

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Davis, D. offered the following:

2 **Amendment (with title amendment)**

3 Remove everything after the enacting clause and insert:

4 Section 1. Section 1. Creation of Jacksonville Port
5 Authority.--

6 (1) The charter provisions concerning the marine
7 operations of the former Jacksonville Port Authority established
8 pursuant to chapter 2001-319, Laws of Florida, as amended, are
9 hereby repealed and the following is created for the
10 Jacksonville Port Authority. There is hereby created and
11 established as of October 1, 2001 a separate body politic and
12 corporate to be known as the Jacksonville Port Authority
13 (formerly known as the Jacksonville Seaport Authority from
14 October 1, 2001 to July 16, 2003 and hereinafter referred to
15 singly as the "authority"), which is created as an agency and
16 political subdivision of the State of Florida in the nature of

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17 counties and not municipalities. This authority is authorized to
18 exercise its jurisdiction, powers, and duties within the
19 geographic area defined by the boundary lines of Duval County as
20 established by section 7.16, Florida Statutes, which boundary
21 lines also define the geographic area of the City of
22 Jacksonville, and outside such boundary lines as hereinafter
23 provided. The Jacksonville Port Authority shall operate, manage,
24 and control the publicly owned seaport and ancillary facilities
25 located within Duval County and outside such boundary lines as
26 hereinafter provided. The authority was separated from the
27 Jacksonville Airport Authority pursuant to chapter 2001-319,
28 Laws of Florida, as amended, and this separation shall be
29 reviewed for performance and efficiency after a period of 4
30 years from October 1, 2001.

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

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

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

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73 and employees of the authority shall be entitled to payment of
74 reasonable expenses as provided by the council of the City of
75 Jacksonville.

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

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101 out the purposes of this act, subject always to the supervision
102 and control of the authority, and may do any and all things
103 necessary to accomplish the purposes of this act.

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

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

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

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

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

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

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

132 (6) The term "project" embraces any one or any combination
133 of 2 or more of the following, to wit: facilities for the
134 construction, manufacture, repair, or maintenance of boats,
135 ships, and watercraft of all kinds, and other facilities,
136 directly or indirectly related to the promotion and development,
137 of waterborne and maritime activities and commerce, travel,
138 exploration, and researching, and other harbor, port, shipping,
139 and seaport facilities of all kinds, including, but not limited
140 to, harbors, channels, turning basins, anchorage areas, jetties,
141 breakwaters, waterways, canals, locks, tidal basins, wharves,
142 docks, piers, slips, bulkheads, warehouses, terminals,
143 refrigerating, and cold storage plants and facilities, parking
144 areas and facilities, intermodal and railroad and motor
145 terminals for passengers, freight, exploration, and research,
146 rolling stock, ferries, boats, conveyors, and appliances of all
147 kinds for the handling, storage, inspection, and transportation
148 of freight and the handling of passenger traffic, mail, express,
149 and freight, administration and service buildings, toll
150 highways, tunnels, causeways, and bridges connected therewith or
151 incident or auxiliary thereto, and may include all property,
152 structures, facilities, rights, easements, and franchises
153 relating to any such project deemed necessary or convenient for
154 the acquisition, construction, purchase, or operation thereof.
155 The authority is authorized to use such of its real property as
156 it deems fit for facilities for recreational programs and

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157 activities, provided, however, that such programs and activities
158 are approved by a simple majority vote of the Jacksonville City
159 Council.

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

167 (8) The term "cost," as applied to a project acquired,
168 constructed, extended, or enlarged, includes the purchase price
169 of any project acquired, the cost of improvements, the cost of
170 such construction, extension, or enlargement, the cost of all
171 lands, properties, rights, easements, and franchises acquired,
172 the cost of all machinery and equipment, financing charges,
173 interest during construction, and if deemed advisable, for up to
174 1 year after completion of construction, cost of investigations
175 and audits, and of engineering and legal services, and all other
176 expenses necessary or incident to determining the feasibility or
177 practicability of such acquisition or construction,
178 administrative expense, and such other expenses as may be
179 necessary or incident to the financing herein authorized and to
180 the acquisition or construction of a project and the placing of
181 the same in operation. Any obligation or expense incurred by the
182 authority prior to the issuance of revenue bonds under the
183 provisions of this act for engineering studies and for estimates
184 of cost and of revenue and for other technical, financial, or

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185 legal services in connection with the acquisition or
186 construction of any project may be regarded as a part of the
187 cost of such project.

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

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

204 (2) To adopt rules and regulations with reference to all
205 projects and matters under the control of the authority. All
206 rules and regulations promulgated and all impositions and
207 exactions made by the authority hereof shall be just and
208 reasonable and consistent with public interest and their
209 application shall be subject to review by certiorari in any
210 court of proper and competent jurisdiction. All rules and
211 regulations shall be a matter of public record (except as

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212 otherwise provided by applicable law) and copies thereof shall
213 be dispensed at cost to all applicants therefor.

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

217 (4) Subject to the jurisdiction of the United States and
218 the State of Florida, to construct, establish, and improve
219 harbors within the county, to improve navigable waters within
220 the county, and to construct and maintain canals, slips, turning
221 basins, and channels, all upon such terms and conditions as may
222 be required by the United States and the State of Florida.

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

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

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

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

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

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268 furnished by any project under the control of the authority, and
269 to establish, limit, and control the use of any project as may
270 be deemed necessary to ensure the proper operation of the
271 project; and to impose sanctions to promote and enforce
272 compliance with any rule or regulation which the authority may
273 adopt in the regulation of the ports, harbors, wharves, docks,
274 and other projects under its control.

275 (10) To fix the rates for wharfage, dockage, warehousing,
276 storage, and port and terminal charges for the use of the
277 facilities owned or operated by the authority.

278 (11) To solicit shipping lines, intermodal or common
279 carriers, and other businesses and to do all things necessary or
280 advisable to promote commerce and increase passenger traffic and
281 freight tonnage through the seaport operated by the authority;
282 to publicize, advertise, and promote the activities and projects
283 authorized by this act and to promote the objects of the
284 authority in the manner set forth by resolution of the
285 authority; to make known to the users, potential users, and
286 public in general the advantages, facilities, resources,
287 products, attractions, and attributes of the activities and
288 projects authorized by this act; to further create a favorable
289 climate of opinion concerning the activities and projects
290 authorized and indicated by this act; to cooperate, including
291 expenditure of funds, to and with other agencies, both public
292 and private, in accomplishing the purposes enumerated and
293 indicated by this act; and in furtherance thereof, to authorize
294 expenditures for any and all of the purposes herein enumerated,
295 including, but not limited to, meals, hospitality, and

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

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

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

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

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

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

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

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

353 (18) To pledge by resolution or contract the revenues
354 arising from the operation of any project or projects owned and
355 operated by the authority, or under its control, to the payment
356 of the cost of operation, maintenance, repair, improvement,
357 extension, or enlargement of the project or projects from the
358 operation of which such revenues are received and for the
359 payment of principal and interest on bonds issued in connection
360 with any such project or projects and to combine for financing
361 purposes any two or more projects constructed or acquired by the
362 authority under the provisions of this act. In any such case the
363 authority may adopt separate budgets for the operation of such
364 project or projects. In every such case such revenues shall be
365 expended exclusively for the payment of the costs of operation,
366 maintenance, repair, improvement, extension, and enlargement of
367 the project or projects from the operation of which such
368 revenues arise, for the performance of the authority's contracts
369 in connection with such project or projects, and for the payment
370 of principal of premium, if any, and interest requirements of
371 any bonds issued in connection with the project or projects. Any
372 surplus of such funds remaining on hand at the end of any year
373 shall be carried forward and may be expended in the succeeding
374 year for the payment of the costs of operation of such project
375 or projects or for the repair, improvement, or extension thereof
376 as the authority may determine, unless such surplus has been
377 pledged for the payment of principal of premium, if any, and
378 interest on bonds, as authorized in subsections (1)-(6) of

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379 section 4, in which event any such surplus shall be applied in
380 accordance with the resolution pledging the same.

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

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

387 (21) To appoint officers for the administration of
388 criminal justice as set forth by general law.

389 Section 4. Issuance of bonds.--

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

402 (2) The bonds of each issue shall be authorized by
403 resolution of the authority and shall be dated, shall mature at
404 such time or times not exceeding 40 years from their date or
405 dates, as may be determined by the authority, and may be made
406 redeemable before maturity, at the option of the authority, at

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

432 (3) Prior to any public sale of bonds, the authority may,
433 in addition to any other publication and notice to the financial
434 community, cause notice to be given by publication in a daily

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

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

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463 sold at a net interest cost to the authority in excess of the
464 legal limit, as established by section 215.84, Florida Statutes,
465 or according to said section as it may be amended from time to
466 time. The net interest cost of bonds shall be determined by
467 taking the aggregate amount of interest at the rate or rates
468 specified in the bonds, computed from the date of the bonds to
469 the date of the various stated maturities thereof, and deducting
470 therefrom the amount of any premium offered in excess of the par
471 value of the bonds or adding thereto the amount of any discount
472 offered below the par value of the bonds with interest computed
473 on a 360-day basis. Pending the preparation of definitive bonds,
474 interim bonds may be issued to the purchaser or purchasers of
475 such bonds and may contain such terms and conditions as the
476 authority may determine.

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

489 (6) No general obligation bonds shall be issued by the
490 authority hereunder unless the issuance of such bonds shall have

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491 been approved by a majority of the votes cast by qualified
492 voters in an election held for such purpose. Whenever the
493 authority, by resolution, requests the council of the City of
494 Jacksonville to hold such an election, said council shall, on
495 behalf of the authority, hold, conduct, canvass, and announce
496 the results of such election in accordance with the procedure
497 prescribed by law for the issuance of county bonds. The expenses
498 of such election shall be paid by the authority. In no event
499 shall such general obligation bonds be construed or considered
500 to be bonds of the City of Jacksonville or any other
501 municipality but shall be solely bonds of the authority that
502 issues the bonds.

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

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

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519 bonds, or any combination thereof, of the authority for the
520 combined purpose of:

521 (a) Paying the cost of enlargement, extension,
522 reconstruction, or improvement of any project or combination of
523 projects.

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

535 Section 5. Budget and finance.--The fiscal year of the
536 authority shall commence on October 1 of each year and end on
537 the following September 30. The authority shall prepare and
538 submit its budget to the council of the City of Jacksonville on
539 or before July 1 for the ensuing fiscal year. The council,
540 consistent with the provisions of the Charter of the City of
541 Jacksonville, may increase or decrease the appropriation
542 (budget) requested by the authority on a total basis or a line-
543 by-line basis; however, the appropriation for construction,
544 reconstruction, enlargement, expansion, improvement, or
545 development of any project or projects authorized to be
546 undertaken by the former Jacksonville Port Authority and the

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547 authority shall not be reduced below \$800,000 for each year that
548 the bonds to which the \$800,000 is pledged remain outstanding.

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

559 Section 7. Rights of employees.--All employment rights and
560 employee benefits authorized under section 11, chapter 63-1447,
561 Laws of Florida, as amended, are hereby confirmed, ratified, and
562 continued, notwithstanding the repeal of said chapter 63-1447,
563 Laws of Florida, as amended. Effective October 1, 2001, in order
564 to preserve the rights of employees of the former Jacksonville
565 Port Authority to continue participation in the Florida
566 Retirement System pursuant to chapter 121, Florida Statutes, the
567 authority created by this act (and its predecessor act) shall be
568 a county agency and employees of the authority shall participate
569 in the Florida Retirement System, notwithstanding any law to the
570 contrary. Effective October 1, 2001, those employees of the
571 Jacksonville Port Authority who were assigned to any activity
572 related to the operation of the marine facilities shall become
573 employees of the Jacksonville Port Authority created by this act
574 (and its predecessor act). Effective October 1, 2001, central

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

599 Section 8. Cooperation with other units, boards, agencies,
600 legal entities and persons.--Express authority and power is
601 hereby given and granted any county, municipality, drainage
602 district, road and bridge district, school district, or any

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603 other political subdivision, board, commission, or individual
604 in, or of, the state to make and enter into with the authority,
605 contracts, leases, conveyances, or other agreements within the
606 provisions and purposes of this act. The authority is hereby
607 expressly authorized to make and enter into contracts, leases,
608 conveyances, and other agreements with any political
609 subdivision, agency, or instrumentality of the state and any and
610 all federal agencies, legal entities and persons for the purpose
611 of carrying out the provisions of this act.

612 Section 9. Audits; bonds.--The authority shall issue
613 quarterly and annually financial reports of its operations and
614 shall also cause annual audits to be made of its operations and
615 affairs by an independent certified public accountant, in such
616 detail as may be necessary to show the financial operation and
617 status of the authority, and the same shall be preserved as
618 public records of the authority. The authority's records may be
619 audited at any time by the Council Auditor of the City of
620 Jacksonville. Members of the authority shall be required to give
621 a good and sufficient surety bond in the sum of \$50,000, payable
622 to the City of Jacksonville, conditioned upon the faithful
623 performance of their duties as members of the authority. Such
624 bonds shall be approved by and filed with the clerk of the
625 circuit court of Duval County, and the premium or premiums
626 thereon shall be paid by the authority as a necessary expense of
627 the authority. The authority shall have power to require its
628 managing director and such others of its employees as they may
629 deem necessary to furnish good and sufficient surety bond in
630 such sum as the authority shall require, conditioned upon the

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631 faithful performance of duties, and to pay the premium or
632 premiums thereon as a necessary expense of the authority.

633 Section 10. Award of contracts.--

634 (1) If the total cost, value, or amount of construction,
635 reconstruction, repairs, or work of any nature, including the
636 labor and materials, exceeds \$50,000 when purchased by the
637 authority, any such construction, reconstruction, repairs, or
638 work exceeding the foregoing amount established for the
639 authority shall be done only under contract or contracts to be
640 entered into by the authority with the lowest responsible bidder
641 upon proper terms and after due public notice has been given
642 asking for competitive bids as hereinafter provided. The
643 foregoing requirement for competitive bidding shall not apply to
644 construction, reconstruction, repairs, or work done by employees
645 of the authority or by labor supplied under agreement with the
646 federal or state government. The authority shall keep a current
647 list of responsible bidders and, whenever the authority shall
648 award a contract, the bidder shall come from such list. No
649 contract shall be entered into for construction, improvement, or
650 repair of any project, or any part thereof, unless the
651 contractor shall have given an undertaking with a sufficient
652 surety or sureties, approved by the authority, and in an amount
653 fixed by the authority, for the faithful performance of the
654 contract. All such contracts shall provide, among other things,
655 that the person or corporation entering into such contract with
656 the authority shall pay for all materials furnished and services
657 rendered for the performance of the contract and that any person
658 or corporation furnishing such materials or rendering such

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659 services may maintain an action to recover for the same against
660 the obligor in the undertaking, as though such person or
661 corporation were named therein, provided the action is brought
662 within 1 year after the time the cause of action accrued.
663 Nothing in this section shall be construed to limit the power of
664 the authority to construct any project, or any part thereof, or
665 any addition, betterment, or extension thereto, directly by the
666 officers, agents, and employees of the authority, or otherwise,
667 other than by contract.

668 (2) All supplies, equipment, machinery, and materials
669 exceeding \$25,000 in cost purchased by the authority shall be
670 purchased by the authority only after due advertisement as
671 provided hereinafter. When purchasing supplies, equipment,
672 machinery, and materials pursuant to competitive bid as mandated
673 herein, the authority shall accept the lowest bid or bids, kind,
674 quality, and material being equal but the authority shall have
675 the right to reject any or all bids or select a single item from
676 any bid. The provision as to bidding shall not apply to the
677 purchase of patented and manufactured products offered for sale
678 in a noncompetitive market or solely by a manufacturer's
679 authorized dealer.

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

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686 (4) Subject to the aforesaid provisions, the authority
687 may, but without intending by this provision to limit any powers
688 of the authority, enter into and carry out such contract or
689 establish or comply with such rules and regulations concerning
690 labor and materials and other related matters in connection with
691 any project, or portion thereof, as the authority may deem
692 desirable or as may be requested by the federal or state
693 government assisting in the financing of its projects, seaport
694 facilities, and facilities related thereto, or any part thereof,
695 provided the provisions of this subsection shall not apply to
696 any case in which the authority has taken over by transfer or
697 assignment any contract assigned to it or assumed by it in
698 connection with the transfer of city and county properties
699 authorized under the provisions of sections 11 and 12, or to any
700 contract in connection with projects which the authority may
701 have had transferred to it by any persons or private
702 corporations, and further provided the provisions of this
703 section shall not apply to any contract or agreement between the
704 authority and any engineers, architects, attorneys, or other
705 professional services or to any contract or agreement relating
706 to fiscal advisors, fiscal agents, or investment bankers,
707 relating to the financing of projects herein authorized.

708 Section 11. Execution of instruments; examination of
709 claims.--All instruments in writing necessary to be signed by
710 the authority shall be executed by its chair and secretary. The
711 authority may, by resolution, designate one or more officers,
712 members, employees, or agents of the authority to execute
713 instruments in writing where it is necessary that such

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714 instruments be signed by the authority. No expenditure of funds
715 of the authority shall be made except by voucher approved by the
716 authority and signed by its chair and secretary, or by one or
717 more officers, members, or employees of the authority as the
718 authority may designate by resolution. The foregoing authority
719 of the chair may be exercised by the vice chair in the absence
720 of the chair and the foregoing authority of the secretary may be
721 exercised by an assistant secretary designated by the authority
722 in the absence of the secretary. The authority shall provide for
723 the examination of all payrolls, bills, and other claims and
724 demands against the authority to determine before the same are
725 paid that they are duly authorized, in proper form, correctly
726 computed, legally due and payable, and that the authority has
727 funds on hand to make payment.

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

731 (1) All of the right, title, and interests of the former
732 Jacksonville Port Authority in and to its marine port
733 facilities, including, without limitation, its real and personal
734 property and any interests therein, books, records, contracts,
735 leases, and all other property of any kind or nature related to
736 the operation of the marine port, by operation of this act (and
737 its predecessor act), and without further act, to the authority.

738 (2) All contracts and leases relating to the former
739 Jacksonville Port Authority's marine port operations, shall, by
740 operation of this act (and its predecessor act), and without
741 further act, become contracts and leases of the authority.

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742 (3) All accounts receivable, accounts payable, and cash on
743 hand relating to the former Jacksonville Port Authority's marine
744 port operations shall, by operation of this act (and its
745 predecessor act), and without further act, be transferred or
746 delivered to the authority.

747 (4) All operating expenses, including taxes of all kinds
748 and all revenue and expense accruals of the former Jacksonville
749 Port Authority's marine operations shall be transferred to the
750 authority, on the effective date at transfer.

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

753 Section 13. Chapter 315, Florida Statutes, relating to
754 port facilities financing, also applicable.--The provisions of
755 chapter 315, Florida Statutes, relating to port facilities
756 financing, shall also be applicable to the authority.

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

765 Section 2. The powers of the authority created by this act
766 shall be construed liberally in favor of the authority. No
767 listing of powers included in this act is intended to be
768 exclusive or restrictive and the specific mention of, or failure
769 to mention, particular powers in this act shall not be construed

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770 as limiting in any way the general powers of the authority as
 771 stated in section 3. It is the intent of this act to grant the
 772 authority full power and right to exercise all authority
 773 necessary for the effective operation and conduct of the
 774 authority. It is further intended that the authority should have
 775 all implied powers necessary or incidental to carrying out the
 776 expressed powers and the expressed purposes for which the
 777 authority is created. The fact that this article specifically
 778 states that the authority possesses a certain power does not
 779 mean that the authority must exercise such power unless this
 780 article specifically so requires.

781 Section 3. The provisions of this act are severable and it
 782 is the intention to confer the whole or any part of the powers
 783 provided for herein and if any of the provisions of this act
 784 shall be held unconstitutional by any court of competent
 785 jurisdiction, the decision of such court shall not affect or
 786 impair any of the remaining provisions.

787 Section 4. Effective on the effective date of this act, as
 788 defined below, chapters 2001-319, 2002-349, and 2003-341, Laws
 789 of Florida, are hereby repealed.

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

791
 792 ===== T I T L E A M E N D M E N T =====

793 Remove the entire title and insert:
 794 A bill to be entitled
 795 An act relating to the Jacksonville Port Authority,
 796 Consolidated City of Jacksonville, Duval County; creating
 797 and establishing separate charter provisions concerning

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798 the seaport authority known as the Jacksonville Port
799 Authority which was established effective October 1, 2001,
800 pursuant to chapter 2001-319, Laws of Florida, as amended;
801 establishing the separate seaport authority as a county
802 authority, providing for governing bodies, appointment of
803 members, terms, staggered terms, and rules of procedure;
804 providing for employment of a managing director and other
805 employees; providing for interrelations with and use of
806 services of the City of Jacksonville; providing
807 definitions; establishing powers; providing for issuance
808 of bonds; providing for budgetary and financial matters;
809 providing for rights of bondholders; providing rights of
810 employees and participation in the Florida Retirement
811 System; providing for cooperation with other entities;
812 providing for audits and bonds; providing for purchasing,
813 procurement, and award of contracts; providing for
814 execution of instruments and examination of claims;
815 effective October 1, 2001, providing for transfer of
816 assets and liabilities from the former consolidated
817 Jacksonville Port Authority to the separate seaport
818 authority and for assumption of responsibilities; making
819 the Port Facilities Financing Act applicable to seaport
820 operations; declaring a county and public purpose;
821 providing for liberal construction; providing for
822 severability; repealing chapter 2001-319, Laws of Florida,
823 as amended; providing an effective date.

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