

1 A bill to be entitled
 2 An act relating to the Seminole County Port Authority,
 3 Seminole County; codifying, amending, reenacting, and
 4 repealing chapters 65-2270, 67-2073, 67-2074, 67-2078, 70-
 5 946, 71-923, 72-695, 72-696, 75-504, 76-487, and 88-447,
 6 Laws of Florida; providing for warrants to be signed by
 7 the chairperson, treasurer, or certain other persons;
 8 providing that the authority may hold its books open for a
 9 specified period after the end of the fiscal year;
 10 providing that the authority shall comply with general law
 11 for cost of construction and supplies; providing for
 12 execution of documents and examination of claims;
 13 providing for charter to supersede chapter 315, F.S., in
 14 certain circumstances; providing an effective date.

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

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 18 Section 1. (1) The reenactment of existing law in this
 19 act shall not be construed as a grant of additional authority to
 20 or to supersede the authority of any entity pursuant to law.
 21 Exceptions to law contained in any special act that are
 22 reenacted pursuant to this act shall continue to apply.

23 (2) The reenactment of existing law in this act shall not
 24 be construed to modify, amend, or alter any covenants,
 25 contracts, or other obligations of the district with respect to
 26 bonded indebtedness. Nothing pertaining to the reenactment of
 27 existing law in this act shall be construed to affect the
 28 ability of the district to levy and collect taxes, assessments,

29 fees, or charges for the purpose of redeeming or servicing
 30 bonded indebtedness of the district.

31 Section 2. Chapters 65-2270, 67-2073, 67-2074, 67-2078,
 32 70-946, 71-923, 72-695, 72-696, 75-504, 76-487, and 88-447, Laws
 33 of Florida, are amended, codified, reenacted, and repealed as
 34 provided herein.

35 Section 3. The Seminole County Port Authority is re-
 36 created, and its charter is re-created and reenacted to read:

37 Section 1. Seminole County Port Authority.--There is
 38 hereby created and established a body politic and corporate to
 39 be known as the Seminole County Port Authority (hereinafter
 40 referred to as the "authority"). The facility to be operated by
 41 the authority shall be known as the Port of Sanford and is
 42 authorized to exercise the jurisdiction, powers, and duties
 43 herein granted.

44 (1) The governing body of the authority shall consist of
 45 nine members, eight of whom shall be appointed by the Board of
 46 County Commissioners of Seminole County. Such appointees shall
 47 be residents of Seminole County who are qualified electors, none
 48 of whom shall be an elected public official. One member shall be
 49 selected annually by the Board of County Commissioners of
 50 Seminole County from the board of county commissioners to serve
 51 as the ninth member whose term shall expire on the first Tuesday
 52 after the first Monday in January of the year next succeeding
 53 his or her appointment. The remaining eight members shall be
 54 appointed to serve terms of 4 years each. Each appointed member
 55 shall hold office until his or her successor has been appointed
 56 and has qualified. A vacancy occurring during the term of an

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57 appointed member shall be filled only for the balance of the
58 unexpired term.

59 (2) The authority shall elect one of its members as
60 chairperson of the authority and a second member as vice
61 chairperson of the authority. The authority shall also elect a
62 secretary and a treasurer to perform such duties as the
63 authority may direct.

64 (3) Five members of the authority shall constitute a
65 quorum, and at least five members must approve any action to be
66 taken by the authority. Resolutions adopted by the vote of at
67 least five members of the authority shall become effective
68 without further action by the authority. Each member of the
69 authority shall have one vote. The yeas and nays shall be called
70 and entered upon the minutes of each meeting upon the passage of
71 each resolution or other action of the authority.

72 (4) All warrants drawn for the disbursement of funds of
73 the authority shall be signed by its chairperson and treasurer
74 or such persons as set forth in the purchasing policy adopted by
75 the authority in accordance with general law. Bonds or
76 additional bonds of the chairperson, the treasurer, and any
77 person employed by the authority as hereinafter provided who
78 handle or are responsible for public funds of the authority
79 shall be provided by the authority in amounts approved by the
80 Board of County Commissioners of Seminole County.

81 (5) The authority shall hold a regular meeting each month
82 on a date and at a time in Seminole County fixed by resolution
83 of the authority and properly recorded in its minutes. The
84 authority may change its regular meeting date only after

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85 appropriate public notice. Special meetings may be called upon
86 the call of its chairperson or any three members of the
87 authority. Such special meetings shall be held in Seminole
88 County and whenever possible appropriate public notice thereof
89 shall be given. All meetings of the authority shall be open to
90 the public.

91 (6) The members of the authority shall receive no
92 compensation but shall receive reimbursement for per diem and
93 travel expenses incurred in connection with their official
94 duties as provided in section 112.061, Florida Statutes.
95 Reimbursement of said per diem and expenses to members of the
96 authority shall be made only pursuant to approval of the
97 authority and proper travel expense vouchers.

98 (7) The authority shall employ and fix the compensation of
99 a managing director who shall manage the affairs of the
100 authority under the supervision and control of the authority.
101 The authority may employ such engineers, attorneys, certified
102 public accountants, consultants, and employees as the authority
103 may require, and fix and pay their compensation.

104 (8) The authority may do any and all things necessary to
105 accomplish the purposes of this act.

106 (9) The fiscal year of the authority shall end on
107 September 30th of each year.

108 Section 2. Definitions.--The following words and terms
109 shall be taken to include the following meanings when the
110 context shall require or permit:

111 (1) "Authority" shall mean the body politic created by
112 this act.

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113 (2) "County" shall mean the County of Seminole.

114 (3) "City" shall mean any incorporated municipality.

115 (4) "State" shall mean the State of Florida and any
116 department, corporation, agency, or instrumentality thereof.

117 (5) "Federal agency" shall mean and include the United
118 States, the President of the United States, and any department
119 or corporation, agency, or instrumentality thereof heretofore or
120 hereafter created, designated, or established by the United
121 States.

122 (6) "Projects" shall mean harbor, port, and shipping
123 facilities of all kinds, including, but not limited to, harbors,
124 channels, turning basins, anchorage areas, jetties, breakwaters,
125 waterways, canals, locks, tidal basins, wharves, docks, piers,
126 slips, bulkheads, public landings, warehouses, terminals,
127 refrigerating and cold storage plants, railroads and motor
128 terminals for passengers and freight, rolling stock, car
129 ferries, boats, conveyors and appliances of all kinds for the
130 handling, storage, inspection, and transportation and service
131 buildings, roads, toll highways, tunnels, causeways, and bridges
132 connected therewith or incident or auxiliary thereto, and may
133 include all property, structures, facilities, rights, easements,
134 and franchises relating to any such project and deemed necessary
135 or convenient for the acquisition, construction, purchase, or
136 operation thereof. The word "projects" shall also embrace
137 capital projects for port facilities and industrial or
138 manufacturing plants as contemplated by Section 10(c) of Article
139 VII of the State Constitution and projects as defined and
140 authorized under part II of chapter 159, Florida Statutes;

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141 provided, however, that such industrial or manufacturing plants
142 shall be located only on property owned by the authority on the
143 effective date of this act.

144 (7) "Cost," as applied to improvements, shall mean the
145 cost of constructing or acquiring improvements and shall embrace
146 the cost of all labor and materials, the cost of all machinery
147 and equipment, financing charges, the cost of engineering and
148 legal expenses, plans, specifications, and such other expenses
149 as may be necessary or incident to such construction or
150 acquisition.

151 (8) "Cost," as applied to a project acquired, constructed,
152 extended, or enlarged, shall include the purchase price of any
153 project acquired; the cost of improvements; the cost of such
154 construction, extension, or enlargements; the cost of all lands,
155 properties, rights, easements, and franchises acquired; the cost
156 of all machinery and equipment; financing charges; interest
157 during construction; and, if deemed advisable, for 1 year after
158 completion of construction, cost of investigations and audits,
159 and of engineering and legal services, and all other expenses
160 necessary or incident to determining the feasibility or
161 practicability of such acquisition or construction,
162 administrative expenses, and such other expenses as may be
163 necessary or incident to the financing herein authorized and to
164 the acquisition or construction of a project and the placing of
165 the same in operation. Any obligation or expense incurred by the
166 authority prior to the issuance of revenue bonds under the
167 provision of this act for engineering studies and for estimates
168 of cost and of revenues and for other technical, financial, or

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169 legal services in connection with the acquisition or
170 construction of any project may be regarded as a part of the
171 cost of such project.

172 Section 3. Powers.--The authority shall have the following
173 specific powers, in addition to other powers otherwise
174 conferred:

175 (1) To construct, acquire, establish, improve, extend,
176 enlarge, reconstruct, reequip, maintain, repair, and operate or
177 purchase any project as herein defined.

178 (2) Subject to the jurisdiction of the United States and
179 the state, to construct, establish, and improve harbors; to
180 improve navigable waters; and to construct and maintain canals,
181 slips, turning basins, and channels, all upon such terms and
182 conditions as may be required by the United States and the
183 state.

184 (3) To acquire for any project authorized by this act by
185 grant, purchase, gift, devise, condemnation by eminent domain
186 proceedings, exchange, or in any other manner, all property,
187 real or personal, or any estate or interest therein, upon such
188 terms and conditions as the authority shall by resolution fix
189 and determine. The right of eminent domain herein conferred
190 shall be exercised by the authority in the manner provided by
191 law.

192 (4) To borrow money for any authorized purpose, evidencing
193 such obligation by promissory notes, mortgages upon all or any
194 part of its assets, revenue certificates, certificates of
195 indebtedness, or other appropriate financing documents. Any
196 obligation of the authority that pledges any of the fixed assets

197 of the authority as security for such obligation or that pledges
 198 the full faith and credit of the authority shall bear an
 199 interest rate not to exceed the lawful rate as established by
 200 law. Any obligation of the authority that does not directly
 201 pledge any of its fixed assets or pledge its full faith and
 202 credit, including, but not limited to, obligations contemplated
 203 by chapter 159, Florida Statutes, shall bear interest at a rate
 204 or rates to be established by the authority not exceeding 10
 205 percent per annum.

206 (5) To enter into joint arrangements with steamship lines,
 207 railroads, or other transportation lines, or any contract,
 208 private, or common carrier, if the authority shall deem it
 209 advantageous so to do.

210 (6) To make and enter into all contracts and agreements
 211 and to do and perform all acts and deeds necessary and
 212 incidental to the performance of its duties and the exercise of
 213 its powers; to make and execute leases or agreements for the use
 214 and occupation of the property and projects under its control on
 215 such terms, conditions, and period of time as the authority may
 216 determine, provided, however, that any lease or agreement for a
 217 period exceeding 10 years shall be first authorized and approved
 218 by the affirmative vote of not fewer than 5 members of the
 219 authority; and to sell and dispose of such property and projects
 220 as shall no longer be needed for the uses and purposes of the
 221 authority on such terms and conditions as shall be prescribed by
 222 resolution of the authority, provided, however, that before
 223 disposing of any real property that was acquired from either the
 224 city or county under the provisions of this act, the authority

225 shall give written notice to the governmental unit from which
 226 such real property was acquired. If said governmental unit
 227 desires to accept a reconveyance of said real property, it shall
 228 give the authority written notice of such intention within 30
 229 days after the date of mailing of the authority's notice
 230 regarding the disposal of such property and the authority shall
 231 make the reconveyance of such property to said governmental unit
 232 forthwith. If within such 30 days said governmental unit does
 233 not notify the authority in writing of a desire to accept a
 234 reconveyance of said property, or refuses to accept a
 235 reconveyance of same, the authority may sell and dispose of same
 236 on such terms and conditions as shall be prescribed by
 237 resolution of the authority.

238 (7) To the extent permitted by law to fix, regulate, and
 239 collect rates and charges for the services and facilities
 240 furnished by any project under its control; to establish, limit,
 241 and control the use of any project as may be deemed necessary to
 242 ensure the proper operation of the project; and to impose
 243 sanctions to promote and enforce compliance with any rule or
 244 regulation that the authority may adopt in the regulation of the
 245 ports, harbors, wharves, docks, and other projects under its
 246 control.

247 (8) To fix the rates of wharfage, dockage, warehousing,
 248 storage, and port and terminal charges for the use of the port
 249 and harbor facilities located within said county and owned or
 250 operated by said authority.

251 (9) To solicit shipping and other business and do all
 252 things necessary or advisable to promote commerce and increase

253 | tonnage through the Port of Sanford.

254 | (10) To receive and accept from any federal or state
 255 | agency grants for or in aid of the planning, development,
 256 | construction, improvement, or operation of any project and to
 257 | receive and accept contributions from any source of either
 258 | money, property, labor, or other things of value.

259 | (11) To make any and all applications required by the
 260 | Treasury Department and other departments or agencies of the
 261 | United States Government as a condition precedent to the
 262 | establishment within the county of a free port, foreign trade
 263 | zone, or area for the reception from foreign countries of
 264 | articles of commerce; to expedite and encourage foreign commerce
 265 | and the handling, processing, and delivery thereof into foreign
 266 | commerce from the payment of custom duties and to enter into any
 267 | agreements required by such departments or agencies in
 268 | connection therewith; and to make like applications and
 269 | agreements with respect to the establishment within said county
 270 | of one or more bonded warehouses.

271 | (12) To enter into any contract with the state, the United
 272 | States Government, or any agency of said governments, which may
 273 | be necessary in order to produce assistance, appropriations, and
 274 | aid for the deepening, widening, and extending of channels and
 275 | turning basins, and building and constructing slips, wharves,
 276 | breakwaters, jetties, bulkheads, and any and all other harbor
 277 | and navigation improvements and facilities.

278 | (13) To make or cause to be made such surveys,
 279 | investigations, studies, borings, maps, plans, drawings, and
 280 | estimates of cost and revenues as it may deem necessary, and may

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281 prepare and adopt a comprehensive plan or plans for the
282 location, construction, improvement, and development of any
283 project.

284 (14) To grant exclusive or nonexclusive franchises to
285 persons, firms, or corporations for the operation of
286 restaurants, cafeterias, bars, cigar and cigarette stands,
287 newsstands, buses, taxicabs, vending machines, hotels, motels,
288 service stations, and other concessions in, on, and in
289 connection with any project owned and operated by the authority.
290 In granting such franchises it shall be the duty of the
291 authority to investigate and consider the qualifications and
292 ability of the lessee or concessionaires to provide or perform
293 the contemplated services for the public using the facilities
294 and the revenues that will be derived therefrom by the authority
295 and to exercise sound prudent business judgment on behalf of the
296 authority with respect thereto, calling for bids when the
297 interests of the public will best be served by such action.

298 (15) To enter into contracts with utility companies or
299 others for the supplying by said utility companies or others of
300 water, gas, sewerage services, electricity, and telephone
301 service or any other services to or in connection with any
302 project.

303 (16) To pledge by resolution or contract the revenues
304 arising from the operation of any project or projects owned and
305 operated by the authority to the payment of the cost of
306 operation, maintenance, repair, improvement, extension, and
307 enlargement of the project or projects from the operation of
308 which such revenues are received and for the payment of

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309 principal and interest on bonds issued in connection with any
310 such project or projects, and to combine for financing purposes
311 any two or more projects constructed or acquired by the
312 authority under the provisions of this act. In any such case the
313 authority may adopt separate budgets for the operation of such
314 project or projects. In every such case such revenues shall be
315 expended exclusively for the payment of the costs of operation,
316 maintenance, repair, improvement, extension, and enlargement of
317 the project or projects from the operation of which such
318 revenues arise, for the performance of the authority's contracts
319 in connection with such project or projects, and for the payment
320 of principal and interest requirements of any bonds issued in
321 connection with the project or projects. Any surplus of such
322 funds remaining on hand at the end of any year shall be carried
323 forward and may be expended in the succeeding year for the
324 payment of the costs of operation of such project or projects or
325 for the repair, improvement, and extension thereof as the
326 authority may determine, unless such surplus has been pledged
327 for the payment of principal and interest on bonds, as
328 authorized in subsection (17), in which event any such surplus
329 shall be applied in accordance with the resolution pledging the
330 same.

331 (17) (a) The authority is authorized to issue general
332 obligation bonds or revenue bonds of said authority for the
333 purpose of paying all or a part of the cost of any one or more
334 projects as herein defined, including the cost of enlargement,
335 expansion, and development of such project whether the property
336 used therefor has previously been acquired or not, and the cost

337 of removing therefrom or relocating or reconstructing at another
338 location any buildings, structures, or facilities which in the
339 opinion of such authority constitute obstructions or hazards to
340 the safe or efficient operation of any such project, and for the
341 purpose of paying off and retiring any bonds issued or assumed
342 under the provisions of this act.

343 (b) The bonds of each issue shall be authorized by
344 resolution of the authority and shall be dated; shall bear
345 average interest at such rate or rates not exceeding the lawful
346 rate of interest as is established by law; shall mature at such
347 time or times not exceeding 40 years from their date or dates,
348 as may be determined by the authority; and may be made
349 redeemable before maturity, at the option of the authority, at
350 such price or prices and under such terms and conditions as may
351 be fixed by the authority prior to the issuance of the bonds.
352 The authority shall determine the form of bonds, including any
353 interest coupons to be attached thereto; the manner of execution
354 of the bonds; and fix the denomination or denominations of the
355 bonds and the place or places of payment of principle and
356 interest, which may be at any bank or trust company within or
357 without the state. The resolution authorizing the issuance of
358 the bonds shall contain such provisions relating to the use of
359 the proceeds from the sale of the bonds and for the protection
360 and security of holders of the bonds, including their rights and
361 remedies, and the rights, powers, privileges, duties, and
362 obligations of the authority with respect to the same, as shall
363 be determined by the authority. In case any officer whose
364 signature or facsimile of whose signature shall appear on any

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365 bonds or coupons shall cease to be such officer before the
366 delivery of such bonds, such signature or such facsimile shall
367 nevertheless be valid and sufficient for all purposes the same
368 as if he or she had remained in office until such delivery. All
369 bonds issued under the provisions of this act shall have and are
370 hereby declared to have all the qualities and incidents of
371 negotiable instruments under the negotiable instruments law of
372 the state. The bonds may be issued in coupon or in registered
373 form, or both, as the authority may determine, and provision may
374 be made for the registration of any coupon bonds as to principal
375 alone and also as to both principal and interest and for the
376 reconversion into coupons bonds of any bonds registered as to
377 both principal and interest. The issuance of such bonds shall
378 not be subject to any limitations or conditions contained in any
379 other law.

380 (c) Prior to any sale of bonds the authority shall cause
381 notice to be given by publication in some daily newspaper
382 published and having a general circulation in the county that
383 the authority will receive bids for the purchase of the bonds at
384 the office of the authority in the county. Said notice shall be
385 published twice and the first publication shall be given not
386 less than 15 days prior to the date set for receiving the bids.
387 Said notice shall specify the amount of the bonds offered for
388 sale, shall state that the bids shall be sealed bids, and shall
389 give the schedule of the maturities of the proposed bonds and
390 such other pertinent information as may be prescribed in the
391 resolution authorizing the issuance of such bonds or any
392 resolution subsequent thereto. Bidders may be invited to name

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393 the rate or rates of interest that the bonds are to bear or the
394 authority may name rates of interest and invite bids thereon. In
395 addition to publication of notice of the proposed sale the
396 authority shall also give notice in writing of the proposed sale
397 enclosing a copy of such advertisement to the chairperson of the
398 State Board of Administration and to at least three recognized
399 bond dealers in the state, such notices to be given not less
400 than 10 days prior to the date set for receiving the bids.

401 (d) All bonds and refunding bonds issued pursuant to this
402 chapter shall be sold at public sale and shall be awarded to the
403 bidder whose bid produces the lowest net interest cost to the
404 authority. The net interest cost of bids shall be determined by
405 taking the aggregate amount of interest at the rate or rates
406 specified in the bids, computed from the date of the bonds to
407 the date of the various stated maturities thereof, and deducting
408 therefrom the amount of any premium offered in excess of the par
409 value of the bonds or adding thereto the amount of any discount
410 offered below the par value of the bonds, with interest computed
411 on a 360-day-year basis. The authority shall reserve the right
412 to reject any or all bids. In no event shall said bonds be sold
413 at a net interest cost to the authority in excess of the rate as
414 is established by law. Pending the preparation of definitive
415 bonds, interim bonds may be issued to the purchaser or
416 purchasers of such bonds and may contain such terms and
417 conditions as the authority may determine.

418 (e) The authority shall require all bidders for said bonds
419 to enclose a certified or bank cashier's check, in the amount of
420 2 percent of the total par value of the bonds offered for sale,

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421 drawn on an incorporated bank or trust company payable
422 unconditionally to the order of the authority as a guarantee of
423 good faith in the performance of each bid. The checks of the
424 unsuccessful bidders shall be returned immediately upon the
425 award of the bonds and the check of the successful bidder shall
426 be retained by the authority and credited against the full
427 purchase price of the bonds at the time of delivery or retained
428 as and for liquidated damages in case of the failure of such
429 bidder to fulfill the terms of his or her bid.

430 (f) No general obligation bonds shall be issued hereunder
431 unless the issuance of such bonds shall have been approved by a
432 majority of the votes cast in an election in which a majority of
433 the freeholders residing in Seminole County who are qualified to
434 vote in such election shall participate. Whenever the authority
435 by resolution requests the Board of County Commissioners of
436 Seminole County to hold such an election, said board may on
437 behalf of the authority, hold, conduct, canvass, and announce
438 the results of such election in accordance with the procedure
439 prescribed by law for the issuance of county bonds. The expenses
440 of such election shall be paid by the authority. In no event
441 shall such general obligation bonds be construed or considered
442 to be bonds of the County of Seminole but shall be solely bonds
443 of said authority. If the resolution of the authority requests
444 said board of county commissioners as a prerequisite to holding
445 such bond election to provide for a special registration of
446 freeholders who shall be qualified to participate in such
447 election, the board of county commissioners may provide for such
448 special registration of qualified electors who are freeholders

449 in Seminole County in the same manner provided by law for the
 450 special registration of freeholders in county bond elections.
 451 The expenses of conducting such special registration shall be
 452 borne by the authority.

453 (18) To do all other acts and things necessary or proper
 454 in the exercise of the powers herein granted.

455 (19) To do all acts or things necessary or proper to be
 456 and serve as a local governmental body within the meaning of
 457 Section 10(c) of Article VII of the State Constitution or as a
 458 local agency under part II of chapter 159, Florida Statutes,
 459 with respect to any project as defined therein, provided, that
 460 projects as defined in part II of chapter 159, Florida Statutes,
 461 shall be located only on property owned by the authority on the
 462 effective date of this act; provided, further, that with respect
 463 to port facilities (wherever located within Seminole County)
 464 within the meaning of Section 10(c) of Article VII of the State
 465 Constitution, the authority shall have the same powers as a
 466 local agency under part II of chapter 159, Florida Statutes, as
 467 are therein provided with respect to industrial or manufacturing
 468 plants as fully and completely as if port facilities had been
 469 expressly included within the definition of project therein.

470 (20) To publicize, advertise, and promote the activities
 471 and projects authorized by this act; to make known to users and
 472 potential users in the public the advantages, facilities,
 473 resources, products, attractions, and attributes of the
 474 activities and projects authorized by chapter 65-2270, Laws of
 475 Florida; to further create a favorable climate of opinion
 476 concerning the activities and projects authorized and indicated

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477 by chapter 65-2270, Laws of Florida; to cooperate, including the
478 grant or expenditure of funds, to and with other agencies, both
479 public and private, in accomplishing the purposes authorized by
480 chapter 65-2270, Laws of Florida; and in furtherance thereof, to
481 authorize reasonable expenditures by a supporting voucher to be
482 filed for audit for such authorized purposes, including, but not
483 limited to, meals and hospitality.

484 Section 4. Financial reports; audits; tax levy.--

485 (1) The authority shall on or before November 30 of each
486 year file an annual financial report for the fiscal year ended
487 September 30 immediately preceding with the Board of County
488 Commissioners of Seminole County. The authority shall on or
489 before July 15 each year submit to the board of county
490 commissioners a detailed budget for its operations in the
491 succeeding fiscal year beginning October 1. The authority shall,
492 with the board of county commissioners, fix a date and time on
493 or before August 31 for a public hearing on the budget of the
494 authority. The authority shall advertise a summary of the budget
495 one time in a newspaper of general circulation published in the
496 county, and the advertisement shall state that the authority and
497 the board of county commissioners will meet on a day fixed in
498 the advertisement, not earlier than 1 week and not later than 2
499 weeks from the date of the advertising for the purpose of
500 hearing requests and complaints from the public regarding the
501 budgets. The authority and the board of county commissioners
502 shall meet upon the date fixed in the advertisement, and from
503 day to day thereafter if deemed necessary, for the purpose of
504 holding a public hearing and making whatever revisions in the

505 budget that are deemed necessary. The board of county
506 commissioners pursuant to the public hearing thereon may approve
507 or disapprove the total of the budget of the authority. Upon the
508 board's approval, the budget becomes fixed and the total thereof
509 may be amended by the authority in the manner prescribed for
510 county budgets in section 129.06(2), Florida Statutes. All
511 expenses incurred in the fiscal year for which the budget is
512 made shall be vouchered and charged on the financial records
513 against the budget of that year, and to carry out this provision
514 the authority may hold its books open for 60 days after the
515 expiration of the fiscal year. It is unlawful for the authority
516 to expend or contract for expenditures in any fiscal year more
517 than the amount budgeted and in no case shall the total
518 appropriation be exceeded. It is unlawful for the authority to
519 incur indebtedness against the authority in excess of the
520 expenditure allowed by law, or to pay any illegal charge against
521 the authority, or to pay any claim against the authority not
522 authorized by law and any member of the authority concurring in
523 any such act shall be guilty of malfeasance in office and
524 subject to suspension and removal from office as provided
525 elsewhere herein. The Board of County Commissioners of Seminole
526 County may levy an annual tax on all taxable real and personal
527 property in such county in the budget amount so approved, which
528 amount, however, shall not exceed one-half mill, for the
529 operating and administrative expenses of the authority and for
530 the construction, operation, maintenance, enlargement,
531 expansion, improvement, or development of any project or
532 projects herein specified, and for the purpose of enabling the

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533 authority to carry out its functions under this act.

534 (2) The board of county commissioners shall levy an annual
535 tax on all taxable real and personal property in such county
536 sufficient to meet the sinking fund requirements for the payment
537 of the interest and principal on any general obligation bonds
538 issued by the authority as the same become due.

539 (3) For the payment of the principal of and the interest
540 on any general obligation bonds of the authority issued under
541 the provisions of this act, the Board of County Commissioners of
542 Seminole County shall levy annually, in the manner hereinafter
543 provided, a special tax upon all taxable real and personal
544 property within the county, in addition to the tax authorized by
545 subsection (1), sufficient to pay such principal and interest as
546 the same respectively become due and payable and the proceeds of
547 all such taxes shall when collected and received by the
548 authority be paid into a special fund and used for no other
549 purpose than the payment of such principal and interest;
550 provided, however, that there may be pledged to payment of such
551 principal and interest the surplus of the revenues of the
552 project or projects, after payment of the costs of operation,
553 maintenance, and repair thereof, and in the event of such pledge
554 the amount of the annual tax levy herein provided for may be
555 reduced in any year by the amount of such revenues actually
556 received in the preceding year and then remaining on deposit to
557 the credit of the special fund for the payment of such principal
558 and interest.

559 (4) The levy, collection, and expenditure of such taxes is
560 hereby declared to be for a lawful county purpose.

561 (5) The property appraiser shall assess taxes for the
 562 authority upon certification of the tax levy by the board of
 563 county commissioners and the tax collector of Seminole County
 564 shall, as and when collected, remit and deposit all moneys
 565 collected under the taxes hereby authorized to the authority in
 566 a bank or banks qualified as depositories of public funds, to be
 567 designated by such authority. Certified copies of tax
 568 resolutions executed in the name of the authority by its
 569 chairperson, and attested by its secretary, under its corporate
 570 seal, shall immediately be delivered to the Board of County
 571 Commissioners of Seminole County. Commissions of the property
 572 appraiser and tax collector shall be paid by the authority and
 573 shall be at the rates provided by law for the assessment and
 574 collection of county taxes.

575 (6) The property appraiser, tax collector, and Board of
 576 County Commissioners of Seminole County shall when requested by
 577 the authority, prepare from their official records and deliver
 578 to the authority any and all information that may be requested
 579 at any time from him or her or them regarding the tax
 580 valuations, levies, assessments, or collections in such county,
 581 the cost of which shall be at the authority's expense.

582 (7) Misfeasance, malfeasance, or nonfeasance, or any act
 583 of impropriety reflecting upon the port authority, shall be
 584 cause for the suspension or removal of any member of the port
 585 authority. Removal may be effected by the Governor.

586 Section 5. Additional powers.--The authority shall have
 587 the power to adopt, use, and alter at will a corporate seal; to
 588 sue and be sued, implead and be impleaded, complain, and defend

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589 in all courts; to exercise the power of eminent domain to
590 acquire property for any of its authorized purposes, including
591 the taking of such property ancillary to said power in the
592 manner from time to time provided by the laws of the state; to
593 accept grants, gifts, and donations; and to enter into
594 contracts, leases, or other transactions with any federal
595 agency, the state, any agency of the state, the County of
596 Seminole, any incorporated area, or with any other public body
597 of the state.

598 Section 6. Rules and regulations.--The authority shall
599 have power to adopt rules and regulations with reference to all
600 projects and matters under its control. All rules and
601 regulations promulgated and all impositions and exactions made
602 by the authority hereof shall be just and reasonable and
603 consistent with public interest, and their application shall be
604 subject to review by certiorari in any court of proper and
605 competent jurisdiction. All rules and regulations of the
606 authority shall be a matter of public record and copies thereof
607 shall be dispensed by the authority at cost to all applicants
608 therefor.

609 Section 7. Bonds eligible for legal
610 investments.--Notwithstanding any provisions of any other law or
611 laws to the contrary, all revenue bonds, general obligation
612 bonds, or any combination of general obligation or revenue
613 bonds, including refunding bonds, issued pursuant to this act
614 shall constitute legal investments for savings banks, banks,
615 trust companies, executors, administrators, trustees, guardians,
616 and other fiduciaries, and for any board, body, agency or

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617 instrumentality of the state, or of any county, municipality, or
618 other political subdivision of the state; and shall be eligible
619 as security for deposits for state, county, municipal and other
620 public funds.

621 Section 8. Rights of employees.--All employees of the
622 authority shall be employed and promoted in accordance with and
623 under such rules and regulations as the authority may adopt from
624 time to time.

625 Section 9. Cooperation with other units, boards, agencies,
626 and individuals.--Express authority and power is hereby given
627 and granted any county, municipality, drainage district, road
628 and bridge district, school district, or any other political
629 subdivision, board, commission or individual in, or of, the
630 state to make and enter into with the authority, contracts,
631 leases, conveyances, or other agreements within the provisions
632 and purposes of this chapter. The authority is hereby expressly
633 authorized to make and enter into contracts, leases,
634 conveyances, and other agreements with any political
635 subdivisions, agency, or instrumentality of the state and any
636 and all federal agencies, corporations, and individuals, for the
637 purpose of carrying out the provisions of this chapter.

638 Section 10. Award of contracts.--

639 (1) All construction, reconstruction, repairs,
640 maintenance, or work of any nature made by the authority shall
641 comply with the purchasing policy adopted by the authority in
642 accordance with Florida Statutes. Nothing in this section shall
643 be construed to limit the power of authority to construct,
644 repair, or improve its projects or facilities, or any part

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645 thereof, or any addition, betterment, or extension thereto,
646 directly by the officers, agents, and employees of the
647 authority, or otherwise than by contract.

648 (2) All supplies, equipment, machinery, and materials
649 purchased by the authority shall comply with the purchasing
650 policy adopted by the authority in accordance with Florida
651 Statutes.

652 (3) The term "advertisement" or "due public notice"
653 wherever used in this section shall mean a notice published at
654 least once a week for 2 consecutive weeks before the award of
655 any contract, in accordance with the purchasing policy adopted
656 by the authority in accordance with Florida Statutes, in a daily
657 newspaper published and having a general circulation in the
658 county, and in such other newspapers or publications as the
659 authority shall deem advisable.

660 (4) No member of the authority or officer or employee
661 thereof shall either directly or indirectly be a party to, or be
662 in any manner interested in, any contract or agreement with the
663 authority for any matter, cause, or thing whatsoever in which
664 such member shall have a financial interest or by reason whereof
665 any liability or indebtedness shall in any way be created
666 against such authority. If any contract or agreement shall be
667 made in violation of the provisions of this section the same
668 shall be null and void and no action shall be maintained thereon
669 against the authority.

670 (5) Subject to the aforesaid provisions the authority may,
671 without intending by this provision to limit any powers of the
672 authority, enter into and carry out such contract, or establish

673 or comply with such rules and regulations concerning labor and
 674 materials and other related matters in connection with any
 675 project, or portion thereof, as the authority may deem desirable
 676 or as may be requested by the Federal Government or state
 677 government assisting in the financing of its projects, port
 678 facilities, and facilities related thereto, or any part thereof;
 679 provided that the provisions of this section shall not apply to
 680 any contract or agreement between the authority and any
 681 engineers, architects, attorneys, or for other professional
 682 services, or to any contract or agreement relating to fiscal
 683 advisors, fiscal agents, or investment bankers, relating to the
 684 financing of projects herein authorized.

685 Section 11. Execution of documents; examination of
 686 claims.--All instruments in writing necessary to be signed by
 687 the authority shall be executed by the chairperson and secretary
 688 and attested by the seal of the authority. No expenditure of
 689 funds of the authority shall be made except by voucher approved
 690 by the authority and signed by its chairperson and treasurer or
 691 such persons as set forth in the purchasing policy adopted by
 692 the authority in accordance with Florida Statutes. The authority
 693 shall provide for the examination of all payrolls, bills, and
 694 other claims and demands against the authority to determine
 695 before the same are paid that they are duly authorized, in
 696 proper form, correctly computed, legally due and payable, and
 697 that the authority has funds on hand to make payment.

698 Section 12. Records.--The authority shall keep accurate
 699 and sufficiently detailed financial records, including source
 700 documents and books of final entry, on forms and in a manner

701 approved by the state auditor. Minutes shall be kept of each
 702 meeting of the authority and shall reflect all official actions
 703 of the authority. The minute book shall be properly indexed as
 704 to subject matter for easy reference thereto. All records of the
 705 authority shall be open for public inspection at the office of
 706 the authority during regular business hours, except that no
 707 individual has the right to monopolize any particular record
 708 that might be referred to by a large number of persons or the
 709 use of which might be required by the officer or employee having
 710 charge of it.

711 Section 13. Audits.--The records shall be audited annually
 712 by the state auditor and the authority shall make all records
 713 necessary for said audit available to the state auditor at the
 714 time designated by him or her.

715 Section 14. Chapter 315, Florida Statutes, relating to
 716 port facilities financing, also applicable.--The provisions of
 717 chapter 315, Florida Statutes, relating to port facilities
 718 financing, shall also be applicable to the authority but where
 719 the provisions of said chapter 315 are inconsistent with the
 720 provisions of this act, the provisions of this act shall
 721 prevail.

722 Section 15. Submerged lands.--The authority shall
 723 negotiate with the trustees of the internal improvement board
 724 for the transfer of such islands and submerged lands belonging
 725 to the state to the authority as will serve a public purpose,
 726 subject to the riparian rights of the respective owners of the
 727 uplands adjacent thereto.

728 Section 16. Declaration of purpose.--The authority created
 729 by this act and the purposes that it is intended to serve are
 730 hereby found to be for a county and public purpose. The
 731 authority is hereby designated as a local governmental body
 732 within the meaning of Section 10(c) of Article VII of the State
 733 Constitution and as a local agency within the meaning of such
 734 term in part II of chapter 159, Florida Statutes, subject to the
 735 specific limitations and additional grants of power provided in
 736 this act.

737 Section 17. Construction.--It is intended that the
 738 provisions of this act shall be liberally construed to
 739 accomplish the purposes provided for or intended to be provided
 740 for herein, and where strict construction would result in the
 741 defeat of the accomplishment thereof, the liberal construction
 742 shall be chosen.

743 Section 18. Surplus funds.--

744 (1) The Seminole County Port Authority at its discretion
 745 may transfer to the Seminole County General Fund any moneys
 746 derived from its operation which are declared to be surplus to
 747 the needs of the authority. Such transfer may be effected at any
 748 time or from time to time as determined by the authority.

749 (2) Such surplus moneys as designated in subsection (1)
 750 transferred to the general fund may be expended by the board of
 751 county commissioners for any legal purpose.

752 Section 4. This act shall take effect upon becoming a law.