

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.

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

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

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

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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, provided, however,
 11 that funds obtained under chapters 159 and 315 may not be used
 12 for such purposes. Whenever an expenditure of funds for any of
 13 the foregoing purposes is made by a member or employee of
 14 either authority, such authority may reimburse such member or
 15 employee therefor, but only after such expenditures have been
 16 duly authorized by such authority.

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

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

1 applications and agreements with respect to the establishment
2 within said county of one or more bonded warehouses.

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

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

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

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

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

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

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

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

19 Section 4. Issuance of bonds.--

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

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

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

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

30 (4) Except as otherwise provided in this subsection,
 31 bonds and refunding bonds issued pursuant to this act shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Section 7. Rights of employees.--

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

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

29 (b) The Jacksonville Port Authority firefighters shall
 30 become merged into the City of Jacksonville's Fire and Rescue
 31 Department and shall become employees of the City of

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

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

31

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

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

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

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.

1 Section 12. Transfer of assets and liabilities.--The
2 Jacksonville Port Authority shall take all actions necessary
3 to convey, assign, transfer, and set over:

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

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

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

29 (4) All operating expenses, including taxes of all
30 kinds and all revenue and expense accruals of Jacksonville
31 Port Authority's marine operations and airport operations

1 shall be transferred to the Jacksonville Seaport Authority or
2 to the Jacksonville Airport Authority, respectively, depending
3 upon the operating jurisdiction of each such authority, on the
4 effective date at transfer.

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

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

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 2. Section 1. Construction.--The powers of
27 each authority created by this act shall be construed
28 liberally in favor of each such authority. No listing of
29 powers included in this act is intended to be exclusive or
30 restrictive and the specific mention of, or failure to
31 mention, particular powers in this act shall not be construed

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

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

20 Section 3. Repealer; abolition of Jacksonville Port
21 Authority; assumption of responsibility.--

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

31

1 (2) Effective October 1, 2001, the Jacksonville Port
2 Authority, created, established, revised, or amended by the
3 above-referenced laws, is hereby abolished, and all its
4 functions, plans, projects, and programs in effect or
5 undertaken by the Jacksonville Port Authority relative to
6 seaport operations and airport operations shall be assumed by
7 the Jacksonville Seaport Authority and the Jacksonville
8 Airport Authority, respectively, on that date.

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

12 Section 18.07. Definitions.

13 For purposes of this Charter, the following terms shall
14 have the following meanings:

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

22 Section 4. Subsection (4) of section 24.04 of Article
23 24 of chapter 92-341, Laws of Florida, as amended by chapter
24 97-339, Laws of Florida, is amended, and subsection (12) is
25 added to said section, to read:

26 Section 24.04. Individual ex officio advisors to the
27 commission.

28 The following individual ex officio advisors are named
29 to assist the commission in an advisory or fact-finding role
30 as may be requested individually or collectively of them by
31 the commission so as to effectuate the centralized economic

1 development goals of the commission. No ex officio advisor
2 shall serve simultaneously as both an ex officio advisor and
3 as an appointed member of the commission. These individual ex
4 officio advisors shall be:

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

7 (12) The President/Chief Executive Officer of the
8 Jacksonville Seaport Authority.

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

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