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HB 0647

2003 Legislature

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



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

(2) The governing body for the Jacksonville Port ~~Seaport~~ Authority shall consist of seven members, four of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville, and three of whom shall be appointed by the Governor of Florida with the confirmation of the Senate. The governing body for the Airport Authority shall consist of seven members, four of whom shall be appointed by the Governor of Florida with the confirmation of the Senate, and three of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville. Members shall serve for terms of 4 years commencing on October 1st of the year of the appointment or for the unexpired portion of a term deemed to have commenced on October 1st. Members of either authority, during their terms, shall serve at the pleasure of the Mayor or Governor, whoever appointed the member. Members shall continue to serve on either authority until their respective successors are appointed. A vacancy occurring during a term of an appointed member, on either authority, shall be filled only for the balance of the unexpired term. Any member appointed to an authority for two consecutive full terms shall not be eligible for appointment to that same authority for the next succeeding term. Provided, however, notwithstanding the above, members initially appointed to each ~~the~~ authority shall serve in



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

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

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

Section 7. Rights of employees.--

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



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of said chapter 63-1447, Laws of Florida, as amended. In order to preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System pursuant to chapter 121, Florida Statutes, each separate authority created by this act shall be a county agency and employees of each such authority shall participate in the Florida Retirement System, notwithstanding any law to the contrary. Those employees of the Jacksonville Port Authority who were assigned to any activity related to the operation of the marine facilities shall become employees of the Jacksonville Port Seaport Authority created by this act. Those employees of the former Jacksonville Port Authority who were assigned to any activities related to the operation of any aviation facilities operated by the former Jacksonville Port Authority shall be employees of the Jacksonville Airport Authority. Central administrative employees shall be employed by either the Jacksonville Port Seaport Authority or the Jacksonville Airport Authority created by this act. It is expressly provided that none of those employees of the former Jacksonville Port Authority who remain with either the Jacksonville Port Seaport Authority or the Jacksonville Airport Authority created by this act shall lose any rights or benefits of whatsoever kind or nature afforded to them by any law, ordinance, collective bargaining agreement, or existing policy or plan, including, but not limited to, pension benefits by virtue of the change in corporate structure. In order to effectively implement the foregoing, each authority shall perform all functions with regard to its own employees that prior to the operation of the two authorities created by this act were performed by the former Jacksonville Port Authority. In order to specifically preserve



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

## Section 10. Award of contracts.--

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



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

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



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

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

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

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



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

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

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

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

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

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

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

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





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

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

Section 18.07. Definitions.

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

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

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

Section 24.04. Individual ex officio advisors to the commission.

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



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appointed member of the commission. These individual ex officio advisors shall be:

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

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

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