

By Senator Posey

24-1139-03

See HB 597

1 A bill to be entitled
2 An act relating to the Canaveral Port District,
3 Brevard County; providing legislative intent;
4 codifying, amending, and reenacting special
5 acts relating to the district; providing
6 severability; providing purpose and
7 construction; providing applicability;
8 repealing chapters 28922 (1953), 30606 (1955),
9 57-1178, 59-1093, 65-1286, 65-1287, 67-1131,
10 67-1144, 69-857, 69-868, 70-592, 70-601,
11 74-426, 74-427, 74-428, 75-335, 75-341, 76-326,
12 76-327, 78-471, 79-430, 80-455, 82-266, 84-394,
13 87-431, 88-483, 89-408, 89-553, 94-436, 95-465,
14 and 2000-418, Laws of Florida; providing an
15 effective date.

16

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

18

19 Section 1. Pursuant to section 189.429, Florida
20 Statutes, this act constitutes the codification of all special
21 acts relating to the Canaveral Port District. It is the intent
22 of the Legislature in enacting this law to provide a single,
23 comprehensive special act charter for the District, including
24 all current legislative authority granted to the District by
25 its several legislative enactments and any additional
26 authority granted by this act.

27

28 Section 2. Chapters 28922 (1953), 30606 (1955),
29 57-1178, 59-1093, 65-1286, 65-1287, 67-1131, 67-1144, 69-857,
30 69-868, 70-592, 70-601, 74-426, 74-427, 74-428, 75-335,
31 75-341, 76-326, 76-327, 78-471, 79-430, 80-455, 82-266,
84-394, 87-431, 88-483, 89-408, 89-553, 94-436, 95-465, and

1 2000-418, Laws of Florida, relating to the Canaveral Port
2 District, are codified, reenacted, amended, and repealed as
3 herein provided.

4 Section 3. The charter for the Canaveral Port District
5 is re-created and reenacted to read:

6 ARTICLE I. Creation and Status

7 Section 1. There is created and established a port
8 district in Brevard County, which shall also be an independent
9 special taxing district and political subdivision of the
10 state, to be known as the "Canaveral Port District," which
11 shall consist of so much of Brevard County as lies north of
12 that line described as follows:

13
14 Beginning at a point where the west boundary
15 line of said Brevard County, Florida,
16 intersects with the south boundary line of
17 Township 25 South, Range 35 East, and
18 proceeding thence easterly along the south
19 boundary line of Township 25 South to the
20 intersection of the east boundary line of
21 Brevard County, Florida, with the south
22 boundary line of Township 25 South.

23
24 Section 2. The Canaveral Port District is divided into
25 five Commissioner Port Districts, numbered one to five,
26 inclusive, defined as follows:

27
28 (a) District 1: Beginning at the
29 intersection of the North line of Township 20
30 South (Brevard/Volusia County Line) and the
31 Mean High Water Line of the Atlantic Ocean;

1 Thence meander southerly along said Mean High
2 Water Line of the Atlantic Ocean to the South
3 line of Township 22 South, Range 38 East;
4 Thence westerly along said South line to the
5 centerline of the Intracoastal Waterway of the
6 Indian River;
7 Thence northerly along said centerline to the
8 easterly projection of the centerline of
9 Buffalo Road, in Section 34, Township 21 South,
10 Range 35 East;
11 Thence westerly along said centerline and its
12 easterly projection to the centerline of North
13 Washington Avenue (U.S. Highway #1);
14 Thence southerly along said centerline to the
15 centerline of Malinda Lane;
16 Thence westerly along said centerline to the
17 East line of the W 1/4 of Section 33, Township
18 21 South, Range 35 East;
19 Thence southerly along said east line to the
20 centerline of Garden Street (State Road 406);
21 Thence easterly along said centerline to the
22 centerline of Park Avenue (Old State Road 405);
23 Thence southerly along said centerline to the
24 centerline of Barna Avenue;
25 Thence southerly along said centerline to the
26 centerline of Harrison Street;
27 Thence easterly along said centerline to the
28 centerline of the Florida East Coast Railway;
29 Thence southerly along said centerline to the
30 centerline of Cheney Highway (State Road 50);
31

1 Thence westerly along said centerline to the
2 centerline of Rosehill Avenue, in Section 22,
3 Township 22 South, Range 35 East;
4 Thence northerly along said centerline to the
5 centerline of Knox McRae Drive;
6 Thence northwesterly along said centerline to
7 the centerline of Barna Avenue;
8 Thence southerly along said centerline to the
9 centerline of Cheney Highway (State Road 50);
10 Thence westerly along said centerline to the
11 centerline of the St. Johns River, also being
12 the county line between Brevard and Orange
13 Counties;
14 Thence meander northerly along said centerline
15 of the St. Johns River to the intersection of
16 the Volusia, Brevard, Orange and Seminole
17 County lines, said point also lying on the
18 South line of Township 21 South, Range 33 East;
19 Thence easterly along said South line of
20 Township 21 South, also being the county line
21 between Brevard and Volusia Counties, to the
22 East line of Range 33 East;
23 Thence northerly along said East line, also
24 being the county line between Brevard and
25 Volusia Counties, to the North line of Township
26 20 South, also being the Northwest corner of
27 Brevard County;
28 Thence easterly along said North Township line
29 to the point of beginning.
30 (b) District 2: Beginning at the
31 intersection of the easterly projection of

1 Buffalo Road, in Section 34, Township 21 South,
2 Range 35 East and the centerline of the
3 Intracoastal Waterway of the Indian River;
4 Thence southerly along said centerline to
5 easterly projection of the centerline of Kings
6 Highway;
7 Thence westerly along said centerline to the
8 centerline of Grissom Parkway (Tulsa
9 Boulevard);
10 Thence southerly along said centerline to the
11 centerline of Ranch Road;
12 Thence westerly along said centerline to the
13 centerline of Interstate 95;
14 Thence southerly along said centerline to the
15 centerline of Fay Boulevard;
16 Thence easterly along said centerline to the
17 centerline of the Florida East Coast Railway;
18 Thence southerly along said centerline to the
19 centerline of Broadway Boulevard, in Section
20 25, Township 23 South, Range 35 East;
21 Thence easterly along said centerline and its
22 easterly projection to the centerline of the
23 Intracoastal Waterway of the Indian River;
24 Thence southerly along said centerline to the
25 centerline of the Beeline Expressway (State
26 Road 528);
27 Thence westerly along said centerline to the
28 East line of Section 13, Township 24 South,
29 Range 35 East;
30 Thence southerly along said east line to the
31 North right of way line of North Road;

1 Thence northwesterly along said right of way
2 line to the West line of Cocoa North
3 Subdivision, Unit 1, as recorded in Plat Book
4 21 page 3, Public Records of Brevard County,
5 Florida;
6 Thence southerly along said West line to the
7 North right of way line of London Boulevard;
8 Thence westerly along said North right of way
9 line to the West line of Cocoa North
10 Subdivision, Unit 2, as record in Plat Book 21
11 page 10, Public Records of Brevard County,
12 Florida;
13 Thence northeasterly, northwesterly, westerly,
14 and northerly along said West line to the South
15 line of N 1/4 of said Section 13, Township 24
16 South, Range 35 East, said point also being the
17 North line of Cocoa North Subdivision, Unit 4,
18 as recorded in Plat Book 26 page 44, Public
19 Records of Brevard County, Florida;
20 Thence westerly along said South line to the
21 North-South midsection line of said Section 13;
22 Thence southerly along said North-South
23 midsection line to the East-West midsection
24 line of said Section 13;
25 Thence westerly along said East-West midsection
26 line (said line also being the North line of
27 Cocoa North Subdivision, Unit 8, as recorded in
28 Plat Book 31 page 65, Public Records of Brevard
29 County, Florida) the to the centerline of Cox
30 Road;
31

1 Thence southerly along said centerline to the
2 North line of the S 1/4 of the S 1/2 of the NE
3 1/4 of the NE 1/4 of Section 23, Township 24
4 South, Range 35 East;
5 Thence westerly along said North line to the
6 West line of the NE 1/4 of the NE 1/4 of said
7 Section 23;
8 Thence southerly along said West line to the
9 South line of the N 1/4 of said Section 23;
10 Thence westerly along said South line to the
11 North-South Midsection line of said Section 23;
12 Thence southerly along said North-South
13 Midsection line to the East-West Midsection
14 line of said Section 23;
15 Thence easterly along said East-West Midsection
16 line to the centerline of State Road 524;
17 Thence northeasterly along said centerline to
18 the centerline of Cox Road;
19 Thence southerly along said centerline to the
20 centerline of Lake Drive;
21 Thence easterly along said centerline to the
22 centerline of Clearlake Road (State Road 501);
23 Thence southerly along said centerline to the
24 centerline of Pluckebaum Road;
25 Thence westerly along said centerline to the
26 centerline of Interstate 95;
27 Thence southeasterly along said centerline to
28 the centerline of Rockledge Creek;
29 Thence westerly along said centerline and its
30 westerly projection to the centerline of Lake
31 Poinsett;

1 Thence meander westerly along said centerline
2 to the southwesterly projection of the
3 centerline of State Road 524;
4 Thence northeasterly along said centerline and
5 its southwesterly projection to the centerline
6 of State Road 520;
7 Thence westerly along said centerline to the
8 centerline of the St. Johns River, also being
9 the county line between Brevard and Orange
10 Counties;
11 Thence meander northerly along said centerline
12 to the centerline of Cheney Highway (State Road
13 50)
14 Thence easterly along said centerline to the
15 centerline of Barna Avenue;
16 Thence northerly along said centerline to the
17 centerline of Knox McRae Avenue;
18 Thence southeasterly along said centerline to
19 the centerline of Rosehill Avenue, in Section
20 22, Township 22 South, Range 35 East;
21 Thence southerly along said centerline to the
22 centerline of Cheney Highway (State Road 50);
23 Thence easterly along said centerline to the
24 centerline of the Florida East Coast Railway;
25 Thence northerly along said centerline to the
26 centerline of Harrison Street;
27 Thence westerly along said centerline to the
28 centerline of Barna Avenue;
29 Thence northerly along said centerline to the
30 centerline of Park Avenue (Old State Road 405);
31

1 Thence northerly along said centerline to the
2 centerline of Garden Street (State Road 406);
3 Thence westerly along said centerline to the
4 East line of the W 1/4 of Section 33, Township
5 21 South, Range 35 East
6 Thence northerly along said east line to the
7 centerline of Malinda Lane;
8 Thence easterly along said centerline to the
9 centerline of North Washington Avenue (U.S.
10 Highway #1);
11 Thence northerly along said centerline to the
12 centerline of Buffalo Road, in Section 33,
13 Township 21 South, Range 35 East;
14 Thence easterly along said centerline and its
15 easterly projection to the point of beginning.
16 (c) District 3: Beginning at the
17 intersection of the centerline of the
18 Intracoastal Waterway of the Indian River and
19 the centerline of the Beeline Expressway (State
20 Road 528);
21 Thence southerly along said centerline of the
22 Intracoastal Waterway to the South line of
23 Township 25 South;
24 Thence westerly along said South line to the
25 West line of Range 35 East, also being the
26 county line between Osceola and Brevard
27 Counties;
28 Thence northerly along said West line
29 intersection of the Brevard, Orange and Osceola
30 County lines;
31

1 Thence northerly along said Brevard and Orange
2 County line to the centerline of State Road
3 520;
4 Thence easterly along said centerline to the
5 centerline of State Road 524;
6 Thence southwesterly along said centerline and
7 its southwesterly projection to the centerline
8 of Lake Poinsett;
9 Thence easterly along said centerline to the
10 westerly projection of the centerline of
11 Rockledge Creek;
12 Thence easterly along said centerline and its
13 westerly projection to the centerline of
14 Interstate 95;
15 Thence northwesterly along said centerline to
16 the centerline of Pluckebaum Road;
17 Thence easterly along said centerline to the
18 centerline of Clearlake Road (State Road 501);
19 Thence northerly along said centerline to the
20 centerline of Lake Drive;
21 Thence westerly along said centerline to the
22 centerline of Cox Road;
23 Thence northerly along said centerline to the
24 centerline of State Road 524;
25 Thence southwesterly along said centerline to
26 the East-West Midsection line of Section 23,
27 Township 24 South, Range 35 East;
28 Thence westerly along said East-West Midsection
29 line to the North-South Midsection line of said
30 Section 23;
31

1 Thence northerly along said North-South
2 Midsection line to the South line of the N 1/4
3 of said Section 23;
4 Thence easterly along said South line to the
5 West line of the NE 1/4 of the NE 1/4 of said
6 Section 23;
7 Thence northerly along said West line to the
8 North line of the S 1/4 of the S 1/2 of the NE
9 1/4 of the NE 1/4 of said Section 23;
10 Thence easterly along said North line to the
11 centerline of Cox Road;
12 Thence northerly along said centerline to the
13 East-West Midsection line of Section 13,
14 Township 24 South, Range 35 East;
15 Thence easterly along said East-West Midsection
16 line to the North-South Midsection line of said
17 Section 13;
18 Thence northerly along said North-South
19 Midsection line to the South line of the N 1/4
20 of said Section 13, said line also being the
21 North line of Cocoa North Subdivision, Unit 4,
22 as recorded in Plat Book 26 page 44, Public
23 Records of Brevard County, Florida;
24 Thence easterly along said South line to the
25 West line of Cocoa North Subdivision, Unit 2,
26 as recorded in Plat Book 21 page 10, Public
27 Records of Brevard County, Florida;
28 Thence southerly, easterly, southeasterly and
29 southwesterly along said West line to the North
30 right of way line of London Boulevard;
31

1 Thence easterly along said North right of way
2 line to the West line of Cocoa North
3 Subdivision, Unit 1, as recorded in Plat Book
4 21 page 3, Public Records of Brevard County,
5 Florida;
6 Thence northerly along said West line and its
7 northerly projection to the North right of way
8 line of North road;
9 Thence southeasterly along said North right of
10 way line to the East line of Section 13,
11 Township 24 South, Range 35 East;
12 Thence northerly along said East line to the
13 centerline of the Beeline Expressway (State
14 Road 528)
15 Thence westerly along said centerline to the
16 point of beginning.
17 (d) District 4: Beginning at the
18 intersection of the South line of Township 22
19 South, Range 38 East and the Mean High Water
20 Line of the Atlantic Ocean;
21 Thence southerly along said Mean High Water
22 Line to the centerline of the Canaveral Port
23 Authority Main Channel;
24 Thence westerly along said centerline to the
25 centerline of the Banana River;
26 Thence southerly along said centerline to the
27 easterly projection of the centerline of
28 Morningside Drive, in Section 30, Township 24
29 South, Range 37 East;
30
31

1 Thence westerly along said easterly projection
2 and centerline to the centerline of North
3 Banana River Drive;
4 Thence northerly along said centerline to the
5 South line of Surfside Estates, Unit 1, as
6 recorded in Plat Book 16 page 65, Public
7 Records of Brevard County, Florida;
8 Thence westerly along said South line and its
9 westerly projection to the centerline of Sykes
10 Creek;
11 Thence southerly along said centerline to the
12 centerline of Merritt Island Causeway (State
13 Road 520);
14 Thence westerly along said centerline to the
15 centerline of Plumosa Street;
16 Thence northerly along said centerline to the
17 centerline of LeJeune Boulevard;
18 Thence northwesterly along said centerline to
19 the centerline of Palmetto Avenue;
20 Thence northeasterly along said centerline to
21 the centerline of East Merritt Avenue;
22 Thence westerly along said centerline to the
23 centerline of Fourth Street;
24 Thence northerly along said centerline to the
25 centerline of Alabama Avenue;
26 Thence westerly along said centerline to the
27 centerline of Fourth Place;
28 Thence northerly along said centerline to the
29 centerline of Needle Boulevard;
30 Thence westerly along said centerline to the
31 centerline of North Courtenay Parkway;

1 Thence southerly along said centerline to the
2 centerline of Merritt Avenue;
3 Thence westerly along said centerline and its
4 westerly projection to the centerline of the
5 Intracoastal Waterway of the Indian River;
6 Thence northerly along said centerline to the
7 easterly projection of the centerline of
8 Broadway Boulevard, in Section 30, Township 23
9 South, Range 36 East;
10 Thence westerly along said easterly projection
11 and centerline to the centerline of the Florida
12 East Coast Railway;
13 Thence northerly along said centerline to the
14 centerline of Fay Boulevard;
15 Thence westerly along said centerline to the
16 centerline of Interstate 95;
17 Thence northerly along said centerline to the
18 centerline of Ranch Road;
19 Thence easterly along said centerline to the
20 centerline of Grissom Parkway (Tulsa Highway);
21 Thence northerly along said centerline to the
22 centerline of Kings Highway;
23 Thence easterly along said centerline and its
24 easterly projection to the centerline of the
25 Intracoastal Waterway of the Indian River;
26 Thence northerly along said centerline to the
27 South line of Township 22 South;
28 Thence easterly along said South line to the
29 point of beginning.
30 (e) District 5: Beginning at the
31 intersection of the centerline of the Canaveral

1 Port Authority Main Channel and the Mean High
2 Water Line of the Atlantic Ocean;
3 Thence meander southerly along said Mean High
4 Water Line to the North line of Patrick Air
5 Force Base, also being the South line of
6 Orlando Beach Subdivision as recorded in Plat
7 Book 9 page 43, Public Records of Brevard
8 County, Florida, in Section 35, Township 25
9 South, Range 37 East;
10 Thence westerly along said North line to the
11 centerline of the Banana River;
12 Thence southerly along said centerline to the
13 South line of Township 25 South;
14 Thence westerly along said South line to the
15 centerline of the Intracoastal Waterway of the
16 Indian River;
17 Thence northerly along said centerline to the
18 westerly projection of the centerline of West
19 Merritt Avenue, said line also being the North
20 line of Section 34, Township 24 South, Range 36
21 East;
22 Thence easterly along said westerly projection
23 and centerline to the centerline of North
24 Courtenay Parkway;
25 Thence northerly along said centerline to the
26 centerline of Needle Boulevard;
27 Thence easterly along said centerline to the
28 centerline of Fourth Place;
29 Thence southerly along said centerline to the
30 centerline of Alabama Avenue;
31

1 Thence easterly along said centerline to the
2 centerline of Fourth Street;
3 Thence southerly along said centerline to the
4 centerline of East Merritt Avenue;
5 Thence easterly along said centerline to the
6 centerline of Palmetto Avenue;
7 Thence southwesterly along said centerline to
8 the centerline of LeJeune Boulevard;
9 Thence southeasterly along said centerline to
10 the centerline of Plumosa Street
11 Thence southerly along said centerline to the
12 centerline of Merritt Island Causeway (State
13 Road 520);
14 Thence easterly along said centerline to the
15 centerline of Sykes Creek;
16 Thence meander northerly along said centerline
17 to the westerly projection of the South line of
18 Surfside Estates, Unit 1, as recorded in Plat
19 Book 16 page 65, Public Records of Brevard
20 County, Florida;
21 Thence easterly along said westerly projection
22 and South line to the centerline of North
23 Banana River Drive;
24 Thence southerly along said centerline to the
25 centerline of Morningside Drive, in Section 30,
26 Township 24 South, Range 37 East;
27 Thence easterly along said centerline and its
28 easterly projection to the centerline of the
29 Banana River;
30
31

1 Thence northerly along said centerline to the
2 centerline of the Canaveral Port Authority Main
3 Channel;
4 Thence easterly along said centerline to the
5 point of beginning.

6 (f) All of the aforesaid boundary lines and referenced
7 points are as the same are situated and located on the date
8 this provision becomes law, except that the shoreline of the
9 Atlantic Ocean and channel centerlines of the waterways in
10 said descriptions shall be as the same exists in fact from
11 time to time.

12 Section 3. Commencing with the year 1982, and every 10
13 years thereafter, the Canaveral Port Authority by resolution
14 shall divide the Canaveral Port District into five (5)
15 Commissioner Port Districts of contiguous territory as nearly
16 equal in population as practicable according to the duly
17 registered electors in the Canaveral Port District determined
18 by the elector registration rolls of the Supervisor of
19 Elections for Brevard County. On or before January 15th of
20 each decennial year commencing with the year 1982, the
21 Supervisor of Elections for Brevard County shall transmit to
22 the Canaveral Port Authority a certified statement of all
23 elector precincts lying in whole or in part in the Canaveral
24 Port District and the number of electors in each precinct or
25 partial precinct in the Canaveral Port District according to
26 the most recent records of the Supervisor of Elections prior
27 to the submission of such certified statement. On or before
28 March 5th of each such decennial year, the Canaveral Port
29 Authority shall divide and define the boundaries of each of
30 the five (5) Commissioner Port Districts based on the
31 certified statement of elector precincts and number of

1 electors submitted by the Supervisor of Elections. No
2 Commissioner Port Districts shall have more than 22 percent or
3 less than 18 percent of the total number of duly registered
4 electors in the Canaveral Port District according to the
5 certified statement of the Supervisor of Elections. On or
6 before March 31st of each such decennial year, the Canaveral
7 Port Authority shall deliver to the Board of County
8 Commissioners for Brevard County and the Supervisor of
9 Elections for Brevard County a certified copy of the
10 resolution by the Canaveral Port Authority defining the
11 boundaries of the five Commissioner Port Districts determined
12 hereunder, and the Commissioner Port Districts so determined
13 shall be and constitute the Commissioner Port Districts to and
14 until the same are again determined decennially under this
15 provision. As the five Commissioner Port Districts are
16 decennially determined and defined, the same shall immediately
17 supersede the previously determined and defined five
18 Commissioner Port Districts.

19 Section 4. The District's charter may only be amended
20 by special act of the Legislature.

21 ARTICLE II. Definitions

22 Section 1. All references herein to "Harbor District"
23 or "Port District" shall be deemed to mean Canaveral Port
24 District, situated in Brevard County as described in Article
25 I; and all references herein to "Harbor Commissioners," "Port
26 Commissioners," or "Port Authority" shall be deemed to mean
27 the Canaveral Port Authority, the governing body of the
28 Canaveral Port District. All references herein to "Harbor
29 Commissioners" or "Port Commissioners" shall be deemed to mean
30 qualified commissioners or members constituting the Canaveral
31 Port Authority. All references herein to "Port Canaveral" or

1 "Port" shall be deemed to mean the Port of Canaveral, Brevard
2 County, including the main entrance channels, turning basins,
3 slips, and jetties, and including also all lands abutting on
4 the navigable waters of said port.

5 ARTICLE III. Governing Authority

6 Section 1. The governing authority of said Canaveral
7 Port District shall be known as the Canaveral Port Authority.
8 Said Canaveral Port Authority as a body politic and body
9 corporate is deemed a political subdivision of the State of
10 Florida within the meaning of sovereign immunity from
11 taxation; it shall have perpetual existence; it may adopt and
12 use a common seal and alter the same; it may contract and be
13 contracted with; it may sue in its corporate name in any of
14 the courts in the several states and in the courts of the
15 United States, and may be sued only in the courts of the state
16 and the courts of the United States for the Southern District
17 of the state, or in such other District Court of the United
18 States to which Brevard County may hereafter be transferred.

19 ARTICLE IV. General Grant of Powers

20 The Canaveral Port Authority, governing body of the Canaveral
21 Port District, shall have additional powers as follows:

22 Section 1. To acquire by grant, purchase, gift,
23 devise, condemnation, or in any other manner, all property,
24 real or personal, or any estate or interest therein, within
25 said Canaveral Port District, which by resolution the said
26 port authority shall determine to be necessary for the
27 purposes of said Canaveral Port District; said determination
28 shall be conclusive, except in cases of fraud or gross abuse
29 of discretion; and to improve, maintain, lease, mortgage, or
30 otherwise encumber the same, or any part thereof, or any
31 interest or estate therein, and to sell, convey, and deliver

1 the legal title to certain land to an agency of Florida for
2 rights-of-way for a public toll highway between Port
3 Canaveral, Brevard County, and United States Highway No. 1
4 near City Point, Brevard County; with right of reversion of
5 said land upon abandonment thereof by nonuser, or, in the
6 event such public toll highway be not constructed, whichever
7 is sooner; and upon such conditions as said Port Authority
8 shall fix and determine, as hereinafter provided; and said
9 determination shall be deemed conclusive, except in case of
10 fraud or gross abuse of discretion.

11 Section 2. To lay out, construct, condemn, purchase,
12 own, mortgage, add to, maintain, conduct, operate, build,
13 equip, manage, replace, enlarge, improve, regulate, control,
14 repair, fix, and establish jetties, piers, quays, wharves,
15 docks, warehouses, storehouses, breakwaters, bulkheads, public
16 landings, slips, seawalls, turning basins, harbors, ports,
17 waterways, channels, moles, bridges, catwalks, ferries and
18 causeways, drydocks, terminal facilities, canals, elevators,
19 grain bins, cold storage plants, icing plants and their
20 distribution, refrigerating plants, pre-cooling plants,
21 bunkers, oil tanks, pipelines, locks, tidal basins, subways,
22 tramways, cableways, anchorage areas, depots, areas for
23 abandoned or derelict ships, barges, or other craft, airways,
24 landing fields, conveyors, modern appliances for economic
25 handling, storing, and transportation of freight and the
26 handling of passenger traffic, systems of fresh water supply,
27 electric and steam generating stations and plants and
28 distribution systems therefor, sewage systems and sewage
29 disposal and treatment plants, telegraph and telephone systems
30 and lines, buried or on poles, gas lines and distribution
31 systems therefor for servicing the lands, properties and

1 facilities now or hereafter owned, acquired, or controlled by
2 lease, franchise, or otherwise, by Canaveral Port District or
3 the Canaveral Port Authority and any and all areas adjacent
4 thereto, radio broadcasting stations and facilities, parking
5 lots and areas for off-street or off-road parking of motor
6 vehicles, barge lines, truck lines, steamship lines, shipping
7 lines, roads and railroads, within and without the territorial
8 limits of Canaveral Port District, and all other harbor and
9 harbor area improvements and facilities which the Port
10 Authority may determine to be necessary, feasible, and
11 advantageous; and in connection with the operation,
12 improvement, and maintenance of said port, to perform all
13 customary services, including the handling, weighing,
14 measuring, regulation, control, inspection, and reconditioning
15 of all commodities and cargo received or shipped through said
16 port.

17 Section 3. To exercise control over Port Canaveral,
18 Brevard County, and any and all parts thereof; to apply to
19 proper authorities of the United States Government for the
20 right to establish, operate, and maintain a Foreign Trade Zone
21 within the limits of Brevard County and to establish, operate,
22 and maintain such Foreign Trade Zone; to apply for and obtain
23 permission from the United States Government to create,
24 improve, regulate, and control all waters, and natural or
25 artificial waterways within said Port Canaveral; to improve
26 all navigable and non-navigable waters situated within said
27 Canaveral Port District necessary or useful to the operation,
28 improvement, and maintenance of Port Canaveral; to construct,
29 improve, and maintain such inlets, slips, turning basins, and
30 channels; to make and give to the United States Government
31 such guarantees upon such terms and conditions as may be

1 required; and to enact, adopt, and establish rules and
2 regulations for the complete exercise of jurisdiction and
3 control over all of said lands and waters of said Port
4 Canaveral within said Canaveral Port District.

5 Section 4. To fix uniform rates of wharfage, dockage,
6 pilotage, warehousing, storage, port, and terminal charges
7 upon all harbor facilities and improvements located within
8 said Port District, whether owned by said Port Authority or
9 otherwise, and to fix and determine the rates, commissions,
10 rentals, tolls, and other charges for the use of harbor and
11 area facilities and improvements located within said Port
12 District insofar as it may be permissible for said Port
13 Authority to do so under the Constitution and laws of the
14 State of Florida and under the Constitution and laws of the
15 United States of America.

16 Section 5. To exercise such police powers as the Port
17 Authority shall determine to be necessary for the effective
18 control, regulation, and protection of Port Canaveral and for
19 the effective exercise of jurisdiction over said port.

20 Section 6. To grant franchises to any person, firm, or
21 corporation to construct, establish, operate, replace, repair,
22 fix, enlarge, maintain, improve, equip, manage, acquire, and
23 control jetties, piers, quays, wharves, docks, warehouses,
24 storehouses, breakwaters, bulkheads, public landings, slips,
25 seawalls, turning basins, harbors, ports, waterways, channels,
26 moles, bridges, catwalks, ferries, roads and causeways,
27 drydocks, terminal facilities, canals, elevators, grain bins,
28 cold storage plants, icing plants and their distribution,
29 refrigeration plants, pre-cooling plants, bunkers, oil tanks,
30 pipelines, locks, tidal basins, subways, tramways, cableways,
31 anchorage areas, depots, areas for abandoned ships, barges, or

1 other craft, airways, landing fields, conveyors, modern
2 appliances for economic handling, storing, and transportation
3 of freight and the handling of passenger traffic, systems of
4 fresh water supply, electric and steam generating stations and
5 plants and distribution systems therefor, sewage systems and
6 sewage disposal and treatment plants, telegraph and telephone
7 systems and lines, buried or on poles, gas lines and
8 distribution systems therefor for servicing the lands,
9 properties, and facilities now or hereafter owned, acquired,
10 or controlled by lease, franchise, or otherwise by Canaveral
11 Port District or the Canaveral Port Authority, and any and all
12 areas adjacent thereto, radio broadcasting stations and
13 facilities, parking lots and areas for off-street or off-road
14 parking of motor vehicles, barge lines, truck lines, steamship
15 lines, shipping lines, roads and railroads within and without
16 the territorial limits of the Canaveral Port District, and
17 other harbor and harbor area improvements and facilities which
18 the Port Authority may determine to be necessary, feasible,
19 and advantageous; and in connection with the operation,
20 improvement, and maintenance of said port, to perform all
21 customary services, including the handling, weighing,
22 measuring, regulation, control, inspection, and reconditioning
23 of all commodities and cargo received or shipped through said
24 port in the exercise of such franchise. Nothing in this
25 section shall be construed to limit the right of the Port
26 Authority to construct, maintain, and operate the port
27 facilities, as provided in section 2 of this article.

28 Section 7. To enter into such contract, lease, or
29 franchise with any common carrier or carriers and their
30 respective successors and assigns as the Port Authority shall
31 determine to be necessary for the development, improvement,

1 and promotion of the transportation and warehousing facilities
2 of Port Canaveral and the development, improvement, and
3 promotion of Port Canaveral; to acquire by grant, purchase,
4 gift, devise, condemnation, exchange, or in any other manner
5 all land, easements, and rights of property deemed necessary
6 or advantageous by the Port Authority for such purposes; to
7 execute whatever arrangements, by contract or otherwise, may
8 be necessary in the opinion of the Interstate Commerce
9 Commission to perform and comply with all rules and
10 regulations promulgated by the Interstate Commerce Commission
11 or any other state or federal agency covering the operation,
12 maintenance, improvement, development, and ownership of the
13 transportation and warehousing facilities used in connection
14 with Port Canaveral.

15 Section 8. To levy, assess, collect, and enforce ad
16 valorem taxes upon all of the real and personal property in
17 the Canaveral Port District for the purpose of defraying
18 operating, maintenance, and general administration expenses
19 and other necessary expenses incurred for the improvement of
20 the port facilities, and for the purchase of rights-of-way, of
21 said Canaveral Port Authority and Canaveral Port District,
22 provided that such levy shall not exceed 3 mills on the dollar
23 in any one year on the total assessed valuation of all taxable
24 property within said Canaveral Port District for such year;
25 and the Port Authority is authorized and empowered to issue
26 its promissory note or notes at the rate of interest,
27 maturity, terms, and conditions as directed by the Canaveral
28 Port Authority, signed in the name of the Canaveral Port
29 Authority by the Chair and the Secretary and the corporate
30 seal affixed thereto, and the funds derived therefrom to be
31 used for the payment of operating, maintenance, and general

1 administration expenses, and for the purchase of right-of-way,
2 against or to be repaid from the anticipated revenues to be
3 derived from the said 3 mill ad valorem tax, previously levied
4 and assessed.

5 Section 9. To create and designate such offices,
6 departments, and divisions, other than those herein
7 specifically provided for, as the said Port Authority may
8 determine to be necessary; to prescribe the duties and
9 compensation of such officers and employees; to employ an
10 attorney for the Port Authority; and to fix and determine the
11 compensation and duties of said attorney. The term of office
12 of said attorney and all appointees and employees shall be at
13 the pleasure of the Port Authority.

14 Section 10. To make rules and regulations consistent
15 with the Constitution and laws of the State of Florida, and
16 with the Constitution and laws of the United States of
17 America, for the promotion and conduct of navigation,
18 commerce, and industry in said Port Canaveral. Said rules and
19 regulations shall be reasonable and shall apply uniformly to
20 all similarly situated.

21 Section 11. To make rules and regulations governing
22 the course, conduct, movement, stationing and restationing,
23 berthing and reberthing, fueling and refueling, loading,
24 unloading, and reloading, docking, storing, mooring, and
25 anchoring of ships, vessels, crafts, barges, skiffs, and boats
26 within said Port Canaveral and the navigable waters over which
27 the said Port Authority has jurisdiction; to remove all
28 obstacles to navigation, commerce, and industry in the waters
29 of said Port Canaveral and the navigable waters over which the
30 said Port Authority has jurisdiction; however, this power can
31

1 only be exercised within navigable waters, entrance channels,
2 turning basins, and slips in the waters of the said port.

3 Section 12. To prescribe, fix, and establish fines,
4 penalties, and punishment for the violation of the rules and
5 regulations of said Port Authority and to enforce such fines,
6 penalties, and punishments in such manner as the Port
7 Authority may by resolution determine. All fines and penalties
8 so imposed or levied shall be recoverable in the name of the
9 Canaveral Port Authority in any court of the state having
10 jurisdiction over the amount involved and shall inure and
11 belong to said Port Authority.

12 Section 13. To enter into any contract with the
13 Government of the United States, or any agency thereof, which
14 may be necessary in order to procure assistance,
15 appropriations, grants, gifts, and aid for the deepening,
16 widening, and extending of channels and turning basins and the
17 building, construction, and maintenance of slips, wharves,
18 breakwaters, jetties, bulkheads, facilities, and any and all
19 other port improvements and facilities. To convey fee simple
20 title to lands to the United States Government for a United
21 States Coast Guard facility, to meet the requirements of local
22 interests and for other advisable port interests; with right
23 of reversion of said land in the event the same is either not
24 used for said purpose within 5 years after conveyance or there
25 is an abandonment of such use for 5 years.

26 Section 14. To exercise the right of eminent domain
27 and to condemn, appropriate, and acquire any property, both
28 real and personal, and any interest or estate therein which by
29 resolution the Port Authority shall determine to be necessary
30 for the deepening, widening, and extending of the channels,
31 turning basins, roads, and railroads and the building and

1 construction of slips, wharves, sheds, warehouses,
2 breakwaters, jetties, bulkheads, and any and all other port
3 improvements and facilities, said determination shall be
4 conclusive, except in the case of fraud or gross abuse of
5 discretion; such condemnation proceeding shall be exercised in
6 the manner provided in sections 73.01, 73.011, 73.02 through
7 73.12, 73.14, 73.15, 73.17, 73.18, and 73.20, Florida
8 Statutes, 1951, and acts amendatory and supplementary thereto;
9 and pursuant to the following additional provisions, to-wit:

10 (a) The Port Authority, if satisfied with the verdict
11 rendered in a condemnation proceeding, shall, within 30 days
12 after the rendition of the judgment, file in the court in
13 which said proceeding was instituted its written acceptance of
14 the verdict and judgment and shall pay into court the
15 compensation ascertained by the jury. The court having
16 jurisdiction of said condemnation proceedings shall have the
17 power to extend the time within which said award shall be
18 paid, not to exceed 18 months from the date of the rendition
19 of the judgment. Such award shall bear interest at the rate of
20 6 percent per annum during such extended period of time.

21 (b) The Port Authority shall defray the cost of
22 proceedings necessary to effectuate the purposes of this
23 section, provided that the Port Authority shall not be held
24 liable for costs in any action brought by any person or
25 plaintiff, unless the decision of the court shall be in favor
26 of such person or plaintiff, and in such case the court shall
27 determine and specify the costs which are to be paid by the
28 said Port Authority.

29 Section 15. To borrow money as herein provided.

30 Section 16. (a) The Port Authority shall have the
31 power and authority to execute and deliver all contracts,

1 deeds, leases, mortgages, promissory notes, franchises,
2 assignments, releases, and all other instruments necessary and
3 convenient to carry out the powers herein expressly or
4 impliedly conferred, all of which shall be executed in the
5 name of the Canaveral Port Authority and signed by the Chair
6 and the Secretary thereof and its corporate seal affixed
7 thereto; all checks and vouchers for the disbursement of funds
8 of the Port Authority shall be executed in the manner and form
9 as prescribed by the Port Authority.

10 (b) The Port Authority shall have the power and
11 authority by majority vote at any regular meeting to lease the
12 lands, personal properties, and facilities for period not to
13 exceed 10 years; or to encumber personal properties and
14 facilities for not more than \$10,000, and for a period not to
15 exceed 5 years, to secure the note or notes of the Port
16 Authority authorized under subsection (a) of said article and
17 section, upon such terms and conditions as the Port Authority
18 shall determine.

19 (c) Any lease of the lands, personal properties, or
20 facilities of the Port Authority for a period of more than 10
21 years, or any encumbrance of the personal properties or
22 facilities of the Port Authority for more than \$10,000, and
23 for a period of more than 5 years, shall be first advertised
24 in a newspaper of general circulation published within the
25 Canaveral Port District for 15 days by three consecutive
26 weekly publications, stating the terms and the amount to be
27 paid and particularly describing the lands, personal
28 properties, or facilities to be leased or encumbered, except
29 where it is proposed to lease or to encumber such properties
30 in favor of a governmental agency, and provided that in the
31 event a petition is filed within 30 days after said

1 advertisement is published, signed by 10 percent of the
2 qualified electors residing within the Canaveral Port District
3 and therein requesting that the question of leasing of the
4 lands or of encumbering of the said personal properties or
5 facilities be decided by an election called for that purpose.
6 It will then be the duty of the Port Authority to call an
7 election to be held within the territory constituting the
8 Canaveral Port District, for the purpose of determining
9 whether or not said lease or said encumbrance as described in
10 said advertisement shall be executed. Said election shall be
11 held as provided in this act. If no such petition be filed,
12 then the lease or the encumbrance may be executed by the Port
13 Authority forthwith.

14 Section 17. To regulate the speed, operation, docking,
15 storing, and conduct of all water craft of any kind plying or
16 using the waterways within said port and over which the Port
17 Authority has jurisdiction; however, this power shall be
18 exercised only within navigable waters, entrance channels,
19 turning basins, and slips in the waters of the port.

20 Section 18. To appoint a Pilot Commission consisting
21 of three or more members as the Port Authority may determine,
22 a Harbor-Master, a Deputy Harbor-Master, stevedores,
23 longshoremen, and all other persons necessary to properly
24 transact the shipping business at said port and to fix their
25 powers, duties, and compensation. The Port Authority is
26 granted the power to license stevedores as independent
27 contractors for hire, and to fix the terms and conditions of
28 such licenses and to determine the fees to be charged, to
29 serve at the pleasure of the Port Authority, unless terminated
30 sooner by the licenses. The Port Authority shall serve as a
31 Pilot Commission until a Pilot Commission shall be appointed.

1 Section 19. (a) The Port Authority shall have the
2 power to borrow money from any state or federal agency or
3 agencies, private party or parties, and to secure the payment
4 of the same by the issuance of revenue certificates or revenue
5 bonds (which shall bear such denomination and be in such form
6 as shall be required by the Canaveral Port Authority), for the
7 purpose of carrying out any of the powers, projects, or
8 purposes of the Port Authority or Port District, or for the
9 purpose of providing funds to be used in the construction,
10 operation, maintenance, expansion, promotion, or repair of
11 harbor facilities, and improvements at Port Canaveral or for
12 the purpose of deepening, widening, constructing, or repairing
13 of slips, channels, turning basins, bulkheads, seawalls,
14 jetties, breakwaters, warehouses, or wharves at Canaveral
15 Port, or for the purpose of constructing, maintaining, or
16 repairing platforms, railroads, and railroad facilities, and
17 serve as common carriers; to construct, maintain, and repair
18 streets, roads, or avenues surrounding or adjacent to
19 Canaveral Port; provided that such revenue certificates or
20 revenue bonds hereby authorized to be issued and outstanding
21 shall not bear a higher rate of interest than provided by
22 general law which shall be payable semiannually.

23 (b) The Port Authority is hereby authorized to secure
24 said revenue certificates or revenue bonds by a pledge of the
25 revenues of the port project, including revenues from all or
26 any part of the facilities connected therewith, owned and
27 operated by the Port Authority and in addition thereto, said
28 revenue certificates or revenue bonds may be secured by a lien
29 on all or any part of the personal properties of the Authority
30 or the District or the income derived therefrom, including the
31

1 full faith and credit of said Port District. Real property is
2 expressly excluded.

3 (c) The issuance of said revenue bonds shall be
4 authorized by resolution of the Port Authority, which
5 resolution may be adopted at any regular meeting by a vote of
6 a majority of the members thereof. The revenue certificates or
7 revenue bonds issued hereunder shall bear such rate or rates
8 of interest not exceeding that provided by general law; may be
9 in one or more series; may bear such date or dates; may mature
10 at such time or times not exceeding 30 years after their
11 respective dates, in such medium of payment, at such place or
12 places; may carry such registration privileges; may be subject
13 to such terms of redemption; may be in such form or forms; and
14 may be executed in such manner and contain such terms and
15 conditions as the Port Authority may prescribe. The revenue
16 certificates or revenue bonds herein provided for may be
17 issued by the Port Authority upon the Authority first adopting
18 an appropriate resolution authorizing such issuance and
19 without the question of issuing said revenue certificates or
20 revenue bonds being first authorized by an election held for
21 such purpose, provided that the amount to be issued and the
22 purpose for which issued shall be advertised for at least 30
23 days prior thereto by publication in a newspaper published in
24 said District, which notice shall be published in 3 weekly
25 issues of said paper.

26 Section 20. (a) The Port Authority is hereby further
27 authorized and empowered to issue revenue certificates or
28 revenue bonds authorized in section 19 of this act, supported
29 by an ad valorem tax, to be assessed against all the taxable
30 properties within the Port District for any of the purposes
31 mentioned in section 19 of this act.

1 (b) Before the issuance of any of the said revenue
2 certificates or revenue bonds, such issue shall be authorized
3 by resolution of the Port Authority; which said resolution
4 shall state the amount of the certificates or bonds proposed
5 to be issued, the purpose or purposes for which issued, the
6 denomination for such certificates or bonds, the rate of
7 interest the same are to bear, and the time, place, and
8 conditions when, where, and upon which said certificates or
9 bonds, and the interest thereon, shall become due and payable.
10 However, such certificates or bonds shall be issued only after
11 they have been first approved by a majority vote of the
12 qualified electors residing in the Canaveral Port District in
13 an election held within the territory constituting the
14 Canaveral Port District. Such resolution, so adopted, shall
15 name a day for the holding of such election, and said Port
16 Authority shall give at least 30 days' notice of said election
17 by publication in a newspaper published in said District, once
18 a week for 4 consecutive weeks during said period of 30 days.
19 Said notice shall state the time of the election and the
20 purpose of the election, and said certificates or bonds shall
21 be issued only after the same shall have been authorized and
22 ratified by a majority of the votes cast in said election and
23 a majority of the qualified electors who reside in said
24 Canaveral Port District shall participate.

25 (c) All said qualified electors residing in said
26 District shall be entitled to vote in said election, which
27 election shall in all respects not herein expressly provided
28 be called and held and the result thereof determined in
29 accordance with the provisions of any applicable general
30 statute now in force or hereafter enacted. The place of voting
31 in said election shall be the same as the places for voting at

1 the general elections usually held within the territorial
2 limits of said District. Inspectors and clerks shall be
3 appointed and qualified as in case of general elections and
4 they shall canvass the votes cast and make due returns of the
5 same without delay. Returns of said elections shall be made to
6 the Port Authority. It shall be the duty of the Port Authority
7 to cause to be prepared a sufficient number of ballots to be
8 used at such election, with such description of said
9 certificates or bonds to be voted on as the Port Authority may
10 prescribe. A separate statement giving the amount of the
11 certificate or bond issued and the interest thereon, together
12 with such other details as may be deemed necessary or proper
13 to inform the electors, shall be printed on the ballots in
14 connection with the question "FOR the Issuance of Revenue
15 Certificates or Revenue Bonds Supported by an Ad Valorem Tax"
16 and "AGAINST the Issuance of Revenue Certificates or Revenue
17 Bonds Supported by an Ad Valorem Tax." Directions to the
18 voters to express their choice by making an (x) mark in the
19 space to the right or the left of said question shall be
20 stated in the ballot. Said ballots shall be in form
21 substantially as follows:
22 Official Ballot Canaveral Port District SPECIAL ELECTION
23 (Insert Date) This election is held for the approval or
24 disapproval of the issuance of \$_____ of Revenue
25 Certificates (or Revenue Bonds) of Canaveral Port District,
26 supported by an ad valorem tax, bearing interest at the rate
27 of _____ per centum per annum. Place a cross mark (x) in
28 the space to the left (or right) of the proposition of your
29 choice. FOR issuance of Revenue Certificates (or Revenue
30 Bonds) of Canaveral Port District in the amount of
31 \$_____ supported by an ad valorem tax to be issued

1 against the taxable properties of the District, bearing
2 interest at the rate of _____ percentum per annum,
3 payable semiannually.

4 AGAINST Issuance of Revenue Certificates (or Revenue
5 Bonds) of Canaveral Port District in the amount of
6 \$_____ supported by an ad valorem tax to be issued
7 against the taxable properties of the District, bearing
8 interest at the rate of _____ percentum per annum,
9 payable semiannually.

10 If a majority of the votes cast in said election are in favor
11 of the issuance of said certificates or bonds, then the
12 Canaveral Port Authority shall be authorized to issue such
13 certificates or bonds in the amount specified in said
14 resolution calling such special election. The proceeds
15 received therefrom shall be used by the Authority for the
16 purposes stated in said resolution.

17 (d) For the purpose of securing any of such revenue
18 certificates or revenue bonds, supported by an ad valorem tax,
19 authorized to be issued herein, the Port Authority, in
20 addition to pledging the net revenues and income of the Port
21 Authority or the Canaveral Port District, is hereby further
22 authorized, empowered, and directed to annually levy, assess,
23 collect, and enforce an ad valorem tax upon all the taxable
24 property of the Canaveral Port District, sufficient in amount
25 to provide for the payment of the interest to become due
26 thereon and to provide for a sinking fund sufficient in amount
27 to discharge said certificates or bonds at their respective
28 maturities, which said ad valorem tax so levied shall be in
29 addition to all other taxes provided herein.

30 (e) The Port Authority is additionally authorized and
31 empowered to borrow money at an interest rate not to exceed

1 7.5 percent per annum and maturity date not to exceed 1 year,
2 from any bank or other party, to create and maintain a sinking
3 fund for the payment as budgeted, of the principal and
4 interest of outstanding revenue certificates or revenue bonds;
5 and to execute its promissory note or notes therefor, signed
6 in the name of the Canaveral Port Authority by its Chair and
7 its Secretary and the corporate seal affixed thereto, all as
8 directed by the Board of Commissioners of the Canaveral Port
9 Authority, and said note or notes shall be payable from the
10 anticipated revenues to be derived from the previously levied
11 and assessed ad valorem tax as authorized in this section,
12 provided, however, such notes shall not exceed in any one year
13 75 percent of the current taxes levied in any one year by the
14 Port Authority for the payment of the interest and redemption
15 of the revenue bonds or revenue certificates of Canaveral Port
16 Authority currently becoming due.

17 Section 21. (a) The manner in which the Port
18 Authority shall exercise the levying, assessing, and
19 collecting of any ad valorem tax provided herein shall be as
20 follows: The County Property Appraiser of Brevard County,
21 immediately after the tax assessment of said county for any
22 year after the passage of this act has been reviewed and
23 equalized by the Board of County Commissioners of Brevard
24 County, shall report in writing to the Canaveral Port
25 Authority the assessed valuation of all taxable property
26 within the territorial limits of the Canaveral Port District,
27 as assessed and equalized for state and county taxation, and
28 the Chief Financial Officer of the State of Florida shall
29 report to the Canaveral Port Authority at the time he or she
30 is, by law, required to report to the County Property
31 Appraiser of Brevard County the assessed valuation of all

1 railroad lines, railroad property, telephone and telegraph
2 lines, and telephone and telegraph properties within the
3 Canaveral Port District, over which he or she has jurisdiction
4 for valuation and assessment purposes and said assessed
5 valuation, placed on said properties, shall be the valuation
6 for taxation by the Port Authority.

7 (b) The Port Authority shall, during each year,
8 determine by resolution the total amount to be raised from ad
9 valorem taxes levied and assessed upon all the taxable
10 property located within said Canaveral Port District to
11 provide funds sufficient in amount to pay the interest on said
12 revenue certificates or revenue bonds, which are supported by
13 an ad valorem tax, as such interest may become due; and also
14 provide for a sinking fund sufficient in amount to discharge
15 the principal of revenue certificates or revenue bonds at
16 their respective maturities; and at the same time the Port
17 Authority shall determine the amount to be required to pay the
18 charges and costs for operation, maintenance, general
19 administration, capital improvements, and the purchase of
20 right-of-way. It shall adopt its resolution levying an ad
21 valorem tax against all of the taxable property of the
22 District sufficient to pay said interest, sinking fund,
23 charges, and costs, which tax, if so levied, however, shall
24 not exceed 3 mills on the dollar of assessed value in any one
25 year.

26 (c) A certified copy of said tax resolution, executed
27 in the name of the Port Authority under the corporate seal of
28 the Port Authority by its Chair, and attested by its
29 Secretary, shall be made and delivered to the Board of County
30 Commissioners of Brevard County and the Chief Financial
31 Officer of the State of Florida, with all reasonable dispatch

1 after the Port Authority has received the total valuation of
2 all taxable properties to be assessed within the Canaveral
3 Port District. Upon the receipt of such resolution by said
4 Board of County Commissioners, it shall be the mandatory duty
5 of said Board of County Commissioners to order and direct the
6 County Property Appraiser of Brevard County to assess and
7 levy, and the County Tax Collector of Brevard County to
8 collect, the tax, at the rate fixed and determined by said
9 resolution of the Port Authority, upon all taxable properties
10 located within said Canaveral Port District, and said revenues
11 and assessments so determined and made shall be included in
12 the tax roll and warrant of said County Property Appraiser for
13 each fiscal year hereafter. The said Tax Collector shall
14 collect such taxes in the manner and at the same time as state
15 and county taxes are collected and shall pay and remit the
16 same upon the collection thereof to the Port Authority. It
17 shall be the duty of the Chief Financial Officer of the State
18 of Florida to assess and levy on all railroad lines and
19 railroad property, all telephone and telegraph lines and
20 telephone and telegraph property, and all other taxable
21 property within his or her jurisdiction located within said
22 Canaveral Port District a tax at the rate prescribed by said
23 tax resolution of the Port Authority and to collect the said
24 tax thereon in the same manner and at the same time as he or
25 she is required by law to assess and collect such taxes for
26 state and county purposes and pay and remit the same when
27 collected to the Port Authority. All such taxes shall be
28 disbursed and paid out by the Port Authority only for the
29 purposes for which said taxes were levied, upon vouchers,
30 checks, or warrants issued in such manner as the Port
31 Authority, by resolution, may determine.

1 (d) This act shall be full authority for the issuance
2 of any of the revenue certificates and revenue bonds
3 authorized herein, which said revenue certificates or revenue
4 bonds shall have the qualities of negotiable paper under the
5 law merchant and shall not be invalidated for any irregularity
6 or defect in the proceedings for the issuance thereof and
7 shall be incontestable in the hands of bona fide purchasers
8 for value. No proceedings in respect to the issuance of any
9 such revenue certificates or revenue bonds shall be necessary
10 except such as required by this act; however, such revenue
11 certificates or revenue bonds may be validated and confirmed
12 in the way and manner contemplated and provided by the general
13 laws and statutes of the state. The provisions of this act
14 shall constitute an irrevocable contract between the Port
15 Authority and the holders of any such revenue certificates or
16 revenue bonds, and of the coupons thereof issued pursuant to
17 the provisions hereof. Any holder of any of said revenue
18 certificates or revenue bonds or coupons may, either at law or
19 in equity, by suit, action, or mandamus, enforce and compel
20 the performance of any of the duties required by this act of
21 any of the officers or persons mentioned herein relating to
22 said revenue certificates or revenue bonds, or the levying,
23 assessing, and collection of the taxes provided for the
24 payment thereof.

25 (e) The provisions of sections 193.321 through
26 193.327, Florida Statutes, 1967, shall not apply, and are
27 hereby specifically repealed as to the power and authority of
28 the Canaveral Port Authority to levy, assess, collect, and
29 enforce ad valorem taxes as set forth in this act.

30 Section 22. (a) The Board of Commissioners of the
31 Canaveral Port Authority, Brevard County, is authorized to

1 provide life, health, accident, hospitalization, or all or any
2 part of such insurance for Canaveral Port Authority officers
3 and employees, upon a group insurance plan. The Board shall
4 advertise for bids and shall award said group insurance to the
5 lowest and best bidder, provided that if no bids are received,
6 the Board shall have the discretion to contract for such
7 insurance on such terms and conditions as it may deem
8 desirable.

9 (b) The Board of Commissioners of the Canaveral Port
10 Authority is authorized to pay all or any portion of the
11 premiums for such group insurance as an operating expense. The
12 said Board is further authorized to deduct periodically from
13 the wages of any officer or employee, upon the written request
14 of such officer or employee, any premium or portion of premium
15 for any such insurance.

16 Section 23. (a) Section 253.126, Florida Statutes, is
17 hereby specifically repealed as to the Canaveral Port
18 Authority.

19 (b) The Canaveral Port Authority is granted the power
20 and authority to establish bulkhead lines, authorize dredging
21 and filling, and have jurisdiction under chapter 253, Florida
22 Statutes, as to the lands and waters under the jurisdiction of
23 the Canaveral Port Authority in lieu of the Board of County
24 Commissioners.

25 (c) In the exercise of this grant of authority, the
26 Canaveral Port Authority shall comply with all applicable
27 provisions of chapter 253, Florida Statutes, to the same
28 extent as a Board of County Commissioners would comply with
29 such provisions under the same circumstances.

30 Section 24. To comprehensively plan for urban and
31 rural transportation needs and to comprehensively plan for the

1 use of the lands, resources, and waters under its
2 jurisdiction; to participate in such planning with other
3 public agencies as defined in chapter 163, Florida Statutes;
4 and to enter into interlocal governmental agreements
5 (including, without limitation by this specific reference,
6 Metropolitan Planning Organizations contemplated under 23
7 U.S.C. section 134 and the Urban Mass Transportation Act of
8 1964) in such transportation and real property fields.

9 ARTICLE V. Port Commissioners

10 Section 1. The governing authority of the Canaveral
11 Port District is hereby created and shall be designated as the
12 Canaveral Port Authority, and shall consist of five Port
13 Commissioners, one Port Commissioner from each Commissioner
14 Port District, who shall be a qualified elector and reside
15 within the Commissioner Port District from which he or she is
16 appointed or nominated and elected. All Port Commissioners
17 shall be elected for 4-year terms, and said terms shall be
18 arranged so that three Port Commissioners are elected at one
19 general election and two Port Commissioners elected at the
20 next ensuing general election. The term of office of each Port
21 Commissioner shall commence on the first Tuesday after the
22 first Monday in January following his or her election.

23 Section 2. (a) Each Commissioner Port District shall
24 be a residency district for all elections hereunder. The five
25 Port Commissioners shall be nominated in the general primary
26 and elected in the general election held in each Commissioner
27 Port District next ensuing and at all subsequent general
28 primaries and general elections thereafter upon the official
29 county ballots.

30 (b) Nomination of candidates shall be made by
31 residency districts at the primary elections, by the various

1 political parties, as the general laws of Florida provide for
2 County Commissioners for Brevard County, at which primary
3 elections the electors of the Canaveral Port District at large
4 who are qualified to vote in such primary elections shall be
5 entitled to vote. The Board of County Commissioners shall not
6 print the name of any person as a candidate on the ballots for
7 general elections unless he or she shall have been so
8 nominated.

9 (c) Candidates for nomination in primary elections
10 shall pay the same filing fee to the Clerk of the Board of
11 County Commissioners; file in the same manner the like oaths,
12 sworn statements, and receipts for party assessments; be
13 governed by the same restrictions; be subject to like party
14 assessments by the County Executive Committees of the
15 respective political parties; and in all respects comply with
16 the general laws of Florida governing candidates for Board of
17 County Commissioners in primaries.

18 (d) Elections of candidates shall be at general
19 elections as provided by the general laws of Florida, at which
20 general elections all qualified electors residing within the
21 Canaveral Port District shall be entitled to vote.

22 Section 3. Any vacancy occurring on or in the said
23 Board of Commissioners of the Port Authority, whether caused
24 by resignation, refusal, death, or the unconstitutionality of
25 any part of this act, or for or on account of any other reason
26 whatsoever, shall be filled for the unexpired portion of the
27 corresponding term, or until the next ensuing general
28 election, whichever may come sooner, by appointment by the
29 Governor.

30 Section 4. Every Port Commissioner, before he or she
31 assumes office, shall be required to make oath that he or she

1 will faithfully discharge the duties of his or her office and
2 uphold and defend the laws and the Constitution of the State
3 of Florida and give good and sufficient surety bond payable to
4 the Governor for the use and benefit of the Canaveral Port
5 Authority in the sum of \$2,000, conditioned for the faithful
6 performance of the duties of his or her office, said bond to
7 be approved by the Canaveral Port Authority and filed with the
8 Secretary of State. Any and all premiums of the surety bonds
9 shall be paid by the Port Authority as a necessary expense of
10 said District.

11 Section 5. As soon as practicable after the newly
12 appointed or elected Port Commissioners shall have qualified,
13 they shall meet and organize by the selection from among
14 themselves of a Chair and a Vice-Chair, and shall also elect a
15 Secretary and a Treasurer, provided, however, that the latter
16 two offices may be held by one person and such person may or
17 may not be a member of said Authority. A majority of the duly
18 qualified members shall constitute a quorum. The Chair and the
19 Secretary, if the latter be a member of said Port Authority,
20 shall be entitled to vote at all meetings. Being a Port
21 Commissioner of the Canaveral Port Authority shall not
22 disqualify such Port Commissioner from holding any municipal,
23 county, or state office.

24 Section 6. The annual salary allowance of each Port
25 Commissioner shall be determined and adopted by the Board of
26 Commissioners of the Canaveral Port Authority at the regular
27 meeting held in September 2003, to be effective commencing
28 October 1, 2003. The salary allowance established in September
29 2003, shall not exceed the average annual salary paid to Port
30 Commissioners of those other special district seaports which
31 have an established annual salary for Port Commissioners. The

1 salary allowance shall be payable monthly and apply to all
2 services rendered by each Port Commissioner under this act.
3 The salary allowance adopted as provided herein may be
4 adjusted annually by the Board of Commissioners of the
5 Canaveral Port Authority; however, any increase in the annual
6 salary allowance shall not exceed the average percentage
7 increase in the salaries of state career service employees as
8 determined pursuant to section 145.19, Florida Statutes, for
9 the fiscal year just concluded.

10 Section 7. All meetings of the said Port Authority
11 shall be open to the public and shall be held at the office of
12 the Port Authority. Records of all business transacted by the
13 Port Authority shall be kept and preserved in substantial
14 Minute Books by the Secretary as a permanent record, and the
15 Minute Books or excerpts therefrom, duly certified by the
16 Secretary under the seal of the Port Authority, shall be prima
17 facie evidence in all courts of the proceedings of the Port
18 Authority. The Port Authority shall have power to prescribe by
19 resolution rules for the conduct of its meetings not
20 inconsistent herewith.

21 Section 8. The expense accounts of Port Commissioners
22 and employees shall be itemized in writing and submitted to
23 the Port Authority in session.

24 ARTICLE VI. Additional Powers

25 Section 1. The Canaveral Port Authority shall have the
26 power to impose a franchise or excise tax upon businesses and
27 occupations carried on or operated under and by virtue of any
28 franchise or franchises granted by the Port Authority in a sum
29 equal to 0.5 percent of the gross receipts of such businesses
30 or occupations. The administration of this section and the
31 collection of this franchise tax are hereby vested in the

1 Canaveral Port Authority, and said Port Authority is
2 authorized to make, promulgate, and enforce such reasonable
3 rules and regulations relating to the administration and
4 enforcement of this law and the collection of said franchise
5 tax as may be deemed expedient, independently of all other
6 remedies and proceedings authorized by law for the enforcement
7 and collection of said franchise tax, a right of action, by
8 suit in the name of the Canaveral Port Authority, is hereby
9 created; and such suit may be maintained and prosecuted, and
10 all proceedings taken, to the same effect and extent as for
11 the enforcement of a right of action for debt or assumpsit, or
12 substitute forms of action therefor, and any and all remedies
13 available in such actions including attachment and garnishment
14 shall be and are hereby made available to the said Canaveral
15 Port Authority in the enforcement of the payment of any
16 franchise tax accruing hereunder, provided that the Port
17 Authority shall not be required to post bond in any such
18 actions or proceedings.

19 Section 2. In the further interest of the advancement,
20 promotion, regulation, and control of Port Canaveral, and in
21 the interest of safety, order, convenience, and the general
22 welfare of the public, the Port Authority is authorized and
23 empowered to adopt a plan or plans, and amend the same from
24 time to time, for the zoning of the Harbor area for the
25 purpose of regulating the location and establishment of
26 trades, industries, and manufacturing establishments and other
27 use of the property within said Port Canaveral.

28 ARTICLE VII. Personnel

29 Section 1. The Port Authority may appoint a Port
30 Manager, who, under the direction and supervision of the Port
31 Authority, shall be the administration head of the Port

1 District and Port Authority, and he or she shall hold office
2 at the pleasure of the Port Authority. The Port Manager shall
3 be chosen solely on the basis of his or her experience and
4 executive and administrative ability and any other
5 qualifications the Port Authority may require.

6 Section 2. The Port Manager shall have such duties and
7 authority in the administration, maintenance, expansion, and
8 operation of Port Canaveral as the Port Authority shall assign
9 to him or her, including the promotion of the business and
10 affairs of Port Canaveral including, but not limited to,
11 travel to and from meetings of industrialists in convention or
12 by industry, necessary subsistence, entertainment of business
13 guests at Port Canaveral or elsewhere, within or without the
14 state, and meals for staff members at regular or special
15 meetings of the Port Authority, and shall ratify past such
16 expenditures. The Port Manager shall keep and maintain an
17 account of the expenses involved in the performance of his or
18 her duties and submit the same to the Port Authority for
19 approval at any regular meeting.

20 Section 3. The Port Manager shall receive such
21 compensation as may be agreed.

22 Section 4. Official travel authorized by the Canaveral
23 Port Authority shall be reimbursed by the Authority in
24 accordance with the following provisions:

25 (a) All official travel performed within the state
26 shall be reimbursable in accordance with section 112.061,
27 Florida Statutes.

28 (b) Official travel outside of the state but within
29 the continental United States shall be reimbursable in
30 accordance with section 112.061, Florida Statutes, with the
31

1 exception of the reimbursement rates for meals. The
2 reimbursement rates for meals shall be as follows:

- | | | |
|---|---------------------|-----------------|
| 3 | <u>1. Breakfast</u> | <u>\$5.00.</u> |
| 4 | <u>2. Lunch</u> | <u>\$11.00.</u> |
| 5 | <u>3. Dinner</u> | <u>\$22.00.</u> |

6 On October 1 of each year, the above meal rates will be
7 adjusted by the Consumer Price Index, "All urban consumers,
8 food away from home," by the change in the 12-month period
9 preceding October 1.

10 (c) Official travel outside of the continental United
11 States shall be reimbursable in accordance with section
12 112.061, Florida Statutes, with the exception of meals. The
13 reimbursement rates for meals shall be in accordance with the
14 United States Department of State Standardized Regulations,
15 Per diem Supplement for all foreign areas. Once the daily meal
16 rate has been determined by the applicable travel location,
17 the following percentage rates will apply to the maximum daily
18 rate allowed:

- | | | |
|----|---------------------|-----------------------------------|
| 19 | <u>1. Breakfast</u> | <u>14% of daily maximum rate.</u> |
| 20 | <u>2. Lunch</u> | <u>28% of daily maximum rate.</u> |
| 21 | <u>3. Dinner</u> | <u>58% of daily maximum rate.</u> |

22 ARTICLE VIII.

23 Levy of Taxes

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

27 (a) A tax not exceeding 3 mills on the dollar of the
28 total assessed valuations of all taxable property, both real
29 and personal, within said Canaveral Port District for each
30 year. Said tax shall constitute an Administration Fund for the
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1 operation, maintenance, and general administration expenses,
2 and for the purchase of rights-of-way.

3 (b) A tax for the purpose of paying the principal and
4 interest on revenue certificates and revenue bonds
5 outstanding, and for the proper sinking funds for the
6 protection thereof, and not exceeding in the aggregate the sum
7 of \$7,500,000 in principal, as the same severally mature in
8 accordance with their tenor.

9 Section 2. At the time of the adoption of the tax
10 resolution as provided hereinabove, the Port Authority shall
11 prepare and adopt a financial budget for the ensuing fiscal
12 year. Said budget shall contain an estimate of all items of
13 expenditure contemplated or anticipated for the ensuing fiscal
14 year, and an estimate of all sources of revenue. Said budget
15 shall be spread upon the permanent records of the Port
16 Authority.

17 Section 3. All revenues received by the Port Authority
18 from the operation of Port Canaveral, other than specifically
19 pledged, shall be paid into the Administration Fund and be
20 used for operation, expansion, maintenance, and general
21 administration purposes and expenses, and for the purchase of
22 rights-of-way. Any part of the Administration Fund remaining
23 unused or unpledged at the close of each fiscal year may, in
24 the discretion of the Port Authority, be transferred to the
25 sinking fund maintained for bonds, or to purchase obligations
26 of the Port Authority at the lowest market price.

27 ARTICLE IX. Prohibitions

28 Section 1. No member of the Port Authority or other
29 officer or employee shall purchase supplies, goods, or
30 materials for use by the Port District or Port Authority from
31 himself or herself or from any firm or corporation in which he

1 or she is interested, directly or indirectly, nor in any
2 manner share in the proceeds of such purchases. The Port
3 Authority shall not be obligated for the purchase price of
4 such supplies, goods, or materials so purchased. No Port
5 Commissioner or other officer or employee shall bid or enter
6 into or be in any manner interested in any contract for public
7 work to which the said Port Authority may be a party. Any Port
8 Commissioner who shall violate the provisions hereof shall be
9 deemed guilty of malfeasance in office, provided that no Port
10 Commissioner who shall have recorded his or her vote against
11 the letting of such contract or against such illegal purchase
12 or who shall have been absent at the taking of the vote
13 thereon shall be deemed guilty of a violation of this
14 provision. All moneys or things of value paid or delivered
15 pursuant to such contract or purchase may be recovered by the
16 Port Authority.

17 ARTICLE X. Notification of Claims

18 Section 1. Every claim, whether ex contractu or ex
19 delicto, whether liquidated or unliquidated, whether vested or
20 contingent, against the Port Authority or Canaveral Port
21 District shall be filed, signed by the claimant or his or her
22 duly authorized agent, with the Port Authority within 3 months
23 after the time said claim shall become due or arise, and shall
24 be barred if not so filed; said writing representing said
25 claim shall, as particularly as is known to the claimant, set
26 out the details of said claim and specify the names of the
27 witnesses, if any, whom the claimant relies upon to support
28 his or her claim.

29 ARTICLE XI. Statute of Limitations

30 Section 1. No statute heretofore or hereafter enacted
31 by the Legislature, prescribing and fixing the time in which

1 action shall be brought, and commonly known as the "Statute of
2 Limitations," shall apply to any action, suit, or proceeding
3 instituted and prosecuted by the Port Authority or the
4 Canaveral Port District.

5 ARTICLE XII. Exemption From Taxation

6 Section 1. All property, real and personal, tangible
7 and intangible, now owned or hereinafter acquired and held by
8 the Canaveral Port Authority, the governing authority of the
9 Canaveral Port District, shall be exempt from all taxation
10 levied and assessed pursuant to the Constitution and laws of
11 the State of Florida by any taxing unit.

12 ARTICLE XIII. Exemption From Judgment Liens

13 Section 1. No judgment or decree, writ of execution,
14 or any other writ issued or tendered against the said
15 Canaveral Port Authority shall be a lien upon the real or
16 personal property now owned or hereafter acquired and held by
17 the said Port Authority. All property, both real and personal,
18 tangible and intangible, now owned or hereafter acquired and
19 held by the said Port Authority shall be exempt from sale,
20 under writ of execution and any other judicial sale.

21 ARTICLE XIV. Appeals Bond

22 Section 1. The Port Authority and Canaveral Port
23 District shall not be required to execute, give, or file any
24 bond required by law to be filed in an attachment, injunction,
25 receivership, garnishment, or replevin proceedings, or in the
26 prosecution of an appeal or writ of error. The Canaveral Port
27 District and Port Authority may supersede any appealable
28 judgment, decree, or order rendered in any of the courts
29 within the state, of which it feels aggrieved, by prosecuting
30 an appeal or writ of error therefrom, pursuant to law, without
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1 giving or filing a supersedeas bond as otherwise required by
2 law.

3 ARTICLE XV. Removal of Port Commissioners by Governor

4 Section 1. No court shall have the power or
5 jurisdiction to appoint any officer of the court to exercise
6 the duties and powers of the Port Authority or any Port
7 Commissioner. In the event any Port Commissioner shall be
8 guilty of intentional and willful malfeasance, nonfeasance, or
9 misfeasance in office, or commission of a felony, he or she
10 shall be subject to be removed by the Governor in the manner
11 provided for the removal of county officers.

12 ARTICLE XVI. Inspection of Books and Records

13 Section 1. The books, audits, and records of the Port
14 Authority shall at all reasonable hours on regular business
15 days be open to inspection as provided by law. All moneys of
16 the Port Authority shall be at all times kept fully and
17 adequately secured.

18 Section 2. The books and public records of the Port
19 Authority shall be audited by the State Auditing Department at
20 the time the books of the county officials of Brevard County
21 are audited.

22 Section 3. The fiscal year of the Port Authority shall
23 begin October 1 of each year and end September 30 of each
24 year.

25 ARTICLE XVII. Contracts; Competition

26 Section 1. No contract shall be let by the Port
27 Authority for any construction, improvement, repair, or
28 building, nor shall any goods, supplies, or materials for
29 Canaveral Port District purposes or uses be purchased when the
30 amount to be paid by the Canaveral Port District or the Port
31 Authority shall exceed \$15,000, unless notice thereof shall be

1 advertised at least three times, once each week for 3
2 consecutive weeks in a newspaper of general circulation in the
3 Canaveral Port District, calling for bids upon the work to be
4 done or the goods, supplies, or materials to be purchased by
5 the Port Authority, and in each case the bid of the lowest
6 responsible bidder shall be accepted, unless the Port
7 Authority may, in its discretion, reject all bids. The Port
8 Authority may also require the deposit of cash or a certified
9 check, not to exceed \$1,000 or 15 percent of the bid, as
10 evidence of good faith on the part of the bidders, such
11 deposit to be returned when the bid is rejected or performance
12 bond deposited or contract completed. All other things being
13 equal, preference shall be given by the Port Authority in
14 making all purchases and the letting of all contracts to
15 residents of the Canaveral Port District.

16 Section 2. In the event it is reasonably expected that
17 the cost amount of a contract under section 1 of this article
18 shall be greater than \$5,000 but less than \$15,000, then the
19 Port Manager or his or her designee shall do the following:

20 (a) Obtain at least three telephonic bid offers to
21 perform such work or furnish such property from at least three
22 independent persons or business entities responsible in the
23 subject business endeavor under consideration.

24 (b) Make a record of the offers.

25 (c) After obtaining and recording such offers, award
26 the contract to the lowest responsible bidder of those
27 solicited as provided in this article.

28 Section 3. In lieu of the competitive bid requirements
29 set forth in sections 1 and 2 of this article, the Port
30 Authority may utilize purchase agreements or contracts of any
31 state agency, county, school board, or municipality, or of the

1 Federal Government or its agencies, which agreements or
2 contracts have been competitively bid for the purchase of
3 goods, supplies, or materials for Canaveral Port District
4 purposes.

5 ARTICLE XVIII. Leases and Encumbrances

6 Section 1. Whether an election shall be required to be
7 held to decide whether or not a lease for more than 10 years,
8 or an encumbrance for more than \$10,000 for a period of more
9 than 5 years of or against the land, personal properties, or
10 facilities of the Port Authority, shall be in accordance with
11 the provisions of Article IV, Section 16, subsection (c)
12 hereinabove; however, no lease shall exceed an initial period
13 of 50 years or any renewal or renewals thereof, excepting
14 leases for the purpose of the construction and development of
15 hotels, convention centers, festive market places, and world
16 trade centers, which lease shall not exceed an initial period
17 of 99 years or any renewal or renewals thereof. If an
18 encumbrance exceeds \$100,000, a referendum as provided for in
19 Article IV, Section 16, subsection (c) shall be required when
20 said referendum is requested by a petition bearing the
21 signatures of 1 percent of the qualified electors.

22 Section 2. It shall be the duty of the Port Authority
23 to give at least 30 days' notice of any such election by
24 publication in a newspaper published within said Canaveral
25 Port District for at least 30 days prior to the date of said
26 election, which notice shall be published once a week for 4
27 consecutive weekly issues.

28 Section 3. Said notice shall state the description of
29 the lands, personal properties, or facilities to be leased or
30 encumbered and the sum to be received by the Port Authority
31 therefor.

1 Section 4. All qualified electors residing in the
2 Canaveral Port District shall be entitled to vote in said
3 election, which election shall in all respects not herein
4 expressly provided be called and held and the results thereof
5 determined in accordance with the provisions of any applicable
6 general statute of the state now in force or hereafter
7 enacted. The places for voting in said election shall be the
8 same as the places for voting at the general elections usually
9 held within the territorial limits of the Canaveral Port
10 District. Inspectors and clerks shall be appointed and
11 qualified as in case of general elections, and they shall
12 canvass the votes cast and make due returns of the same
13 without delay. The returns of said election shall be made to
14 the Port Authority.

15 Section 5. It shall be the duty of the Port Authority
16 to cause to be prepared a sufficient number of ballots to be
17 used at such elections with such description of the lands,
18 personal properties, or facilities to be leased or encumbered
19 and the sum to be received therefor; a description of the
20 purposes therefor; and the amount and rate of interest,
21 together with other details, to be voted on.

22 Section 6. Said ballots shall be in form substantially
23 as follows:

24 OFFICIAL BALLOT

25 CANAVERAL PORT DISTRICT

26 Special election (Insert date)

27 This election is held for the approval or disapproval of
28 (insert subject matter),

29 Place a cross (x) mark in the space to the left of the
30 proposition of your choice.

31 () FOR (insert subject matter)

1 () AGAINST (insert subject matter)

2 Section 7. If a majority of the qualified electors
3 residing in said Canaveral Port District who shall participate
4 in such election shall cast their votes in favor of the
5 execution and delivery of the lease of the encumbrance, it
6 shall become the duty of the Canaveral Port Authority to
7 execute and deliver the lease or the encumbrance as authorized
8 in said election.

9 ARTICLE XIX. Severability Clause

10 Section 1. If any section, subsection, paragraph,
11 subparagraph, sentence, clause, or phrase of this act is, for
12 any reason, held to be unconstitutional or invalid, such
13 holding shall not affect the validity of the remaining
14 portions of this act, the Legislature hereby declaring that it
15 would have enacted this act and each and every section,
16 subsection, paragraph, subparagraph, sentence, clause, and
17 phrase thereof, irrespective of the fact that any one or more
18 of the sections, subsections, paragraphs, subparagraphs,
19 sentences, clauses, or phrases thereof may be declared to be
20 unconstitutional or otherwise ineffective.

21 ARTICLE XX. Declaration of Public Purposes

22 Section 1. It is hereby determined and declared by the
23 Legislature that all of the powers conferred upon the District
24 by this act and the exercise of such powers constitute and are
25 proper public purposes and are for the welfare and benefit of
26 the District and its inhabitants.

27 Section 2. The provisions of this act shall be
28 liberally construed to effectuate the purposes set forth
29 herein.

30 Section 4. Chapters 28922 (1953), 30606 (1955),
31 57-1178, 59-1093, 65-1286, 65-1287, 67-1131, 67-1144, 69-857,

1 69-868, 70-592, 70-601, 74-426, 74-427, 74-428, 75-335,
2 75-341, 76-326, 76-327, 78-471, 79-430, 80-455, 82-266,
3 84-394, 87-431, 88-483, 89-408, 89-553, 94-436, 95-465, and
4 2000-418, Laws of Florida, are repealed.

5 Section 5. All other laws, or parts thereof,
6 inconsistent herewith are hereby declared to be inapplicable
7 to the provisions of this act.

8 Section 6. This act shall take effect upon becoming a
9 law.

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