

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends  
2 the following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Canaveral Port District, Brevard  
8 County; amending chapter 2003-335, Laws of Florida;  
9 increasing the amount for which the Canaveral Port  
10 Authority may encumber personal properties and facilities  
11 of the authority; increasing the amount for which  
12 contracts for construction, improvement, repair, or  
13 building may be entered into or goods, supplies, or  
14 materials may be purchased by the district or authority;  
15 conforming a required electors' signature provision;  
16 providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Section 16 of Article IV, sections 1 and 2 of  
21 Article XVII, and section 1 of Article XVIII of section 3 of  
22 chapter 2003-335, Laws of Florida, are amended to read:

23 ARTICLE IV. General Grant of Powers

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

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

44 (c) Any lease of the lands, personal properties, or  
45 facilities of the Port Authority for a period of more than 10  
46 years, or any encumbrance of the personal properties or  
47 facilities of the Port Authority for more than \$1 million  
48 ~~\$10,000~~, and for a period of more than 5 years, shall be first  
49 advertised in a newspaper of general circulation published  
50 within the Canaveral Port District for 15 days by three  
51 consecutive weekly publications, stating the terms and the

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52 amount to be paid and particularly describing the lands,  
53 personal properties, or facilities to be leased or encumbered,  
54 except where it is proposed to lease or to encumber such  
55 properties in favor of a governmental agency, and provided that  
56 in the event a petition is filed within 30 days after said  
57 advertisement is published, signed by 10 percent of the  
58 qualified electors residing within the Canaveral Port District  
59 and therein requesting that the question of leasing of the lands  
60 or of encumbering of the said personal properties or facilities  
61 be decided by an election called for that purpose. It will then  
62 be the duty of the Port Authority to call an election to be held  
63 within the territory constituting the Canaveral Port District,  
64 for the purpose of determining whether or not said lease or said  
65 encumbrance as described in said advertisement shall be  
66 executed. Said election shall be held as provided in this act.  
67 If no such petition be filed, then the lease or the encumbrance  
68 may be executed by the Port Authority forthwith.

69 ARTICLE XVII. Contracts; Competition

70 Section 1. No contract shall be let by the Port Authority  
71 for any construction, improvement, repair, or building, nor  
72 shall any goods, supplies, or materials for Canaveral Port  
73 District purposes or uses be purchased when the amount to be  
74 paid by the Canaveral Port District or the Port Authority shall  
75 exceed \$50,000 ~~\$15,000~~, unless notice thereof shall be  
76 advertised at least three times, once each week for 3  
77 consecutive weeks in a newspaper of general circulation in the  
78 Canaveral Port District, calling for bids upon the work to be  
79 done or the goods, supplies, or materials to be purchased by the

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80 | Port Authority, and in each case the bid of the lowest  
 81 | responsible bidder shall be accepted, unless the Port Authority  
 82 | may, in its discretion, reject all bids. The Port Authority may  
 83 | also require the deposit of cash or a certified check, not to  
 84 | exceed \$1,000 or 15 percent of the bid, as evidence of good  
 85 | faith on the part of the bidders, such deposit to be returned  
 86 | when the bid is rejected or performance bond deposited or  
 87 | contract completed. All other things being equal, preference  
 88 | shall be given by the Port Authority in making all purchases and  
 89 | the letting of all contracts to residents of the Canaveral Port  
 90 | District.

91 |       Section 2. In the event it is reasonably expected that the  
 92 | cost amount of a contract under section 1 of this article shall  
 93 | be greater than \$10,000 ~~\$5,000~~ but less than \$50,000 ~~\$15,000~~,  
 94 | then the Port Manager or his or her designee shall do the  
 95 | following:

96 |       (a) Obtain at least three telephonic bid offers to perform  
 97 | such work or furnish such property from at least three  
 98 | independent persons or business entities responsible in the  
 99 | subject business endeavor under consideration.

100 |       (b) Make a record of the offers.

101 |       (c) After obtaining and recording such offers, award the  
 102 | contract to the lowest responsible bidder of those solicited as  
 103 | provided in this article.

104 |               ARTICLE XVIII. Leases and Encumbrances

105 |       Section 1. Whether an election shall be required to be  
 106 | held to decide whether or not a lease for more than 10 years, or  
 107 | an encumbrance for more than \$1 million ~~\$10,000~~ for a period of

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

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