

HB 1747

2004

1 A bill to be entitled

2 An act relating to the Canaveral Port District, Brevard
3 County; amending chapter 2003-335, Laws of Florida;
4 increasing the amount for which the Canaveral Port
5 Authority may encumber personal properties and facilities
6 of the authority; increasing the amount for which
7 contracts for construction, improvement, repair, or
8 building may be entered into or goods, supplies, or
9 materials may be purchased by the district or authority;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 16 of Article IV, sections 1 and 2 of
15 Article XVII, and section 1 of Article XVIII of section 3 of
16 chapter 2003-335, Laws of Florida, are amended to read:

17 ARTICLE IV. General Grant of Powers

18 Section 16. (a) The Port Authority shall have the power
19 and authority to execute and deliver all contracts, deeds,
20 leases, mortgages, promissory notes, franchises, assignments,
21 releases, and all other instruments necessary and convenient to
22 carry out the powers herein expressly or impliedly conferred,
23 all of which shall be executed in the name of the Canaveral Port
24 Authority and signed by the Chair and the Secretary thereof and
25 its corporate seal affixed thereto; all checks and vouchers for
26 the disbursement of funds of the Port Authority shall be
27 executed in the manner and form as prescribed by the Port
28 Authority.

HB 1747

2004

29 (b) The Port Authority shall have the power and authority
30 by majority vote at any regular meeting to lease the lands,
31 personal properties, and facilities for period not to exceed 10
32 years; or to encumber personal properties and facilities for not
33 more than \$1 million ~~\$10,000~~, and for a period not to exceed 5
34 years, to secure the note or notes of the Port Authority
35 authorized under subsection (a) of said article and section,
36 upon such terms and conditions as the Port Authority shall
37 determine.

38 (c) Any lease of the lands, personal properties, or
39 facilities of the Port Authority for a period of more than 10
40 years, or any encumbrance of the personal properties or
41 facilities of the Port Authority for more than \$1 million
42 ~~\$10,000~~, and for a period of more than 5 years, shall be first
43 advertised in a newspaper of general circulation published
44 within the Canaveral Port District for 15 days by three
45 consecutive weekly publications, stating the terms and the
46 amount to be paid and particularly describing the lands,
47 personal properties, or facilities to be leased or encumbered,
48 except where it is proposed to lease or to encumber such
49 properties in favor of a governmental agency, and provided that
50 in the event a petition is filed within 30 days after said
51 advertisement is published, signed by 10 percent of the
52 qualified electors residing within the Canaveral Port District
53 and therein requesting that the question of leasing of the lands
54 or of encumbering of the said personal properties or facilities
55 be decided by an election called for that purpose. It will then
56 be the duty of the Port Authority to call an election to be held
57 within the territory constituting the Canaveral Port District,

HB 1747

2004

58 for the purpose of determining whether or not said lease or said
 59 encumbrance as described in said advertisement shall be
 60 executed. Said election shall be held as provided in this act.
 61 If no such petition be filed, then the lease or the encumbrance
 62 may be executed by the Port Authority forthwith.

63 ARTICLE XVII. Contracts; Competition

64 Section 1. No contract shall be let by the Port Authority
 65 for any construction, improvement, repair, or building, nor
 66 shall any goods, supplies, or materials for Canaveral Port
 67 District purposes or uses be purchased when the amount to be
 68 paid by the Canaveral Port District or the Port Authority shall
 69 exceed \$50,000 ~~\$15,000~~, unless notice thereof shall be
 70 advertised at least three times, once each week for 3
 71 consecutive weeks in a newspaper of general circulation in the
 72 Canaveral Port District, calling for bids upon the work to be
 73 done or the goods, supplies, or materials to be purchased by the
 74 Port Authority, and in each case the bid of the lowest
 75 responsible bidder shall be accepted, unless the Port Authority
 76 may, in its discretion, reject all bids. The Port Authority may
 77 also require the deposit of cash or a certified check, not to
 78 exceed \$1,000 or 15 percent of the bid, as evidence of good
 79 faith on the part of the bidders, such deposit to be returned
 80 when the bid is rejected or performance bond deposited or
 81 contract completed. All other things being equal, preference
 82 shall be given by the Port Authority in making all purchases and
 83 the letting of all contracts to residents of the Canaveral Port
 84 District.

85 Section 2. In the event it is reasonably expected that the
 86 cost amount of a contract under section 1 of this article shall

HB 1747

2004

87 be greater than \$10,000 ~~\$5,000~~ but less than \$50,000 ~~\$15,000~~,
 88 then the Port Manager or his or her designee shall do the
 89 following:

90 (a) Obtain at least three telephonic bid offers to perform
 91 such work or furnish such property from at least three
 92 independent persons or business entities responsible in the
 93 subject business endeavor under consideration.

94 (b) Make a record of the offers.

95 (c) After obtaining and recording such offers, award the
 96 contract to the lowest responsible bidder of those solicited as
 97 provided in this article.

98 ARTICLE XVIII. Leases and Encumbrances

99 Section 1. Whether an election shall be required to be
 100 held to decide whether or not a lease for more than 10 years, or
 101 an encumbrance for more than \$1 million ~~\$10,000~~ for a period of
 102 more than 5 years of or against the land, personal properties,
 103 or facilities of the Port Authority, shall be in accordance with
 104 the provisions of Article IV, Section 16, subsection (c)
 105 hereinabove; however, no lease shall exceed an initial period of
 106 50 years or any renewal or renewals thereof, excepting leases
 107 for the purpose of the construction and development of hotels,
 108 convention centers, festive market places, and world trade
 109 centers, which lease shall not exceed an initial period of 99
 110 years or any renewal or renewals thereof. If an encumbrance
 111 exceeds \$1 million ~~\$100,000~~, a referendum as provided for in
 112 Article IV, Section 16, subsection (c) shall be required when
 113 said referendum is requested by a petition bearing the
 114 signatures of 1 percent of the qualified electors.

115 Section 2. This act shall take effect upon becoming a law.