

ENROLLED  
HB 1747, Engrossed 1

2004 Legislature

A bill to be entitled

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

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

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

ARTICLE IV. General Grant of Powers

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

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

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

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

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

ARTICLE XVII. Contracts; Competition

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

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the letting of all contracts to residents of the Canaveral Port District.

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

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

(b) Make a record of the offers.

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

#### ARTICLE XVIII. Leases and Encumbrances

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

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

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