

ENROLLED
CS/CS/HB 423

2010 Legislature

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:

17
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,

ENROLLED
CS/CS/HB 423

2010 Legislature

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33 of Florida, are amended, codified, reenacted, and repealed as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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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.

ENROLLED
CS/CS/HB 423

2010 Legislature

- 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;

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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,

ENROLLED
CS/CS/HB 423

2010 Legislature

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 electors 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 electors who shall be qualified to participate in such election,
447 the board of county commissioners may provide for such special
448 registration of qualified electors who are electors in Seminole

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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

ENROLLED
CS/CS/HB 423

2010 Legislature

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;

ENROLLED
CS/CS/HB 423

2010 Legislature

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 and follow uniform
693 accounting and financial practices pursuant to sections 11.47
694 and 218.33, Florida Statutes. Minutes shall be kept of each
695 meeting of the authority pursuant to section 286.011, Florida
696 Statutes. All records of the authority shall be open for public
697 inspection pursuant to chapter 119, Florida Statutes.

698 Section 12. Audits.—The records shall be audited in
699 accordance with section 218.39, Florida Statutes.

ENROLLED
CS/CS/HB 423

2010 Legislature

700 Section 13. Chapter 315, Florida Statutes, relating to
701 port facilities financing, also applicable.—The provisions of
702 chapter 315, Florida Statutes, relating to port facilities
703 financing, shall also be applicable to the authority but where
704 the provisions of said chapter 315 are inconsistent with the
705 provisions of this act, the provisions of this act shall
706 prevail.

707 Section 14. Submerged lands.—The authority shall negotiate
708 with the trustees of the internal improvement board for the
709 transfer of such islands and submerged lands belonging to the
710 state to the authority as will serve a public purpose, subject
711 to the riparian rights of the respective owners of the uplands
712 adjacent thereto.

713 Section 15. Declaration of purpose.—The authority created
714 by this act and the purposes that it is intended to serve are
715 hereby found to be for a county and public purpose. The
716 authority is hereby designated as a local governmental body
717 within the meaning of Section 10(c) of Article VII of the State
718 Constitution and as a local agency within the meaning of such
719 term in part II of chapter 159, Florida Statutes, subject to the
720 specific limitations and additional grants of power provided in
721 this act.

722 Section 16. Construction.—It is intended that the
723 provisions of this act shall be liberally construed to
724 accomplish the purposes provided for or intended to be provided
725 for herein, and where strict construction would result in the
726 defeat of the accomplishment thereof, the liberal construction
727 shall be chosen.

ENROLLED
CS/CS/HB 423

2010 Legislature

728 Section 17. Surplus funds.—

729 (1) The Seminole County Port Authority at its discretion
730 may transfer to the Seminole County General Fund any moneys
731 derived from its operation which are declared to be surplus to
732 the needs of the authority. Such transfer may be effected at any
733 time or from time to time as determined by the authority.

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

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