



HB 0647

2003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A bill to be entitled
An act relating to the Jacksonville Seaport Authority;
amending chapters 92-341 and 2001-319, Laws of Florida, as
amended; changing the name of the authority; amending
certain requirements relating to competitive bidding;
providing an effective date.

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

Section 1. The introductory paragraph and subsections (1)
and (2) of section 1, the introductory paragraph of section 3,
section 5, subsection (a) of section 7, subsections (1) and (2)
of section 10, and sections 12 and 13 of section 1 of chapter
2001-319, Laws of Florida, as amended, are amended to read:

Section 1. Creation of Jacksonville Port Seaport Authority
and Jacksonville Airport Authority.--

(1) There are hereby created and established two separate
bodies politic and corporate to be known as the Jacksonville
Port Seaport Authority and the Jacksonville Airport Authority
respectively (hereinafter referred to singly as an "authority"
and collectively as "authorities"), which are created as
agencies and political subdivisions of the State of Florida in
the nature of counties and not municipalities. These authorities
are authorized to exercise their respective jurisdictions,
powers, and duties within the geographic area defined by the
boundary lines territorial limits of the former Duval County as
established by s. 7.16, Florida Statutes, which boundary lines
also define the geographic area of territorial limits now exist
within the City of Jacksonville. The Jacksonville Port Seaport
Authority shall operate, manage, and control the seaport and



HB 0647

2003

31 ancillary facilities located within Duval County. The
32 Jacksonville Airport Authority shall operate, manage, and
33 control all publicly owned airports and ancillary facilities
34 located within Duval County. This authorization for a port
35 authority split shall be reviewed for performance and efficiency
36 after a period of 4 years.

37 (2) The governing body for the Jacksonville Port ~~Seaport~~
38 Authority shall consist of seven members, four of whom shall be
39 appointed by the Mayor of the City of Jacksonville with the
40 confirmation of the council of the City of Jacksonville, and
41 three of whom shall be appointed by the Governor of Florida with
42 the confirmation of the Senate. The governing body for the
43 Airport Authority shall consist of seven members, four of whom
44 shall be appointed by the Governor of Florida with the
45 confirmation of the Senate, and three of whom shall be appointed
46 by the Mayor of the City of Jacksonville with the confirmation
47 of the council of the City of Jacksonville. Members shall serve
48 for terms of 4 years commencing on October 1st of the year of
49 the appointment or for the unexpired portion of a term deemed to
50 have commenced on October 1st. Members of either authority,
51 during their terms, shall serve at the pleasure of the Mayor or
52 Governor, whoever appointed the member. Members shall continue
53 to serve on either authority until their respective successors
54 are appointed. A vacancy occurring during a term of an appointed
55 member, on either authority, shall be filled only for the
56 balance of the unexpired term. Any member appointed to an
57 authority for two consecutive full terms shall not be eligible
58 for appointment to that same authority for the next succeeding
59 term. Provided, however, notwithstanding the above, members
60 initially appointed to each ~~the~~ authority shall serve in



HB 0647

2003

61 staggered terms to provide continuity of experience to each
62 authority with two gubernatorial appointments and two mayoral
63 appointments being for initial 2-year terms, which shall count
64 as a full term for purposes of term limits herein.

65 Section 3. Powers.--Each authority shall have the below
66 specified powers, in addition to other powers otherwise
67 conferred by law; however, those powers that relate to maritime
68 issues are vested in the Jacksonville Port ~~Seaport~~ Authority;
69 those powers that relate to aviation issues are vested in the
70 Jacksonville Airport Authority; those powers that are neutral in
71 nature are vested in both authorities:

72 Section 5. Budget and finance.--The fiscal year of each
73 authority shall commence on October 1 of each year and end on
74 the following September 30. Each authority shall prepare and
75 submit its budget to the council of the City of Jacksonville on
76 or before July 1 for the ensuing fiscal year. The council,
77 consistent with the provisions of the Charter of the City of
78 Jacksonville, may increase or decrease the appropriation
79 [budget] requested by each authority on a total basis or a line-
80 by-line basis; however, the appropriation for construction,
81 reconstruction, enlargement, expansion, improvement, or
82 development of any project or projects authorized to be
83 undertaken by the Jacksonville Port ~~Seaport~~ Authority shall not
84 be reduced below \$800,000 for each year that the bonds to which
85 the \$800,000 is pledged remain outstanding.

86 Section 7. Rights of employees.--

87 (a) Except as provided in paragraph (b), all employment
88 rights and employee benefits authorized under section 11,
89 chapter 63-1447, Laws of Florida, as amended, are hereby
90 confirmed, ratified, and continued, notwithstanding the repeal



HB 0647

2003

91 of said chapter 63-1447, Laws of Florida, as amended. In order
 92 to preserve the rights of employees of the former Jacksonville
 93 Port Authority to continue participation in the Florida
 94 Retirement System pursuant to chapter 121, Florida Statutes,
 95 each separate authority created by this act shall be a county
 96 agency and employees of each such authority shall participate in
 97 the Florida Retirement System, notwithstanding any law to the
 98 contrary. Those employees of the Jacksonville Port Authority who
 99 were assigned to any activity related to the operation of the
 100 marine facilities shall become employees of the Jacksonville
 101 Port Seaport Authority created by this act. Those employees of
 102 the former Jacksonville Port Authority who were assigned to any
 103 activities related to the operation of any aviation facilities
 104 operated by the former Jacksonville Port Authority shall be
 105 employees of the Jacksonville Airport Authority. Central
 106 administrative employees shall be employed by either the
 107 Jacksonville Port Seaport Authority or the Jacksonville Airport
 108 Authority created by this act. It is expressly provided that
 109 none of those employees of the former Jacksonville Port
 110 Authority who remain with either the Jacksonville Port Seaport
 111 Authority or the Jacksonville Airport Authority created by this
 112 act shall lose any rights or benefits of whatsoever kind or
 113 nature afforded to them by any law, ordinance, collective
 114 bargaining agreement, or existing policy or plan, including, but
 115 not limited to, pension benefits by virtue of the change in
 116 corporate structure. In order to effectively implement the
 117 foregoing, each authority shall perform all functions with
 118 regard to its own employees that prior to the operation of the
 119 two authorities created by this act were performed by the former
 120 Jacksonville Port Authority. In order to specifically preserve



HB 0647

2003

121 the rights of employees of the former Jacksonville Port
 122 Authority to continue participation in the Florida Retirement
 123 System, pursuant to chapter 121, Florida Statutes, each separate
 124 authority created by this act shall be a county authority and
 125 employees of each such authority who are currently participating
 126 in the Florida Retirement System and all employees of each
 127 authority after the effective date of this act shall participate
 128 in the Florida Retirement System.

129 Section 10. Award of contracts.--

130 (1) If the total cost, value, or amount of All
 131 construction, reconstruction, repairs, or work of any nature
 132 ~~made by the authorities, where the entire costs, value, or~~
 133 ~~amount of such construction, reconstruction, repairs, or work,~~
 134 including the labor and materials, exceeds \$12,000 when
 135 purchased by the Jacksonville Airport Authority and if the total
 136 cost, value, or amount of construction, reconstruction, repairs
 137 or work, including the labor and materials, exceeds \$50,000 when
 138 purchased by the Jacksonville Port Authority, any such
 139 construction, reconstruction, repairs, or work exceeding the
 140 foregoing amounts established for each authority, shall be done
 141 only under contract or contracts to be entered into by the
 142 authorities with the lowest responsible bidder upon proper terms
 143 and after due public notice has been given asking for
 144 competitive bids as hereinafter provided. The foregoing
 145 requirement for competitive bidding shall not apply to, except
 146 construction, reconstruction, repairs, or work done by employees
 147 of such authorities or by labor supplied under agreement with
 148 Federal Government or state government, ~~with supplies and~~
 149 ~~materials purchased as hereinafter provided, shall be done only~~
 150 ~~under contract or contracts to be entered into by the~~



HB 0647

2003

151 ~~authorities with the lowest responsible bidder upon proper~~
 152 ~~terms, after due public notice has been given asking for~~
 153 ~~competitive bids as hereinafter provided.~~ Each authority shall
 154 keep a current list of responsible bidders and, whenever the
 155 authorities shall award a contract, the bidder shall come from
 156 such list. No contract shall be entered into for construction,
 157 improvement, or repair of any project, or any part thereof,
 158 unless the contractor shall have given an undertaking with a
 159 sufficient surety or sureties, approved by either authority, and
 160 in an amount fixed by either authority, for the faithful
 161 performance of the contract. All such contracts shall provide,
 162 among other things, that the person or corporation entering into
 163 such contract with each authority will pay for all materials
 164 furnished and services rendered for the performance of the
 165 contract and that any person or corporation furnishing such
 166 materials or rendering such services may maintain an action to
 167 recover for the same against the obligor in the undertaking, as
 168 though such person or corporation were named therein, provided
 169 the action is brought within 1 year after the time the cause of
 170 action accrued. Nothing in this section shall be construed to
 171 limit the power of either authority to construct any project, or
 172 any part thereof, or any addition, betterment, or extension
 173 thereto, directly by the officers, agents, and employees of such
 174 authority, or otherwise, other than by contract.

175 (2) All supplies, equipment, machinery, and materials,
 176 exceeding ~~costing~~ \$12,000 in cost purchased by the Jacksonville
 177 Airport Authority ~~or more~~, shall be purchased by that authority
 178 ~~the authorities~~ only after due advertisement as provided
 179 hereinafter. All supplies, equipment, machinery, and materials
 180 exceeding \$25,000 in cost purchased by the Jacksonville Port



HB 0647

2003

181 Authority shall be purchased by that authority only after due
 182 advertisement as provided hereinafter. When purchasing supplies,
 183 equipment, machinery, and materials pursuant to competitive bid
 184 as mandated herein, each authority ~~The authorities~~ shall accept
 185 the lowest bid or bids, kind, quality, and material being equal
 186 but the authorities shall have the right to reject any or all
 187 bids or select a single item from any bid. The provision as to
 188 bidding shall not apply to the purchase of patented and
 189 manufactured products offered for sale in a noncompetitive
 190 market or solely by a manufacturer's authorized dealer.

191 Section 12. Transfer of assets and liabilities.--The
 192 former Jacksonville Port Authority shall take all actions
 193 necessary to convey, assign, transfer, and set over:

194 (1) All of the right, title, and interests of the
 195 Jacksonville Port Authority in and to its marine port facilities
 196 and its airport facilities, including, without limitation, its
 197 real and personal property and any interests therein, books,
 198 records, contracts, leases, and all other property of any kind
 199 or nature related to the operation of the marine port activities
 200 and airport activities, by operation of this act and without
 201 further act, to the Jacksonville Port ~~Seaport~~ Authority or the
 202 Jacksonville Airport Authority created by this act,
 203 respectively, depending upon the operation or jurisdiction of
 204 each such authority.

205 (2) All contracts and leases relating to the former
 206 Jacksonville Port Authority's marine port operations and airport
 207 operations, respectively, shall, by operation of this act and
 208 without further act, become contracts and leases of the
 209 Jacksonville Port ~~Seaport~~ Authority or the Jacksonville Airport



HB 0647

2003

210 Authority, respectively, depending upon the operating
 211 jurisdiction of each successor authority.

212 (3) All accounts receivable, accounts payable, and cash on
 213 hand relating to the former Jacksonville Port Authority's marine
 214 port operations and airport operations shall, by operation of
 215 this act, and without further act, be transferred or delivered
 216 to the Jacksonville Port Seaport Authority or the Jacksonville
 217 Airport Authority created by this act, respectively, depending
 218 upon the operating jurisdiction of each such authority.

219 (4) All operating expenses, including taxes of all kinds
 220 and all revenue and expense accruals of the former Jacksonville
 221 Port Authority's marine operations and airport operations shall
 222 be transferred to the Jacksonville Port Seaport Authority or to
 223 the Jacksonville Airport Authority created by this act,
 224 respectively, depending upon the operating jurisdiction of each
 225 such authority, on the effective date at transfer.

226
 227 The conveyances specified in this section shall be effective as
 228 of October 1, 2001.

229 Section 13. Chapter 315, Florida Statutes, relating to
 230 port facilities financing, also applicable.--The provisions of
 231 chapter 315, Florida Statutes, relating to port facilities
 232 financing, shall also be applicable to the Jacksonville Port
 233 ~~Seaport~~ Authority.

234 Section 2. Subsection (2) of section 3 of section 2 of
 235 chapter 2001-319, Laws of Florida, as amended, is amended to
 236 read:

237 Section 3. Repealer; abolition of Jacksonville Port
 238 Authority; assumption of responsibility.--

239 (2) Effective October 1, 2001, the former Jacksonville



HB 0647

2003

240 Port Authority, created, established, revised, or amended by the
 241 above-referenced laws, is hereby abolished, and all its
 242 functions, plans, projects, and programs in effect or undertaken
 243 by the former Jacksonville Port Authority relative to seaport
 244 operations and airport operations shall be assumed by the
 245 Jacksonville Port Seaport Authority and the Jacksonville Airport
 246 Authority, respectively, on that date.

247 Section 3. Section 18.07 of chapter 92-341, Laws of
 248 Florida, as amended by chapter 2001-319, Laws of Florida, is
 249 amended to read:

250 Section 18.07. Definitions.

251 For purposes of this Charter, the following terms shall
 252 have the following meanings:

253 (d) "Independent agencies" means the Duval County School
 254 Board, the Jacksonville Airport Authority, the Jacksonville Port
 255 ~~Seaport~~ Authority, the Jacksonville Transportation Authority,
 256 the JEA ~~Jacksonville Electric Authority~~, the Jacksonville
 257 Downtown Development Authority, and the Jacksonville Police and
 258 Fire Pension Board of Trustees.

259 Section 4. Section 24.04 of chapter 92-319, Laws of
 260 Florida, as amended by chapter 2001-319, Laws of Florida, is
 261 amended to read:

262 Section 24.04. Individual ex officio advisors to the
 263 commission.

264 The following individual ex officio advisors are named to
 265 assist the commission in an advisory or fact-finding role as may
 266 be requested individually or collectively of them by the
 267 commission so as to effectuate the centralized economic
 268 development goals of the commission. No ex officio advisor shall
 269 serve simultaneously as both an ex officio advisor and as an



HB 0647

2003

270 appointed member of the commission. These individual ex officio

271 advisors shall be:

272 (4) The Executive Director ~~President/Chief Executive~~
 273 ~~Officer~~ of the Jacksonville Airport Authority.

274 (12) The Executive Director ~~President/Chief Executive~~
 275 ~~Officer~~ of the Jacksonville Port ~~Seaport~~ Authority.

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