Section 4. Sections 1 and 12 of section 1 of this act  
8 shall take effect upon this act becoming a law and the  
9 remaining sections of this act shall take effect on October 1,  
10 2001.

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