

By Senator Haridopolos

26-1614-04

See HB

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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; 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 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

1 lands, personal properties, and facilities for period not to
2 exceed 10 years; or to encumber personal properties and
3 facilities for not more than \$1 million~~\$10,000~~, and for a
4 period not to exceed 5 years, to secure the note or notes of
5 the Port Authority authorized under subsection (a) of said
6 article and section, upon such terms and conditions as the
7 Port Authority shall determine.

8 (c) Any lease of the lands, personal properties, or
9 facilities of the Port Authority for a period of more than 10
10 years, or any encumbrance of the personal properties or
11 facilities of the Port Authority for more than \$1 million
12 ~~\$10,000~~, and for a period of more than 5 years, shall be first
13 advertised in a newspaper of general circulation published
14 within the Canaveral Port District for 15 days by three
15 consecutive weekly publications, stating the terms and the
16 amount to be paid and particularly describing the lands,
17 personal properties, or facilities to be leased or encumbered,
18 except where it is proposed to lease or to encumber such
19 properties in favor of a governmental agency, and provided
20 that in the event a petition is filed within 30 days after
21 said advertisement is published, signed by 10 percent of the
22 qualified electors residing within the Canaveral Port District
23 and therein requesting that the question of leasing of the
24 lands or of encumbering of the said personal properties or
25 facilities be decided by an election called for that purpose.
26 It will then be the duty of the Port Authority to call an
27 election to be held within the territory constituting the
28 Canaveral Port District, for the purpose of determining
29 whether or not said lease or said encumbrance as described in
30 said advertisement shall be executed. Said election shall be
31 held as provided in this act. If no such petition be filed,

1 then the lease or the encumbrance may be executed by the Port
2 Authority forthwith.

3 ARTICLE XVII. Contracts; Competition

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

25 Section 2. In the event it is reasonably expected that
26 the cost amount of a contract under section 1 of this article
27 shall be greater than \$10,000~~\$5,000~~ but less than \$50,000
28 ~~\$15,000~~, then the Port Manager or his or her designee shall do
29 the following:

30 (a) Obtain at least three telephonic bid offers to
31 perform such work or furnish such property from at least three

1 independent persons or business entities responsible in the
2 subject business endeavor under consideration.

3 (b) Make a record of the offers.

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

7 ARTICLE XVIII. Leases and Encumbrances

8 Section 1. Whether an election shall be required to be
9 held to decide whether or not a lease for more than 10 years,
10 or an encumbrance for more than \$1 million~~\$10,000~~ for a
11 period of more than 5 years of or against the land, personal
12 properties, or facilities of the Port Authority, shall be in
13 accordance with the provisions of Article IV, Section 16,
14 subsection (c) hereinabove; however, no lease shall exceed an
15 initial period of 50 years or any renewal or renewals thereof,
16 excepting leases for the purpose of the construction and
17 development of hotels, convention centers, festive market
18 places, and world trade centers, which lease shall not exceed
19 an initial period of 99 years or any renewal or renewals
20 thereof. If an encumbrance exceeds \$1 million~~\$100,000~~, a
21 referendum as provided for in Article IV, Section 16,
22 subsection (c) shall be required when said referendum is
23 requested by a petition bearing the signatures of 1 percent of
24 the qualified electors.

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

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