

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 conforming a required electors' signature provision;
11 providing an effective date.

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

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

18 ARTICLE IV. General Grant of Powers

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

28 | executed in the manner and form as prescribed by the Port
29 | Authority.

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

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

56 | be decided by an election called for that purpose. It will then
57 | be the duty of the Port Authority to call an election to be held
58 | within the territory constituting the Canaveral Port District,
59 | for the purpose of determining whether or not said lease or said
60 | encumbrance as described in said advertisement shall be
61 | executed. Said election shall be held as provided in this act.
62 | If no such petition be filed, then the lease or the encumbrance
63 | may be executed by the Port Authority forthwith.

64 | ARTICLE XVII. Contracts; Competition

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

84 | the letting of all contracts to residents of the Canaveral Port
 85 | District.

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

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

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

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

99 | ARTICLE XVIII. Leases and Encumbrances

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

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112 | exceeds \$1 million ~~\$100,000~~, a referendum as provided for in
113 | Article IV, Section 16, subsection (c) shall be required when
114 | said referendum is requested by a petition bearing the
115 | signatures of 10 ± percent of the qualified electors.

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