

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Jacksonville Airport Authority,
8 Consolidated City of Jacksonville, Duval County; creating
9 and establishing separate charter provisions concerning
10 the airport authority known as the Jacksonville Airport
11 Authority, which was established effective October 1,
12 2001, pursuant to chapter 2001-319, Laws of Florida, as
13 amended; establishing the separate airport authority as a
14 county authority, providing for governing bodies,
15 appointment of members, terms, staggered terms, rules of
16 procedure, providing for employment of a managing director
17 and other employees, providing for interrelations with and
18 use of services of the City of Jacksonville; providing
19 definitions; establishing powers; providing for issuance
20 of bonds; providing for budgetary and financial matters;
21 providing for rights of bondholders; providing rights of
22 employees and participation in the Florida Retirement
23 System; providing for cooperation with other entities;

24 providing for audits and bonds; providing for purchasing,
 25 procurement, and award of contracts; providing for
 26 execution of instruments and examination of claims;
 27 providing for transfer, effective October 1, 2001, of
 28 assets and liabilities from the former consolidated
 29 Jacksonville Port Authority to the separate airport
 30 authority and for assumption of responsibilities; making
 31 the Port Facilities Financing Act applicable to airport
 32 operations; declaring a county and public purpose;
 33 providing for liberal construction; providing for
 34 severability; providing an effective date.

35

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

37

38 Section 1. Section 1. Creation of Jacksonville Airport
 39 Authority.--

40 (1) The charter provisions concerning the airport
 41 operations of the former Jacksonville Port Authority established
 42 pursuant to Chapter 2001-319, Laws of Florida, as amended, are
 43 hereby amended and restated in their entirety to read as
 44 follows: There is hereby created and established as of October
 45 1, 2001 a separate body politic and corporate to be known as the
 46 Jacksonville Airport Authority and hereinafter referred to
 47 singly as the "authority," which is created as an agency and
 48 political subdivision of the State of Florida in the nature of
 49 counties and not municipalities. This authority is authorized to
 50 exercise its jurisdiction, powers, and duties within the
 51 geographic area defined by the boundary lines of Duval County as

52 established by section 7.16, Florida Statutes, which boundary
 53 lines also define the geographic area of the City of
 54 Jacksonville, and outside such boundary lines as hereinafter
 55 provided. The Jacksonville Airport Authority shall operate,
 56 manage, and control all of the publicly owned airports and
 57 ancillary facilities located within Duval County and outside
 58 such boundary lines as hereinafter provided. The authority was
 59 separated from the former Jacksonville Port Authority pursuant
 60 to 2001-319, Laws of Florida, as amended, and this separation
 61 shall be reviewed for performance and efficiency after a period
 62 of 4 years from October 1, 2001.

63 (2) The governing body for the Jacksonville Airport
 64 Authority shall consist of seven members, three of whom shall be
 65 appointed by the Mayor of the City of Jacksonville with the
 66 confirmation of the council of the City of Jacksonville, and
 67 four of whom shall be appointed by the Governor of Florida with
 68 the confirmation of the Senate. Members shall serve for terms of
 69 4 years commencing on October 1st of the year of the appointment
 70 or for the unexpired portion of a term deemed to have commenced
 71 on October 1st. Members of the authority, during their terms,
 72 shall serve at the pleasure of the Mayor or Governor, whoever
 73 appointed the member. Members shall continue to serve on the
 74 authority until their death, resignation, removal, or until
 75 their respective successors are appointed and confirmed. A
 76 vacancy occurring during a term of an appointed member on the
 77 authority shall be filled only for the balance of the unexpired
 78 term. Any member appointed to the authority for two consecutive
 79 full terms shall not be eligible for appointment to the

HB 1647

2004
CS

80 authority for the next succeeding term. Provided, however,
 81 notwithstanding the above, members initially appointed to the
 82 authority shall serve in staggered terms to provide continuity
 83 of experience to the authority with two gubernatorial
 84 appointments and two mayoral appointments being for initial 2-
 85 year terms, which shall count as a full term for purposes of
 86 term limits herein.

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

107 (4) The authority shall employ and fix the compensation of
 108 a managing director who shall manage the affairs of the
 109 authority under the supervision and control of the authority.
 110 Such managing director may be given any title suitable to the
 111 authority. The authority may employ such engineers, certified
 112 public accountants, consultants, and employees as it may
 113 require, and fix and pay their compensation. The authority may
 114 use any of the services available to governmental units through
 115 the Administration and Finance Department of the City of
 116 Jacksonville, but is not required by law to do so. However, the
 117 authority shall be required to use the legal services of the
 118 City of Jacksonville, except in those cases when the chief legal
 119 officer of the city determines that the city legal staff cannot
 120 provide legal services in the required legal area. Such use of
 121 city services, including, but not limited to, legal services,
 122 shall be on contractual basis and the authority is authorized to
 123 pay the city reasonable and fair compensation for such services
 124 so furnished by the city and used by the authority. The use by
 125 the authority of any such services furnished by the city shall
 126 not obligate the authority except to the extent it contracts
 127 with the city, or otherwise subject the authority to any rules,
 128 regulations, or ordinances of said city not otherwise applicable
 129 to the authority under this act and the charter of said city.
 130 The authority may delegate to one or more of its agents or
 131 employees such of its powers as it may deem necessary to carry
 132 out the purposes of this act, subject always to the supervision
 133 and control of the authority, and may do any and all things
 134 necessary to accomplish the purposes of this act.

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

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

145 (1) The term "bonds" means and embraces bonds, notes,
 146 certificates, and other financial obligations issued by the
 147 authority for financing or refinancing purposes, and except
 148 where otherwise required by the context, notes, and other
 149 instruments executed to evidence obligations of the authority
 150 for the repayment of borrowed funds.

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

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

155 (4) The term "federal agency" means and includes the
 156 United States, the President of the United States, and any
 157 department of, or corporation, agency, or instrumentality
 158 thereof, heretofore or hereafter created, designated, or
 159 established by the United States.

160 (5) Words importing singular number shall include the
 161 plural number in each case and vice versa, and words importing
 162 persons shall include firms and corporations.

HB 1647

2004
CS

163 (6) The term "project" embraces any one or any combination
 164 of 2 or more of the following, to wit: facilities for the
 165 construction, manufacture, repair, or maintenance of airplanes,
 166 helicopters, and aircraft of all kinds, and other facilities,
 167 directly or indirectly related to the promotion and development,
 168 of airborne and airport activities, commerce, travel,
 169 exploration, and researching, and other airport facilities of
 170 all kinds, including, but not limited to, landings, ramps,
 171 runways, taxiways, warehouses, terminals, refrigerating, and
 172 cold storage plants and facilities, tiedown and parking areas
 173 and facilities, intermodal and railroad and air and motor
 174 terminals for passengers, freight, exploration, and research,
 175 rolling stock, airplanes, helicopters, conveyors, and appliances
 176 of all kinds for the handling, storage, inspection, and
 177 transportation of freight and the handling of passenger traffic,
 178 mail, express, and freight, administration and service
 179 buildings, toll highways, tunnels, causeways, and bridges
 180 connected therewith or incident or auxiliary thereto, and may
 181 include all property, structures, facilities, rights, easements,
 182 and franchises relating to any such project deemed necessary or
 183 convenient for the acquisition, construction, purchase, or
 184 operation thereof. The authority is authorized to use such of
 185 its real property as it deems fit for facilities for
 186 recreational programs and activities, provided, however, that
 187 such programs and activities are approved by a simple majority
 188 vote of the Jacksonville City Council.

189 (7) The term "cost," as applied to improvements, means the
 190 cost of constructing or acquiring improvements as hereinabove

HB 1647

2004
CS

191 defined and shall embrace the cost of all labor and materials,
 192 the cost of all machinery and equipment, financing charges, the
 193 cost of engineering and legal expenses, plans, specifications,
 194 and such other expenses as may be necessary or incident to such
 195 construction or acquisition.

196 (8) The term "cost," as applied to a project acquired,
 197 constructed, extended, or enlarged, includes the purchase price
 198 of any project acquired, the cost of improvements, the cost of
 199 such construction, extension, or enlargement, the cost of all
 200 lands, properties, rights, easements, and franchises acquired,
 201 the cost of all machinery and equipment, financing charges,
 202 interest during construction, and if deemed advisable, for up to
 203 1 year after completion of construction, cost of investigations
 204 and audits, and of engineering and legal services, and all other
 205 expenses necessary or incident to determining the feasibility or
 206 practicability of such acquisition or construction,
 207 administrative expense, and such other expenses as may be
 208 necessary or incident to the financing herein authorized and to
 209 the acquisition or construction of a project and the placing of
 210 the same in operation. Any cost, obligation or expense incurred
 211 by the authority prior to the issuance of revenue bonds under
 212 the provisions of this act including, without limitation, costs
 213 for engineering studies and for estimates of cost and of revenue
 214 and for other technical, financial, or legal services in
 215 connection with the acquisition or construction of any project
 216 may be regarded as a part of the cost of such project.

217 Section 3. Powers.--The authority shall have the below
 218 specified powers (in addition to other powers otherwise

HB 1647

2004
CS

219 conferred by law) and shall also have all powers that relate to
 220 airport issues vested in the former Jacksonville Port Authority:

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

232 (2) To adopt rules and regulations with reference to all
 233 projects and matters under the control of the authority. All
 234 rules and regulations promulgated and all impositions and
 235 exactions made by the authority hereof shall be just and
 236 reasonable and consistent with public interest and their
 237 application shall be subject to review by certiorari in any
 238 court of proper and competent jurisdiction. All rules and
 239 regulations shall be a matter of public record (except as
 240 otherwise provided by applicable law) and copies thereof shall
 241 be dispensed at cost to all applicants therefor.

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

245 (4) Subject to the jurisdiction of the United States and
 246 the State of Florida, to construct, establish, improve, maintain

HB 1647

2004
CS

247 and/or manage (directly or indirectly through management
 248 agreements, consulting agreements or other similar arrangements)
 249 airports and related facilities within or outside the county,
 250 all upon such terms and conditions as may be determined by the
 251 authority and not prohibited by the United States and the State
 252 of Florida.

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

261 (6) To issue revenue bonds, payable solely from revenues,
 262 to pay all or a part of the cost of acquisition, construction,
 263 extension, enlargement, improvement, or modernization of any
 264 project and to pledge the revenues to secure the payment of
 265 bonds.

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

270 (8) To make and enter into all contracts and agreements
 271 and to do and perform all acts and deeds necessary and
 272 incidental to the performance of the duties of the authority and
 273 the exercise of its powers; to make and execute leases or
 274 agreements for the use and occupation of the property and/or

HB 1647

2004
CS

275 projects under the control of the authority on such terms,
276 conditions, and period of time as it may determine; and to sell
277 and dispose of such property and/or projects as shall no longer
278 be needed for the uses and purposes of the authority on such
279 terms and conditions as shall be prescribed by resolution of the
280 authority; however, before disposing of any real property which
281 was acquired from either the city or county, other than by
282 purchase or by swap, the authority shall give written notice to
283 the governmental unit from which such real property was
284 acquired. If said governmental unit desires to accept a
285 reconveyance of said real property, it shall give the authority
286 written notice of such intention within 30 days from the date of
287 mailing of the authority's notice regarding the disposal of such
288 property, and the authority shall make the reconveyance of such
289 property to said governmental unit forthwith. If within such 30
290 days, said governmental unit does not notify the authority in
291 writing of a desire to accept a reconveyance of said property or
292 refuses to accept a reconveyance of same the authority may sell
293 and dispose of same on such terms and conditions as shall be
294 prescribed by resolution of the authority. The authority shall
295 not sell real property for less than the appraised value.

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

HB 1647

2004
CS

303 adopt in the regulation of the airports and related facilities
 304 under its control.

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

308 (11) To solicit air carriers, shipping lines, intermodal
 309 or common carriers, and other businesses and to do all things
 310 necessary or advisable to promote commerce and increase
 311 passenger traffic and freight tonnage through the airports
 312 operated by the authority; to publicize, advertise, and promote
 313 the activities and projects authorized by this act and to
 314 promote the objects of the authority in the manner set forth by
 315 resolution of the authority; to make known to the users,
 316 potential users, and public in general the advantages,
 317 facilities, resources, products, attractions, and attributes of
 318 the activities and projects authorized by this act; to further
 319 create a favorable climate of opinion concerning the activities
 320 and projects authorized and indicated by this act; to cooperate,
 321 including expenditure of funds, to and with other agencies, both
 322 public and private, in accomplishing the purposes enumerated and
 323 indicated by this act; and in furtherance thereof, to authorize
 324 expenditures for any and all of the purposes herein enumerated,
 325 including, but not limited to, meals, hospitality, and
 326 entertainment of persons in the interest of promoting and
 327 engendering good will toward the activities and projects herein
 328 authorized, provided, however, that funds obtained under
 329 chapters 159 and 315 Florida Statutes may not be used for such
 330 purposes. Whenever an expenditure of funds for any of the

HB 1647

2004
CS

331 foregoing purposes is made by a member or employee of the
 332 authority, the authority may reimburse such member or employee
 333 therefor, but only in the manner duly authorized by the
 334 authority.

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

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

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

HB 1647

2004
CS

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

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

379 (17) To enter into contracts with utility companies or
 380 others for the supplying by said utility companies or others of
 381 water, electricity, or telephone service to or in connection
 382 with any project.

383 (18) To pledge by resolution or contract the revenues
 384 arising from the operation of any project or projects owned and
 385 operated by the authority, or under its control, to the payment

386 of the cost of operation, maintenance, repair, improvement,
387 extension, or enlargement of the project or projects from the
388 operation of which such revenues are received and for the
389 payment of principal and interest on bonds issued in connection
390 with any such project or projects and to combine for financing
391 purposes any two or more projects constructed or acquired by
392 such authority under the provisions of this act. In any such
393 case the authority may adopt separate budgets for the operation
394 of such project or projects. In every such case such revenues
395 shall be expended exclusively for the payment of the costs of
396 operation, maintenance, repair, improvement, extension, and
397 enlargement of the project or projects from the operation of
398 which such revenues arise, for the performance of the
399 authority's contracts in connection with such project or
400 projects, and for the payment of principal of premium, if any,
401 and interest requirements of any bonds issued in connection with
402 the project or projects. Any surplus of such funds remaining on
403 hand at the end of any year shall be carried forward and may be
404 expended in the succeeding year for the payment of the costs of
405 operation of such project or projects or for the repair,
406 improvement, or extension thereof as the authority may
407 determine, unless such surplus has been pledged for the payment
408 of principal of premium, if any, and interest on bonds, in which
409 event any such surplus shall be applied in accordance with the
410 resolution pledging the same.

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

HB 1647

2004
CS

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

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

419 Section 4. Issuance of bonds.--

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

430 (2) The bonds of each issue shall be authorized by
 431 resolution of the authority and shall be dated, shall mature at
 432 such time or times not exceeding 40 years from their date or
 433 dates, as may be determined by the authority, and may be made
 434 redeemable before maturity, at the option of the authority, at
 435 such price or prices and under such terms and conditions as may
 436 be fixed by the authority prior to the issuance of the bonds.
 437 The authority shall determine the form of bonds, including any
 438 interest coupons to be attached thereto, and the manner of
 439 execution of the bonds and shall fix the denomination or
 440 denominations of the bonds and the place or places of payment of

441 principal and interest, which may be at any bank or trust
 442 company within or without the state. The resolution authorizing
 443 the issuance of the bonds shall contain such provisions relating
 444 to the use of the proceeds from the sale of the bonds and for
 445 the protection and security of holders of the bonds, including
 446 their rights and remedies, and the rights, powers, privileges,
 447 duties, and obligations of the authority with respect to the
 448 same, as shall be determined by the authority. In case any
 449 officer whose signature or facsimile of whose signature shall
 450 appear on any bonds or coupons shall cease to be such officer
 451 before the delivery of such bonds, such signature or such
 452 facsimile shall nevertheless be valid and sufficient for all
 453 purposes to the same extent as if such officer had remained in
 454 office until such delivery. The bonds may be issued in coupon
 455 registered or book entry form, as the authority may determine,
 456 and provisions may be made for the registration of any coupon
 457 bonds as to principal alone and also as to both principal and
 458 interest and for the reconversion into coupon bonds of any bonds
 459 registered as to both principal and interest.

460 (3) Prior to any public sale of bonds, the authority may,
 461 in addition to any other publication and notice to the financial
 462 community, cause notice to be given by publication in a daily
 463 newspaper published and having a general circulation in the city
 464 that the authority will receive bids for the purchase of the
 465 bonds at the office of the authority in the city. Said notice
 466 may be published once not less than 15 days prior to the date
 467 set for receiving the bids. Said notice may specify the amount
 468 of the bonds offered for sale, state that the bids shall be

HB 1647

2004
CS

469 sealed bids, and give the schedule of the maturities of the
470 proposed bonds and such other pertinent information as may be
471 prescribed in the resolution authorizing the issuance of such
472 bonds or any resolution subsequent thereto. Bidders may be
473 invited to name the rate or rates of interest which the bonds
474 are to bear or the authority may name rates of interest and
475 invite bids thereon. In addition to publication of notice of the
476 proposed sale, a copy of such advertisement may be given to the
477 Florida Division of Bond Finance and to at least three
478 recognized bond dealers in the state, in the time established by
479 applicable law.

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

HB 1647

2004
CS

497 the date of the various stated maturities thereof, and deducting
 498 therefrom the amount of any premium offered in excess of the par
 499 value of the bonds or adding thereto the amount of any discount
 500 offered below the par value of the bonds with interest computed
 501 on a 360-day basis. Pending the preparation of definitive bonds,
 502 interim bonds may be issued to the purchaser or purchasers of
 503 such bonds and may contain such terms and conditions as the
 504 authority may determine.

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

517 (6) No general obligation bonds shall be issued by the
 518 authority hereunder unless the issuance of such bonds shall have
 519 been approved by a majority of the votes cast by qualified
 520 voters in an election held for such purpose. Whenever the
 521 authority, by resolution, requests the council of the City of
 522 Jacksonville to hold such an election, said council shall, on
 523 behalf of the authority, hold, conduct, canvass, and announce
 524 the results of such election in accordance with the procedure

525 prescribed by law for the issuance of county bonds. The expenses
 526 of such election shall be paid by the authority. In no event
 527 shall such general obligation bonds be construed or considered
 528 to be bonds of the City of Jacksonville or any other
 529 municipality but shall be solely bonds of the authority that
 530 issues the bonds.

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

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

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

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

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

577 Section 6. Rights of bondholders.--All bonds issued by the
 578 City of Jacksonville or the former Jacksonville Port Authority
 579 related to properties transferred to the authority and bonds

HB 1647

2004
CS

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

588 Section 7. Rights of employees.--

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

HB 1647

2004
CS

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

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

HB 1647

2004
CS

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

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

664 Section 9. Audits; bonds.--The authority shall issue
 665 quarterly and annually financial reports of its operations and
 666 shall also cause annual audits to be made of its operations and
 667 affairs by an independent certified public accountant, in such
 668 detail as may be necessary to show the financial operation and
 669 status of the authority, and the same shall be preserved as
 670 public records of the authority. The authority's records may be
 671 audited at any time by the Council Auditor of the City of
 672 Jacksonville. Members of the authority shall be required to give
 673 a good and sufficient surety bond in the sum of \$50,000, payable
 674 to the City of Jacksonville, conditioned upon the faithful
 675 performance of their duties as members of the authorities. Such
 676 bonds shall be approved by and filed with the clerk of the
 677 circuit court of Duval County, and the premium or premiums
 678 thereon shall be paid by the authority as a necessary expense of
 679 the authority. The authority shall have power to require its
 680 managing director and such others of its employees as they may
 681 deem necessary to furnish good and sufficient surety bond in
 682 such sum as the authority shall require, conditioned upon the
 683 faithful performance of duties, and to pay the premium or
 684 premiums thereon as a necessary expense of the authority.

685 Section 10. Award of contracts.--

686 (1) If the total cost, value, or amount of construction,
 687 reconstruction, repairs, or work of any nature, including the
 688 labor and materials, exceeds \$50,000 when purchased by the
 689 authority, any such construction, reconstruction, repairs, or
 690 work exceeding the foregoing amount established for the
 691 authority shall be done only under contract or contracts to be

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

720 (2) All supplies, equipment, machinery, and materials
 721 exceeding \$25,000 in cost purchased by the authority shall be
 722 purchased by the authority only after due advertisement as
 723 provided hereinafter. When purchasing supplies, equipment,
 724 machinery, and materials pursuant to competitive bid as mandated
 725 herein, the authority shall accept the lowest bid or bids, kind,
 726 quality, and material being equal but the authority shall have
 727 the right to reject any or all bids or select a single item from
 728 any bid. The provision as to bidding shall not apply to the
 729 purchase of patented and manufactured products offered for sale
 730 in a noncompetitive market or solely by a manufacturer's
 731 authorized dealer.

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

738 (4) Subject to the aforesaid provisions, the authority
 739 may, but without intending by this provision to limit any powers
 740 of the authority, enter into and carry out such contract or
 741 establish or comply with such rules and regulations concerning
 742 labor and materials and other related matters in connection with
 743 any project, or portion thereof, as the authority may deem
 744 desirable or as may be requested by the federal or state
 745 government assisting in the financing of its projects, and
 746 facilities related thereto, or any part thereof, provided the
 747 provisions of this subsection shall not apply to any case in

HB 1647

2004
CS

748 which the authority has taken over by transfer or assignment any
749 contract assigned to it or assumed by it in connection with the
750 transfer of city and county properties authorized under the
751 provisions of sections 11 and 12, or to any contract in
752 connection with projects which the authority may have had
753 transferred to it by any persons or private corporations, and
754 further provided the provisions of this section shall not apply
755 to any contract or agreement between the authority and any
756 engineers, architects, attorneys, or other professional services
757 or to any contract or agreement relating to fiscal advisors,
758 fiscal agents, or investment bankers, relating to the financing
759 of projects herein authorized.

760 Section 11. Execution of instruments; examination of
761 claims.--All instruments in writing necessary to be signed by
762 the authority shall be executed by its chair and secretary. The
763 authority may, by resolution, designate one or more officers,
764 members, employees, or agents of such authority to execute
765 instruments in writing where it is necessary that such
766 instruments be signed by the authority. No expenditure of funds
767 of the authority shall be made except by voucher approved by the
768 authority and signed by its chair and secretary, or by one or
769 more officers, members, or employees of the authority as the
770 authority may designate by resolution. The foregoing authority
771 of the chair may be exercised by the vice chair in the absence
772 of the chair and the foregoing authority of the secretary may be
773 exercised by an assistant secretary designated by the authority
774 in the absence of the secretary. The authority shall provide for
775 the examination of all payrolls, bills, and other claims and

776 demands against the authority to determine before the same are
 777 paid that they are duly authorized, in proper form, correctly
 778 computed, legally due and payable, and that the authority has
 779 funds on hand to make payment.

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

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

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

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

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

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

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

809 Section 14. Declaration of purposes.--The authority
 810 created by this act and the purposes which it is intended to
 811 serve is hereby found to be for a county and public purpose.
 812 Such authority is a political subdivision of the State of
 813 Florida, local governmental body within the meaning of section
 814 10(c)(2), Article VII of the State Constitution. Nothing in this
 815 act is intended to create an entity which is exempt from ad
 816 valorem taxation except as otherwise set forth by applicable
 817 law.

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

HB 1647

2004
CS

831 states that the authority possesses a certain power does not
832 mean that the authority must exercise such power unless this
833 article specifically so requires.

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

840 Section 4. Effective on the effective date defined below,
841 chapters 2001-319, 2002-349, and 2003-341, Laws of Florida, are
842 hereby repealed.

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