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

30 as amended; providing an effective date.

31

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

33

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

36 (1) The charter provisions concerning the marine
 37 operations of the former Jacksonville Port Authority established
 38 pursuant to Chapter 2001-319, Laws of Florida, as amended, are
 39 hereby repealed and the following is created for the
 40 Jacksonville Port Authority. There is hereby created and
 41 established as of October 1, 2001 a separate body politic and
 42 corporate to be known as the Jacksonville Port Authority
 43 (formerly known as the Jacksonville Seaport Authority from
 44 October 1, 2001 to July 16, 2003 and hereinafter referred to
 45 singly as the "authority"), which is created as an agency and
 46 political subdivision of the State of Florida in the nature of
 47 counties and not municipalities. This authority is authorized to
 48 exercise its jurisdiction, powers, and duties within the
 49 geographic area defined by the boundary lines of Duval County as
 50 established by s. 7.16, Florida Statutes, which boundary lines
 51 also define the geographic area of the City of Jacksonville, and
 52 outside such boundary lines as hereinafter provided. The
 53 Jacksonville Port Authority shall operate, manage, and control
 54 the publicly owned seaport and ancillary facilities located
 55 within Duval County and outside such boundary lines as
 56 hereinafter provided. The authority was separated from the
 57 Jacksonville Airport Authority pursuant to 2001-319, Laws of
 58 Florida, as amended, and this separation shall be reviewed for

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59 performance and efficiency after a period of 4 years from
60 October 1, 2001.

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

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

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

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

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

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

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

144 (1) The term "bonds" means and embraces bonds, notes,
 145 certificates, and other financial obligations issued by the

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146 authority for financing or refinancing purposes, and except
 147 where otherwise required by the context, notes, and other
 148 instruments executed to evidence obligations of the authority
 149 for the repayment of borrowed funds.

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

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

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

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

162 (6) The term "project" embraces any one or any combination
 163 of 2 or more of the following, to-wit: facilities for the
 164 construction, manufacture, repair, or maintenance of boats,
 165 ships, and watercraft of all kinds, and other facilities,
 166 directly or indirectly related to the promotion and development,
 167 of waterborne and maritime activities and commerce, travel,
 168 exploration, and researching, and other harbor, port, shipping,
 169 and seaport facilities of all kinds, including, but not limited
 170 to, harbors, channels, turning basins, anchorage areas, jetties,
 171 breakwaters, waterways, canals, locks, tidal basins, wharves,
 172 docks, piers, slips, bulkheads, warehouses, terminals,
 173 refrigerating, and cold storage plants and facilities, parking
 174 areas and facilities, intermodal and railroad and motor

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

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

197 (8) The term "cost," as applied to a project acquired,
 198 constructed, extended, or enlarged, includes the purchase price
 199 of any project acquired, the cost of improvements, the cost of
 200 such construction, extension, or enlargement, the cost of all
 201 lands, properties, rights, easements, and franchises acquired,
 202 the cost of all machinery and equipment, financing charges,
 203 interest during construction, and if deemed advisable, for up to

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204 1 year after completion of construction, cost of investigations
 205 and audits, and of engineering and legal services, and all other
 206 expenses necessary or incident to determining the feasibility or
 207 practicability of such acquisition or construction,
 208 administrative expense, and such other expenses as may be
 209 necessary or incident to the financing herein authorized and to
 210 the acquisition or construction of a project and the placing of
 211 the same in operation. Any obligation or expense incurred by the
 212 authority prior to the issuance of revenue bonds under the
 213 provisions of this act for engineering studies and for estimates
 214 of cost and of revenue and for other technical, financial, or
 215 legal services in connection with the acquisition or
 216 construction of any project may be regarded as a part of the
 217 cost of such project.

218 Section 3. Powers.--The authority shall have the below
 219 specified powers (in addition to other powers otherwise
 220 conferred by law) and shall also have all powers that relate to
 221 maritime issues vested in the former Jacksonville Port
 222 Authority:

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

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233 public body of the state.

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

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

247 (4) Subject to the jurisdiction of the United States and
 248 the State of Florida, to construct, establish, and improve
 249 harbors within the county, to improve navigable waters within
 250 the county, and to construct and maintain canals, slips, turning
 251 basins, and channels, all upon such terms and conditions as may
 252 be required by the United States and the State of Florida.

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

261 (6) To issue revenue bonds, payable solely from revenues,

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262 to pay all or a part of the cost of acquisition, construction,
 263 extension, enlargement, improvement, or modernization of any
 264 project and to pledge the revenues to secure the payment of
 265 bonds.

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

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

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291 writing of a desire to accept a reconveyance of said property or
 292 refuses to accept a reconveyance of same the authority may sell
 293 and dispose of same on such terms and conditions as shall be
 294 prescribed by resolution of the authority. The authority shall
 295 not sell real property for less than the appraised value.

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

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

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

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

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

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

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349 into any agreements required by such departments or agencies in
 350 connection therewith and to make like applications and
 351 agreements with respect to the establishment within and without
 352 said county of one or more bonded warehouses.

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

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

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

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378 be served by such action.

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

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

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407 determine, unless such surplus has been pledged for the payment
 408 of principal of premium, if any, and interest on bonds, as
 409 authorized in subsections (1)-(6) of section 4, in which event
 410 any such surplus shall be applied in accordance with the
 411 resolution pledging the same.

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

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

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

420 Section 4. Issuance of bonds.--

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

433 (2) The bonds of each issue shall be authorized by
 434 resolution of the authority and shall be dated, shall mature at
 435 such time or times not exceeding 40 years from their date or

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

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

485 (4) Except as otherwise provided in this subsection, bonds
486 and refunding bonds issued pursuant to this act may be sold at
487 public sale and shall be awarded to the bidder whose bid
488 produces the lowest true interest cost to the authority. The
489 authority shall reserve the right to reject any or all bids.
490 Notwithstanding the foregoing, bonds and refunding bonds issued
491 pursuant to this act may be sold at private sale at such price
492 or prices as the authority shall determine to be in its best
493 interest. However, any price less than 100 percent of par value

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494 shall be subject to section 215.84, Florida Statutes, as it may
 495 be amended from time to time. In no event shall said bonds be
 496 sold at a net interest cost to the authority in excess of the
 497 legal limit, as established by section 215.84, Florida Statutes,
 498 or according to said section as it may be amended from time to
 499 time. The net interest cost of bonds shall be determined by
 500 taking the aggregate amount of interest at the rate or rates
 501 specified in the bonds, computed from the date of the bonds to
 502 the date of the various stated maturities thereof, and deducting
 503 therefrom the amount of any premium offered in excess of the par
 504 value of the bonds or adding thereto the amount of any discount
 505 offered below the par value of the bonds with interest computed
 506 on a 360-day basis. Pending the preparation of definitive bonds,
 507 interim bonds may be issued to the purchaser or purchasers of
 508 such bonds and may contain such terms and conditions as the
 509 authority may determine.

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

522 (6) No general obligation bonds shall be issued by the

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523 authority hereunder unless the issuance of such bonds shall have
 524 been approved by a majority of the votes cast by qualified
 525 voters in an election held for such purpose. Whenever the
 526 authority, by resolution, requests the council of the City of
 527 Jacksonville to hold such an election, said council shall, on
 528 behalf of the authority, hold, conduct, canvass, and announce
 529 the results of such election in accordance with the procedure
 530 prescribed by law for the issuance of county bonds. The expenses
 531 of such election shall be paid by the authority. In no event
 532 shall such general obligation bonds be construed or considered
 533 to be bonds of the City of Jacksonville or any other
 534 municipality but shall be solely bonds of the authority that
 535 issues the bonds.

536 (7) The authority is authorized to borrow money and to
 537 issue notes for any purpose or purposes for which bonds may be
 538 issued under the provisions of this act and to refund the same
 539 and to issue notes in anticipation of the receipt of the
 540 proceeds of the sale of any such bonds.

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

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552 bonds, or any combination thereof, of the authority for the
 553 combined purpose of:

554 (a) Paying the cost of enlargement, extension,
 555 reconstruction, or improvement of any project or combination of
 556 projects.

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

568 Section 5. Budget and finance.--The fiscal year of the
 569 authority shall commence on October 1 of each year and end on
 570 the following September 30. The authority shall prepare and
 571 submit its budget to the council of the City of Jacksonville on
 572 or before July 1 for the ensuing fiscal year. The council,
 573 consistent with the provisions of the Charter of the City of
 574 Jacksonville, may increase or decrease the appropriation
 575 [budget] requested by the authority on a total basis or a line-
 576 by-line basis; however, the appropriation for construction,
 577 reconstruction, enlargement, expansion, improvement, or
 578 development of any project or projects authorized to be
 579 undertaken by the former Jacksonville Port Authority and the
 580 authority shall not be reduced below \$800,000 for each year that

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581 the bonds to which the \$800,000 is pledged remain outstanding.

582 Section 6. Rights of bondholders.--All bonds issued by the
 583 City of Jacksonville or the former Jacksonville Port Authority
 584 related to properties transferred to the authority and bonds
 585 issued under authority of chapter 63-1447, Laws of Florida,
 586 remain the liability, responsibility, and obligation of the
 587 issuer and the rights of the holders of existing outstanding
 588 bonds shall be unimpaired. Rights, duties, and obligations of
 589 the authority with respect to the property transferred to it by
 590 the former Jacksonville Port Authority are ratified and remain
 591 unchanged.

592 Section 7. Rights of employees.--All employment rights and
 593 employee benefits authorized under section 11, chapter 63-1447,
 594 Laws of Florida, as amended, are hereby confirmed, ratified, and
 595 continued, notwithstanding the repeal of said chapter 63-1447,
 596 Laws of Florida, as amended. Effective October 1, 2001, in order
 597 to preserve the rights of employees of the former Jacksonville
 598 Port Authority to continue participation in the Florida
 599 Retirement System pursuant to chapter 121, Florida Statutes, the
 600 authority created by this act (and its predecessor act) shall be
 601 a county agency and employees of each such authority shall
 602 participate in the Florida Retirement System, notwithstanding
 603 any law to the contrary. Effective October 1, 2001, those
 604 employees of the Jacksonville Port Authority who were assigned
 605 to any activity related to the operation of the marine
 606 facilities shall become employees of the Jacksonville Port
 607 Authority created by this act (and its predecessor act).
 608 Effective October 1, 2001, central administrative employees
 609 shall be employed by either the authority created by this act

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

633 Section 8. Cooperation with other units, boards, agencies,
 634 legal entities and persons.--Express authority and power is
 635 hereby given and granted any county, municipality, drainage
 636 district, road and bridge district, school district, or any
 637 other political subdivision, board, commission, or individual
 638 in, or of, the state to make and enter into with the authority,

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639 contracts, leases, conveyances, or other agreements within the
 640 provisions and purposes of this act. The authority is hereby
 641 expressly authorized to make and enter into contracts, leases,
 642 conveyances, and other agreements with any political
 643 subdivision, agency, or instrumentality of the state and any and
 644 all federal agencies, legal entities and persons for the purpose
 645 of carrying out the provisions of this act.

646 Section 9. Audits; bonds.--The authority shall issue
 647 quarterly and annually financial reports of its operations and
 648 shall also cause annual audits to be made of its operations and
 649 affairs by an independent certified public accountant, in such
 650 detail as may be necessary to show the financial operation and
 651 status of the authority, and the same shall be preserved as
 652 public records of the authority. The authority's records may be
 653 audited at any time by the Council Auditor of the City of
 654 Jacksonville. Members of the authority shall be required to give
 655 a good and sufficient surety bond in the sum of \$50,000, payable
 656 to the City of Jacksonville, conditioned upon the faithful
 657 performance of their duties as members of the authority. Such
 658 bonds shall be approved by and filed with the clerk of the
 659 circuit court of Duval County, and the premium or premiums
 660 thereon shall be paid by the authority as a necessary expense of
 661 the authority. The authority shall have power to require its
 662 managing director and such others of its employees as they may
 663 deem necessary to furnish good and sufficient surety bond in
 664 such sum as the authority shall require, conditioned upon the
 665 faithful performance of duties, and to pay the premium or
 666 premiums thereon as a necessary expense of the authority.

667 Section 10. Award of contracts.--

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668 (1) If the total cost, value, or amount of construction,
669 reconstruction, repairs, or work of any nature, including the
670 labor and materials, exceeds \$50,000 when purchased by the
671 authority, any such construction, reconstruction, repairs, or
672 work exceeding the foregoing amount established for the
673 authority shall be done only under contract or contracts to be
674 entered into by the authority with the lowest responsible bidder
675 upon proper terms and after due public notice has been given
676 asking for competitive bids as hereinafter provided. The
677 foregoing requirement for competitive bidding shall not apply to
678 construction, reconstruction, repairs, or work done by employees
679 of the authority or by labor supplied under agreement with the
680 federal or state government. The authority shall keep a current
681 list of responsible bidders and, whenever the authority shall
682 award a contract, the bidder shall come from such list. No
683 contract shall be entered into for construction, improvement, or
684 repair of any project, or any part thereof, unless the
685 contractor shall have given an undertaking with a sufficient
686 surety or sureties, approved by the authority, and in an amount
687 fixed by the authority, for the faithful performance of the
688 contract. All such contracts shall provide, among other things,
689 that the person or corporation entering into such contract with
690 the authority will pay for all materials furnished and services
691 rendered for the performance of the contract and that any person
692 or corporation furnishing such materials or rendering such
693 services may maintain an action to recover for the same against
694 the obligor in the undertaking, as though such person or
695 corporation were named therein, provided the action is brought
696 within 1 year after the time the cause of action accrued.

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697 Nothing in this section shall be construed to limit the power of
 698 the authority to construct any project, or any part thereof, or
 699 any addition, betterment, or extension thereto, directly by the
 700 officers, agents, and employees of the authority, or otherwise,
 701 other than by contract.

702 (2) All supplies, equipment, machinery, and materials
 703 exceeding \$25,000 in cost purchased by the authority shall be
 704 purchased by the authority only after due advertisement as
 705 provided hereinafter. When purchasing supplies, equipment,
 706 machinery, and materials pursuant to competitive bid as mandated
 707 herein, the authority shall accept the lowest bid or bids, kind,
 708 quality, and material being equal but the authority shall have
 709 the right to reject any or all bids or select a single item from
 710 any bid. The provision as to bidding shall not apply to the
 711 purchase of patented and manufactured products offered for sale
 712 in a noncompetitive market or solely by a manufacturer's
 713 authorized dealer.

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

720 (4) Subject to the aforesaid provisions, the authority
 721 may, but without intending by this provision to limit any powers
 722 of the authority, enter into and carry out such contract or
 723 establish or comply with such rules and regulations concerning
 724 labor and materials and other related matters in connection with
 725 any project, or portion thereof, as the authority may deem

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726 desirable or as may be requested by the federal or state
 727 government assisting in the financing of its projects, seaport
 728 facilities, and facilities related thereto, or any part thereof,
 729 provided the provisions of this subsection shall not apply to
 730 any case in which the authority has taken over by transfer or
 731 assignment any contract assigned to it or assumed by it in
 732 connection with the transfer of city and county properties
 733 authorized under the provisions of sections 11 and 12, or to any
 734 contract in connection with projects which the authority may
 735 have had transferred to it by any persons or private
 736 corporations, and further provided the provisions of this
 737 section shall not apply to any contract or agreement between the
 738 authority and any engineers, architects, attorneys, or other
 739 professional services or to any contract or agreement relating
 740 to fiscal advisors, fiscal agents, or investment bankers,
 741 relating to the financing of projects herein authorized.

742 Section 11. Execution of instruments; examination of
 743 claims.--All instruments in writing necessary to be signed by
 744 the authority shall be executed by its chair and secretary. The
 745 authority may, by resolution, designate one or more officers,
 746 members, employees, or agents of such authority to execute
 747 instruments in writing where it is necessary that such
 748 instruments be signed by the authority. No expenditure of funds
 749 of the authority shall be made except by voucher approved by the
 750 authority and signed by its chair and secretary, or by one or
 751 more officers, members, or employees of the authority as the
 752 authority may designate by resolution. The foregoing authority
 753 of the chair may be exercised by the vice chair in the absence
 754 of the chair and the foregoing authority of the secretary may be

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755 exercised by an assistant secretary designated by the authority
 756 in the absence of the secretary. The authority shall provide for
 757 the examination of all payrolls, bills, and other claims and
 758 demands against the authority to determine before the same are
 759 paid that they are duly authorized, in proper form, correctly
 760 computed, legally due and payable, and that the authority has
 761 funds on hand to make payment.

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

765 (1) All of the right, title, and interests of the former
 766 Jacksonville Port Authority in and to its marine port
 767 facilities, including, without limitation, its real and personal
 768 property and any interests therein, books, records, contracts,
 769 leases, and all other property of any kind or nature related to
 770 the operation of the marine port, by operation of this act (and
 771 its predecessor act), and without further act, to the authority.

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

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

781 (4) All operating expenses, including taxes of all kinds
 782 and all revenue and expense accruals of the former Jacksonville
 783 Port Authority's marine operations shall be transferred to the

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784 authority, on the effective date at transfer.

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

787 Section 13. Chapter 315, Florida Statutes, relating to
 788 port facilities financing, also applicable.--The provisions of
 789 chapter 315, Florida Statutes, relating to port facilities
 790 financing, shall also be applicable to the authority.

791 Section 14. Declaration of purposes.--The authority
 792 created by this act and the purposes which it is intended to
 793 serve is hereby found to be for a county and public purpose.
 794 Such authority is a political subdivision of the State of
 795 Florida, local governmental body within the meaning of Article
 796 VII, Section 10(c)(2) of the State Constitution. Nothing in this
 797 act is intended to create an entity which is exempt from ad
 798 valorem taxation except as otherwise set forth by applicable
 799 law.

800 Section 2. The powers of the authority created by this act
 801 shall be construed liberally in favor of the authority. No
 802 listing of powers included in this act is intended to be
 803 exclusive or restrictive and the specific mention of, or failure
 804 to mention, particular powers in this act shall not be construed
 805 as limiting in any way the general powers of the authority as
 806 stated in section 3. It is the intent of this act to grant the
 807 authority full power and right to exercise all authority
 808 necessary for the effective operation and conduct of the
 809 authority. It is further intended that the authority should have
 810 all implied powers necessary or incidental to carrying out the
 811 expressed powers and the expressed purposes for which the
 812 authority is created. The fact that this article specifically

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813 states that the authority possesses a certain power does not
814 mean that the authority must exercise such power unless this
815 article specifically so requires.

816 Section 3. The provisions of this act are severable and it
817 is the intention to confer the whole or any part of the powers
818 provided for herein and if any of the provisions of this act
819 shall be held unconstitutional by any court of competent
820 jurisdiction, the decision of such court shall not affect or
821 impair any of the remaining provisions.

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

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