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HB 0597, Engrossed 1

2003 Legislature

A bill to be entitled

An act relating to the Canaveral Port District, Brevard County; providing legislative intent; codifying, amending, and reenacting special acts relating to the district; providing severability; providing purpose and construction; repealing chapters 28922 (1953), 30606 (1955), 57-1178, 59-1093, 65-1286, 65-1287, 67-1131, 67-1144, 69-857, 69-868, 70-592, 70-601, 74-426, 74-427, 74-428, 75-335, 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 2000-418, Laws of Florida; providing an effective date.

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

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

Section 2. Chapters 28922 (1953), 30606 (1955), 57-1178, 59-1093, 65-1286, 65-1287, 67-1131, 67-1144, 69-857, 69-868, 70-592, 70-601, 74-426, 74-427, 74-428, 75-335, 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 2000-418, Laws of Florida,



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relating to the Canaveral Port District, are codified,  
reenacted, amended, and repealed as herein provided.

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

ARTICLE I. Creation and Status

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

Beginning at a point where the west boundary line of said Brevard County, Florida, intersects with the south boundary line of Township 25 South, Range 35 East, and proceeding thence easterly along the south boundary line of Township 25 South to the intersection of the east boundary line of Brevard County, Florida, with the south boundary line of Township 25 South.

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

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



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Thence meander southerly along said Mean High Water Line of the Atlantic Ocean to the South line of Township 22 South, Range 38 East;

Thence westerly along said South line to the centerline of the Intracoastal Waterway of the Indian River;

Thence northerly along said centerline to the easterly projection of the centerline of Buffalo Road, in Section 34, Township 21 South, Range 35 East;

Thence westerly along said centerline and its easterly projection to the centerline of North Washington Avenue(U.S. Highway #1);

Thence southerly along said centerline to the centerline of Malinda Lane;

Thence westerly along said centerline to the East line of the W 1/4 of Section 33, Township 21 South, Range 35 East;

Thence southerly along said east line to the centerline of Garden Street (State Road 406);

Thence easterly along said centerline to the centerline of Park Avenue (Old State Road 405);

Thence southerly along said centerline to the centerline of Barna Avenue;

Thence southerly along said centerline to the centerline of Harrison Street;

Thence easterly along said centerline to the centerline of the Florida East Coast Railway;

Thence southerly along said centerline to the centerline of Cheney Highway (State Road 50);



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Thence westerly along said centerline to the centerline of Rosehill Avenue, in Section 22, Township 22 South, Range 35 East;

Thence northerly along said centerline to the centerline of Knox McRae Drive;

Thence northwesterly along said centerline to the centerline of Barna Avenue;

Thence southerly along said centerline to the centerline of Cheney Highway (State Road 50);

Thence westerly along said centerline to the centerline of the St. Johns River, also being the county line between Brevard and Orange Counties;

Thence meander northerly along said centerline of the St. Johns River to the intersection of the Volusia, Brevard, Orange and Seminole County lines, said point also lying on the South line of Township 21 South, Range 33 East;

Thence easterly along said South line of Township 21 South, also being the county line between Brevard and Volusia Counties, to the East line of Range 33 East;

Thence northerly along said East line, also being the county line between Brevard and Volusia Counties, to the North line of Township 20 South, also being the Northwest corner of Brevard County;

Thence easterly along said North Township line to the point of beginning.

(b) District 2: Beginning at the intersection of the easterly projection of Buffalo Road, in Section 34,



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Township 21 South, Range 35 East and the centerline of the Intracoastal Waterway of the Indian River;  
Thence southerly along said centerline to easterly projection of the centerline of Kings Highway;  
Thence westerly along said centerline to the centerline of Grissom Parkway (Tulsa Boulevard);  
Thence southerly along said centerline to the centerline of Ranch Road;  
Thence westerly along said centerline to the centerline of Interstate 95;  
Thence southerly along said centerline to the centerline of Fay Boulevard;  
Thence easterly along said centerline to the centerline of the Florida East Coast Railway;  
Thence southerly along said centerline to the centerline of Broadway Boulevard, in Section 25, Township 23 South, Range 35 East;  
Thence easterly along said centerline and its easterly projection to the centerline of the Intracoastal Waterway of the Indian River;  
Thence southerly along said centerline to the centerline of the Beeline Expressway (State Road 528);  
Thence westerly along said centerline to the East line of Section 13, Township 24 South, Range 35 East;  
Thence southerly along said east line to the North right of way line of North Road;  
Thence northwesterly along said right of way line to the West line of Cocoa North Subdivision, Unit 1, as recorded



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in Plat Book 21 page 3, Public Records of Brevard County, Florida;

Thence southerly along said West line to the North right of way line of London Boulevard;

Thence westerly along said North right of way line to the West line of Cocoa North Subdivision, Unit 2, as record in Plat Book 21 page 10, Public Records of Brevard County, Florida;

Thence northeasterly, northwesterly, westerly, and northerly along said West line to the South line of N 1/4 of said Section 13, Township 24 South, Range 35 East, said point also being the North line of Cocoa North Subdivision, Unit 4, as recorded in Plat Book 26 page 44, Public Records of Brevard County, Florida;

Thence westerly along said South line to the North-South midsection line of said Section 13;

Thence southerly along said North-South midsection line to the East-West midsection line of said Section 13;

Thence westerly along said East-West midsection line (said line also being the North line of Cocoa North Subdivision, Unit 8, as recorded in Plat Book 31 page 65, Public Records of Brevard County, Florida) the to the centerline of Cox Road;

Thence southerly along said centerline to the North line of the S 1/4 of the S 1/2 of the NE 1/4 of the NE 1/4 of Section 23, Township 24 South, Range 35 East;

Thence westerly along said North line to the West line of the NE 1/4 of the NE 1/4 of said Section 23;



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Thence southerly along said West line to the South line of the N 1/4 of said Section 23;  
Thence westerly along said South line to the North-South Midsection line of said Section 23;  
Thence southerly along said North-South Midsection line to the East-West Midsection line of said Section 23;  
Thence easterly along said East-West Midsection line to the centerline of State Road 524;  
Thence northeasterly along said centerline to the centerline of Cox Road;  
Thence southerly along said centerline to the centerline of Lake Drive;  
Thence easterly along said centerline to the centerline of Clearlake Road (State Road 501);  
Thence southerly along said centerline to the centerline of Pluckebaum Road;  
Thence westerly along said centerline to the centerline of Interstate 95;  
Thence southeasterly along said centerline to the centerline of Rockledge Creek;  
Thence westerly along said centerline and its westerly projection to the centerline of Lake Poinsett;  
Thence meander westerly along said centerline to the southwesterly projection of the centerline of State Road 524;  
Thence northeasterly along said centerline and its southwesterly projection to the centerline of State Road 520;



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Thence westerly along said centerline to the centerline of the St. Johns River, also being the county line between Brevard and Orange Counties;

Thence meander northerly along said centerline to the centerline of Cheney Highway (State Road 50)

Thence easterly along said centerline to the centerline of Barna Avenue;

Thence northerly along said centerline to the centerline of Knox McRae Avenue;

Thence southeasterly along said centerline to the centerline of Rosehill Avenue, in Section 22, Township 22 South, Range 35 East;

Thence southerly along said centerline to the centerline of Cheney Highway (State Road 50);

Thence easterly along said centerline to the centerline of the Florida East Coast Railway;

Thence northerly along said centerline to the centerline of Harrison Street;

Thence westerly along said centerline to the centerline of Barna Avenue;

Thence northerly along said centerline to the centerline of Park Avenue (Old State Road 405);

Thence northerly along said centerline to the centerline of Garden Street (State Road 406);

Thence westerly along said centerline to the East line of the W 1/4 of Section 33, Township 21 South, Range 35 East

Thence northerly along said east line to the centerline of Malinda Lane;





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Thence easterly along said centerline to the centerline of North Washington Avenue (U.S. Highway #1);

Thence northerly along said centerline to the centerline of Buffalo Road, in Section 33, Township 21 South, Range 35 East;

Thence easterly along said centerline and its easterly projection to the point of beginning.

(c) District 3: Beginning at the intersection of the centerline of the Intracoastal Waterway of the Indian River and the centerline of the Beeline Expressway (State Road 528);

Thence southerly along said centerline of the Intracoastal Waterway to the South line of Township 25 South;

Thence westerly along said South line to the West line of Range 35 East, also being the county line between Osceola and Brevard Counties;

Thence northerly along said West line intersection of the Brevard, Orange and Osceola County lines;

Thence northerly along said Brevard and Orange County line to the centerline of State Road 520;

Thence easterly along said centerline to the centerline of State Road 524;

Thence southwesterly along said centerline and its southwesterly projection to the centerline of Lake Poinsett;



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Thence easterly along said centerline to the westerly projection of the centerline of Rockledge Creek;  
Thence easterly along said centerline and its westerly projection to the centerline of Interstate 95;  
Thence northwesterly along said centerline to the centerline of Pluckebaum Road;  
Thence easterly along said centerline to the centerline of Clearlake Road (State Road 501);  
Thence northerly along said centerline to the centerline of Lake Drive;  
Thence westerly along said centerline to the centerline of Cox Road;  
Thence northerly along said centerline to the centerline of State Road 524;  
Thence southwesterly along said centerline to the East-West Midsection line of Section 23, Township 24 South, Range 35 East;  
Thence westerly along said East-West Midsection line to the North-South Midsection line of said Section 23;  
Thence northerly along said North-South Midsection line to the South line of the N 1/4 of said Section 23;  
Thence easterly along said South line to the West line of the NE 1/4 of the NE 1/4 of said Section 23;  
Thence northerly along said West line to the North line of the S 1/4 of the S 1/2 of the NE 1/4 of the NE 1/4 of said Section 23;  
Thence easterly along said North line to the centerline of Cox Road;



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Thence northerly along said centerline to the East-West  
Midsection line of Section 13, Township 24 South, Range  
35 East;

Thence easterly along said East-West Midsection line to  
the North-South Midsection line of said Section 13;

Thence northerly along said North-South Midsection line  
to the South line of the N 1/4 of said Section 13, said  
line also being the North line of Cocoa North  
Subdivision, Unit 4, as recorded in Plat Book 26 page 44,  
Public Records of Brevard County, Florida;

Thence easterly along said South line to the West line of  
Cocoa North Subdivision, Unit 2, as recorded in Plat Book  
21 page 10, Public Records of Brevard County, Florida;

Thence southerly, easterly, southeasterly and  
southwesterly along said West line to the North right of  
way line of London Boulevard;

Thence easterly along said North right of way line to the  
West line of Cocoa North Subdivision, Unit 1, as recorded  
in Plat Book 21 page 3, Public Records of Brevard County,  
Florida;

Thence northerly along said West line and its northerly  
projection to the North right of way line of North road;

Thence southeasterly along said North right of way line  
to the East line of Section 13, Township 24 South, Range  
35 East;

Thence northerly along said East line to the centerline  
of the Beeline Expressway (State Road 528)



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Thence westerly along said centerline to the point of beginning.

(d) District 4: Beginning at the intersection of the South line of Township 22 South, Range 38 East and the Mean High Water Line of the Atlantic Ocean;  
Thence southerly along said Mean High Water Line to the centerline of the Canaveral Port Authority Main Channel;  
Thence westerly along said centerline to the centerline of the Banana River;  
Thence southerly along said centerline to the easterly projection of the centerline of Morningside Drive, in Section 30, Township 24 South, Range 37 East;  
Thence westerly along said easterly projection and centerline to the centerline of North Banana River Drive;  
Thence northerly along said centerline to the South line of Surfside Estates, Unit 1, as recorded in Plat Book 16 page 65, Public Records of Brevard County, Florida;  
Thence westerly along said South line and its westerly projection to the centerline of Sykes Creek;  
Thence southerly along said centerline to the centerline of Merritt Island Causeway (State Road 520);Thence westerly along said centerline to the centerline of Plumosa Street;  
Thence northerly along said centerline to the centerline of LeJeune Boulevard;  
Thence northwesterly along said centerline to the centerline of Palmetto Avenue;



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Thence northeasterly along said centerline to the centerline of East Merritt Avenue;  
Thence westerly along said centerline to the centerline of Fourth Street;  
Thence northerly along said centerline to the centerline of Alabama Avenue;  
Thence westerly along said centerline to the centerline of Fourth Place;  
Thence northerly along said centerline to the centerline of Needle Boulevard;  
Thence westerly along said centerline to the centerline of North Courtenay Parkway;  
Thence southerly along said centerline to the centerline of Merritt Avenue;  
Thence westerly along said centerline and its westerly projection to the centerline of the Intracoastal Waterway of the Indian River;  
Thence northerly along said centerline to the easterly projection of the centerline of Broadway Boulevard, in Section 30, Township 23 South, Range 36 East;

Thence westerly along said easterly projection and centerline to the centerline of the Florida East Coast Railway;  
Thence northerly along said centerline to the centerline of Fay Boulevard;  
Thence westerly along said centerline to the centerline of Interstate 95;



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Thence northerly along said centerline to the centerline of Ranch Road;  
Thence easterly along said centerline to the centerline of Grissom Parkway (Tulsa Highway);Thence northerly along said centerline to the centerline of Kings Highway;  
Thence easterly along said centerline and its easterly projection to the centerline of the Intracoastal Waterway of the Indian River;  
Thence northerly along said centerline to the South line of Township 22 South;  
Thence easterly along said South line to the point of beginning.

(e) District 5: Beginning at the intersection of the centerline of the Canaveral Port Authority Main Channel and the Mean High Water Line of the Atlantic Ocean;  
Thence meander southerly along said Mean High Water Line to the North line of Patrick Air Force Base, also being the South line of Orlando Beach Subdivision as recorded in Plat Book 9 page 43, Public Records of Brevard County, Florida, in Section 35, Township 25 South, Range 37 East;  
Thence westerly along said North line to the centerline of the Banana River;  
Thence southerly along said centerline to the South line of Township 25 South;  
Thence westerly along said South line to the centerline of the Intracoastal Waterway of the Indian River;



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Thence northerly along said centerline to the westerly projection of the centerline of West Merritt Avenue, said line also being the North line of Section 34, Township 24 South, Range 36 East;

Thence easterly along said westerly projection and centerline to the centerline of North Courtenay Parkway;

Thence northerly along said centerline to the centerline of Needle Boulevard;

Thence easterly along said centerline to the centerline of Fourth Place;

Thence southerly along said centerline to the centerline of Alabama Avenue;

Thence easterly along said centerline to the centerline of Fourth Street;

Thence southerly along said centerline to the centerline of East Merritt Avenue;

Thence easterly along said centerline to the centerline of Palmetto Avenue;

Thence southwesterly along said centerline to the centerline of LeJeune Boulevard;

Thence southeasterly along said centerline to the centerline of Plumosa Street

Thence southerly along said centerline to the centerline of Merritt Island Causeway (State Road 520);

Thence easterly along said centerline to the centerline of Sykes Creek;

Thence meander northerly along said centerline to the westerly projection of the South line of Surfside



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Estates, Unit 1, as recorded in Plat Book 16 page 65,  
Public Records of Brevard County, Florida;  
Thence easterly along said westerly projection and South  
line to the centerline of North Banana River Drive;  
Thence southerly along said centerline to the centerline  
of Morningside Drive, in Section 30, Township 24 South,  
Range 37 East;  
Thence easterly along said centerline and its easterly  
projection to the centerline of the Banana River;  
Thence northerly along said centerline to the centerline  
of the Canaveral Port Authority Main Channel;  
Thence easterly along said centerline to the point of  
beginning.

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

Section 3. Commencing with the year 1982, and every 10  
years thereafter, the Canaveral Port Authority by resolution  
shall divide the Canaveral Port District into five (5)  
Commissioner Port Districts of contiguous territory as nearly  
equal in population as practicable according to the duly  
registered electors in the Canaveral Port District determined by  
the elector registration rolls of the Supervisor of Elections  
for Brevard County. On or before January 15th of each decennial





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year commencing with the year 1982, the Supervisor of Elections for Brevard County shall transmit to the Canaveral Port Authority a certified statement of all elector precincts lying in whole or in part in the Canaveral Port District and the number of electors in each precinct or partial precinct in the Canaveral Port District according to the most recent records of the Supervisor of Elections prior to the submission of such certified statement. On or before March 5th of each such decennial year, the Canaveral Port Authority shall divide and define the boundaries of each of the five (5) Commissioner Port Districts based on the certified statement of elector precincts and number of electors submitted by the Supervisor of Elections. No Commissioner Port Districts shall have more than 22 percent or less than 18 percent of the total number of duly registered electors in the Canaveral Port District according to the certified statement of the Supervisor of Elections. On or before March 31st of each such decennial year, the Canaveral Port Authority shall deliver to the Board of County Commissioners for Brevard County and the Supervisor of Elections for Brevard County a certified copy of the resolution by the Canaveral Port Authority defining the boundaries of the five Commissioner Port Districts determined hereunder, and the Commissioner Port Districts so determined shall be and constitute the Commissioner Port Districts to and until the same are again determined decennially under this provision. As the five Commissioner Port Districts are decennially determined and defined, the same shall immediately supersede the previously determined and defined five Commissioner Port Districts.



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

ARTICLE II. Definitions

Section 1. All references herein to "Harbor District" or "Port District" shall be deemed to mean Canaveral Port District, situated in Brevard County as described in Article I; and all references herein to "Harbor Commissioners," "Port Commissioners," or "Port Authority" shall be deemed to mean the Canaveral Port Authority, the governing body of the Canaveral Port District. All references herein to "Harbor Commissioners" or "Port Commissioners" shall be deemed to mean qualified commissioners or members constituting the Canaveral Port Authority. All references herein to "Port Canaveral" or "Port" shall be deemed to mean the Port of Canaveral, Brevard County, including the main entrance channels, turning basins, slips, and jetties, and including also all lands abutting on the navigable waters of said port.

ARTICLE III. Governing Authority

Section 1. The governing authority of said Canaveral Port District shall be known as the Canaveral Port Authority. Said Canaveral Port Authority as a body politic and body corporate is deemed a political subdivision of the State of Florida within the meaning of sovereign immunity from taxation; it shall have perpetual existence; it may adopt and use a common seal and alter the same; it may contract and be contracted with; it may sue in its corporate name in any of the courts in the several states and in the courts of the United States, and may be sued only in the courts of the state and the courts of the United



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States for the Southern District of the state, or in such other District Court of the United States to which Brevard County may hereafter be transferred.

ARTICLE IV. General Grant of Powers

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

Section 1. To acquire by grant, purchase, gift, devise, condemnation, or in any other manner, all property, real or personal, or any estate or interest therein, within said Canaveral Port District, which by resolution the said port authority shall determine to be necessary for the purposes of said Canaveral Port District; said determination shall be conclusive, except in cases of fraud or gross abuse of discretion; and to improve, maintain, lease, mortgage, or otherwise encumber the same, or any part thereof, or any interest or estate therein, and to sell, convey, and deliver the legal title to certain land to an agency of Florida for rights-of-way for a public toll highway between Port Canaveral, Brevard County, and United States Highway No. 1 near City Point, Brevard County; with right of reversion of said land upon abandonment thereof by nonuser, or, in the event such public toll highway be not constructed, whichever is sooner; and upon such conditions as said Port Authority shall fix and determine, as hereinafter provided; and said determination shall be deemed conclusive, except in case of fraud or gross abuse of discretion.



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Section 2. To lay out, construct, condemn, purchase, own, mortgage, add to, maintain, conduct, operate, build, equip, manage, replace, enlarge, improve, regulate, control, repair, fix, and establish jetties, piers, quays, wharves, docks, warehouses, storehouses, breakwaters, bulkheads, public landings, slips, seawalls, turning basins, harbors, ports, waterways, channels, moles, bridges, catwalks, ferries and causeways, drydocks, terminal facilities, canals, elevators, grain bins, cold storage plants, icing plants and their distribution, refrigerating plants, pre-cooling plants, bunkers, oil tanks, pipelines, locks, tidal basins, subways, tramways, cableways, anchorage areas, depots, areas for abandoned or derelict ships, barges, or other craft, airways, landing fields, conveyors, modern appliances for economic handling, storing, and transportation of freight and the handling of passenger traffic, systems of fresh water supply, electric and steam generating stations and plants and distribution systems therefor, sewage systems and sewage disposal and treatment plants, telegraph and telephone systems and lines, buried or on poles, gas lines and distribution systems therefor for servicing the lands, properties and facilities now or hereafter owned, acquired, or controlled by lease, franchise, or otherwise, by Canaveral Port District or the Canaveral Port Authority and any and all areas adjacent thereto, radio broadcasting stations and facilities, parking lots and areas for off-street or off-road parking of motor vehicles, barge lines, truck lines, steamship lines, shipping lines, roads and railroads, within and without the territorial limits of Canaveral Port District, and all other



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harbor and harbor area improvements and facilities which the Port Authority may determine to be necessary, feasible, and advantageous; and in connection with the operation, improvement, and maintenance of said port, to perform all customary services, including the handling, weighing, measuring, regulation, control, inspection, and reconditioning of all commodities and cargo received or shipped through said port.

Section 3. To exercise control over Port Canaveral, Brevard County, and any and all parts thereof; to apply to proper authorities of the United States Government for the right to establish, operate, and maintain a Foreign Trade Zone within the limits of Brevard County and to establish, operate, and maintain such Foreign Trade Zone; to apply for and obtain permission from the United States Government to create, improve, regulate, and control all waters, and natural or artificial waterways within said Port Canaveral; to improve all navigable and non-navigable waters situated within said Canaveral Port District necessary or useful to the operation, improvement, and maintenance of Port Canaveral; to construct, improve, and maintain such inlets, slips, turning basins, and channels; to make and give to the United States Government such guarantees upon such terms and conditions as may be required; and to enact, adopt, and establish rules and regulations for the complete exercise of jurisdiction and control over all of said lands and waters of said Port Canaveral within said Canaveral Port District.

Section 4. To fix uniform rates of wharfage, dockage, pilotage, warehousing, storage, port, and terminal charges upon



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all harbor facilities and improvements located within said Port District, whether owned by said Port Authority or otherwise, and to fix and determine the rates, commissions, rentals, tolls, and other charges for the use of harbor and area facilities and improvements located within said Port District insofar as it may be permissible for said Port Authority to do so under the Constitution and laws of the State of Florida and under the Constitution and laws of the United States of America.

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

Section 6. To grant franchises to any person, firm, or corporation to construct, establish, operate, replace, repair, fix, enlarge, maintain, improve, equip, manage, acquire, and control jetties, piers, quays, wharves, docks, warehouses, storehouses, breakwaters, bulkheads, public landings, slips, seawalls, turning basins, harbors, ports, waterways, channels, moles, bridges, catwalks, ferries, roads and causeways, drydocks, terminal facilities, canals, elevators, grain bins, cold storage plants, icing plants and their distribution, refrigeration plants, pre-cooling plants, bunkers, oil tanks, pipelines, locks, tidal basins, subways, tramways, cableways, anchorage areas, depots, areas for abandoned ships, barges, or other craft, airways, landing fields, conveyors, modern appliances for economic handling, storing, and transportation of freight and the handling of passenger traffic, systems of fresh water supply, electric and steam generating stations and plants



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and distribution systems therefor, sewage systems and sewage disposal and treatment plants, telegraph and telephone systems and lines, buried or on poles, gas lines and distribution systems therefor for servicing the lands, properties, and facilities now or hereafter owned, acquired, or controlled by lease, franchise, or otherwise by Canaveral Port District or the Canaveral Port Authority, and any and all areas adjacent thereto, radio broadcasting stations and facilities, parking lots and areas for off-street or off-road parking of motor vehicles, barge lines, truck lines, steamship lines, shipping lines, roads and railroads within and without the territorial limits of the Canaveral Port District, and other harbor and harbor area improvements and facilities which the Port Authority may determine to be necessary, feasible, and advantageous; and in connection with the operation, improvement, and maintenance of said port, to perform all customary services, including the handling, weighing, measuring, regulation, control, inspection, and reconditioning of all commodities and cargo received or shipped through said port in the exercise of such franchise. Nothing in this section shall be construed to limit the right of the Port Authority to construct, maintain, and operate the port facilities, as provided in section 2 of this article.

Section 7. To enter into such contract, lease, or franchise with any common carrier or carriers and their respective successors and assigns as the Port Authority shall determine to be necessary for the development, improvement, and promotion of the transportation and warehousing facilities of Port Canaveral and the development, improvement, and promotion



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

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





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

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

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

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



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

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

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

Section 14. To exercise the right of eminent domain and to condemn, appropriate, and acquire any property, both real and personal, and any interest or estate therein which by resolution



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the Port Authority shall determine to be necessary for the deepening, widening, and extending of the channels, turning basins, roads, and railroads and the building and construction of slips, wharves, sheds, warehouses, breakwaters, jetties, bulkheads, and any and all other port improvements and facilities, said determination shall be conclusive, except in the case of fraud or gross abuse of discretion; such condemnation proceeding shall be exercised in the manner provided in sections 73.01, 73.011, 73.02 through 73.12, 73.14, 73.15, 73.17, 73.18, and 73.20, Florida Statutes, 1951, and acts amendatory and supplementary thereto; and pursuant to the following additional provisions, to-wit:

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

(b) The Port Authority shall defray the cost of proceedings necessary to effectuate the purposes of this section, provided that the Port Authority shall not be held liable for costs in any action brought by any person or plaintiff, unless the decision of the court shall be in favor of



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such person or plaintiff, and in such case the court shall determine and specify the costs which are to be paid by the said Port Authority.

Section 15. To borrow money as herein provided.

Section 16. (a) The Port Authority shall have the power and authority to execute and deliver all contracts, deeds, leases, mortgages, promissory notes, franchises, assignments, releases, and all other instruments necessary and convenient to carry out the powers herein expressly or impliedly conferred, all of which shall be executed in the name of the Canaveral Port Authority and signed by the Chair and the Secretary thereof and its corporate seal affixed thereto; all checks and vouchers for the disbursement of funds of the Port Authority shall be executed in the manner and form as prescribed by the Port Authority.

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

(c) Any lease of the lands, personal properties, or facilities of the Port Authority for a period of more than 10 years, or any encumbrance of the personal properties or facilities of the Port Authority for more than \$10,000, and for a period of more than 5 years, shall be first advertised in a



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newspaper of general circulation published within the Canaveral Port District for 15 days by three consecutive weekly publications, stating the terms and the amount to be paid and particularly describing the lands, personal properties, or facilities to be leased or encumbered, except where it is proposed to lease or to encumber such properties in favor of a governmental agency, and provided that in the event a petition is filed within 30 days after said advertisement is published, signed by 10 percent of the qualified electors residing within the Canaveral Port District and therein requesting that the question of leasing of the lands or of encumbering of the said personal properties or facilities be decided by an election called for that purpose. It will then be the duty of the Port Authority to call an election to be held within the territory constituting the Canaveral Port District, for the purpose of determining whether or not said lease or said encumbrance as described in said advertisement shall be executed. Said election shall be held as provided in this act. If no such petition be filed, then the lease or the encumbrance may be executed by the Port Authority forthwith.

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

Section 18. To appoint a Pilot Commission consisting of three or more members as the Port Authority may determine, a



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Harbor-Master, a Deputy Harbor-Master, stevedores, longshoremen, and all other persons necessary to properly transact the shipping business at said port and to fix their powers, duties, and compensation. The Port Authority is granted the power to license stevedores as independent contractors for hire, and to fix the terms and conditions of such licenses and to determine the fees to be charged, to serve at the pleasure of the Port Authority, unless terminated sooner by the licenses. The Port Authority shall serve as a Pilot Commission until a Pilot Commission shall be appointed.

Section 19. (a) The Port Authority shall have the power to borrow money from any state or federal agency or agencies, private party or parties, and to secure the payment of the same by the issuance of revenue certificates or revenue bonds (which shall bear such denomination and be in such form as shall be required by the Canaveral Port Authority), for the purpose of carrying out any of the powers, projects, or purposes of the Port Authority or Port District, or for the purpose of providing funds to be used in the construction, operation, maintenance, expansion, promotion, or repair of harbor facilities, and improvements at Port Canaveral or for the purpose of deepening, widening, constructing, or repairing of slips, channels, turning basins, bulkheads, seawalls, jetties, breakwaters, warehouses, or wharves at Canaveral Port, or for the purpose of constructing, maintaining, or repairing platforms, railroads, and railroad facilities, and serve as common carriers; to construct, maintain, and repair streets, roads, or avenues surrounding or adjacent to Canaveral Port; provided that such



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revenue certificates or revenue bonds hereby authorized to be issued and outstanding shall not bear a higher rate of interest than provided by general law which shall be payable semiannually.

(b) The Port Authority is hereby authorized to secure said revenue certificates or revenue bonds by a pledge of the revenues of the port project, including revenues from all or any part of the facilities connected therewith, owned and operated by the Port Authority and in addition thereto, said revenue certificates or revenue bonds may be secured by a lien on all or any part of the personal properties of the Authority or the District or the income derived therefrom, including the full faith and credit of said Port District. Real property is expressly excluded.

(c) The issuance of said revenue bonds shall be authorized by resolution of the Port Authority, which resolution may be adopted at any regular meeting by a vote of a majority of the members thereof. The revenue certificates or revenue bonds issued hereunder shall bear such rate or rates of interest not exceeding that provided by general law; may be in one or more series; may bear such date or dates; may mature at such time or times not exceeding 30 years after their respective dates, in such medium of payment, at such place or places; may carry such registration privileges; may be subject to such terms of redemption; may be in such form or forms; and may be executed in such manner and contain such terms and conditions as the Port Authority may prescribe. The revenue certificates or revenue bonds herein provided for may be issued by the Port Authority



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upon the Authority first adopting an appropriate resolution authorizing such issuance and without the question of issuing said revenue certificates or revenue bonds being first authorized by an election held for such purpose, provided that the amount to be issued and the purpose for which issued shall be advertised for at least 30 days prior thereto by publication in a newspaper published in said District, which notice shall be published in 3 weekly issues of said paper.

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

(b) Before the issuance of any of the said revenue certificates or revenue bonds, such issue shall be authorized by resolution of the Port Authority; which said resolution shall state the amount of the certificates or bonds proposed to be issued, the purpose or purposes for which issued, the denomination for such certificates or bonds, the rate of interest the same are to bear, and the time, place, and conditions when, where, and upon which said certificates or bonds, and the interest thereon, shall become due and payable. However, such certificates or bonds shall be issued only after they have been first approved by a majority vote of the qualified electors residing in the Canaveral Port District in an election held within the territory constituting the Canaveral Port District. Such resolution, so adopted, shall name a day





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for the holding of such election, and said Port Authority shall give at least 30 days' notice of said election by publication in a newspaper published in said District, once a week for 4 consecutive weeks during said period of 30 days. Said notice shall state the time of the election and the purpose of the election, and said certificates or bonds shall be issued only after the same shall have been authorized and ratified by a majority of the votes cast in said election and a majority of the qualified electors who reside in said Canaveral Port District shall participate.

(c) All said qualified electors residing in said District shall be entitled to vote in said election, which election shall in all respects not herein expressly provided be called and held and the result thereof determined in accordance with the provisions of any applicable general statute now in force or hereafter enacted. The place of voting in said election shall be the same as the places for voting at the general elections usually held within the territorial limits of said District. Inspectors and clerks shall be appointed and qualified as in case of general elections and they shall canvass the votes cast and make due returns of the same without delay. Returns of said elections shall be made to the Port Authority. It shall be the duty of the Port Authority to cause to be prepared a sufficient number of ballots to be used at such election, with such description of said certificates or bonds to be voted on as the Port Authority may prescribe. A separate statement giving the amount of the certificate or bond issued and the interest thereon, together with such other details as may be deemed



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necessary or proper to inform the electors, shall be printed on the ballots in connection with the question "FOR the Issuance of Revenue Certificates or Revenue Bonds Supported by an Ad Valorem Tax" and "AGAINST the Issuance of Revenue Certificates or Revenue Bonds Supported by an Ad Valorem Tax." Directions to the voters to express their choice by making an (x) mark in the space to the right or the left of said question shall be stated in the ballot. Said ballots shall be in form substantially as follows:

Official Ballot Canaveral Port District SPECIAL ELECTION (Insert Date) This election is held for the approval or disapproval of the issuance of \$\_\_\_\_\_ of Revenue Certificates (or Revenue Bonds) of Canaveral Port District, supported by an ad valorem tax, bearing interest at the rate of \_\_\_\_\_ percentum per annum. Place a cross mark (x) in the space to the left (or right) of the proposition of your choice. FOR issuance of Revenue Certificates (or Revenue Bonds) of Canaveral Port District in the amount of \$\_\_\_\_\_ supported by an ad valorem tax to be issued against the taxable properties of the District, bearing interest at the rate of \_\_\_\_\_ percentum per annum, payable semiannually.

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



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

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

(e) The Port Authority is additionally authorized and empowered to borrow money at an interest rate not to exceed 7.5 percent per annum and maturity date not to exceed 1 year, from any bank or other party, to create and maintain a sinking fund for the payment as budgeted, of the principal and interest of outstanding revenue certificates or revenue bonds; and to execute its promissory note or notes therefor, signed in the name of the Canaveral Port Authority by its Chair and its Secretary and the corporate seal affixed thereto, all as



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directed by the Board of Commissioners of the Canaveral Port Authority, and said note or notes shall be payable from the anticipated revenues to be derived from the previously levied and assessed ad valorem tax as authorized in this section, provided, however, such notes shall not exceed in any one year 75 percent of the current taxes levied in any one year by the Port Authority for the payment of the interest and redemption of the revenue bonds or revenue certificates of Canaveral Port Authority currently becoming due.

Section 21. (a) The manner in which the Port Authority shall exercise the levying, assessing, and collecting of any ad valorem tax provided herein shall be as follows: The County Property Appraiser of Brevard County, immediately after the tax assessment of said county for any year after the passage of this act has been reviewed and equalized by the Board of County Commissioners of Brevard County, shall report in writing to the Canaveral Port Authority the assessed valuation of all taxable property within the territorial limits of the Canaveral Port District, as assessed and equalized for state and county taxation, and the Chief Financial Officer of the State of Florida shall report to the Canaveral Port Authority at the time he or she is, by law, required to report to the County Property Appraiser of Brevard County the assessed valuation of all railroad lines, railroad property, telephone and telegraph lines, and telephone and telegraph properties within the Canaveral Port District, over which he or she has jurisdiction for valuation and assessment purposes and said assessed



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valuation, placed on said properties, shall be the valuation for taxation by the Port Authority.

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

(c) A certified copy of said tax resolution, executed in the name of the Port Authority under the corporate seal of the Port Authority by its Chair, and attested by its Secretary, shall be made and delivered to the Board of County Commissioners of Brevard County and the Chief Financial Officer of the State of Florida, with all reasonable dispatch after the Port Authority has received the total valuation of all taxable properties to be assessed within the Canaveral Port District.



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Upon the receipt of such resolution by said Board of County Commissioners, it shall be the mandatory duty of said Board of County Commissioners to order and direct the County Property Appraiser of Brevard County to assess and levy, and the County Tax Collector of Brevard County to collect, the tax, at the rate fixed and determined by said resolution of the Port Authority, upon all taxable properties located within said Canaveral Port District, and said revenues and assessments so determined and made shall be included in the tax roll and warrant of said County Property Appraiser for each fiscal year hereafter. The said Tax Collector shall collect such taxes in the manner and at the same time as state and county taxes are collected and shall pay and remit the same upon the collection thereof to the Port Authority. It shall be the duty of the Chief Financial Officer of the State of Florida to assess and levy on all railroad lines and railroad property, all telephone and telegraph lines and telephone and telegraph property, and all other taxable property within his or her jurisdiction located within said Canaveral Port District a tax at the rate prescribed by said tax resolution of the Port Authority and to collect the said tax thereon in the same manner and at the same time as he or she is required by law to assess and collect such taxes for state and county purposes and pay and remit the same when collected to the Port Authority. All such taxes shall be disbursed and paid out by the Port Authority only for the purposes for which said taxes were levied, upon vouchers, checks, or warrants issued in such manner as the Port Authority, by resolution, may determine.



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

(e) The provisions of sections 193.321 through 193.327, Florida Statutes, 1967, shall not apply, and are hereby specifically repealed as to the power and authority of the



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Canaveral Port Authority to levy, assess, collect, and enforce ad valorem taxes as set forth is this act.

Section 22. (a) The Board of Commissioners of the Canaveral Port Authority, Brevard County, is authorized to provide life, health, accident, hospitalization, or all or any part of such insurance for Canaveral Port Authority officers and employees, upon a group insurance plan. The Board shall advertise for bids and shall award said group insurance to the lowest and best bidder, provided that if no bids are received, the Board shall have the discretion to contract for such insurance on such terms and conditions as it may deem desirable.

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

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

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

(c) In the exercise of this grant of authority, the Canaveral Port Authority shall comply with all applicable





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provisions of chapter 253, Florida Statutes, to the same extent as a Board of County Commissioners would comply with such provisions under the same circumstances.

Section 24. To comprehensively plan for urban and rural transportation needs and to comprehensively plan for the use of the lands, resources, and waters under its jurisdiction; to participate in such planning with other public agencies as defined in chapter 163, Florida Statutes; and to enter into interlocal governmental agreements (including, without limitation by this specific reference, Metropolitan Planning Organizations contemplated under 23 U.S.C. section 134 and the Urban Mass Transportation Act of 1964) in such transportation and real property fields.

ARTICLE V. Port Commissioners

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



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

(b) Nomination of candidates shall be made by residency districts at the primary elections, by the various political parties, as the general laws of Florida provide for County Commissioners for Brevard County, at which primary elections the electors of the Canaveral Port District at large who are qualified to vote in such primary elections shall be entitled to vote. The Board of County Commissioners shall not print the name of any person as a candidate on the ballots for general elections unless he or she shall have been so nominated.

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

(d) Elections of candidates shall be at general elections as provided by the general laws of Florida, at which general



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elections all qualified electors residing within the Canaveral Port District shall be entitled to vote.

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

Section 4. Every Port Commissioner, before he or she assumes office, shall be required to make oath that he or she will faithfully discharge the duties of his or her office and uphold and defend the laws and the Constitution of the State of Florida and give good and sufficient surety bond payable to the Governor for the use and benefit of the Canaveral Port Authority in the sum of \$2,000, conditioned for the faithful performance of the duties of his or her office, said bond to be approved by the Canaveral Port Authority and filed with the Secretary of State. Any and all premiums of the surety bonds shall be paid by the Port Authority as a necessary expense of said District.

Section 5. As soon as practicable after the newly appointed or elected Port Commissioners shall have qualified, they shall meet and organize by the selection from among themselves of a Chair and a Vice-Chair, and shall also elect a Secretary and a Treasurer, provided, however, that the latter two offices may be held by one person and such person may or may not be a member of said Authority. A majority of the duly qualified members shall constitute a quorum. The Chair and the



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Secretary, if the latter be a member of said Port Authority, shall be entitled to vote at all meetings. Being a Port Commissioner of the Canaveral Port Authority shall not disqualify such Port Commissioner from holding any municipal, county, or state office.

Section 6. The annual salary allowance of each Port Commissioner shall be determined and adopted by the Board of Commissioners of the Canaveral Port Authority at the regular meeting held in September 2003, to be effective commencing October 1, 2003. The salary allowance established in September 2003, shall not exceed the average annual salary paid to Port Commissioners of those other special district seaports which have an established annual salary for Port Commissioners. The salary allowance shall be payable monthly and apply to all services rendered by each Port Commissioner under this act. The salary allowance adopted as provided herein may be adjusted annually by the Board of Commissioners of the Canaveral Port Authority; however, any increase in the annual salary allowance shall not exceed the average percentage increase in the salaries of state career service employees as determined pursuant to section 145.19, Florida Statutes, for the fiscal year just concluded.

Section 7. All meetings of the said Port Authority shall be open to the public and shall be held at the office of the Port Authority. Records of all business transacted by the Port Authority shall be kept and preserved in substantial Minute Books by the Secretary as a permanent record, and the Minute Books or excerpts therefrom, duly certified by the Secretary



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under the seal of the Port Authority, shall be prima facie evidence in all courts of the proceedings of the Port Authority. The Port Authority shall have power to prescribe by resolution rules for the conduct of its meetings not inconsistent herewith.

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

ARTICLE VI. Additional Powers

Section 1. The Canaveral Port Authority shall have the power to impose a franchise or excise tax upon businesses and occupations carried on or operated under and by virtue of any franchise or franchises granted by the Port Authority in a sum equal to 0.5 percent of the gross receipts of such businesses or occupations. The administration of this section and the collection of this franchise tax are hereby vested in the Canaveral Port Authority, and said Port Authority is authorized to make, promulgate, and enforce such reasonable rules and regulations relating to the administration and enforcement of this law and the collection of said franchise tax as may be deemed expedient, independently of all other remedies and proceedings authorized by law for the enforcement and collection of said franchise tax, a right of action, by suit in the name of the Canaveral Port Authority, is hereby created; and such suit may be maintained and prosecuted, and all proceedings taken, to the same effect and extent as for the enforcement of a right of action for debt or assumpsit, or substitute forms of action therefor, and any and all remedies available in such actions including attachment and garnishment shall be and are hereby



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made available to the said Canaveral Port Authority in the enforcement of the payment of any franchise tax accruing hereunder, provided that the Port Authority shall not be required to post bond in any such actions or proceedings.

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

ARTICLE VII. Personnel

Section 1. The Port Authority may appoint a Port Manager, who, under the direction and supervision of the Port Authority, shall be the administration head of the Port District and Port Authority, and he or she shall hold office at the pleasure of the Port Authority. The Port Manager shall be chosen solely on the basis of his or her experience and executive and administrative ability and any other qualifications the Port Authority may require.

Section 2. The Port Manager shall have such duties and authority in the administration, maintenance, expansion, and operation of Port Canaveral as the Port Authority shall assign to him or her, including the promotion of the business and affairs of Port Canaveral including, but not limited to, travel to and from meetings of industrialists in convention or by



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industry, necessary subsistence, entertainment of business guests at Port Canaveral or elsewhere, within or without the state, and meals for staff members at regular or special meetings of the Port Authority, and shall ratify past such expenditures. The Port Manager shall keep and maintain an account of the expenses involved in the performance of his or her duties and submit the same to the Port Authority for approval at any regular meeting.

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

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

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

(b) Official travel outside of the state but within the continental United States shall be reimbursable in accordance with section 112.061, Florida Statutes, with the exception of the reimbursement rates for meals. The reimbursement rates for meals shall be as follows:

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

On October 1 of each year, the above meal rates will be adjusted by the Consumer Price Index, "All urban consumers, food away



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from home," by the change in the 12-month period preceding  
 October 1.

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

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

ARTICLE VIII. Levy of Taxes

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

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

(b) A tax for the purpose of paying the principal and  
 interest on revenue certificates and revenue bonds outstanding,  
 and for the proper sinking funds for the protection thereof, and





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not exceeding in the aggregate the sum of \$7,500,000 in principal, as the same severally mature in accordance with their tenor.

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

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

#### ARTICLE IX. Prohibitions

Section 1. No member of the Port Authority or other officer or employee shall purchase supplies, goods, or materials for use by the Port District or Port Authority from himself or herself or from any firm or corporation in which he or she is interested, directly or indirectly, nor in any manner share in the proceeds of such purchases. The Port Authority shall not be



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obligated for the purchase price of such supplies, goods, or materials so purchased. No Port Commissioner or other officer or employee shall bid or enter into or be in any manner interested in any contract for public work to which the said Port Authority may be a party. Any Port Commissioner who shall violate the provisions hereof shall be deemed guilty of malfeasance in office, provided that no Port Commissioner who shall have recorded his or her vote against the letting of such contract or against such illegal purchase or who shall have been absent at the taking of the vote thereon shall be deemed guilty of a violation of this provision. All moneys or things of value paid or delivered pursuant to such contract or purchase may be recovered by the Port Authority.

#### ARTICLE X. Notification of Claims

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

#### ARTICLE XI. Statute of Limitations

Section 1. No statute heretofore or hereafter enacted by the Legislature, prescribing and fixing the time in which action shall be brought, and commonly known as the "Statute of



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Limitations," shall apply to any action, suit, or proceeding instituted and prosecuted by the Port Authority or the Canaveral Port District.

ARTICLE XII. Exemption From Taxation

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

ARTICLE XIII. Exemption From Judgment Liens

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

ARTICLE XIV. Appeals Bond

Section 1. The Port Authority and Canaveral Port District shall not be required to execute, give, or file any bond required by law to be filed in an attachment, injunction, receivership, garnishment, or replevin proceedings, or in the prosecution of an appeal or writ of error. The Canaveral Port District and Port Authority may supersede any appealable judgment, decree, or order rendered in any of the courts within the state, of which it feels aggrieved, by prosecuting an appeal



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or writ of error therefrom, pursuant to law, without giving or filing a supersedeas bond as otherwise required by law.

ARTICLE XV. Removal of Port Commissioners by Governor

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

ARTICLE XVI. Inspection of Books and Records

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

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

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

ARTICLE XVII. Contracts; Competition

Section 1. No contract shall be let by the Port Authority for any construction, improvement, repair, or building, nor shall any goods, supplies, or materials for Canaveral Port District purposes or uses be purchased when the amount to be



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

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

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

(b) Make a record of the offers.

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



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Section 3. In lieu of the competitive bid requirements set forth in sections 1 and 2 of this article, the Port Authority may utilize purchase agreements or contracts of any state agency, county, school board, or municipality, or of the Federal Government or its agencies, which agreements or contracts have been competitively bid for the purchase of goods, supplies, or materials for Canaveral Port District purposes.

ARTICLE XVIII. Leases and Encumbrances

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

Section 2. It shall be the duty of the Port Authority to give at least 30 days' notice of any such election by publication in a newspaper published within said Canaveral Port District for at least 30 days prior to the date of said



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election, which notice shall be published once a week for 4 consecutive weekly issues.

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

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

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

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



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OFFICIAL BALLOT

CANAVERAL PORT DISTRICT

Special election (Insert date)

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

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

( ) FOR (insert subject matter)

( ) AGAINST (insert subject matter)

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

ARTICLE XIX. Severability Clause

Section 1. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this act, the Legislature hereby declaring that it would have enacted this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, paragraphs, subparagraphs, sentences, clauses, or phrases





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thereof may be declared to be unconstitutional or otherwise ineffective.

ARTICLE XX. Declaration of Public Purposes

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

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

Section 4. Chapters 28922 (1953), 30606 (1955), 57-1178, 59-1093, 65-1286, 65-1287, 67-1131, 67-1144, 69-857, 69-868, 70-592, 70-601, 74-426, 74-427, 74-428, 75-335, 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 2000-418, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.