

1 A bill to be entitled

2 An act relating to the Jacksonville Airport Authority,
3 Consolidated City of Jacksonville, Duval County; creating
4 and establishing separate charter provisions concerning
5 the airport authority known as the Jacksonville Airport
6 Authority, which was established effective October 1,
7 2001, pursuant to chapter 2001-319, Laws of Florida, as
8 amended; establishing the separate airport authority as a
9 county authority, providing for governing bodies,
10 appointment of members, terms, staggered terms, rules of
11 procedure, providing for employment of a managing director
12 and other employees, providing for interrelations with and
13 use of services of the City of Jacksonville; providing
14 definitions; establishing powers; providing for issuance
15 of bonds; providing for budgetary and financial matters;
16 providing for rights of bondholders; providing rights of
17 employees and participation in the Florida Retirement
18 System; providing for cooperation with other entities;
19 providing for audits and bonds; providing for purchasing,
20 procurement, and award of contracts; providing for
21 execution of instruments and examination of claims;
22 providing for transfer, effective October 1, 2001, of
23 assets and liabilities from the former consolidated
24 Jacksonville Port Authority to the separate airport
25 authority and for assumption of responsibilities; making
26 the Port Facilities Financing Act applicable to airport
27 operations; declaring a county and public purpose;

28 providing for liberal construction; providing for
 29 severability; providing an effective date.

30
 31 Be It Enacted by the Legislature of the State of Florida:

32
 33 Section 1. Section 1. Creation of Jacksonville Airport
 34 Authority.--

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

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

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

82 (3) The authority shall elect a chair, vice chair,
83 secretary, and treasurer from its members, and such other

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

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

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

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

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

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

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

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

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

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

158 (6) The term "project" embraces any one or any combination
 159 of two or more of the following, to wit: facilities for the
 160 construction, manufacture, repair, or maintenance of airplanes,
 161 helicopters, and aircraft of all kinds; other facilities,
 162 directly or indirectly related to the promotion and development
 163 of airborne and airport activities, commerce, travel,
 164 exploration, and researching; and other airport facilities of
 165 all kinds, including, but not limited to, landings, ramps,
 166 runways, taxiways, warehouses, terminals, refrigeration, and
 167 cold storage plants and facilities, tiedown and parking areas

168 and facilities, intermodal, railroad, air, and motor terminals
 169 for passengers, freight, exploration, and research, rolling
 170 stock, airplanes, helicopters, conveyors, and appliances of all
 171 kinds for the handling, storage, inspection, and transportation
 172 of freight and the handling of passenger traffic, mail, express,
 173 and freight, administration and service buildings, toll
 174 highways, tunnels, causeways, and bridges connected therewith or
 175 incident or auxiliary thereto, and may include all property,
 176 structures, facilities, rights, easements, and franchises
 177 relating to any such project deemed necessary or convenient for
 178 the acquisition, construction, purchase, or operation thereof.
 179 The authority is authorized to use such of its real property as
 180 it deems fit for facilities for recreational programs and
 181 activities, provided, however, that such programs and activities
 182 are approved by a simple majority vote of the Jacksonville City
 183 Council.

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

191 (8) The term "cost," as applied to a project acquired,
 192 constructed, extended, or enlarged, includes the purchase price
 193 of any project acquired, the cost of improvements, the cost of
 194 such construction, extension, or enlargement, the cost of all
 195 lands, properties, rights, easements, and franchises acquired,

196 the cost of all machinery and equipment, financing charges,
 197 interest during construction, and, if deemed advisable, for up
 198 to 1 year after completion of construction, cost of
 199 investigations and audits, and of engineering and legal
 200 services, and all other expenses necessary or incident to
 201 determining the feasibility or practicability of such
 202 acquisition or construction, administrative expense, and such
 203 other expenses as may be necessary or incident to the financing
 204 herein authorized and to the acquisition or construction of a
 205 project and the placing of the same in operation. Any cost,
 206 obligation or expense incurred by the authority prior to the
 207 issuance of revenue bonds under the provisions of this act,
 208 including, without limitation, costs for engineering studies and
 209 for estimates of cost and of revenue and for other technical,
 210 financial, or legal services in connection with the acquisition
 211 or construction of any project, may be regarded as a part of the
 212 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
 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
 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
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; to
295 establish, limit, and control the use of any project as may be
296 deemed necessary to ensure the proper operation of the project;
297 and to impose sanctions to promote and enforce compliance with
298 any rule or regulation which the authority may adopt in the
299 regulation of the airports and related facilities under its
300 control.

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

305 (11) To solicit air carriers, shipping lines, intermodal
306 or common carriers, and other businesses and to do all things
307 necessary or advisable to promote commerce and increase

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

332 (12) To receive and accept from any federal or state
 333 agency grants for or in aid of the construction, improvement, or
 334 operation of any project and to receive and accept contributions

335 | from any source of money, property, labor, or other things of
 336 | value.

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

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

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

361 | (16) To grant exclusive or nonexclusive franchises to
 362 | persons, firms, or corporations for the operation of airport

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

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

380 (18) To pledge by resolution or contract the revenues
 381 arising from the operation of any project or projects owned and
 382 operated by the authority, or under its control, to the payment
 383 of the cost of operation, maintenance, repair, improvement,
 384 extension, or enlargement of the project or projects from the
 385 operation of which such revenues are received and for the
 386 payment of principal and interest on bonds issued in connection
 387 with any such project or projects and to combine for financing
 388 purposes any two or more projects constructed or acquired by the
 389 authority under the provisions of this act. In any such case the
 390 authority may adopt separate budgets for the operation of such

391 project or projects. In every such case such revenues shall be
 392 expended exclusively for the payment of the costs of operation,
 393 maintenance, repair, improvement, extension, and enlargement of
 394 the project or projects from the operation of which such
 395 revenues arise, for the performance of the authority's contracts
 396 in connection with such project or projects, and for the payment
 397 of principal of premium, if any, and interest requirements of
 398 any bonds issued in connection with the project or projects. Any
 399 surplus of such funds remaining on hand at the end of any year
 400 shall be carried forward and may be expended in the succeeding
 401 year for the payment of the costs of operation of such project
 402 or projects or for the repair, improvement, or extension thereof
 403 as the authority may determine, unless such surplus has been
 404 pledged for the payment of principal of premium, if any, and
 405 interest on bonds, in which event any such surplus shall be
 406 applied in accordance with the 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 section 10(c)(2), Article VII 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.
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.

456 (3) Prior to any public sale of bonds, the authority may,
457 in addition to any other publication and notice to the financial
458 community, cause notice to be given by publication in a daily
459 newspaper published and having a general circulation in the city
460 that the authority will receive bids for the purchase of the
461 bonds at the office of the authority in the city. Said notice
462 may be published once not less than 15 days prior to the date
463 set for receiving the bids. Said notice may specify the amount
464 of the bonds offered for sale, state that the bids shall be
465 sealed bids, and give the schedule of the maturities of the
466 proposed bonds and such other pertinent information as may be
467 prescribed in the resolution authorizing the issuance of such
468 bonds or any resolution subsequent thereto. Bidders may be
469 invited to name the rate or rates of interest which the bonds
470 are to bear or the authority may name rates of interest and
471 invite bids thereon. In addition to publication of notice of the
472 proposed sale, a copy of such advertisement may be given to the
473 Florida Division of Bond Finance and to at least three

474 recognized bond dealers in the state in the time established by
475 applicable law.

476 (4) Except as otherwise provided in this subsection, bonds
477 and refunding bonds issued pursuant to this act may be sold at
478 public sale and shall be awarded to the bidder whose bid
479 produces the lowest true interest cost to the authority. The
480 authority shall reserve the right to reject any or all bids.
481 Notwithstanding the foregoing, bonds and refunding bonds issued
482 pursuant to this act may be sold at private sale at such price
483 or prices as the authority shall determine to be in its best
484 interest. However, any price less than 100 percent of par value
485 shall be subject to section 215.84, Florida Statutes, as it may
486 be amended from time to time. In no event shall said bonds be
487 sold at a net interest cost to the authority in excess of the
488 legal limit, as established by section 215.84, Florida Statutes,
489 or according to said section as it may be amended from time to
490 time. The net interest cost of bonds shall be determined by
491 taking the aggregate amount of interest at the rate or rates
492 specified in the bonds, computed from the date of the bonds to
493 the date of the various stated maturities thereof, and deducting
494 therefrom the amount of any premium offered in excess of the par
495 value of the bonds or adding thereto the amount of any discount
496 offered below the par value of the bonds with interest computed
497 on a 360-day basis. Pending the preparation of definitive bonds,
498 interim bonds may be issued to the purchaser or purchasers of
499 such bonds and may contain such terms and conditions as the
500 authority may determine.

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

513 (6) No general obligation bonds shall be issued by the
 514 authority hereunder unless the issuance of such bonds shall have
 515 been approved by a majority of the votes cast by qualified
 516 voters in an election held for such purpose. Whenever the
 517 authority, by resolution, requests the council of the City of
 518 Jacksonville to hold such an election, said council shall, on
 519 behalf of the authority, hold, conduct, canvass, and announce
 520 the results of such election in accordance with the procedure
 521 prescribed by law for the issuance of county bonds. The expenses
 522 of such election shall be paid by the authority. In no event
 523 shall such general obligation bonds be construed or considered
 524 to be bonds of the City of Jacksonville or any other
 525 municipality but shall be solely bonds of the authority that
 526 issues the bonds.

527 (7) The authority is authorized to borrow money and to
 528 issue notes for any purpose or purposes for which bonds may be

529 issued under the provisions of this act and to refund the same
530 and to issue notes in anticipation of the receipt of the
531 proceeds of the sale of any such bonds.

532 (8) Subject to the restrictions contained in subsections
533 (2), (3), and (4) of this section, the authority shall have the
534 power to provide for the issuance of refunding bonds of the
535 authority for the purpose of refunding any revenue bonds or
536 general obligation bonds, or any combination of general
537 obligation or revenue bonds then outstanding which have been
538 assumed by the authority or issued for the purpose of financing
539 the cost of making enlargements, extensions, and improvements to
540 any project acquired, constructed, or operated under the
541 provisions of this act. The authority is further authorized to
542 provide for the issuance of revenue bonds or general obligation
543 bonds, or any combination thereof, of the authority for the
544 combined purpose of:

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

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

557 | resolution of the authority authorizing the issuance of such
 558 | bonds.

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

573 | Section 6. Rights of bondholders.--All bonds issued by the
 574 | City of Jacksonville or the former Jacksonville Port Authority
 575 | related to properties transferred to the authority and bonds
 576 | issued under authority of chapter 63-1447, Laws of Florida,
 577 | remain the liability, responsibility, and obligation of the
 578 | issuer and the rights of the holders of existing outstanding
 579 | bonds shall be unimpaired. Rights, duties, and obligations of
 580 | the authority with respect to the property, and any bonds
 581 | related thereto, transferred to it by the City of Jacksonville
 582 | or the former Jacksonville Port Authority are ratified and
 583 | remain unchanged.

584 | Section 7. Rights of employees.--

585 (1) Except as provided in subsection (2), all employment
586 rights and employee benefits authorized under section 11,
587 chapter 63-1447, Laws of Florida, as amended, are hereby
588 confirmed, ratified, and continued, notwithstanding the repeal
589 of said chapter 63-1447, Laws of Florida, as amended. Effective
590 October 1, 2001, in order to preserve the rights of employees of
591 the former Jacksonville Port Authority to continue participation
592 in the Florida Retirement System pursuant to chapter 121,
593 Florida Statutes, the authority created by this act (and its
594 predecessor act) shall be a county agency and employees of the
595 authority shall participate in the Florida Retirement System,
596 notwithstanding any law to the contrary. Effective October 1,
597 2001, those employees of the former Jacksonville Port Authority
598 who were assigned to any activity related to the operation of
599 the airport facilities shall become employees of the
600 Jacksonville Airport Authority created by this act (and its
601 predecessor act). Effective October 1, 2001, central
602 administrative employees shall be employed by either the
603 Jacksonville Airport Authority or the Jacksonville Port
604 Authority, formerly known as the Jacksonville Seaport Authority,
605 created by this act (and its predecessor act) or as otherwise
606 agreed by both. It is expressly provided that none of those
607 employees of the former Jacksonville Port Authority who remain
608 with the authority created by this act (and its predecessor act)
609 shall lose any rights or benefits of whatsoever kind or nature
610 afforded to them by any law, ordinance, collective bargaining
611 agreement, or existing policy or plan, including, but not
612 limited to, pension benefits by virtue of the change in

613 corporate structure. In order to effectively implement the
614 foregoing, the authority shall perform all functions with regard
615 to its own employees that prior to the operation of the two
616 authorities created by this act (and its predecessor act) were
617 performed by the former Jacksonville Port Authority. In order to
618 specifically preserve the rights of employees of the former
619 Jacksonville Port Authority to continue participation in the
620 Florida Retirement System, pursuant to chapter 121, Florida
621 Statutes, the authority created by this act (and its predecessor
622 act) shall be a county authority and employees of this authority
623 who are currently participating in the Florida Retirement System
624 and all employees of the authority after October 1, 2001, shall
625 be eligible to participate in the Florida Retirement System.

626 (2) Effective October 1, 2001, the Jacksonville Airport
627 Authority firefighters shall be merged into the City of
628 Jacksonville's Fire and Rescue Department and shall become
629 employees of the City of Jacksonville; however, with respect to
630 pension benefits such Jacksonville Airport Authority Fire
631 Department employees shall have a one-time option to continue
632 participation in the Florida Retirement System or to participate
633 in the City of Jacksonville Police and Fire Pension Fund. Such
634 option must be exercised no later than November 1, 2001. Upon
635 such merger, firefighting services for the airports owned and
636 operated by the Jacksonville Airport Authority shall be provided
637 by the Fire and Rescue Department of the City of Jacksonville
638 pursuant to a written contract to be entered into by and between
639 the City of Jacksonville and the Jacksonville Airport Authority.
640 Notwithstanding any provision in this act to the contrary, such

641 merger and contract shall become effective October 1, 2001. If
642 any firefighter who has vested in the Florida Retirement System
643 exercises the option to become a member of the City of
644 Jacksonville Police and Fire Pension Fund, such vested time
645 shall not be included in the City of Jacksonville Police and
646 Fire Pension Fund.

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

660 Section 9. Audits; bonds.--The authority shall issue
661 quarterly and annually financial reports of its operations and
662 shall also cause annual audits to be made of its operations and
663 affairs by an independent certified public accountant, in such
664 detail as may be necessary to show the financial operation and
665 status of the authority, and the same shall be preserved as
666 public records of the authority. The authority's records may be
667 audited at any time by the Council Auditor of the City of
668 Jacksonville. Members of the authority shall be required to give

669 a good and sufficient surety bond in the sum of \$50,000, payable
670 to the City of Jacksonville, conditioned upon the faithful
671 performance of their duties as members of the authority. Such
672 bonds shall be approved by and filed with the clerk of the
673 circuit court of Duval County, and the premium or premiums
674 thereon shall be paid by the authority as a necessary expense of
675 the authority. The authority shall have power to require its
676 managing director and such others of its employees as they may
677 deem necessary to furnish good and sufficient surety bond in
678 such sum as the authority shall require, conditioned upon the
679 faithful performance of duties, and to pay the premium or
680 premiums thereon as a necessary expense of the authority.

681 Section 10. Award of contracts.--

682 (1) If the total cost, value, or amount of construction,
683 reconstruction, repairs, or work of any nature, including the
684 labor and materials, exceeds \$50,000 when purchased by the
685 authority, any such construction, reconstruction, repairs, or
686 work exceeding the foregoing amount established for the
687 authority shall be done only under contract or contracts to be
688 entered into by the authority with the lowest responsible bidder
689 upon proper terms and after due public notice has been given
690 asking for competitive bids as hereinafter provided. The
691 foregoing requirement for competitive bidding shall not apply to
692 construction, reconstruction, repairs, or work done by employees
693 of the authority or by labor supplied under agreement with the
694 Federal Government or state government. The authority shall keep
695 a current list of responsible bidders and, whenever the
696 authority shall award a contract, the bidder shall come from

697 such list. No contract shall be entered into for construction,
698 improvement, or repair of any project, or any part thereof,
699 unless the contractor shall have given an undertaking with a
700 sufficient surety or sureties, approved by the authority and in
701 an amount fixed by the authority, for the faithful performance
702 of the contract. All such contracts shall provide, among other
703 things, that the person or corporation entering into such
704 contract with the authority will pay for all materials furnished
705 and services rendered for the performance of the contract and
706 that any person or corporation furnishing such materials or
707 rendering such services may maintain an action to recover for
708 the same against the obligor in the undertaking, as though such
709 person or corporation were named therein, provided the action is
710 brought within 1 year after the time the cause of action
711 accrued. Nothing in this section shall be construed to limit the
712 power of the authority to construct any project, or any part
713 thereof, or any addition, betterment, or extension thereto,
714 directly by the officers, agents, and employees of the
715 authority, or otherwise, other than by contract.

716 (2) All supplies, equipment, machinery, and materials
717 exceeding \$25,000 in cost purchased by the authority shall be
718 purchased by the authority only after due advertisement as
719 provided hereinafter. When purchasing supplies, equipment,
720 machinery, and materials pursuant to competitive bid as mandated
721 herein, the authority shall accept the lowest bid or bids, kind,
722 quality, and material being equal, but the authority shall have
723 the right to reject any or all bids or select a single item from
724 any bid. The provision as to bidding shall not apply to the

725 purchase of patented and manufactured products offered for sale
 726 in a noncompetitive market or solely by a manufacturer's
 727 authorized dealer.

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

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

753 or to any contract or agreement relating to fiscal advisors,
 754 fiscal agents, or investment bankers, relating to the financing
 755 of projects herein authorized.

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

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

779 (1) All of the rights, title, and interests of the former
 780 Jacksonville Port Authority in and to its airport facilities,

781 including, without limitation, its real and personal property
782 and any interests therein, books, records, contracts, leases,
783 and all other property of any kind or nature related to the
784 operation of the airport, by operation of this act (and its
785 predecessor act), and without further act, to the authority.

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

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

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

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

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

805 Section 14. Declaration of purposes.--The authority
806 created by this act and the purposes which it is intended to
807 serve is hereby found to be for a county and public purpose. The
808 authority is a political subdivision of the State of Florida, a

809 local governmental body within the meaning of section 10(c)(2),
810 Article VII of the State Constitution. Nothing in this act is
811 intended to create an entity which is exempt from ad valorem
812 taxation except as otherwise set forth by applicable law.

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

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

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

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

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