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A bill to be entitled

An act relating to the Jacksonville Airport Authority, Consolidated City of Jacksonville, Duval County; creating and establishing separate charter provisions concerning the airport authority known as the Jacksonville Airport Authority which was established effective October 1, 2001 pursuant to chapter 2001-319, Laws of Florida, as amended; establishing the separate airport authority as a county authority, providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure, providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees and participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; effective October 1, 2001, providing for transfer of assets and liabilities from the former consolidated Jacksonville Port Authority to the separate airport authority and for assumption of responsibilities; making the Port Facilities Financing Act applicable to airport operations; declaring a county and public purpose; providing for liberal construction; providing for

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29 severability; amending chapter 92-341 Laws of Florida, to
 30 renumber sections therein providing an effective date.
 31

32 Be It Enacted by the Legislature of the State of Florida:
 33

34 Section 1. Section 1. Creation of Jacksonville Airport
 35 Authority.--

36 (1) The charter provisions concerning the airport
 37 operations of the former Jacksonville Port Authority established
 38 pursuant to Chapter 2001-319, Laws of Florida, as amended, are
 39 hereby amended and restated in their entirety to read as
 40 follows: There is hereby created and established as of October
 41 1, 2001 a separate body politic and corporate to be known as the
 42 Jacksonville Airport Authority and hereinafter referred to
 43 singly as the "authority", which is created as an agency and
 44 political subdivision of the State of Florida in the nature of
 45 counties and not municipalities. This authority is authorized to
 46 exercise its jurisdiction, powers, and duties within the
 47 geographic area defined by the boundary lines of Duval County as
 48 established by s. 7.16, Florida Statutes, which boundary lines
 49 also define the geographic area of the City of Jacksonville, and
 50 outside such boundary lines as hereinafter provided. The
 51 Jacksonville Airport Authority shall operate, manage, and
 52 control all of the publicly owned airports and ancillary
 53 facilities located within Duval County and outside such boundary
 54 lines as hereinafter provided. The authority was separated from
 55 the former Jacksonville Port Authority pursuant to 2001-319,
 56 Laws of Florida, as amended, and this separation shall be

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57 reviewed for performance and efficiency after a period of 4
58 years from October 1, 2001.

59 (2) The governing body for the Jacksonville Airport
60 Authority shall consist of seven members, three of whom shall be
61 appointed by the Mayor of the City of Jacksonville with the
62 confirmation of the council of the City of Jacksonville, and
63 four of whom shall be appointed by the Governor of Florida with
64 the confirmation of the Senate. Members shall serve for terms
65 of 4 years commencing on October 1st of the year of the
66 appointment or for the unexpired portion of a term deemed to
67 have commenced on October 1st. Members of the authority, during
68 their terms, shall serve at the pleasure of the Mayor or
69 Governor, whoever appointed the member. Members shall continue
70 to serve on the authority until their death, resignation,
71 removal, or until their respective successors are appointed and
72 confirmed. A vacancy occurring during a term of an appointed
73 member on the authority shall be filled only for the balance of
74 the unexpired term. Any member appointed to the authority for
75 two consecutive full terms shall not be eligible for appointment
76 to the authority for the next succeeding term. Provided,
77 however, notwithstanding the above, members initially appointed
78 to the authority shall serve in staggered terms to provide
79 continuity of experience to the authority with two gubernatorial
80 appointments and two mayoral appointments being for initial 2-
81 year terms, which shall count as a full term for purposes of
82 term limits herein.

83 (3) The authority shall elect a chair, vice chair,
84 secretary, and treasurer from its members, and such other
85 officers it deems proper, not necessarily from its members, to

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86 perform such duties as the authority may direct. Four members of
 87 the authority shall constitute a quorum for the authority, but
 88 at least four members of the authority must approve any action
 89 to be taken by the authority. Resolutions adopted by the vote of
 90 at least four members of the authority shall become effective
 91 without further action by the authority. Each member of the
 92 authority shall have one vote. The yeas and nays shall be called
 93 and entered upon the minutes of each meeting upon the passage of
 94 every resolution or other action of the authority. The authority
 95 may meet at such times and places designated by it but shall
 96 hold regular meetings as necessary, and generally once a month.
 97 Special meetings of the authority may be called upon the call of
 98 its chair or any three members of the authority. The members of
 99 the authority shall not be entitled to compensation but members
 100 and employees of the authority shall be entitled to payment of
 101 reasonable expenses as provided by the council of the City of
 102 Jacksonville.

103 (4) The authority shall employ and fix the compensation of
 104 a managing director who shall manage the affairs of the
 105 authority under the supervision and control of the authority.
 106 Such managing director may be given any title suitable to the
 107 authority. The authority may employ such engineers, certified
 108 public accountants, consultants, and employees as it may
 109 require, and fix and pay their compensation. The authority may
 110 use any of the services available to governmental units through
 111 the Administration and Finance Department of the City of
 112 Jacksonville, but is not required by law to do so. However, the
 113 authority shall be required to use the legal services of the
 114 City of Jacksonville, except in those cases when the chief legal

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115 officer of the city determines that the city legal staff cannot
 116 provide legal services in the required legal area. Such use of
 117 city services, including, but not limited to, legal services,
 118 shall be on contractual basis and the authority is authorized to
 119 pay the city reasonable and fair compensation for such services
 120 so furnished by the city and used by the authority. The use by
 121 the authority of any such services furnished by the city shall
 122 not obligate the authority except to the extent it contracts
 123 with the city, or otherwise subject the authority to any rules,
 124 regulations, or ordinances of said city not otherwise applicable
 125 to the authority under this act and the charter of said city.
 126 The authority may delegate to one or more of its agents or
 127 employees such of its powers as it may deem necessary to carry
 128 out the purposes of this act, subject always to the supervision
 129 and control of the authority, and may do any and all things
 130 necessary to accomplish the purposes of this act.

131 (5) The provisions of section 286.012, Florida Statutes,
 132 requiring any member of the authority present at a meeting to
 133 vote unless there is a possible conflict of interest, and the
 134 provisions of sections 112.311-112.3175, Florida Statutes, and
 135 as the same may be amended in the future, relating to financial
 136 disclosure and conflicts of interest, shall apply to each member
 137 of the authority.

138 Section 2. Definitions.--In the interpretation hereof the
 139 following words and terms shall be taken to include the
 140 following meanings when the context shall require or permit:

141 (1) The term "bonds" means and embraces bonds, notes,
 142 certificates, and other financial obligations issued by the
 143 authority for financing or refinancing purposes, and except

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144 where otherwise required by the context, notes, and other
 145 instruments executed to evidence obligations of the authority
 146 for the repayment of borrowed funds.

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

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

151 (4) The term "federal agency" means and includes the
 152 United States, the President of the United States, and any
 153 department of, or corporation, agency, or instrumentality
 154 thereof, heretofore or hereafter created, designated, or
 155 established by the United States.

156 (5) Words importing singular number shall include the
 157 plural number in each case and vice versa, and words importing
 158 persons shall include firms and corporations.

159 (6) The term "project" embraces any one or any combination
 160 of 2 or more of the following, to-wit: facilities for the
 161 construction, manufacture, repair, or maintenance of airplanes,
 162 helicopters, and aircraft of all kinds, and other facilities,
 163 directly or indirectly related to the promotion and development,
 164 of airborne and airport activities, commerce, travel,
 165 exploration, and researching, and other airport facilities of
 166 all kinds, including, but not limited to, landings, ramps,
 167 runways, taxiways, warehouses, terminals, refrigerating, and
 168 cold storage plants and facilities, tiedown and parking areas
 169 and facilities, intermodal and railroad and air and motor
 170 terminals for passengers, freight, exploration, and research,
 171 rolling stock, airplanes, helicopters, conveyors, and appliances
 172 of all kinds for the handling, storage, inspection, and

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173 transportation of freight and the handling of passenger traffic,
 174 mail, express, and freight, administration and service
 175 buildings, toll highways, tunnels, causeways, and bridges
 176 connected therewith or incident or auxiliary thereto, and may
 177 include all property, structures, facilities, rights, easements,
 178 and franchises relating to any such project deemed necessary or
 179 convenient for the acquisition, construction, purchase, or
 180 operation thereof. The authority is authorized to use such of
 181 its real property as it deems fit for facilities for
 182 recreational programs and activities, provided, however, that
 183 such programs and activities are approved by a simple majority
 184 vote of the Jacksonville City Council.

185 (7) The term "cost," as applied to improvements, means the
 186 cost of constructing or acquiring improvements as hereinabove
 187 defined and shall embrace the cost of all labor and materials,
 188 the cost of all machinery and equipment, financing charges, the
 189 cost of engineering and legal expenses, plans, specifications,
 190 and such other expenses as may be necessary or incident to such
 191 construction or acquisition.

192 (8) The term "cost," as applied to a project acquired,
 193 constructed, extended, or enlarged, includes the purchase price
 194 of any project acquired, the cost of improvements, the cost of
 195 such construction, extension, or enlargement, the cost of all
 196 lands, properties, rights, easements, and franchises acquired,
 197 the cost of all machinery and equipment, financing charges,
 198 interest during construction, and if deemed advisable, for up to
 199 1 year after completion of construction, cost of investigations
 200 and audits, and of engineering and legal services, and all other
 201 expenses necessary or incident to determining the feasibility or

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202 practicability of such acquisition or construction,
 203 administrative expense, and such other expenses as may be
 204 necessary or incident to the financing herein authorized and to
 205 the acquisition or construction of a project and the placing of
 206 the same in operation. Any cost, obligation or expense incurred
 207 by the authority prior to the issuance of revenue bonds under
 208 the provisions of this act including, without limitation, costs
 209 for engineering studies and for estimates of cost and of revenue
 210 and for other technical, financial, or legal services in
 211 connection with the acquisition or construction of any project
 212 may be regarded as a part of the cost of such project.

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

217 (1) To adopt, use, and alter at will a corporate seal; to
 218 sue and be sued, implead and be impleaded, complain, and defend
 219 in all courts; to exercise the power of eminent domain to
 220 acquire property for any authorized purposes, including the
 221 taking of such property ancillary to said power in the manner
 222 from time to time provided by the laws of the State of Florida;
 223 to accept grants, gifts, and donations; and to enter into
 224 contracts, leases, or other transactions with any legal entity
 225 or person, including any federal agency, the state, any agency
 226 of the state, the County of Duval, the City of Jacksonville, or
 227 with any other public body of the state.

228 (2) To adopt rules and regulations with reference to all
 229 projects and matters under the control of the authority. All
 230 rules and regulations promulgated and all impositions and

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231 exactions made by the authority hereof shall be just and
 232 reasonable and consistent with public interest and their
 233 application shall be subject to review by certiorari in any
 234 court of proper and competent jurisdiction. All rules and
 235 regulations shall be a matter of public record (except as
 236 otherwise provided by applicable law) and copies thereof shall
 237 be dispensed at cost to all applicants therefor.

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

241 (4) Subject to the jurisdiction of the United States and
 242 the State of Florida, to construct, establish, improve, maintain
 243 and/or manage (directly or indirectly through management
 244 agreements, consulting agreements or other similar arrangements)
 245 airports and related facilities within or outside the county,
 246 all upon such terms and conditions as may be determined by the
 247 authority and not prohibited by the United States and the State
 248 of Florida.

249 (5) To acquire for any project authorized by this act by
 250 grant, purchase, gift, devise, condemnation by eminent domain
 251 proceedings, exchange, or in any other manner, all property,
 252 real or personal, or any estate or interest therein, upon such
 253 terms and conditions as the authority shall by resolution fix
 254 and determine. The right of eminent domain herein conferred
 255 shall be exercised by the authority in the manner provided by
 256 law.

257 (6) To issue revenue bonds, payable solely from revenues,
 258 to pay all or a part of the cost of acquisition, construction,
 259 extension, enlargement, improvement, or modernization of any

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260 project and to pledge the revenues to secure the payment of
261 bonds.

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

266 (8) To make and enter into all contracts and agreements
267 and to do and perform all acts and deeds necessary and
268 incidental to the performance of the duties of the authority and
269 the exercise of its powers; to make and execute leases or
270 agreements for the use and occupation of the property and/or
271 projects under the control of the authority on such terms,
272 conditions, and period of time as it may determine; and to sell
273 and dispose of such property and/or projects as shall no longer
274 be needed for the uses and purposes of the authority on such
275 terms and conditions as shall be prescribed by resolution of the
276 authority; however, before disposing of any real property which
277 was acquired from either the city or county, other than by
278 purchase or by swap, the authority shall give written notice to
279 the governmental unit from which such real property was
280 acquired. If said governmental unit desires to accept a
281 reconveyance of said real property, it shall give the authority
282 written notice of such intention within 30 days from the date of
283 mailing of the authority's notice regarding the disposal of such
284 property, and the authority shall make the reconveyance of such
285 property to said governmental unit forthwith. If within such 30
286 days, said governmental unit does not notify the authority in
287 writing of a desire to accept a reconveyance of said property or
288 refuses to accept a reconveyance of same the authority may sell

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289 and dispose of same on such terms and conditions as shall be
 290 prescribed by resolution of the authority. The authority shall
 291 not sell real property for less than the appraised value.

292 (9) To the extent permitted by law to fix, regulate, and
 293 collect rates and charges for the services and facilities
 294 furnished by any project under the control of the authority, and
 295 to establish, limit, and control the use of any project as may
 296 be deemed necessary to ensure the proper operation of the
 297 project; and to impose sanctions to promote and enforce
 298 compliance with any rule or regulation which the authority may
 299 adopt in the regulation of the airports and related facilities
 300 under its control.

301 (10) To fix the rates for airports and related facilities,
 302 warehousing, storage, landing and port and terminal charges for
 303 the use of the facilities owned or operated by the authority.

304 (11) To solicit air carriers, shipping lines, intermodal
 305 or common carriers, and other businesses and to do all things
 306 necessary or advisable to promote commerce and increase
 307 passenger traffic and freight tonnage through the airports
 308 operated by the authority; to publicize, advertise, and promote
 309 the activities and projects authorized by this act and to
 310 promote the objects of the authority in the manner set forth by
 311 resolution of the authority; to make known to the users,
 312 potential users, and public in general the advantages,
 313 facilities, resources, products, attractions, and attributes of
 314 the activities and projects authorized by this act; to further
 315 create a favorable climate of opinion concerning the activities
 316 and projects authorized and indicated by this act; to cooperate,
 317 including expenditure of funds, to and with other agencies, both

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318 public and private, in accomplishing the purposes enumerated and
 319 indicated by this act; and in furtherance thereof, to authorize
 320 expenditures for any and all of the purposes herein enumerated,
 321 including, but not limited to, meals, hospitality, and
 322 entertainment of persons in the interest of promoting and
 323 engendering good will toward the activities and projects herein
 324 authorized, provided, however, that funds obtained under
 325 chapters 159 and 315 Florida Statutes may not be used for such
 326 purposes. Whenever an expenditure of funds for any of the
 327 foregoing purposes is made by a member or employee of the
 328 authority, the authority may reimburse such member or employee
 329 therefor, but only in the manner duly authorized by the
 330 authority.

331 (12) To receive and accept from any federal or state
 332 agency grants for or in aid of the construction, improvement, or
 333 operation of any project and to receive and accept contributions
 334 from any source of money, property, labor, or other things of
 335 value.

336 (13) To make any and all applications required by the
 337 Treasury Department and other departments or agencies of the
 338 federal government as a condition precedent to the establishment
 339 within or without the county of a free port, foreign trade zone,
 340 or area for the reception from foreign countries of articles or
 341 commerce and to expedite and encourage foreign commerce, and the
 342 handling, processing, and delivery thereof into foreign commerce
 343 free from the payment of custom duties and, provided there is an
 344 economic benefit to the authority and/or Duval County, to enter
 345 into any agreements required by such departments or agencies in
 346 connection therewith and to make like applications and

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347 agreements with respect to the establishment within and without
 348 said county of one or more bonded warehouses.

349 (14) To enter into any contract with a legal entity,
 350 person, the State of Florida, the federal government, or any
 351 agency of said governments, which may be necessary for
 352 development of any project related to the authority's basic
 353 mission.

354 (15) To make or cause to be made such surveys,
 355 investigations, studies, borings, maps, plans, drawings, and
 356 estimates of cost and revenues as the authority may deem
 357 necessary and may prepare and adopt a comprehensive plan or
 358 plans, for the location, construction, improvement, and
 359 development of any project.

360 (16) To grant exclusive or non-exclusive franchises to
 361 persons, firms, or corporations for the operation of, airport
 362 property or facilities including restaurants, cafeterias, bars,
 363 cigar and cigarette stands, newsstands, buses, taxicabs, vending
 364 machines, hotels, motels, service stations, real estate
 365 developments, and other concessions in, on, and in connection
 366 with any property and/or project owned and operated by the
 367 authority. In granting such franchises it shall be the duty of
 368 the authority to investigate and consider the qualifications and
 369 ability of the lessee or concessionaires to provide or perform
 370 the contemplated services and the revenues which will be derived
 371 therefrom by such authority and to exercise sound prudent
 372 business judgment on behalf of the authority with respect
 373 thereto, calling for bids when practicable and when the
 374 interests of the authority will best be served by such action.

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375 (17) To enter into contracts with utility companies or
376 others for the supplying by said utility companies or others of
377 water, electricity, or telephone service to or in connection
378 with any project.

379 (18) To pledge by resolution or contract the revenues
380 arising from the operation of any project or projects owned and
381 operated by the authority, or under its control, to the payment
382 of the cost of operation, maintenance, repair, improvement,
383 extension, or enlargement of the project or projects from the
384 operation of which such revenues are received and for the
385 payment of principal and interest on bonds issued in connection
386 with any such project or projects and to combine for financing
387 purposes any two or more projects constructed or acquired by
388 such authority under the provisions of this act. In any such
389 case the authority may adopt separate budgets for the operation
390 of such project or projects. In every such case such revenues
391 shall be expended exclusively for the payment of the costs of
392 operation, maintenance, repair, improvement, extension, and
393 enlargement of the project or projects from the operation of
394 which such revenues arise, for the performance of the
395 authority's contracts in connection with such project or
396 projects, and for the payment of principal of premium, if any,
397 and interest requirements of any bonds issued in connection with
398 the project or projects. Any surplus of such funds remaining on
399 hand at the end of any year shall be carried forward and may be
400 expended in the succeeding year for the payment of the costs of
401 operation of such project or projects or for the repair,
402 improvement, or extension thereof as the authority may
403 determine, unless such surplus has been pledged for the payment

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404 of principal of premium, if any, and interest on bonds, in which
 405 event any such surplus shall be applied in accordance with the
 406 resolution pledging the same.

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

409 (20) To do all acts or things necessary or proper to be
 410 and serve as a local governmental body within the meaning of
 411 Article VII, Section 10(c)(2) of the State Constitution, with
 412 respect to any project as defined therein.

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

415 Section 4. Issuance of bonds.--

416 (1) The authority is authorized to issue general
 417 obligation bonds or revenue bonds of the authority for the
 418 purpose of paying all or a part of the cost of any one or more
 419 projects as herein defined, including the cost of enlargement,
 420 expansion, or development of such project whether the property
 421 used therefor has previously been acquired or not, and the cost
 422 of removing therefrom or relocating or reconstructing at another
 423 location any buildings, structures, or facilities, and for the
 424 purpose of paying off and retiring any bonds issued or assumed
 425 under the provisions of this act.

426 (2) The bonds of each issue shall be authorized by
 427 resolution of the authority and shall be dated, shall mature at
 428 such time or times not exceeding 40 years from their date or
 429 dates, as may be determined by the authority, and may be made
 430 redeemable before maturity, at the option of the authority, at
 431 such price or prices and under such terms and conditions as may
 432 be fixed by the authority prior to the issuance of the bonds.

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433 The authority shall determine the form of bonds, including any
434 interest coupons to be attached thereto, and the manner of
435 execution of the bonds and shall fix the denomination or
436 denominations of the bonds and the place or places of payment of
437 principal and interest, which may be at any bank or trust
438 company within or without the state. The resolution authorizing
439 the issuance of the bonds shall contain such provisions relating
440 to the use of the proceeds from the sale of the bonds and for
441 the protection and security of holders of the bonds, including
442 their rights and remedies, and the rights, powers, privileges,
443 duties, and obligations of the authority with respect to the
444 same, as shall be determined by the authority. In case any
445 officer whose signature or facsimile of whose signature shall
446 appear on any bonds or coupons shall cease to be such officer
447 before the delivery of such bonds, such signature or such
448 facsimile shall nevertheless be valid and sufficient for all
449 purposes to the same extent as if such officer had remained in
450 office until such delivery. The bonds may be issued in coupon
451 registered or book entry form, as the authority may determine,
452 and provisions may be made for the registration of any coupon
453 bonds as to principal alone and also as to both principal and
454 interest and for the reconversion into coupon bonds of any bonds
455 registered as to both principal and interest. The issuance of
456 such bonds shall not be subject to any limitations or conditions
457 contained in any other law.

458 (3) Prior to any public sale of bonds, the authority may,
459 in addition to any other publication and notice to the financial
460 community, cause notice to be given by publication in a daily
461 newspaper published and having a general circulation in the city

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462 that the authority will receive bids for the purchase of the
463 bonds at the office of the authority in the city. Said notice
464 may be published once not less than 15 days prior to the date
465 set for receiving the bids. Said notice may specify the amount
466 of the bonds offered for sale, state that the bids shall be
467 sealed bids, and give the schedule of the maturities of the
468 proposed bonds and such other pertinent information as may be
469 prescribed in the resolution authorizing the issuance of such
470 bonds or any resolution subsequent thereto. Bidders may be
471 invited to name the rate or rates of interest which the bonds
472 are to bear or the authority may name rates of interest and
473 invite bids thereon. In addition to publication of notice of the
474 proposed sale, a copy of such advertisement may be given to the
475 Florida Division of Bond Finance and to at least three
476 recognized bond dealers in the state, in the time established by
477 applicable law.

478 (4) Except as otherwise provided in this subsection, bonds
479 and refunding bonds issued pursuant to this act maybe sold at
480 public sale and shall be awarded to the bidder whose bid
481 produces the lowest true interest cost to the authority. The
482 authority shall reserve the right to reject any or all bids.
483 Notwithstanding the foregoing, bonds and refunding bonds issued
484 pursuant to this act may be sold at private sale at such price
485 or prices as the authority shall determine to be in its best
486 interest. However, any price less than 100 percent of par value
487 shall be subject to section 215.84, Florida Statutes, as it may
488 be amended from time to time. In no event shall said bonds be
489 sold at a net interest cost to the authority in excess of the
490 legal limit, as established by section 215.84, Florida Statutes,

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491 or according to said section as it may be amended from time to
 492 time. The net interest cost of bonds shall be determined by
 493 taking the aggregate amount of interest at the rate or rates
 494 specified in the bonds, computed from the date of the bonds to
 495 the date of the various stated maturities thereof, and deducting
 496 therefrom the amount of any premium offered in excess of the par
 497 value of the bonds or adding thereto the amount of any discount
 498 offered below the par value of the bonds with interest computed
 499 on a 360-day basis. Pending the preparation of definitive bonds,
 500 interim bonds may be issued to the purchaser or purchasers of
 501 such bonds and may contain such terms and conditions as the
 502 authority may determine.

503 (5) The authority shall require all bidders for said bonds
 504 to enclose a certified or bank cashier's check, in the amount of
 505 2 percent of the total par value of the bonds offered for sale,
 506 drawn on an incorporated bank or trust company payable
 507 unconditionally to the order of the authority, as a guarantee of
 508 good faith in the performance of each bid. The checks of the
 509 unsuccessful bidders shall be returned immediately upon the
 510 award of the bonds and the check of the successful bidder shall
 511 be retained by the authority and credited against the full
 512 purchase price of the bonds at the time of delivery or retained
 513 as and for liquidated damages in case of the failure of such
 514 bidder to fulfill the terms of his or her bid.

515 (6) No general obligation bonds shall be issued by the
 516 authority hereunder unless the issuance of such bonds shall have
 517 been approved by a majority of the votes cast by qualified
 518 voters in an election held for such purpose. Whenever the
 519 authority, by resolution, requests the council of the City of

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520 Jacksonville to hold such an election, said council shall, on
 521 behalf of the authority, hold, conduct, canvass, and announce
 522 the results of such election in accordance with the procedure
 523 prescribed by law for the issuance of county bonds. The expenses
 524 of such election shall be paid by the authority. In no event
 525 shall such general obligation bonds be construed or considered
 526 to be bonds of the City of Jacksonville or any other
 527 municipality but shall be solely bonds of the authority that
 528 issues the bonds.

529 (7) The authority is authorized to borrow money and to
 530 issue notes for any purpose or purposes for which bonds may be
 531 issued under the provisions of this act and to refund the same
 532 and to issue notes in anticipation of the receipt of the
 533 proceeds of the sale of any such bonds.

534 (8) Subject to the restrictions contained in subsections
 535 (2), (3), and (4) of section 4., the authority shall have the
 536 power to provide for the issuance of refunding bonds of the
 537 authority for the purpose of refunding any revenue bonds or
 538 general obligation bonds, or any combination of general
 539 obligation or revenue bonds then outstanding which have been
 540 assumed by the authority or issued for the purpose of financing
 541 the cost of making enlargements, extensions, and improvements to
 542 any project acquired, constructed, or operated under the
 543 provisions of this act. The authority is further authorized to
 544 provide for the issuance of revenue bonds or general obligation
 545 bonds, or any combination thereof, of the authority for the
 546 combined purpose of:

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547 (a) Paying the cost of enlargement, extension,
 548 reconstruction, or improvement of any project or combination of
 549 projects.

550 (b) Refunding revenue bonds or general obligation bonds,
 551 or any combination thereof, which have been assumed by the
 552 authority under the provisions of this act (or its predecessor
 553 act) which shall then be outstanding and which shall then have
 554 matured or be subject to redemption or can be acquired for
 555 retirement. The issuance of such bonds, the maturities or other
 556 details thereof, the rights or remedies of the holders thereof,
 557 and the rights, powers, privileges, duties, and obligations of
 558 the authority with respect to the same shall be set forth in the
 559 resolution of the authority authorizing the issuance of such
 560 bonds.

561 Section 5. Budget and finance.--The fiscal year of the
 562 authority shall commence on October 1 of each year and end on
 563 the following September 30. The authority shall prepare and
 564 submit its budget to the council of the City of Jacksonville on
 565 or before July 1 for the ensuing fiscal year. The council,
 566 consistent with the provisions of the Charter of the City of
 567 Jacksonville, may increase or decrease the appropriation
 568 [budget] requested by the authority on a total basis or a line-
 569 by-line basis; however, the appropriation for construction,
 570 reconstruction, enlargement, expansion, improvement, or
 571 development of any project or projects authorized to be
 572 undertaken by the former Jacksonville Port Authority and the
 573 authority shall not be reduced below the amount required under
 574 the terms and provisions of any outstanding bonds.

575 Section 6. Rights of bondholders.--All bonds issued by the

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576 City of Jacksonville or the former Jacksonville Port Authority
 577 related to properties transferred to the authority and bonds
 578 issued under authority of chapter 63-1447, Laws of Florida,
 579 remain the liability, responsibility, and obligation of the
 580 issuer and the rights of the holders of existing outstanding
 581 bonds shall be unimpaired. Rights, duties, and obligations of
 582 the authority with respect to the property, and any bonds
 583 related thereto, transferred to it by the City of Jacksonville
 584 or the former Jacksonville Port Authority are ratified and
 585 remain unchanged.

586 Section 7. Rights of employees.--

587 (1) Except as provided in paragraph (2) all employment
 588 rights and employee benefits authorized under section 11,
 589 chapter 63-1447, Laws of Florida, as amended, are hereby
 590 confirmed, ratified, and continued, notwithstanding the repeal
 591 of said chapter 63-1447, Laws of Florida, as amended. Effective
 592 October 1, 2001, in order to preserve the rights of employees of
 593 the former Jacksonville Port Authority to continue participation
 594 in the Florida Retirement System pursuant to chapter 121,
 595 Florida Statutes, the authority created by this act (and its
 596 predecessor act) shall be a county agency and employees of each
 597 such authority shall participate in the Florida Retirement
 598 System, notwithstanding any law to the contrary. Effective
 599 October 1, 2001, those employees of the former Jacksonville Port
 600 Authority who were assigned to any activity related to the
 601 operation of the airport facilities shall become employees of
 602 the Jacksonville Airport Authority created by this act (and its
 603 predecessor act). Effective October 1, 2001, central
 604 administrative employees shall be employed by either the

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605 Jacksonville Airport Authority or the Jacksonville Port
606 Authority, formerly known as the Jacksonville Seaport Authority
607 created by this act (and its predecessor act) or as otherwise
608 agreed by both. It is expressly provided that none of those
609 employees of the former Jacksonville Port Authority who remain
610 with the authority created by this act (and its predecessor act)
611 shall lose any rights or benefits of whatsoever kind or nature
612 afforded to them by any law, ordinance, collective bargaining
613 agreement, or existing policy or plan, including, but not
614 limited to, pension benefits by virtue of the change in
615 corporate structure. In order to effectively implement the
616 foregoing, the authority shall perform all functions with regard
617 to its own employees that prior to the operation of the two
618 authorities created by this act (and its predecessor act) were
619 performed by the former Jacksonville Port Authority. In order to
620 specifically preserve the rights of employees of the former
621 Jacksonville Port Authority to continue participation in the
622 Florida Retirement System, pursuant to chapter 121, Florida
623 Statutes, the authority created by this act (and its predecessor
624 act) shall be a county authority and employees of this authority
625 who are currently participating in the Florida Retirement System
626 and all employees of the authority after October 1, 2001 shall
627 be eligible to participate.

628 (2) Effective October 1, 2001, the Jacksonville Airport
629 Authority firefighters shall become merged into the City of
630 Jacksonville's Fire and Rescue Department and shall become
631 employees of the City of Jacksonville; however, with respect to
632 pension benefits such Jacksonville Airport Authority Fire
633 Department employees shall have a one time option to continue

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634 participation in the Florida Retirement System or to participate
 635 in the City of Jacksonville Police and Fire Pension Fund. Such
 636 option must be exercised no later than November 1, 2001. Upon
 637 such merger, firefighting services for the airports owned and
 638 operated by the Jacksonville Airport Authority shall be provided
 639 by the Fire and Rescue Department of the City of Jacksonville
 640 pursuant to a written contract to be entered into by and between
 641 the City of Jacksonville and the Jacksonville Airport Authority.
 642 Notwithstanding any provision in this act to the contrary, such
 643 merger and contract shall become effective October 1, 2001. If
 644 any firefighter who has vested in the Florida Retirement System
 645 exercises the option to become a member of the City of
 646 Jacksonville Police and Fire Pension Fund, such vested time
 647 shall not be included in the City of Jacksonville Police and
 648 Fire Pension Fund.

649 Section 8. Cooperation with other units, boards, agencies,
 650 legal entities and persons.--Express authority and power is
 651 hereby given and granted any county, municipality, drainage
 652 district, road and bridge district, school district, or any
 653 other political subdivision, board, commission, or individual
 654 in, or of, the state to make and enter into with the authority,
 655 contracts, leases, conveyances, or other agreements within the
 656 provisions and purposes of this act. The authority is hereby
 657 expressly authorized to make and enter into contracts, leases,
 658 conveyances, and other agreements with any political
 659 subdivision, agency, or instrumentality of the state and any and
 660 all federal agencies, legal entities and persons for the purpose
 661 of carrying out the provisions of this act.

662 Section 9. Audits; bonds.--The authority shall issue

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663 quarterly and annually financial reports of its operations and
 664 shall also cause annual audits to be made of its operations and
 665 affairs by an independent certified public accountant, in such
 666 detail as may be necessary to show the financial operation and
 667 status of the authority, and the same shall be preserved as
 668 public records of the authority. The authority's records may be
 669 audited at any time by the Council Auditor of the City of
 670 Jacksonville. Members of the authority shall be required to give
 671 a good and sufficient surety bond in the sum of \$50,000, payable
 672 to the City of Jacksonville, conditioned upon the faithful
 673 performance of their duties as members of the authorities. Such
 674 bonds shall be approved by and filed with the clerk of the
 675 circuit court of Duval County, and the premium or premiums
 676 thereon shall be paid by the authority as a necessary expense of
 677 the authority. The authority shall have power to require its
 678 managing director and such others of its employees as they may
 679 deem necessary to furnish good and sufficient surety bond in
 680 such sum as the authority shall require, conditioned upon the
 681 faithful performance of duties, and to pay the premium or
 682 premiums thereon as a necessary expense of the authority.

683 Section 10. Award of contracts.--

684 (1) If the total cost, value, or amount of construction,
 685 reconstruction, repairs, or work of any nature, including the
 686 labor and materials, exceeds \$50,000 when purchased by the
 687 authority, any such construction, reconstruction, repairs, or
 688 work exceeding the foregoing amount established for the
 689 authority shall be done only under contract or contracts to be
 690 entered into by the authority with the lowest responsible bidder
 691 upon proper terms and after due public notice has been given

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692 asking for competitive bids as hereinafter provided. The
 693 foregoing requirement for competitive bidding shall not apply to
 694 construction, reconstruction, repairs, or work done by employees
 695 of the authority or by labor supplied under agreement with the
 696 federal or state government. The authority shall keep a current
 697 list of responsible bidders and, whenever the authority shall
 698 award a contract, the bidder shall come from such list. No
 699 contract shall be entered into for construction, improvement, or
 700 repair of any project, or any part thereof, unless the
 701 contractor shall have given an undertaking with a sufficient
 702 surety or sureties, approved by the authority, and in an amount
 703 fixed by the authority, for the faithful performance of the
 704 contract. All such contracts shall provide, among other things,
 705 that the person or corporation entering into such contract with
 706 the authority will pay for all materials furnished and services
 707 rendered for the performance of the contract and that any person
 708 or corporation furnishing such materials or rendering such
 709 services may maintain an action to recover for the same against
 710 the obligor in the undertaking, as though such person or
 711 corporation were named therein, provided the action is brought
 712 within 1 year after the time the cause of action accrued.
 713 Nothing in this section shall be construed to limit the power of
 714 the authority to construct any project, or any part thereof, or
 715 any addition, betterment, or extension thereto, directly by the
 716 officers, agents, and employees of the authority, or otherwise,
 717 other than by contract.

718 (2) All supplies, equipment, machinery, and materials
 719 exceeding \$25,000 in cost purchased by the authority shall be
 720 purchased by the authority only after due advertisement as

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721 provided hereinafter. When purchasing supplies, equipment,
 722 machinery, and materials pursuant to competitive bid as mandated
 723 herein, the authority shall accept the lowest bid or bids, kind,
 724 quality, and material being equal but the authority shall have
 725 the right to reject any or all bids or select a single item from
 726 any bid. The provision as to bidding shall not apply to the
 727 purchase of patented and manufactured products offered for sale
 728 in a noncompetitive market or solely by a manufacturer's
 729 authorized dealer.

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

736 (4) Subject to the aforesaid provisions, the authority
 737 may, but without intending by this provision to limit any powers
 738 of the authority, enter into and carry out such contract or
 739 establish or comply with such rules and regulations concerning
 740 labor and materials and other related matters in connection with
 741 any project, or portion thereof, as the authority may deem
 742 desirable or as may be requested by the federal or state
 743 government assisting in the financing of its projects, and
 744 facilities related thereto, or any part thereof, provided the
 745 provisions of this subsection shall not apply to any case in
 746 which the authority has taken over by transfer or assignment any
 747 contract assigned to it or assumed by it in connection with the
 748 transfer of city and county properties authorized under the
 749 provisions of sections 11 and 12, or to any contract in

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750 connection with projects which the authority may have had
 751 transferred to it by any persons or private corporations, and
 752 further provided the provisions of this section shall not apply
 753 to any contract or agreement between the authority and any
 754 engineers, architects, attorneys, or other professional services
 755 or to any contract or agreement relating to fiscal advisors,
 756 fiscal agents, or investment bankers, relating to the financing
 757 of projects herein authorized.

758 Section 11. Execution of instruments; examination of
 759 claims.--All instruments in writing necessary to be signed by
 760 the authority shall be executed by its chair and secretary. The
 761 authority may, by resolution, designate one or more officers,
 762 members, employees, or agents of such authority to execute
 763 instruments in writing where it is necessary that such
 764 instruments be signed by the authority. No expenditure of funds
 765 of the authority shall be made except by voucher approved by the
 766 authority and signed by its chair and secretary, or by one or
 767 more officers, members, or employees of the authority as the
 768 authority may designate by resolution. The foregoing authority
 769 of the chair may be exercised by the vice chair in the absence
 770 of the chair and the foregoing authority of the secretary may be
 771 exercised by an assistant secretary designated by the authority
 772 in the absence of the secretary. The authority shall provide for
 773 the examination of all payrolls, bills, and other claims and
 774 demands against the authority to determine before the same are
 775 paid that they are duly authorized, in proper form, correctly
 776 computed, legally due and payable, and that the authority has
 777 funds on hand to make payment.

778 Section 12. Transfer of assets and liabilities.- The

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779 former Jacksonville Port Authority shall take all actions
 780 necessary to convey, assign, transfer, and set over:

781 (1) All of the right, title, and interests of the former
 782 Jacksonville Port Authority in and to its airport facilities,
 783 including, without limitation, its real and personal property
 784 and any interests therein, books, records, contracts, leases,
 785 and all other property of any kind or nature related to the
 786 operation of the airport, by operation of this act (and its
 787 predecessor act), and without further act, to the authority.

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

792 (3) All accounts receivable, accounts payable, and cash on
 793 hand relating to the former Jacksonville Port Authority's
 794 airport operations shall, by operation of this act (and its
 795 predecessor act), and without further act, be transferred or
 796 delivered to the authority.

797 (4) All operating expenses, including taxes of all kinds
 798 and all revenue and expense accruals of the former Jacksonville
 799 Port Authority's airport operations shall be transferred to the
 800 authority, on the effective date at transfer.

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

803 Section 13. Chapter 315, Florida Statutes, relating to
 804 port facilities financing, also applicable.--The provisions of
 805 chapter 315, Florida Statutes, relating to port facilities
 806 financing, shall also be applicable to the authority.

807 Section 14. Declaration of purposes.--The authority

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808 created by this act and the purposes which it is intended to
809 serve is hereby found to be for a county and public purpose.
810 Such authority is a political subdivision of the State of
811 Florida, local governmental body within the meaning of Article
812 VII, Section 10(c)(2) of the State Constitution. Nothing in this
813 act is intended to create an entity which is exempt from ad
814 valorem taxation except as otherwise set forth by applicable
815 law.

816 Section 2. The powers of the authority created by this act
817 shall be construed liberally in favor of the authority. No
818 listing of powers included in this act is intended to be
819 exclusive or restrictive and the specific mention of, or failure
820 to mention, particular powers in this act shall not be construed
821 as limiting in any way the general powers of the authority as
822 stated in section 3. It is the intent of this act to grant the
823 authority full power and right to exercise all authority
824 necessary for the effective operation and conduct of the
825 authority. It is further intended that the authority should have
826 all implied powers necessary or incidental to carrying out the
827 expressed powers and the expressed purposes for which the
828 authority is created. The fact that this article specifically
829 states that the authority possesses a certain power does not
830 mean that the authority must exercise such power unless this
831 article specifically so requires.

832 Section 3. The provisions of this act are severable and it
833 is the intention to confer the whole or any part of the powers
834 provided for herein and if any of the provisions of this act
835 shall be held unconstitutional by any court of competent
836 jurisdiction, the decision of such court shall not affect or

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837 impair any of the remaining provisions.

838 Section 4. Effective on the Effective Date defined below,
839 chapters 2001-319, 2002-349, and 2003-341, Laws of Florida, are
840 hereby repealed.

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