

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.
.



1 Representative Davis, D. offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 1. Creation of Jacksonville Airport
6 Authority.--

7 (1) The charter provisions concerning the airport
8 operations of the former Jacksonville Port Authority established
9 pursuant to Chapter 2001-319, Laws of Florida, as amended, are
10 hereby amended and restated in their entirety to read as
11 follows: There is hereby created and established as of October
12 1, 2001, a separate body politic and corporate to be known as
13 the Jacksonville Airport Authority and hereinafter referred to
14 singly as the "authority," which is created as an agency and
15 political subdivision of the State of Florida in the nature of
16 counties and not municipalities. This authority is authorized to

480049

Amendment No. (for drafter's use only)

17 exercise its jurisdiction, powers, and duties within the
18 geographic area defined by the boundary lines of Duval County as
19 established by section 7.16, Florida Statutes, which boundary
20 lines also define the geographic area of the City of
21 Jacksonville, and outside such boundary lines as hereinafter
22 provided. The Jacksonville Airport Authority shall operate,
23 manage, and control all of the publicly owned airports and
24 ancillary facilities located within Duval County and outside
25 such boundary lines as hereinafter provided. The authority was
26 separated from the former Jacksonville Port Authority pursuant
27 to 2001-319, Laws of Florida, as amended, and this separation
28 shall be reviewed for performance and efficiency after a period
29 of 4 years from October 1, 2001.

30 (2) The governing body for the Jacksonville Airport
31 Authority shall consist of seven members, three of whom shall be
32 appointed by the Mayor of the City of Jacksonville with the
33 confirmation of the council of the City of Jacksonville, and
34 four of whom shall be appointed by the Governor of Florida with
35 the confirmation of the Senate. Members shall serve for terms of
36 4 years commencing on October 1 of the year of the appointment
37 or for the unexpired portion of a term deemed to have commenced
38 on October 1. Members of the authority, during their terms,
39 shall serve at the pleasure of the Mayor or Governor, whoever
40 appointed the member. Members shall continue to serve on the
41 authority until their death, resignation, removal, or until
42 their respective successors are appointed and confirmed. A
43 vacancy occurring during the term of an appointed member on the
44 authority shall be filled only for the balance of the unexpired

480049

Amendment No. (for drafter's use only)

45 term. Any member appointed to the authority for two consecutive
46 full terms shall not be eligible for appointment to the
47 authority for the next succeeding term. Provided, however,
48 notwithstanding the above, members initially appointed to the
49 authority shall serve in staggered terms to provide continuity
50 of experience to the authority with two gubernatorial
51 appointments and two mayoral appointments being for initial 2-
52 year terms, which shall count as a full term for purposes of
53 term limits provided herein.

54 (3) The authority shall elect a chair, vice chair,
55 secretary, and treasurer from its members, and such other
56 officers it deems proper, not necessarily from its members, to
57 perform such duties as the authority may direct. Four members of
58 the authority shall constitute a quorum for the authority, but
59 at least four members of the authority must approve any action
60 to be taken by the authority. Resolutions adopted by the vote of
61 at least four members of the authority shall become effective
62 without further action by the authority. Each member of the
63 authority shall have one vote. The yeas and nays shall be called
64 and entered upon the minutes of each meeting upon the passage of
65 every resolution or other action of the authority. The authority
66 may meet at such times and places designated by it but shall
67 hold regular meetings as necessary and generally once a month.
68 Special meetings of the authority may be called upon the call of
69 its chair or any three members of the authority. The members of
70 the authority shall not be entitled to compensation, but members
71 and employees of the authority shall be entitled to payment of

480049

Amendment No. (for drafter's use only)

72 reasonable expenses as provided by the council of the City of
73 Jacksonville.

74 (4) The authority shall employ and fix the compensation of
75 a managing director who shall manage the affairs of the
76 authority under the supervision and control of the authority.
77 Such managing director may be given any title suitable to the
78 authority. The authority may employ such engineers, certified
79 public accountants, consultants, and employees as it may
80 require, and fix and pay their compensation. The authority may
81 use any of the services available to governmental units through
82 the Administration and Finance Department of the City of
83 Jacksonville, but is not required by law to do so. However, the
84 authority shall be required to use the legal services of the
85 City of Jacksonville, except in those cases when the chief legal
86 officer of the city determines that the city legal staff cannot
87 provide legal services in the required legal area. Such use of
88 city services, including, but not limited to, legal services,
89 shall be on contractual basis and the authority is authorized to
90 pay the city reasonable and fair compensation for such services
91 so furnished by the city and used by the authority. The use by
92 the authority of any such services furnished by the city shall
93 not obligate the authority, except to the extent it contracts
94 with the city, or otherwise subject the authority to any rules,
95 regulations, or ordinances of said city not otherwise applicable
96 to the authority under this act and the charter of said city.
97 The authority may delegate to one or more of its agents or
98 employees such of its powers as it may deem necessary to carry
99 out the purposes of this act, subject always to the supervision

480049

Amendment No. (for drafter's use only)

100 and control of the authority, and may do any and all things
101 necessary to accomplish the purposes of this act.

102 (5) The provisions of section 286.012, Florida Statutes,
103 requiring any member of the authority present at a meeting to
104 vote unless there is a possible conflict of interest, and the
105 provisions of sections 112.311-112.3175, Florida Statutes, and
106 as the same may be amended in the future, relating to financial
107 disclosure and conflicts of interest, shall apply to each member
108 of the authority.

109 Section 2. Definitions.--In the interpretation hereof, the
110 following words and terms shall be taken to include the
111 following meanings when the context shall require or permit:

112 (1) The term "bonds" means and embraces bonds, notes,
113 certificates, and other financial obligations issued by the
114 authority for financing or refinancing purposes and, except
115 where otherwise required by the context, notes and other
116 instruments executed to evidence obligations of the authority
117 for the repayment of borrowed funds.

118 (2) The term "county" means the County of Duval.

119 (3) The term "city" or "City of Jacksonville" means the
120 consolidated government of the City of Jacksonville created
121 pursuant to section 9, Article VIII of the State Constitution.

122 (4) The term "federal agency" means and includes the
123 United States, the President of the United States, and any
124 department, or corporation, agency, or instrumentality thereof,
125 heretofore or hereafter created, designated, or established by
126 the United States.

Amendment No. (for drafter's use only)

127 (5) Words importing the singular number shall include the
128 plural number in each case and vice versa, and words importing
129 persons shall include firms and corporations.

130 (6) The term "project" embraces any one or any combination
131 of two or more of the following, to wit: facilities for the
132 construction, manufacture, repair, or maintenance of airplanes,
133 helicopters, and aircraft of all kinds; other facilities,
134 directly or indirectly related to the promotion and development
135 of airborne and airport activities, commerce, travel,
136 exploration, and researching; and other airport facilities of
137 all kinds, including, but not limited to, landings, ramps,
138 runways, taxiways, warehouses, terminals, refrigeration, and
139 cold storage plants and facilities, tiedown and parking areas
140 and facilities, intermodal, railroad, air, and motor terminals
141 for passengers, freight, exploration, and research, rolling
142 stock, airplanes, helicopters, conveyors, and appliances of all
143 kinds for the handling, storage, inspection, and transportation
144 of freight and the handling of passenger traffic, mail, express,
145 and freight, administration and service buildings, toll
146 highways, tunnels, causeways, and bridges connected therewith or
147 incident or auxiliary thereto, and may include all property,
148 structures, facilities, rights, easements, and franchises
149 relating to any such project deemed necessary or convenient for
150 the acquisition, construction, purchase, or operation thereof.
151 The authority is authorized to use such of its real property as
152 it deems fit for facilities for recreational programs and
153 activities, provided, however, that such programs and activities

480049

Amendment No. (for drafter's use only)

154 are approved by a simple majority vote of the Jacksonville City
155 Council.

156 (7) The term "cost," as applied to improvements, means the
157 cost of constructing or acquiring improvements as hereinabove
158 defined and shall embrace the cost of all labor and materials,
159 the cost of all machinery and equipment, financing charges, the
160 cost of engineering and legal expenses, plans, specifications,
161 and such other expenses as may be necessary or incident to such
162 construction or acquisition.

163 (8) The term "cost," as applied to a project acquired,
164 constructed, extended, or enlarged, includes the purchase price
165 of any project acquired, the cost of improvements, the cost of
166 such construction, extension, or enlargement, the cost of all
167 lands, properties, rights, easements, and franchises acquired,
168 the cost of all machinery and equipment, financing charges,
169 interest during construction, and, if deemed advisable, for up
170 to 1 year after completion of construction, cost of
171 investigations and audits, and of engineering and legal
172 services, and all other expenses necessary or incident to
173 determining the feasibility or practicability of such
174 acquisition or construction, administrative expense, and such
175 other expenses as may be necessary or incident to the financing
176 herein authorized and to the acquisition or construction of a
177 project and the placing of the same in operation. Any cost,
178 obligation or expense incurred by the authority prior to the
179 issuance of revenue bonds under the provisions of this act,
180 including, without limitation, costs for engineering studies and
181 for estimates of cost and of revenue and for other technical,

480049

Amendment No. (for drafter's use only)

182 financial, or legal services in connection with the acquisition
183 or construction of any project, may be regarded as a part of the
184 cost of such project.

185 Section 3. Powers.--The authority shall have the below
186 specified powers (in addition to other powers otherwise
187 conferred by law) and shall also have all powers that relate to
188 airport issues vested in the former Jacksonville Port Authority:

189 (1) To adopt, use, and alter at will a corporate seal; to
190 sue and be sued, implead and be impleaded, complain, and defend
191 in all courts; to exercise the power of eminent domain to
192 acquire property for any authorized purposes, including the
193 taking of such property ancillary to said power in the manner
194 from time to time provided by the laws of the State of Florida;
195 to accept grants, gifts, and donations; and to enter into
196 contracts, leases, or other transactions with any legal entity
197 or person, including any federal agency, the state, any agency
198 of the state, the County of Duval, the City of Jacksonville, or
199 with any other public body of the state.

200 (2) To adopt rules and regulations with reference to all
201 projects and matters under the control of the authority. All
202 rules and regulations promulgated and all impositions and
203 exactions made by the authority hereof shall be just and
204 reasonable and consistent with public interest and their
205 application shall be subject to review by certiorari in any
206 court of proper and competent jurisdiction. All rules and
207 regulations shall be a matter of public record (except as
208 otherwise provided by applicable law) and copies thereof shall
209 be dispensed at cost to all applicants therefor.

480049

Amendment No. (for drafter's use only)

210 (3) To construct, acquire, establish, improve, extend,
211 enlarge, reconstruct, re-equip, maintain, repair, and operate
212 any project as herein defined.

213 (4) Subject to the jurisdiction of the United States and
214 the State of Florida, to construct, establish, improve, maintain
215 and/or manage (directly or indirectly through management
216 agreements, consulting agreements or other similar arrangements)
217 airports and related facilities within or outside the county,
218 all upon such terms and conditions as may be determined by the
219 authority and not prohibited by the United States and the State
220 of Florida.

221 (5) To acquire for any project authorized by this act by
222 grant, purchase, gift, devise, condemnation by eminent domain
223 proceedings, exchange, or in any other manner, all property,
224 real or personal, or any estate or interest therein, upon such
225 terms and conditions as the authority shall by resolution fix
226 and determine. The right of eminent domain herein conferred
227 shall be exercised by the authority in the manner provided by
228 law.

229 (6) To issue revenue bonds, payable solely from revenues,
230 to pay all or a part of the cost of acquisition, construction,
231 extension, enlargement, improvement, or modernization of any
232 project, and to pledge the revenues to secure the payment of
233 bonds.

234 (7) To enter into arrangements with airlines, railroads,
235 any intermodal or common carrier, or any other commercial
236 enterprise related to the authority's basic mission, if the
237 authority shall deem it advantageous so to do.

480049

Amendment No. (for drafter's use only)

238 (8) To make and enter into all contracts and agreements
239 and to do and perform all acts and deeds necessary and
240 incidental to the performance of the duties of the authority and
241 the exercise of its powers; to make and execute leases or
242 agreements for the use and occupation of the property and/or
243 projects under the control of the authority on such terms,
244 conditions, and period of time as it may determine; and to sell
245 and dispose of such property and/or projects as shall no longer
246 be needed for the uses and purposes of the authority on such
247 terms and conditions as shall be prescribed by resolution of the
248 authority; however, before disposing of any real property which
249 was acquired from either the city or county, other than by
250 purchase or by swap, the authority shall give written notice to
251 the governmental unit from which such real property was
252 acquired. If said governmental unit desires to accept a
253 reconveyance of said real property, it shall give the authority
254 written notice of such intention within 30 days from the date of
255 mailing of the authority's notice regarding the disposal of such
256 property, and the authority shall make the reconveyance of such
257 property to said governmental unit forthwith. If within such 30
258 days said governmental unit does not notify the authority in
259 writing of a desire to accept a reconveyance of said property or
260 refuses to accept a reconveyance of same, the authority may sell
261 and dispose of same on such terms and conditions as shall be
262 prescribed by resolution of the authority. The authority shall
263 not sell real property for less than the appraised value.

264 (9) To the extent permitted by law to fix, regulate, and
265 collect rates and charges for the services and facilities

480049

Amendment No. (for drafter's use only)

266 furnished by any project under the control of the authority; to
267 establish, limit, and control the use of any project as may be
268 deemed necessary to ensure the proper operation of the project;
269 and to impose sanctions to promote and enforce compliance with
270 any rule or regulation which the authority may adopt in the
271 regulation of the airports and related facilities under its
272 control.

273 (10) To fix the rates for airports and related facilities
274 and warehousing, storage, landing, port, and terminal charges
275 for the use of the facilities owned or operated by the
276 authority.

277 (11) To solicit air carriers, shipping lines, intermodal
278 or common carriers, and other businesses and to do all things
279 necessary or advisable to promote commerce and increase
280 passenger traffic and freight tonnage through the airports
281 operated by the authority; to publicize, advertise, and promote
282 the activities and projects authorized by this act and to
283 promote the objects of the authority in the manner set forth by
284 resolution of the authority; to make known to the users,
285 potential users, and public in general the advantages,
286 facilities, resources, products, attractions, and attributes of
287 the activities and projects authorized by this act; to further
288 create a favorable climate of opinion concerning the activities
289 and projects authorized and indicated by this act; to cooperate,
290 including the expenditure of funds to and with other agencies,
291 both public and private, in accomplishing the purposes
292 enumerated and indicated by this act; and, in furtherance
293 thereof, to authorize expenditures for any and all of the

480049

HOUSE AMENDMENT

Bill No. HB 1647 CS

Amendment No. (for drafter's use only)

294 purposes herein enumerated, including, but not limited to,
295 meals, hospitality, and entertainment of persons in the interest
296 of promoting and engendering good will toward the activities and
297 projects herein authorized, provided, however, that funds
298 obtained under chapters 159 and 315, Florida Statutes, may not
299 be used for such purposes. Whenever an expenditure of funds for
300 any of the foregoing purposes is made by a member or employee of
301 the authority, the authority may reimburse such member or
302 employee therefor, but only in the manner duly authorized by the
303 authority.

304 (12) To receive and accept from any federal or state
305 agency grants for or in aid of the construction, improvement, or
306 operation of any project and to receive and accept contributions
307 from any source of money, property, labor, or other things of
308 value.

309 (13) To make any and all applications required by the
310 Treasury Department and other departments or agencies of the
311 Federal Government as a condition precedent to the establishment
312 within or without the county of a free port, foreign trade zone,
313 or area for the reception from foreign countries of articles or
314 commerce; to expedite and encourage foreign commerce, and the
315 handling, processing, and delivery thereof into foreign commerce
316 free from the payment of custom duties; and, provided there is
317 an economic benefit to the authority and/or Duval County, to
318 enter into any agreements required by such departments or
319 agencies in connection therewith and to make like applications
320 and agreements with respect to the establishment within and
321 without said county of one or more bonded warehouses.

480049

Amendment No. (for drafter's use only)

322 (14) To enter into any contract with a legal entity,
323 person, the State of Florida, the Federal Government, or any
324 agency of said governments, which may be necessary for
325 development of any project related to the authority's basic
326 mission.

327 (15) To make or cause to be made such surveys,
328 investigations, studies, borings, maps, plans, drawings, and
329 estimates of cost and revenues as the authority may deem
330 necessary and may prepare and adopt a comprehensive plan or
331 plans for the location, construction, improvement, and
332 development of any project.

333 (16) To grant exclusive or nonexclusive franchises to
334 persons, firms, or corporations for the operation of airport
335 property or facilities, including restaurants, cafeterias, bars,
336 cigar and cigarette stands, newsstands, buses, taxicabs, vending
337 machines, hotels, motels, service stations, real estate
338 developments, and other concessions in, on, and in connection
339 with any property and/or project owned and operated by the
340 authority. In granting such franchises, it shall be the duty of
341 the authority to investigate and consider the qualifications and
342 ability of the lessee or concessionaires to provide or perform
343 the contemplated services and the revenues which will be derived
344 therefrom by the authority and to exercise sound prudent
345 business judgment on behalf of the authority with respect
346 thereto, calling for bids when practicable and when the
347 interests of the authority will best be served by such action.

348 (17) To enter into contracts with utility companies or
349 others for the supplying by said utility companies or others of

480049

Amendment No. (for drafter's use only)

350 water, electricity, or telephone service to or in connection
351 with any project.

352 (18) To pledge by resolution or contract the revenues
353 arising from the operation of any project or projects owned and
354 operated by the authority, or under its control, to the payment
355 of the cost of operation, maintenance, repair, improvement,
356 extension, or enlargement of the project or projects from the
357 operation of which such revenues are received and for the
358 payment of principal and interest on bonds issued in connection
359 with any such project or projects and to combine for financing
360 purposes any two or more projects constructed or acquired by the
361 authority under the provisions of this act. In any such case the
362 authority may adopt separate budgets for the operation of such
363 project or projects. In every such case such revenues shall be
364 expended exclusively for the payment of the costs of operation,
365 maintenance, repair, improvement, extension, and enlargement of
366 the project or projects from the operation of which such
367 revenues arise, for the performance of the authority's contracts
368 in connection with such project or projects, and for the payment
369 of principal of premium, if any, and interest requirements of
370 any bonds issued in connection with the project or projects. Any
371 surplus of such funds remaining on hand at the end of any year
372 shall be carried forward and may be expended in the succeeding
373 year for the payment of the costs of operation of such project
374 or projects or for the repair, improvement, or extension thereof
375 as the authority may determine, unless such surplus has been
376 pledged for the payment of principal of premium, if any, and

480049

Amendment No. (for drafter's use only)

377 interest on bonds, in which event any such surplus shall be
378 applied in accordance with the resolution pledging the same.

379 (19) To do all other acts and things necessary or proper
380 in the exercise of the powers herein granted.

381 (20) To do all acts or things necessary or proper to be
382 and serve as a local governmental body within the meaning of
383 section 10(c)(2), Article VII of the State Constitution, with
384 respect to any project as defined therein.

385 (21) To appoint officers for the administration of
386 criminal justice, or as set forth by general law.

387 Section 4. Issuance of bonds.--

388 (1) The authority is authorized to issue general
389 obligation bonds or revenue bonds of the authority for the
390 purpose of paying all or a part of the cost of any one or more
391 projects as herein defined, including the cost of enlargement,
392 expansion, or development of such project whether the property
393 used therefor has previously been acquired or not, and the cost
394 of removing therefrom or relocating or reconstructing at another
395 location any buildings, structures, or facilities, and for the
396 purpose of paying off and retiring any bonds issued or assumed
397 under the provisions of this act.

398 (2) The bonds of each issue shall be authorized by
399 resolution of the authority and shall be dated, shall mature at
400 such time or times not exceeding 40 years from their date or
401 dates, as may be determined by the authority, and may be made
402 redeemable before maturity, at the option of the authority, at
403 such price or prices and under such terms and conditions as may
404 be fixed by the authority prior to the issuance of the bonds.

480049

Amendment No. (for drafter's use only)

405 The authority shall determine the form of bonds, including any
406 interest coupons to be attached thereto, and the manner of
407 execution of the bonds and shall fix the denomination or
408 denominations of the bonds and the place or places of payment of
409 principal and interest, which may be at any bank or trust
410 company within or without the state. The resolution authorizing
411 the issuance of the bonds shall contain such provisions relating
412 to the use of the proceeds from the sale of the bonds and for
413 the protection and security of holders of the bonds, including
414 their rights and remedies, and the rights, powers, privileges,
415 duties, and obligations of the authority with respect to the
416 same, as shall be determined by the authority. In case any
417 officer whose signature or facsimile of whose signature shall
418 appear on any bonds or coupons shall cease to be such officer
419 before the delivery of such bonds, such signature or such
420 facsimile shall nevertheless be valid and sufficient for all
421 purposes to the same extent as if such officer had remained in
422 office until such delivery. The bonds may be issued in coupon,
423 registered, or book entry form, as the authority may determine,
424 and provisions may be made for the registration of any coupon
425 bonds as to principal alone and also as to both principal and
426 interest and for the reconversion into coupon bonds of any bonds
427 registered as to both principal and interest.

428 (3) Prior to any public sale of bonds, the authority may,
429 in addition to any other publication and notice to the financial
430 community, cause notice to be given by publication in a daily
431 newspaper published and having a general circulation in the city
432 that the authority will receive bids for the purchase of the

480049

Amendment No. (for drafter's use only)

433 bonds at the office of the authority in the city. Said notice
434 may be published once not less than 15 days prior to the date
435 set for receiving the bids. Said notice may specify the amount
436 of the bonds offered for sale, state that the bids shall be
437 sealed bids, and give the schedule of the maturities of the
438 proposed bonds and such other pertinent information as may be
439 prescribed in the resolution authorizing the issuance of such
440 bonds or any resolution subsequent thereto. Bidders may be
441 invited to name the rate or rates of interest which the bonds
442 are to bear or the authority may name rates of interest and
443 invite bids thereon. In addition to publication of notice of the
444 proposed sale, a copy of such advertisement may be given to the
445 Florida Division of Bond Finance and to at least three
446 recognized bond dealers in the state in the time established by
447 applicable law.

448 (4) Except as otherwise provided in this subsection, bonds
449 and refunding bonds issued pursuant to this act may be sold at
450 public sale and shall be awarded to the bidder whose bid
451 produces the lowest true interest cost to the authority. The
452 authority shall reserve the right to reject any or all bids.
453 Notwithstanding the foregoing, bonds and refunding bonds issued
454 pursuant to this act may be sold at private sale at such price
455 or prices as the authority shall determine to be in its best
456 interest. However, any price less than 100 percent of par value
457 shall be subject to section 215.84, Florida Statutes, as it may
458 be amended from time to time. In no event shall said bonds be
459 sold at a net interest cost to the authority in excess of the
460 legal limit, as established by section 215.84, Florida Statutes,

480049

Amendment No. (for drafter's use only)

461 or according to said section as it may be amended from time to
462 time. The net interest cost of bonds shall be determined by
463 taking the aggregate amount of interest at the rate or rates
464 specified in the bonds, computed from the date of the bonds to
465 the date of the various stated maturities thereof, and deducting
466 therefrom the amount of any premium offered in excess of the par
467 value of the bonds or adding thereto the amount of any discount
468 offered below the par value of the bonds with interest computed
469 on a 360-day basis. Pending the preparation of definitive bonds,
470 interim bonds may be issued to the purchaser or purchasers of
471 such bonds and may contain such terms and conditions as the
472 authority may determine.

473 (5) The authority shall require all bidders for said bonds
474 to enclose a certified or bank cashier's check, in the amount of
475 2 percent of the total par value of the bonds offered for sale,
476 drawn on an incorporated bank or trust company payable
477 unconditionally to the order of the authority, as a guarantee of
478 good faith in the performance of each bid. The checks of the
479 unsuccessful bidders shall be returned immediately upon the
480 award of the bonds and the check of the successful bidder shall
481 be retained by the authority and credited against the full
482 purchase price of the bonds at the time of delivery or retained
483 as and for liquidated damages in case of the failure of such
484 bidder to fulfill the terms of his or her bid.

485 (6) No general obligation bonds shall be issued by the
486 authority hereunder unless the issuance of such bonds shall have
487 been approved by a majority of the votes cast by qualified
488 voters in an election held for such purpose. Whenever the

480049

Amendment No. (for drafter's use only)

489 authority, by resolution, requests the council of the City of
490 Jacksonville to hold such an election, said council shall, on
491 behalf of the authority, hold, conduct, canvass, and announce
492 the results of such election in accordance with the procedure
493 prescribed by law for the issuance of county bonds. The expenses
494 of such election shall be paid by the authority. In no event
495 shall such general obligation bonds be construed or considered
496 to be bonds of the City of Jacksonville or any other
497 municipality but shall be solely bonds of the authority that
498 issues the bonds.

499 (7) The authority is authorized to borrow money and to
500 issue notes for any purpose or purposes for which bonds may be
501 issued under the provisions of this act and to refund the same
502 and to issue notes in anticipation of the receipt of the
503 proceeds of the sale of any such bonds.

504 (8) Subject to the restrictions contained in subsections
505 (2), (3), and (4) of this section, the authority shall have the
506 power to provide for the issuance of refunding bonds of the
507 authority for the purpose of refunding any revenue bonds or
508 general obligation bonds, or any combination of general
509 obligation or revenue bonds then outstanding which have been
510 assumed by the authority or issued for the purpose of financing
511 the cost of making enlargements, extensions, and improvements to
512 any project acquired, constructed, or operated under the
513 provisions of this act. The authority is further authorized to
514 provide for the issuance of revenue bonds or general obligation
515 bonds, or any combination thereof, of the authority for the
516 combined purpose of:

480049

Amendment No. (for drafter's use only)

517 (a) Paying the cost of enlargement, extension,
518 reconstruction, or improvement of any project or combination of
519 projects.

520 (b) Refunding revenue bonds or general obligation bonds,
521 or any combination thereof, which have been assumed by the
522 authority under the provisions of this act (or its predecessor
523 act) which shall then be outstanding and which shall then have
524 matured or be subject to redemption or can be acquired for
525 retirement. The issuance of such bonds, the maturities or other
526 details thereof, the rights or remedies of the holders thereof,
527 and the rights, powers, privileges, duties, and obligations of
528 the authority with respect to the same shall be set forth in the
529 resolution of the authority authorizing the issuance of such
530 bonds.

531 Section 5. Budget and finance.--The fiscal year of the
532 authority shall commence on October 1 of each year and end on
533 the following September 30. The authority shall prepare and
534 submit its budget to the council of the City of Jacksonville on
535 or before July 1 for the ensuing fiscal year. The council,
536 consistent with the provisions of the Charter of the City of
537 Jacksonville, may increase or decrease the appropriation
538 (budget) requested by the authority on a total basis or a line-
539 by-line basis; however, the appropriation for construction,
540 reconstruction, enlargement, expansion, improvement, or
541 development of any project or projects authorized to be
542 undertaken by the former Jacksonville Port Authority and the
543 authority shall not be reduced below the amount required under
544 the terms and provisions of any outstanding bonds.

480049

Amendment No. (for drafter's use only)

545 Section 6. Rights of bondholders.--All bonds issued by the
546 City of Jacksonville or the former Jacksonville Port Authority
547 related to properties transferred to the authority and bonds
548 issued under authority of chapter 63-1447, Laws of Florida,
549 remain the liability, responsibility, and obligation of the
550 issuer and the rights of the holders of existing outstanding
551 bonds shall be unimpaired. Rights, duties, and obligations of
552 the authority with respect to the property, and any bonds
553 related thereto, transferred to it by the City of Jacksonville
554 or the former Jacksonville Port Authority are ratified and
555 remain unchanged.

556 Section 7. Rights of employees.--

557 (1) Except as provided in subsection (2), all employment
558 rights and employee benefits authorized under section 11,
559 chapter 63-1447, Laws of Florida, as amended, are hereby
560 confirmed, ratified, and continued, notwithstanding the repeal
561 of said chapter 63-1447, Laws of Florida, as amended. Effective
562 October 1, 2001, in order to preserve the rights of employees of
563 the former Jacksonville Port Authority to continue participation
564 in the Florida Retirement System pursuant to chapter 121,
565 Florida Statutes, the authority created by this act (and its
566 predecessor act) shall be a county agency and employees of the
567 authority shall participate in the Florida Retirement System,
568 notwithstanding any law to the contrary. Effective October 1,
569 2001, those employees of the former Jacksonville Port Authority
570 who were assigned to any activity related to the operation of
571 the airport facilities shall become employees of the
572 Jacksonville Airport Authority created by this act (and its

480049

Amendment No. (for drafter's use only)

573 | predecessor act). Effective October 1, 2001, central
574 | administrative employees shall be employed by either the
575 | Jacksonville Airport Authority or the Jacksonville Port
576 | Authority, formerly known as the Jacksonville Seaport Authority,
577 | created by this act (and its predecessor act) or as otherwise
578 | agreed by both. It is expressly provided that none of those
579 | employees of the former Jacksonville Port Authority who remain
580 | with the authority created by this act (and its predecessor act)
581 | shall lose any rights or benefits of whatsoever kind or nature
582 | afforded to them by any law, ordinance, collective bargaining
583 | agreement, or existing policy or plan, including, but not
584 | limited to, pension benefits by virtue of the change in
585 | corporate structure. In order to effectively implement the
586 | foregoing, the authority shall perform all functions with regard
587 | to its own employees that prior to the operation of the two
588 | authorities created by this act (and its predecessor act) were
589 | performed by the former Jacksonville Port Authority. In order to
590 | specifically preserve the rights of employees of the former
591 | Jacksonville Port Authority to continue participation in the
592 | Florida Retirement System, pursuant to chapter 121, Florida
593 | Statutes, the authority created by this act (and its predecessor
594 | act) shall be a county authority and employees of this authority
595 | who are currently participating in the Florida Retirement System
596 | and all employees of the authority after October 1, 2001, shall
597 | be eligible to participate in the Florida Retirement System.

598 | (2) Effective October 1, 2001, the Jacksonville Airport
599 | Authority firefighters shall be merged into the City of
600 | Jacksonville's Fire and Rescue Department and shall become

480049

Amendment No. (for drafter's use only)

601 employees of the City of Jacksonville; however, with respect to
602 pension benefits such Jacksonville Airport Authority Fire
603 Department employees shall have a one-time option to continue
604 participation in the Florida Retirement System or to participate
605 in the City of Jacksonville Police and Fire Pension Fund. Such
606 option must be exercised no later than November 1, 2001. Upon
607 such merger, firefighting services for the airports owned and
608 operated by the Jacksonville Airport Authority shall be provided
609 by the Fire and Rescue Department of the City of Jacksonville
610 pursuant to a written contract to be entered into by and between
611 the City of Jacksonville and the Jacksonville Airport Authority.
612 Notwithstanding any provision in this act to the contrary, such
613 merger and contract shall become effective October 1, 2001. If
614 any firefighter who has vested in the Florida Retirement System
615 exercises the option to become a member of the City of
616 Jacksonville Police and Fire Pension Fund, such vested time
617 shall not be included in the City of Jacksonville Police and
618 Fire Pension Fund.

619 Section 8. Cooperation with other units, boards, agencies,
620 legal entities, and persons.--Express authority and power is
621 hereby given and granted any county, municipality, drainage
622 district, road and bridge district, school district, or any
623 other political subdivision, board, commission, or individual
624 in, or of, the state to make and enter into with the authority,
625 contracts, leases, conveyances, or other agreements within the
626 provisions and purposes of this act. The authority is hereby
627 expressly authorized to make and enter into contracts, leases,
628 conveyances, and other agreements with any political

480049

Amendment No. (for drafter's use only)

629 subdivision, agency, or instrumentality of the state and any and
630 all federal agencies, legal entities and persons for the purpose
631 of carrying out the provisions of this act.

632 Section 9. Audits; bonds.--The authority shall issue
633 quarterly and annually financial reports of its operations and
634 shall also cause annual audits to be made of its operations and
635 affairs by an independent certified public accountant, in such
636 detail as may be necessary to show the financial operation and
637 status of the authority, and the same shall be preserved as
638 public records of the authority. The authority's records may be
639 audited at any time by the Council Auditor of the City of
640 Jacksonville. Members of the authority shall be required to give
641 a good and sufficient surety bond in the sum of \$50,000, payable
642 to the City of Jacksonville, conditioned upon the faithful
643 performance of their duties as members of the authority. Such
644 bonds shall be approved by and filed with the clerk of the
645 circuit court of Duval County, and the premium or premiums
646 thereon shall be paid by the authority as a necessary expense of
647 the authority. The authority shall have power to require its
648 managing director and such others of its employees as they may
649 deem necessary to furnish good and sufficient surety bond in
650 such sum as the authority shall require, conditioned upon the
651 faithful performance of duties, and to pay the premium or
652 premiums thereon as a necessary expense of the authority.

653 Section 10. Award of contracts.--

654 (1) If the total cost, value, or amount of construction,
655 reconstruction, repairs, or work of any nature, including the
656 labor and materials, exceeds \$50,000 when purchased by the

480049

HOUSE AMENDMENT

Bill No. HB 1647 CS

Amendment No. (for drafter's use only)

657 authority, any such construction, reconstruction, repairs, or
658 work exceeding the foregoing amount established for the
659 authority shall be done only under contract or contracts to be
660 entered into by the authority with the lowest responsible bidder
661 upon proper terms and after due public notice has been given
662 asking for competitive bids as hereinafter provided. The
663 foregoing requirement for competitive bidding shall not apply to
664 construction, reconstruction, repairs, or work done by employees
665 of the authority or by labor supplied under agreement with the
666 Federal Government or state government. The authority shall keep
667 a current list of responsible bidders and, whenever the
668 authority shall award a contract, the bidder shall come from
669 such list. No contract shall be entered into for construction,
670 improvement, or repair of any project, or any part thereof,
671 unless the contractor shall have given an undertaking with a
672 sufficient surety or sureties, approved by the authority and in
673 an amount fixed by the authority, for the faithful performance
674 of the contract. All such contracts shall provide, among other
675 things, that the person or corporation entering into such
676 contract with the authority will pay for all materials furnished
677 and services rendered for the performance of the contract and
678 that any person or corporation furnishing such materials or
679 rendering such services may maintain an action to recover for
680 the same against the obligor in the undertaking, as though such
681 person or corporation were named therein, provided the action is
682 brought within 1 year after the time the cause of action
683 accrued. Nothing in this section shall be construed to limit the
684 power of the authority to construct any project, or any part

480049

Amendment No. (for drafter's use only)

685 thereof, or any addition, betterment, or extension thereto,
686 directly by the officers, agents, and employees of the
687 authority, or otherwise, other than by contract.

688 (2) All supplies, equipment, machinery, and materials
689 exceeding \$25,000 in cost purchased by the authority shall be
690 purchased by the authority only after due advertisement as
691 provided hereinafter. When purchasing supplies, equipment,
692 machinery, and materials pursuant to competitive bid as mandated
693 herein, the authority shall accept the lowest bid or bids, kind,
694 quality, and material being equal, but the authority shall have
695 the right to reject any or all bids or select a single item from
696 any bid. The provision as to bidding shall not apply to the
697 purchase of patented and manufactured products offered for sale
698 in a noncompetitive market or solely by a manufacturer's
699 authorized dealer.

700 (3) The term "advertisement" or "due public notice"
701 wherever used in this section means a notice published at least
702 once a week for 2 consecutive weeks before the award of any
703 contract, in a daily newspaper published and having a general
704 circulation in the county, and in such other newspapers or
705 publications as the authority shall deem advisable.

706 (4) Subject to the aforesaid provisions, the authority
707 may, but without intending by this provision to limit any powers
708 of the authority, enter into and carry out such contract or
709 establish or comply with such rules and regulations concerning
710 labor and materials and other related matters in connection with
711 any project, or portion thereof, as the authority may deem
712 desirable or as may be requested by the Federal Government or

480049

Amendment No. (for drafter's use only)

713 state government assisting in the financing of its projects, and
714 facilities related thereto or any part thereof, provided the
715 provisions of this subsection shall not apply to any case in
716 which the authority has taken over by transfer or assignment any
717 contract assigned to it or assumed by it in connection with the
718 transfer of city and county properties authorized under the
719 provisions of sections 11 and 12, or to any contract in
720 connection with projects which the authority may have had
721 transferred to it by any persons or private corporations, and
722 further provided the provisions of this section shall not apply
723 to any contract or agreement between the authority and any
724 engineers, architects, attorneys, or other professional services
725 or to any contract or agreement relating to fiscal advisors,
726 fiscal agents, or investment bankers, relating to the financing
727 of projects herein authorized.

728 Section 11. Execution of instruments; examination of
729 claims.--All instruments in writing necessary to be signed by
730 the authority shall be executed by its chair and secretary. The
731 authority may, by resolution, designate one or more officers,
732 members, employees, or agents of the authority to execute
733 instruments in writing where it is necessary that such
734 instruments be signed by the authority. No expenditure of funds
735 of the authority shall be made except by voucher approved by the
736 authority and signed by its chair and secretary, or by one or
737 more officers, members, or employees of the authority as the
738 authority may designate by resolution. The foregoing authority
739 of the chair may be exercised by the vice chair in the absence
740 of the chair and the foregoing authority of the secretary may be

480049

Amendment No. (for drafter's use only)

741 exercised by an assistant secretary designated by the authority
742 in the absence of the secretary. The authority shall provide for
743 the examination of all payrolls, bills, and other claims and
744 demands against the authority to determine before the same are
745 paid that they are duly authorized, in proper form, correctly
746 computed, legally due and payable, and that the authority has
747 funds on hand to make payment.

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

751 (1) All of the rights, title, and interests of the former
752 Jacksonville Port Authority in and to its airport facilities,
753 including, without limitation, its real and personal property
754 and any interests therein, books, records, contracts, leases,
755 and all other property of any kind or nature related to the
756 operation of the airport, by operation of this act (and its
757 predecessor act), and without further act, to the authority.

758 (2) All contracts and leases relating to the former
759 Jacksonville Port Authority's airport operations, shall, by
760 operation of this act (and its predecessor act), and without
761 further act, become contracts and leases of the authority.

762 (3) All accounts receivable, accounts payable, and cash on
763 hand relating to the former Jacksonville Port Authority's
764 airport operations shall, by operation of this act (and its
765 predecessor act), and without further act, be transferred or
766 delivered to the authority.

767 (4) All operating expenses, including taxes of all kinds
768 and all revenue and expense accruals of the former Jacksonville

480049

Amendment No. (for drafter's use only)

769 Port Authority's airport operations shall be transferred to the
770 authority, on the effective date at transfer.

771 (5) The conveyances specified in this section shall be
772 effective as of October 1, 2001.

773 Section 13. Chapter 315, Florida Statutes, relating to
774 port facilities financing, also applicable.--The provisions of
775 chapter 315, Florida Statutes, relating to port facilities
776 financing, shall also be applicable to the authority.

777 Section 14. Declaration of purposes.--The authority
778 created by this act and the purposes which it is intended to
779 serve is hereby found to be for a county and public purpose. The
780 authority is a political subdivision of the State of Florida, a
781 local governmental body within the meaning of section 10(c)(2),
782 Article VII of the State Constitution. Nothing in this act is
783 intended to create an entity which is exempt from ad valorem
784 taxation except as otherwise set forth by applicable law.

785 Section 2. The powers of the authority created by this act
786 shall be construed liberally in favor of the authority. No
787 listing of powers included in this act is intended to be
788 exclusive or restrictive and the specific mention of, or failure
789 to mention, particular powers in this act shall not be construed
790 as limiting in any way the general powers of the authority as
791 stated in section 3. It is the intent of this act to grant the
792 authority full power and right to exercise all authority
793 necessary for the effective operation and conduct of the
794 authority. It is further intended that the authority should have
795 all implied powers necessary or incidental to carrying out the
796 expressed powers and the expressed purposes for which the

480049

Amendment No. (for drafter's use only)

797 authority is created. The fact that this act specifically states
798 that the authority possesses a certain power does not mean that
799 the authority must exercise such power unless this act
800 specifically so requires.

801 Section 3. The provisions of this act are severable and it
802 is the intention to confer the whole or any part of the powers
803 provided for herein and if any of the provisions of this act
804 shall be held unconstitutional by any court of competent
805 jurisdiction, the decision of such court shall not affect or
806 impair any of the remaining provisions.

807 Section 4. Effective on the effective date of this act,
808 chapters 2001-319, 2002-349, and 2003-341, Laws of Florida, are
809 hereby repealed.

810 Section 5. This act shall take effect upon becoming a law.
811

812 ===== T I T L E A M E N D M E N T =====
813

814 Remove the entire title and insert:

815 A bill to be entitled
816 An act relating to the Jacksonville Airport Authority,
817 Consolidated City of Jacksonville, Duval County; creating
818 and establishing separate charter provisions concerning
819 the airport authority known as the Jacksonville Airport
820 Authority, which was established effective October 1,
821 2001, pursuant to chapter 2001-319, Laws of Florida, as
822 amended; establishing the separate airport authority as a
823 county authority, providing for governing bodies,
824 appointment of members, terms, staggered terms, rules of

HOUSE AMENDMENT

Bill No. HB 1647 CS

Amendment No. (for drafter's use only)

825 procedure, providing for employment of a managing director
826 and other employees, providing for interrelations with and
827 use of services of the City of Jacksonville; providing
828 definitions; establishing powers; providing for issuance
829 of bonds; providing for budgetary and financial matters;
830 providing for rights of bondholders; providing rights of
831 employees and participation in the Florida Retirement
832 System; providing for cooperation with other entities;
833 providing for audits and bonds; providing for purchasing,
834 procurement, and award of contracts; providing for
835 execution of instruments and examination of claims;
836 providing for transfer, effective October 1, 2001, of
837 assets and liabilities from the former consolidated
838 Jacksonville Port Authority to the separate airport
839 authority and for assumption of responsibilities; making
840 the Port Facilities Financing Act applicable to airport
841 operations; declaring a county and public purpose;
842 providing for liberal construction; providing for
843 severability; providing an effective date.

480049