

1 A bill to be entitled

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

29 | 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39 | hereby repealed and the following is created for the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 section 7.16, Florida Statutes, which boundary
51 | lines also define the geographic area of the City of
52 | Jacksonville, and outside such boundary lines as hereinafter
53 | provided. The Jacksonville Port Authority shall operate, manage,
54 | and control the publicly owned seaport and ancillary facilities
55 | located within Duval County and outside such boundary lines as
56 | hereinafter provided. The authority was separated from the

57 Jacksonville Airport Authority pursuant to chapter 2001-319,
58 Laws of Florida, as amended, and this separation shall be
59 reviewed for performance and efficiency after a period of 4
60 years from 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
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
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
 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
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
 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
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,
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
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
 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
 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 the
 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
 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 the
392 authority under the provisions of this act. In any such case the
393 authority may adopt separate budgets for the operation of such
394 project or projects. In every such case such revenues shall be
395 expended exclusively for the payment of the costs of operation,
396 maintenance, repair, improvement, extension, and enlargement of
397 the project or projects from the operation of which such
398 revenues arise, for the performance of the authority's contracts
399 in connection with such project or projects, and for the payment
400 of principal of premium, if any, and interest requirements of
401 any bonds issued in connection with the project or projects. Any
402 surplus of such funds remaining on hand at the end of any year
403 shall be carried forward and may be expended in the succeeding
404 year for the payment of the costs of operation of such project
405 or projects or for the repair, improvement, or extension thereof
406 as the authority may determine, unless such surplus has been
407 pledged for the payment of principal of premium, if any, and
408 interest on bonds, as authorized in subsections (1)-(6) of
409 section 4, in which event any such surplus shall be applied in
410 accordance with the resolution pledging the same.

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

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

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

419 Section 4. Issuance of bonds.--

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

432 (2) The bonds of each issue shall be authorized by
 433 resolution of the authority and shall be dated, shall mature at
 434 such time or times not exceeding 40 years from their date or
 435 dates, as may be determined by the authority, and may be made
 436 redeemable before maturity, at the option of the authority, at
 437 such price or prices and under such terms and conditions as may
 438 be fixed by the authority prior to the issuance of the bonds.
 439 The authority shall determine the form of bonds, including any
 440 interest coupons to be attached thereto, and the manner of
 441 execution of the bonds and shall fix the denomination or
 442 denominations of the bonds and the place or places of payment of
 443 principal and interest, which may be at any bank or trust
 444 company within or without the state. The resolution authorizing

445 the issuance of the bonds shall contain such provisions relating
446 to the use of the proceeds from the sale of the bonds and for
447 the protection and security of holders of the bonds, including
448 their rights and remedies, and the rights, powers, privileges,
449 duties, and obligations of the authority with respect to the
450 same, as shall be determined by the authority. In case any
451 officer whose signature or facsimile of whose signature shall
452 appear on any bonds or coupons shall cease to be such officer
453 before the delivery of such bonds, such signature or such
454 facsimile shall nevertheless be valid and sufficient for all
455 purposes to the same extent as if such officer had remained in
456 office until such delivery. The bonds may be issued in coupon
457 registered or book entry form, as the authority may determine,
458 and provisions may be made for the registration of any coupon
459 bonds as to principal alone and also as to both principal and
460 interest and for the reconversion into coupon bonds of any bonds
461 registered as to both principal and interest.

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

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

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

501 value of the bonds or adding thereto the amount of any discount
 502 offered below the par value of the bonds with interest computed
 503 on a 360-day basis. Pending the preparation of definitive bonds,
 504 interim bonds may be issued to the purchaser or purchasers of
 505 such bonds and may contain such terms and conditions as the
 506 authority may determine.

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

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

529 shall such general obligation bonds be construed or considered
 530 to be bonds of the City of Jacksonville or any other
 531 municipality but shall be solely bonds of the authority that
 532 issues the bonds.

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

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

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

554 (b) Refunding revenue bonds or general obligation bonds,
 555 or any combination thereof, which have been assumed by the
 556 authority under the provisions of this act (or its predecessor

557 act) which shall then be outstanding and which shall then have
 558 matured or be subject to redemption or can be acquired for
 559 retirement. The issuance of such bonds, the maturities or other
 560 details thereof, the rights or remedies of the holders thereof,
 561 and the rights, powers, privileges, duties, and obligations of
 562 the authority with respect to the same shall be set forth in the
 563 resolution of the authority authorizing the issuance of such
 564 bonds.

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

579 Section 6. Rights of bondholders.--All bonds issued by the
 580 City of Jacksonville or the former Jacksonville Port Authority
 581 related to properties transferred to the authority and bonds
 582 issued under authority of chapter 63-1447, Laws of Florida,
 583 remain the liability, responsibility, and obligation of the
 584 issuer and the rights of the holders of existing outstanding

585 bonds shall be unimpaired. Rights, duties, and obligations of
586 the authority with respect to the property transferred to it by
587 the former Jacksonville Port Authority are ratified and remain
588 unchanged.

589 Section 7. Rights of employees.--All employment rights and
590 employee benefits authorized under section 11, chapter 63-1447,
591 Laws of Florida, as amended, are hereby confirmed, ratified, and
592 continued, notwithstanding the repeal of said chapter 63-1447,
593 Laws of Florida, as amended. Effective October 1, 2001, in order
594 to preserve the rights of employees of the former Jacksonville
595 Port Authority to continue participation in the Florida
596 Retirement System pursuant to chapter 121, Florida Statutes, the
597 authority created by this act (and its predecessor act) shall be
598 a county agency and employees of the authority shall participate
599 in the Florida Retirement System, notwithstanding any law to the
600 contrary. Effective October 1, 2001, those employees of the
601 Jacksonville Port Authority who were assigned to any activity
602 related to the operation of the marine facilities shall become
603 employees of the Jacksonville Port Authority created by this act
604 (and its predecessor act). Effective October 1, 2001, central
605 administrative employees shall be employed by either the
606 authority created by this act (and its predecessor act) or the
607 Jacksonville Airport Authority, or as otherwise agreed by both
608 the authority and the Jacksonville Airport Authority. It is
609 expressly provided that none of those employees of the former
610 Jacksonville Port Authority who remain with the authority
611 created by this act (and its predecessor act) shall lose any
612 rights or benefits of whatsoever kind or nature afforded to them

613 by any law, ordinance, collective bargaining agreement, or
614 existing policy or plan, including, but not limited to, pension
615 benefits by virtue of the change in corporate structure. In
616 order to effectively implement the foregoing, the authority
617 shall perform all functions with regard to its own employees
618 that prior to the operation of the two authorities created by
619 this act (and its predecessor act) were performed by the former
620 Jacksonville Port Authority. In order to specifically preserve
621 the rights of employees of the former Jacksonville Port
622 Authority to continue participation in the Florida Retirement
623 System, pursuant to chapter 121, Florida Statutes, the authority
624 created by this act (and its predecessor act) shall be a county
625 authority and employees of this authority who are currently
626 participating in the Florida Retirement System and all employees
627 of the authority after October 1, 2001, shall participate in the
628 Florida Retirement System.

629 Section 8. Cooperation with other units, boards, agencies,
630 legal entities and persons.--Express authority and power is
631 hereby given and granted any county, municipality, drainage
632 district, road and bridge district, school district, or any
633 other political subdivision, board, commission, or individual
634 in, or of, the state to make and enter into with the authority,
635 contracts, leases, conveyances, or other agreements within the
636 provisions and purposes of this act. The authority is hereby
637 expressly authorized to make and enter into contracts, leases,
638 conveyances, and other agreements with any political
639 subdivision, agency, or instrumentality of the state and any and

640 all federal agencies, legal entities and persons for the purpose
 641 of carrying out the provisions of this act.

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

663 Section 10. Award of contracts.--

664 (1) If the total cost, value, or amount of construction,
 665 reconstruction, repairs, or work of any nature, including the
 666 labor and materials, exceeds \$50,000 when purchased by the
 667 authority, any such construction, reconstruction, repairs, or

668 work exceeding the foregoing amount established for the
669 authority shall be done only under contract or contracts to be
670 entered into by the authority with the lowest responsible bidder
671 upon proper terms and after due public notice has been given
672 asking for competitive bids as hereinafter provided. The
673 foregoing requirement for competitive bidding shall not apply to
674 construction, reconstruction, repairs, or work done by employees
675 of the authority or by labor supplied under agreement with the
676 federal or state government. The authority shall keep a current
677 list of responsible bidders and, whenever the authority shall
678 award a contract, the bidder shall come from such list. No
679 contract shall be entered into for construction, improvement, or
680 repair of any project, or any part thereof, unless the
681 contractor shall have given an undertaking with a sufficient
682 surety or sureties, approved by the authority, and in an amount
683 fixed by the authority, for the faithful performance of the
684 contract. All such contracts shall provide, among other things,
685 that the person or corporation entering into such contract with
686 the authority shall pay for all materials furnished and services
687 rendered for the performance of the contract and that any person
688 or corporation furnishing such materials or rendering such
689 services may maintain an action to recover for the same against
690 the obligor in the undertaking, as though such person or
691 corporation were named therein, provided the action is brought
692 within 1 year after the time the cause of action accrued.
693 Nothing in this section shall be construed to limit the power of
694 the authority to construct any project, or any part thereof, or
695 any addition, betterment, or extension thereto, directly by the

696 officers, agents, and employees of the authority, or otherwise,
697 other than by contract.

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

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

716 (4) Subject to the aforesaid provisions, the authority
717 may, but without intending by this provision to limit any powers
718 of the authority, enter into and carry out such contract or
719 establish or comply with such rules and regulations concerning
720 labor and materials and other related matters in connection with
721 any project, or portion thereof, as the authority may deem
722 desirable or as may be requested by the federal or state
723 government assisting in the financing of its projects, seaport

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

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

752 in the absence of the secretary. The authority shall provide for
 753 the examination of all payrolls, bills, and other claims and
 754 demands against the authority to determine before the same are
 755 paid that they are duly authorized, in proper form, correctly
 756 computed, legally due and payable, and that the authority has
 757 funds on hand to make payment.

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

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

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

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

777 (4) All operating expenses, including taxes of all kinds
 778 and all revenue and expense accruals of the former Jacksonville

779 Port Authority's marine operations shall be transferred to the
 780 authority, on the effective date at transfer.

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

783 Section 13. Chapter 315, Florida Statutes, relating to
 784 port facilities financing, also applicable.--The provisions of
 785 chapter 315, Florida Statutes, relating to port facilities
 786 financing, shall also be applicable to the authority.

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

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

807 authority is created. The fact that this article specifically
808 states that the authority possesses a certain power does not
809 mean that the authority must exercise such power unless this
810 article specifically so requires.

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

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

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