

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill amends ch. 2001-319, Laws of Florida, thereby changing the name of the Jacksonville Seaport Authority to the Jacksonville Port Authority. The bill also raises the competitive bidding requirement limits for the Authority from \$12,000 to \$50,000 for construction contracts, and from \$12,000 to \$25,000 for supplies, equipment, machinery and materials.

Current Situation

The Port Facilities Financing Law

Chapter 315, F.S., is known as the "1959 Port Facilities Financing Law." "Port Authority" is defined therein to include any such authority in Florida created by or pursuant to the provisions of any general or special law.

This act confers numerous specified powers upon port authorities with regard to the development and financing of port facilities. Numerous specific powers are granted to port authorities, and each of the powers conferred are declared by the law to be proper public purposes. The state of Florida generally has consented to the exercise of the powers granted by the 1959 act without the necessity of further authorization or approval from any state agency or instrumentality.

Jacksonville Port Authority/Jacksonville Seaport Authority/Jacksonville Airport Authority

The Jacksonville Port Authority (JPA) was created by special act in 1963 (ch. 63-1447, Laws of Florida) to operate as a local, public and independent authority of the City of Jacksonville. The purpose of the JPA was to own and operate marine terminals and airports in the City of Jacksonville.

In 2001, the Legislature passed ch. 2001-319, Laws of Florida, a bill which abolished the JPA, and provided for separation of its seaport and airport functions to the Jacksonville Seaport Authority and the Jacksonville Airport Authority. The bill established these two new entities as agencies and political subdivisions of the State of Florida.

The Jacksonville Seaport Authority is authorized to exercise its jurisdictions, powers and duties within the territorial limits of the former Duval County. The governing body of the authority consists of seven members, four of whom are appointed by the mayor of Jacksonville and confirmed by the city council, and three of whom are appointed by the Governor, with confirmation by the Senate. The authority is vested with numerous powers, including the capacity to:

- adopt, use, and alter a corporate seal;
- to sue and be sued;

- to exercise the power of eminent domain;
- to accept grants, gifts and donations;
- to enter into contracts, leases or other transactions;
- to adopt rules and regulations;
- to construct, acquire, establish, improve, re-equip, repair and operate projects; and
- to issue revenue bonds.

C. SECTION DIRECTORY:

Section 1: Amends ch. 2001-319, Laws of Florida, to change the name of the Jacksonville Seaport Authority to the Jacksonville Port Authority, by updating references to the Authority.

Updates the description of the Authority's jurisdiction to refer to the boundary lines of Duval County as established by s. 7.16, F. S.

Provides for raising the limit for required competitive bidding of construction contracts from \$12,000 to \$50,000 for the Jacksonville Port Authority.¹

Provides for raising the limit for required competitive bidding of supplies, equipment, machinery and materials from \$12,000 to \$25,000.

Section 2: Amends ch. 2001-319, Laws of Florida, to update references to the Jacksonville Port Authority.

Section 3: Amends ch. 92-341, Laws of Florida, as amended by ch. 2001-319, Laws of Florida, to change the name of the Jacksonville Seaport Authority to the Jacksonville Port Authority within a definition of the term "independent agencies." Also, changes a reference to the Jacksonville Electric Authority to the "JEA."

Section 4: Amends ch. 92-319, Laws of Florida, as amended by ch. 2001-319, Laws of Florida, to change the designation of individual ex officio advisors for the Jacksonville Port Authority and the Jacksonville Airport Authority from "President/Chief Executive Officer" to the "Executive Director."

Section 5: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 25, 2002

WHERE? The *Financial News and Daily Record*, a daily newspaper of general circulation in Duval County.

B. REFERENDUM(S) REQUIRED? Yes No

¹ Section 255.20, F.S., requires counties, municipalities, special districts, or other political subdivisions of the state to competitively award construction projects estimated to have costs of more than \$200,000. Ch. 2001-319, Laws of Florida, as well as this bill, appear to represent a comprehensive scheme for awarding contracts for construction and for the purchase of goods and services by the authority. Thus, the authority must comply with the provisions of its enabling act when awarding contracts, rather than s. 255.20, F.S. This conclusion is consistent with the general rules of statutory construction, which provide that a special act will control over the provisions of a general law.

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

The Economic Impact Statement provides that the restoration of the name "Jacksonville Port Authority" will enhance recognition of the port within the United States and abroad. The port was known by this name from 1963 until 2001.

The Sponsor² indicates that the Jacksonville Seaport Authority is the official name in law only; the organization has never ceased doing business as the Jacksonville Port Authority. Additionally, the term "port authority" is more commonly used throughout the state of Florida.

The Economic Impact Statement further provides that the amendment of competitive bidding requirements will provide a more timely and cost effective method of procurement for goods, services and construction by the Authority. The bill will allow the Authority to conform its competitive business practices to those of the City of Jacksonville and the JEA, another of the City's independent agencies. A representative of the City stated that the current monetary limits in the charter are approximately 25 years old.³

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Sponsor intends to offer an amendment which provides that the Jacksonville Airport Authority may provide consulting services for security operations throughout the national and international community.⁴ This amendment is the result of a resolution by the City Council of Jacksonville. The articulated need for the amendment is that it will authorize the Authority to provide security consulting to a dozen authorities that have requested assistance.⁵

² The Honorable Don Davis, Representative, District 18.

³ Edward W. Blakely, Jr., Tidewater Consulting, Inc. (telephone conversations of 4/9/2003 and 4/11/2003).

⁴ Section 10, art. III of the State Constitution provides that no special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. If this bill is enacted into law with the amendment, it could be challenged on the basis that it did not provide sufficient notice as the "Notice of Intention to Apply for Local Legislation" which was published in the *Financial News and Daily Record* did not refer to the proposed authorization of the Jacksonville Airport Authority to provide consulting services for security operations.

⁵ The Honorable Mike Hogan, Representative, District 13. Representative Hogan provided that the JPA currently does not have the authority to conduct business outside of the boundaries of Duval County for any reason.