

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.

15  
 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 33 of Florida, are amended, codified, reenacted, and repealed as  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 hereby  
 38 created and established a body politic and corporate to be known  
 39 as the Seminole County Port Authority (hereinafter referred to  
 40 as the "authority"), a dependent special district. The facility  
 41 to be operated by the authority shall be known as the Port of  
 42 Sanford and is authorized to exercise the jurisdiction, powers,  
 43 and duties 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

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

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.

- 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;

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

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

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

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

343 (a) 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

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 (b) 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

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 (c) 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 (d) 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 (e) 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 this act; to further  
 475 create a favorable climate of opinion concerning the activities  
 476 and projects authorized and indicated by this act; to cooperate,

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

483 (21) To adopt, use, and alter at will a corporate seal; to  
 484 sue and be sued, implead and be impleaded, complain, and defend  
 485 in all courts; to exercise the power of eminent domain to  
 486 acquire property for any of its authorized purposes, including  
 487 the taking of such property ancillary to said power in the  
 488 manner from time to time provided by the laws of the state; to  
 489 accept grants, gifts, and donations; and to enter into  
 490 contracts, leases, or other transactions with any federal  
 491 agency, the state, any agency of the state, the County of  
 492 Seminole, any incorporated area, or with any other public body  
 493 of the state.

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

495 (1) The authority shall on or before November 30 of each  
 496 year file an annual financial report for the fiscal year ended  
 497 September 30 immediately preceding with the Board of County  
 498 Commissioners of Seminole County. The authority shall on or  
 499 before July 15 each year submit to the board of county  
 500 commissioners a detailed budget for its operations in the  
 501 succeeding fiscal year beginning October 1. The authority shall,  
 502 with the board of county commissioners, fix a date and time on  
 503 or before August 31 for a public hearing on the budget of the  
 504 authority. The authority shall advertise a summary of the budget

505 one time in a newspaper of general circulation published in the  
506 county, and the advertisement shall state that the authority and  
507 the board of county commissioners will meet on a day fixed in  
508 the advertisement, not earlier than 1 week and not later than 2  
509 weeks from the date of the advertising for the purpose of  
510 hearing requests and complaints from the public regarding the  
511 budgets. The authority and the board of county commissioners  
512 shall meet upon the date fixed in the advertisement, and from  
513 day to day thereafter if deemed necessary, for the purpose of  
514 holding a public hearing and making whatever revisions in the  
515 budget that are deemed necessary. The board of county  
516 commissioners pursuant to the public hearing thereon may approve  
517 or disapprove the total of the budget of the authority. Upon the  
518 board's approval, the budget becomes fixed and the total thereof  
519 may be amended by the authority in the manner prescribed for  
520 county budgets in section 129.06(2), Florida Statutes. All  
521 expenses incurred in the fiscal year for which the budget is  
522 made shall be vouchered and charged on the financial records  
523 against the budget of that year, and to carry out this provision  
524 the authority may hold its books open for 60 days after the  
525 expiration of the fiscal year. It is unlawful for the authority  
526 to expend or contract for expenditures in any fiscal year more  
527 than the amount budgeted and in no case shall the total  
528 appropriation be exceeded. It is unlawful for the authority to  
529 incur indebtedness against the authority in excess of the  
530 expenditure allowed by law, or to pay any illegal charge against  
531 the authority, or to pay any claim against the authority not  
532 authorized by law and any member of the authority concurring in

533 any such act shall be guilty of malfeasance in office and  
 534 subject to suspension and removal from office as provided  
 535 elsewhere herein. The Board of County Commissioners of Seminole  
 536 County may levy an annual tax on all taxable real and personal  
 537 property in such county in the budget amount so approved, which  
 538 amount, however, shall not exceed one-half mill, for the  
 539 operating and administrative expenses of the authority and for  
 540 the construction, operation, maintenance, enlargement,  
 541 expansion, improvement, or development of any project or  
 542 projects herein specified, and for the purpose of enabling the  
 543 authority to carry out its functions under this act.

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

549 (3) For the payment of the principal of and the interest  
 550 on any general obligation bonds of the authority issued under  
 551 the provisions of this act, the Board of County Commissioners of  
 552 Seminole County shall levy annually, in the manner hereinafter  
 553 provided, a special tax upon all taxable real and personal  
 554 property within the county, in addition to the tax authorized by  
 555 subsection (1), sufficient to pay such principal and interest as  
 556 the same respectively become due and payable and the proceeds of  
 557 all such taxes shall when collected and received by the  
 558 authority be paid into a special fund and used for no other  
 559 purpose than the payment of such principal and interest;  
 560 provided, however, that there may be pledged to payment of such

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561 principal and interest the surplus of the revenues of the  
562 project or projects, after payment of the costs of operation,  
563 maintenance, and repair thereof, and in the event of such pledge  
564 the amount of the annual tax levy herein provided for may be  
565 reduced in any year by the amount of such revenues actually  
566 received in the preceding year and then remaining on deposit to  
567 the credit of the special fund for the payment of such principal  
568 and interest.

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

571 (5) The property appraiser shall assess taxes for the  
572 authority upon certification of the tax levy by the board of  
573 county commissioners and the tax collector of Seminole County  
574 shall, as and when collected, remit and deposit all moneys  
575 collected under the taxes hereby authorized to the authority in  
576 a bank or banks qualified as depositories of public funds, to be  
577 designated by such authority. Certified copies of tax  
578 resolutions executed in the name of the authority by its  
579 chairperson, and attested by its secretary, under its corporate  
580 seal, shall immediately be delivered to the Board of County  
581 Commissioners of Seminole County. Commissions of the property  
582 appraiser and tax collector shall be paid by the authority and  
583 shall be at the rates provided by law for the assessment and  
584 collection of county taxes.

585 (6) The property appraiser, tax collector, and Board of  
586 County Commissioners of Seminole County shall when requested by  
587 the authority, prepare from their official records and deliver  
588 to the authority any and all information that may be requested

589 at any time from him or her or them regarding the tax  
590 valuations, levies, assessments, or collections in such county,  
591 the cost of which shall be at the authority's expense.

592 (7) Misfeasance, malfeasance, or nonfeasance, or any act  
593 of impropriety reflecting upon the port authority, shall be  
594 cause for the suspension or removal of any member of the port  
595 authority. Removal may be effected by the Governor.

596 Section 5. Rules and regulations.—The authority shall have  
597 power to adopt rules and regulations with reference to all  
598 projects and matters under its control. All rules and  
599 regulations promulgated and all impositions and exactions made  
600 by the authority hereof shall be just and reasonable and  
601 consistent with public interest, and their application shall be  
602 subject to review by certiorari in any court of proper and  
603 competent jurisdiction. All rules and regulations of the  
604 authority shall be a matter of public record and copies thereof  
605 shall be dispensed by the authority at cost to all applicants  
606 therefor.

607 Section 6. Bonds eligible for legal investments.—  
608 Notwithstanding any provisions of any other law or laws to the  
609 contrary, all revenue bonds, general obligation bonds, or any  
610 combination of general obligation or revenue bonds, including  
611 refunding bonds, issued pursuant to this act shall constitute  
612 legal investments for savings banks, banks, trust companies,  
613 executors, administrators, trustees, guardians, and other  
614 fiduciaries, and for any board, body, agency or instrumentality  
615 of the state, or of any county, municipality, or other political

616 subdivision of the state; and shall be eligible as security for  
617 deposits for state, county, municipal and other public funds.

618 Section 7. Rights of employees.—All employees of the  
619 authority shall be employed and promoted in accordance with and  
620 under such rules and regulations as the authority may adopt from  
621 time to time.

622 Section 8. Cooperation with other units, boards, agencies,  
623 and individuals.—Express authority and power is hereby given and  
624 granted any county, municipality, drainage district, road and  
625 bridge district, school district, or any other political  
626 subdivision, board, commission or individual in, or of, the  
627 state to make and enter into with the authority, contracts,  
628 leases, conveyances, or other agreements within the provisions  
629 and purposes of this chapter. The authority is hereby expressly  
630 authorized to make and enter into contracts, leases,  
631 conveyances, and other agreements with any political  
632 subdivisions, agency, or instrumentality of the state and any  
633 and all federal agencies, corporations, and individuals, for the  
634 purpose of carrying out the provisions of this chapter.

635 Section 9. Award of contracts.—

636 (1) (a) The authority shall adopt a purchasing policy in  
637 accordance with section 255.20 and chapter 287, Florida  
638 Statutes, with bidding amounts not to exceed the limits  
639 contained therein.

640 (b) All construction, reconstruction, repairs,  
641 maintenance, or work of any nature made by the authority shall  
642 comply with the purchasing policy adopted by the authority in  
643 accordance with section 255.20, Florida Statutes. Nothing in

644 this section shall be construed to limit the power of the  
645 authority to construct, repair, or improve its projects or  
646 facilities, or any part thereof, or any addition, betterment, or  
647 extension thereto, directly by the officers, agents, and  
648 employees of the authority, or otherwise than by contract.

649 (c) All supplies, equipment, machinery, and materials  
650 purchased by the authority shall comply with the purchasing  
651 policy adopted by the authority in accordance with chapter 287,  
652 Florida Statutes.

653 (2) No member of the authority or officer or employee  
654 thereof shall either directly or indirectly be a party to, or be  
655 in any manner interested in, any contract or agreement with the  
656 authority for any matter, cause, or thing whatsoever in which  
657 such member shall have a financial interest or by reason whereof  
658 any liability or indebtedness shall in any way be created  
659 against such authority. If any contract or agreement shall be  
660 made in violation of the provisions of this section the same  
661 shall be null and void and no action shall be maintained thereon  
662 against the authority.

663 (3) Subject to the aforesaid provisions the authority may,  
664 without intending by this provision to limit any powers of the  
665 authority, enter into and carry out such contract, or establish  
666 or comply with such rules and regulations concerning labor and  
667 materials and other related matters in connection with any  
668 project, or portion thereof, as the authority may deem desirable  
669 or as may be requested by the Federal Government or state  
670 government assisting in the financing of its projects, port  
671 facilities, and facilities related thereto, or any part thereof;



672 provided that the provisions of this section shall not apply to  
673 any contract or agreement between the authority and any  
674 engineers, architects, attorneys, or for other professional  
675 services, or to any contract or agreement relating to fiscal  
676 advisors, fiscal agents, or investment bankers, relating to the  
677 financing of projects herein authorized.

678 Section 10. Execution of documents; examination of  
679 claims.—All instruments in writing necessary to be signed by the  
680 authority shall be executed by the chairperson and secretary and  
681 attested by the seal of the authority. No expenditure of funds  
682 of the authority shall be made except by voucher approved by the  
683 authority and signed by its chairperson and treasurer or such  
684 persons as set forth in the purchasing policy adopted by the  
685 authority in accordance with Florida Statutes. The authority  
686 shall provide for the examination of all payrolls, bills, and  
687 other claims and demands against the authority to determine  
688 before the same are paid that they are duly authorized, in  
689 proper form, correctly computed, legally due and payable, and  
690 that the authority has funds on hand to make payment.

691 Section 11. Records.—The authority shall keep accurate and  
692 sufficiently detailed financial records, including source  
693 documents and books of final entry, on forms and in a manner  
694 approved by the state auditor. Minutes shall be kept of each  
695 meeting of the authority and shall reflect all official actions  
696 of the authority. The minute book shall be properly indexed as  
697 to subject matter for easy reference thereto. All records of the  
698 authority shall be open for public inspection at the office of  
699 the authority during regular business hours, except that no

700 individual has the right to monopolize any particular record  
701 that might be referred to by a large number of persons or the  
702 use of which might be required by the officer or employee having  
703 charge of it.

704 Section 12. Audits.—The records shall be audited annually  
705 by the state auditor and the authority shall make all records  
706 necessary for said audit available to the state auditor at the  
707 time designated by him or her.

708 Section 13. Chapter 315, Florida Statutes, relating to  
709 port facilities financing, also applicable.—The provisions of  
710 chapter 315, Florida Statutes, relating to port facilities  
711 financing, shall also be applicable to the authority but where  
712 the provisions of said chapter 315 are inconsistent with the  
713 provisions of this act, the provisions of this act shall  
714 prevail.

715 Section 14. Submerged lands.—The authority shall negotiate  
716 with the trustees of the internal improvement board for the  
717 transfer of such islands and submerged lands belonging to the  
718 state to the authority as will serve a public purpose, subject  
719 to the riparian rights of the respective owners of the uplands  
720 adjacent thereto.

721 Section 15. Declaration of purpose.—The authority created  
722 by this act and the purposes that it is intended to serve are  
723 hereby found to be for a county and public purpose. The  
724 authority is hereby designated as a local governmental body  
725 within the meaning of Section 10(c) of Article VII of the State  
726 Constitution and as a local agency within the meaning of such  
727 term in part II of chapter 159, Florida Statutes, subject to the

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728 specific limitations and additional grants of power provided in  
729 this act.

730 Section 16. Construction.—It is intended that the  
731 provisions of this act shall be liberally construed to  
732 accomplish the purposes provided for or intended to be provided  
733 for herein, and where strict construction would result in the  
734 defeat of the accomplishment thereof, the liberal construction  
735 shall be chosen.

736 Section 17. Surplus funds.—

737 (1) The Seminole County Port Authority at its discretion  
738 may transfer to the Seminole County General Fund any moneys  
739 derived from its operation which are declared to be surplus to  
740 the needs of the authority. Such transfer may be effected at any  
741 time or from time to time as determined by the authority.

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

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