

HB 1139

2012

1 A bill to be entitled
2 An act relating to the Canaveral Port District,
3 Brevard County; amending chapter 2003-335, Laws of
4 Florida, as amended; expanding the definition of "Port
5 Canaveral" to include specified types of land;
6 updating terminology; providing that the district may
7 convey and acquire certain lands; increasing the
8 amount of time the authority may lease certain land;
9 revising award of group insurance; providing that
10 certain notice may be posted electronically rather
11 than published in a newspaper; providing term limits
12 for commissioners; revising requirements for the
13 filling of vacancies and for authority meetings;
14 providing that the authority may apply for grants in
15 certain circumstances; repealing provisions relating
16 to reimbursement; repealing provision relating to the
17 authority defraying certain costs; providing for
18 annual audits; repealing obsolete provisions;
19 providing applicability to general law; repealing
20 chapters 2003-335, 2004-472, 2005-320, 2008-288, and
21 2011-258, Laws of Florida, relating to the district,
22 to conform; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 3 of chapter 2003-335, Laws of Florida,
27 as amended by chapters 2004-472, 2005-320, 2008-288, and 2011-
28 258, Laws of Florida, is amended to read:

29 ARTICLE I. Creation and Status

30 Section 1. There is created and established a port
 31 district in Brevard County, which shall also be an independent
 32 special taxing district and political subdivision of the state,
 33 to be known as the "Canaveral Port District," which shall
 34 consist of so much of Brevard County as lies north of that line
 35 described as follows:

36 Beginning at a point where the west boundary line of
 37 said Brevard County, Florida, intersects with the
 38 south boundary line of Township 25 South, Range 35
 39 East, and proceeding thence easterly along the south
 40 boundary line of Township 25 South to the intersection
 41 of the east boundary line of Brevard County, Florida,
 42 with the south boundary line of Township 25 South.

43 Section 2. The Canaveral Port District is divided into
 44 five Commissioner Port Districts, numbered one to five,
 45 inclusive, defined as follows:

46 (a) District 1: Beginning at the intersection of the
 47 North line of Township 20 South (Brevard/Volusia
 48 County Line) and the Mean High Water Line of the
 49 Atlantic Ocean;

50
 51 Thence meander southerly along said Mean High Water
 52 Line of the Atlantic Ocean to the South line of
 53 Township 22 South, Range 38 East;

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55 Thence westerly along said South line to the
56 centerline of the Intracoastal Waterway of the Indian
57 River;

58
59 Thence northerly along said centerline to the easterly
60 projection of the centerline of Buffalo Road, in
61 Section 34, Township 21 South, Range 35 East;

62
63 Thence westerly along said centerline and its easterly
64 projection to the centerline of North Washington
65 Avenue (U.S. Highway #1);

66
67 Thence southerly along said centerline to the
68 centerline of Malinda Lane;

69
70 Thence westerly along said centerline to the East line
71 of the W 1/4 of Section 33, Township 21 South, Range
72 35 East;

73
74 Thence southerly along said east line to the
75 centerline of Garden Street (State Road 406);

76
77 Thence easterly along said centerline to the
78 centerline of Park Avenue (Old State Road 405);

79
80 Thence southerly along said centerline to the
81 centerline of Barna Avenue;

82

83 | Thence southerly along said centerline to the
84 | centerline of Harrison Street;

86 | Thence easterly along said centerline to the
87 | centerline of the Florida East Coast Railway;

89 | Thence southerly along said centerline to the
90 | centerline of Cheney Highway (State Road 50);

92 | Thence westerly along said centerline to the
93 | centerline of Rosehill Avenue, in Section 22, Township
94 | 22 South, Range 35 East;

96 | Thence northerly along said centerline to the
97 | centerline of Knox McRae Drive;

99 | Thence northwesterly along said centerline to the
100 | centerline of Barna Avenue;

102 | Thence southerly along said centerline to the
103 | centerline of Cheney Highway (State Road 50);

105 | Thence westerly along said centerline to the
106 | centerline of the St. Johns River, also being the
107 | county line between Brevard and Orange Counties;

109 | Thence meander northerly along said centerline of the
110 | St. Johns River to the intersection of the Volusia,

111 Brevard, Orange and Seminole County lines, said point
 112 also lying on the South line of Township 21 South,
 113 Range 33 East;

114
 115 Thence easterly along said South line of Township 21
 116 South, also being the county line between Brevard and
 117 Volusia Counties, to the East line of Range 33 East;

118
 119 Thence northerly along said East line, also being the
 120 county line between Brevard and Volusia Counties, to
 121 the North line of Township 20 South, also being the
 122 Northwest corner of Brevard County;

123
 124 Thence easterly along said North Township line to the
 125 point of beginning.

126
 127 (b) District 2: Beginning at the intersection of the
 128 easterly projection of Buffalo Road, in Section 34,
 129 Township 21 South, Range 35 East and the centerline of
 130 the Intracoastal Waterway of the Indian River;

131
 132 Thence southerly along said centerline to easterly
 133 projection of the centerline of Kings Highway;

134
 135 Thence westerly along said centerline to the
 136 centerline of Grissom Parkway (Tulsa Boulevard);

137

138 | Thence southerly along said centerline to the
 139 | centerline of Ranch Road;
 140 |
 141 | Thence westerly along said centerline to the
 142 | centerline of Interstate 95;
 143 |
 144 | Thence southerly along said centerline to the
 145 | centerline of Fay Boulevard;
 146 |
 147 | Thence easterly along said centerline to the
 148 | centerline of the Florida East Coast Railway;
 149 |
 150 | Thence southerly along said centerline to the
 151 | centerline of Broadway Boulevard, in Section 25,
 152 | Township 23 South, Range 35 East;
 153 |
 154 | Thence easterly along said centerline and its easterly
 155 | projection to the centerline of the Intracoastal
 156 | Waterway of the Indian River;
 157 |
 158 | Thence southerly along said centerline to the
 159 | centerline of the Beeline Expressway (State Road 528);
 160 |
 161 | Thence westerly along said centerline to the East line
 162 | of Section 13, Township 24 South, Range 35 East;
 163 |
 164 | Thence southerly along said east line to the North
 165 | right of way line of North Road;

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Thence northwesterly along said right of way line to the West line of Cocoa North Subdivision, Unit 1, as recorded in Plat Book 21 page 3, Public Records of Brevard County, Florida;

Thence southerly along said West line to the North right of way line of London Boulevard;

Thence westerly along said North right of way line to the West line of Cocoa North Subdivision, Unit 2, as record in Plat Book 21 page 10, Public Records of Brevard County, Florida;

Thence northeasterly, northwesterly, westerly, and northerly along said West line to the South line of N 1/4 of said Section 13, Township 24 South, Range 35 East, said point also being the North line of Cocoa North Subdivision, Unit 4, as recorded in Plat Book 26 page 44, Public Records of Brevard County, Florida;

Thence westerly along said South line to the North-South midsection line of said Section 13;

Thence southerly along said North-South midsection line to the East-West midsection line of said Section 13;

194 Thence westerly along said East-West midsection line
 195 (said line also being the North line of Cocoa North
 196 Subdivision, Unit 8, as recorded in Plat Book 31 page
 197 65, Public Records of Brevard County, Florida) ~~the~~ to
 198 the centerline of Cox Road;

199
 200 Thence southerly along said centerline to the North
 201 line of the S 1/4 of the S 1/2 of the NE 1/4 of the NE
 202 1/4 of Section 23, Township 24 South, Range 35 East;

203
 204 Thence westerly along said North line to the West line
 205 of the NE 1/4 of the NE 1/4 of said Section 23;

206
 207 Thence southerly along said West line to the South
 208 line of the N 1/4 of said Section 23;

209
 210 Thence westerly along said South line to the North-
 211 South Midsection line of said Section 23;

212
 213 Thence southerly along said North-South Midsection
 214 line to the East-West Midsection line of said Section
 215 23;

216
 217 Thence easterly along said East-West Midsection line
 218 to the centerline of State Road 524;

219
 220 Thence northeasterly along said centerline to the
 221 centerline of Cox Road;

222
 223 Thence southerly along said centerline to the
 224 centerline of Lake Drive;
 225
 226 Thence easterly along said centerline to the
 227 centerline of Clearlake Road (State Road 501);
 228
 229 Thence southerly along said centerline to the
 230 centerline of Pluckebaum Road;
 231
 232 Thence westerly along said centerline to the
 233 centerline of Interstate 95;
 234
 235 Thence southeasterly along said centerline to the
 236 centerline of Rockledge Creek;
 237
 238 Thence westerly along said centerline and its westerly
 239 projection to the centerline of Lake Poinsett;
 240
 241 Thence meander westerly along said centerline to the
 242 southwesterly projection of the centerline of State
 243 Road 524;
 244
 245 Thence northeasterly along said centerline and its
 246 southwesterly projection to the centerline of State
 247 Road 520;
 248

249 | Thence westerly along said centerline to the
 250 | centerline of the St. Johns River, also being the
 251 | county line between Brevard and Orange Counties;
 252 |
 253 | Thence meander northerly along said centerline to the
 254 | centerline of Cheney Highway (State Road 50);
 255 |
 256 | Thence easterly along said centerline to the
 257 | centerline of Barna Avenue;
 258 |
 259 | Thence northerly along said centerline to the
 260 | centerline of Knox McRae Avenue;
 261 |
 262 | Thence southeasterly along said centerline to the
 263 | centerline of Rosehill Avenue, in Section 22, Township
 264 | 22 South, Range 35 East;
 265 |
 266 | Thence southerly along said centerline to the
 267 | centerline of Cheney Highway (State Road 50);
 268 |
 269 | Thence easterly along said centerline to the
 270 | centerline of the Florida East Coast Railway;
 271 |
 272 | Thence northerly along said centerline to the
 273 | centerline of Harrison Street;
 274 |
 275 | Thence westerly along said centerline to the
 276 | centerline of Barna Avenue;

277
 278 Thence northerly along said centerline to the
 279 centerline of Park Avenue (Old State Road 405);
 280
 281 Thence northerly along said centerline to the
 282 centerline of Garden Street (State Road 406);
 283
 284 Thence westerly along said centerline to the East line
 285 of the W 1/4 of Section 33, Township 21 South, Range
 286 35 East;
 287
 288 Thence northerly along said east line to the
 289 centerline of Malinda Lane;
 290
 291 Thence easterly along said centerline to the
 292 centerline of North Washington Avenue (U.S. Highway
 293 #1);
 294
 295 Thence northerly along said centerline to the
 296 centerline of Buffalo Road, in Section 33, Township 21
 297 South, Range 35 East;
 298
 299 Thence easterly along said centerline and its easterly
 300 projection to the point of beginning.
 301
 302 (c) District 3: Beginning at the intersection of the
 303 centerline of the Intracoastal Waterway of the Indian

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304 River and the centerline of the Beeline Expressway
 305 (State Road 528);
 306
 307 Thence southerly along said centerline of the
 308 Intracoastal Waterway to the South line of Township 25
 309 South;
 310
 311 Thence westerly along said South line to the West line
 312 of Range 35 East, also being the county line between
 313 Osceola and Brevard Counties;
 314
 315 Thence northerly along said West line intersection of
 316 the Brevard, Orange and Osceola County lines;
 317
 318 Thence northerly along said Brevard and Orange County
 319 line to the centerline of State Road 520;
 320
 321 Thence easterly along said centerline to the
 322 centerline of State Road 524;
 323
 324 Thence southwesterly along said centerline and its
 325 southwesterly projection to the centerline of Lake
 326 Poinsett;
 327
 328 Thence easterly along said centerline to the westerly
 329 projection of the centerline of Rockledge Creek;
 330

331 | Thence easterly along said centerline and its westerly
332 | projection to the centerline of Interstate 95;

333 |
334 | Thence northwesterly along said centerline to the
335 | centerline of Pluckebaum Road;

336 |
337 | Thence easterly along said centerline to the
338 | centerline of Clearlake Road (State Road 501);

339 |
340 | Thence northerly along said centerline to the
341 | centerline of Lake Drive;

342 |
343 | Thence westerly along said centerline to the
344 | centerline of Cox Road;

345 |
346 | Thence northerly along said centerline to the
347 | centerline of State Road 524;

348 |
349 | Thence southwesterly along said centerline to the
350 | East-West Midsection line of Section 23, Township 24
351 | South, Range 35 East;

352 |
353 | Thence westerly along said East-West Midsection line
354 | to the North-South Midsection line of said Section 23;

355 |
356 | Thence northerly along said North-South Midsection
357 | line to the South line of the N 1/4 of said Section
358 | 23;

359
 360 Thence easterly along said South line to the West line
 361 of the NE 1/4 of the NE 1/4 of said Section 23;

362
 363 Thence northerly along said West line to the North
 364 line of the S 1/4 of the S 1/2 of the NE 1/4 of the NE
 365 1/4 of said Section 23;

366
 367 Thence easterly along said North line to the
 368 centerline of Cox Road;

369
 370 Thence northerly along said centerline to the East-
 371 West Midsection line of Section 13, Township 24 South,
 372 Range 35 East;

373
 374 Thence easterly along said East-West Midsection line
 375 to the North-South Midsection line of said Section 13;

376
 377 Thence northerly along said North-South Midsection
 378 line to the South line of the N 1/4 of said Section
 379 13, said line also being the North line of Cocoa North
 380 Subdivision, Unit 4, as recorded in Plat Book 26 page
 381 44, Public Records of Brevard County, Florida;

382
 383 Thence easterly along said South line to the West line
 384 of Cocoa North Subdivision, Unit 2, as recorded in
 385 Plat Book 21 page 10, Public Records of Brevard
 386 County, Florida;

387
 388 Thence southerly, easterly, southeasterly and
 389 southwesterly along said West line to the North right
 390 of way line of London Boulevard;
 391
 392 Thence easterly along said North right of way line to
 393 the West line of Cocoa North Subdivision, Unit 1, as
 394 recorded in Plat Book 21 page 3, Public Records of
 395 Brevard County, Florida;
 396
 397 Thence northerly along said West line and its
 398 northerly projection to the North right of way line of
 399 North road;
 400
 401 Thence southeasterly along said North right of way
 402 line to the East line of Section 13, Township 24
 403 South, Range 35 East;
 404
 405 Thence northerly along said East line to the
 406 centerline of the Beeline Expressway (State Road 528);
 407
 408 Thence westerly along said centerline to the point of
 409 beginning.
 410
 411 (d) District 4: Beginning at the intersection of the
 412 South line of Township 22 South, Range 38 East and the
 413 Mean High Water Line of the Atlantic Ocean;
 414

415 | Thence southerly along said Mean High Water Line to
 416 | the centerline of the Canaveral Port Authority Main
 417 | Channel;
 418 |
 419 | Thence westerly along said centerline to the
 420 | centerline of the Banana River;
 421 |
 422 | Thence southerly along said centerline to the easterly
 423 | projection of the centerline of Morningside Drive, in
 424 | Section 30, Township 24 South, Range 37 East;
 425 |
 426 | Thence westerly along said easterly projection and
 427 | centerline to the centerline of North Banana River
 428 | Drive;
 429 |
 430 | Thence northerly along said centerline to the South
 431 | line of Surfside Estates, Unit 1, as recorded in Plat
 432 | Book 16 page 65, Public Records of Brevard County,
 433 | Florida;
 434 |
 435 | Thence westerly along said South line and its westerly
 436 | projection to the centerline of Sykes Creek;
 437 |
 438 | Thence southerly along said centerline to the
 439 | centerline of Merritt Island Causeway (State Road
 440 | 520);
 441 |

442 Thence westerly along said centerline to the
 443 centerline of Plumosa Street;
 444
 445 Thence northerly along said centerline to the
 446 centerline of LeJeune Boulevard;
 447
 448 Thence northwesterly along said centerline to the
 449 centerline of Palmetto Avenue;
 450
 451 Thence northeasterly along said centerline to the
 452 centerline of East Merritt Avenue;
 453
 454 Thence westerly along said centerline to the
 455 centerline of Fourth Street;
 456
 457 Thence northerly along said centerline to the
 458 centerline of Alabama Avenue;
 459
 460 Thence westerly along said centerline to the
 461 centerline of Fourth Place;
 462
 463 Thence northerly along said centerline to the
 464 centerline of Needle Boulevard;
 465
 466 Thence westerly along said centerline to the
 467 centerline of North Courtenay Parkway;
 468

469 Thence southerly along said centerline to the
 470 centerline of Merritt Avenue;

471
 472 Thence westerly along said centerline and its westerly
 473 projection to the centerline of the Intracoastal
 474 Waterway of the Indian River;

475
 476 Thence northerly along said centerline to the easterly
 477 projection of the centerline of Broadway Boulevard, in
 478 Section 30, Township 23 South, Range 36 East;

479
 480 Thence westerly along said easterly projection and
 481 centerline to the centerline of the Florida East Coast
 482 Railway;

483
 484 Thence northerly along said centerline to the
 485 centerline of Fay Boulevard;

486
 487 Thence westerly along said centerline to the
 488 centerline of Interstate 95;

489
 490 Thence northerly along said centerline to the
 491 centerline of Ranch Road;

492
 493 Thence easterly along said centerline to the
 494 centerline of Grissom Parkway (Tulsa Highway);

495

496 Thence northerly along said centerline to the
 497 centerline of Kings Highway;

498
 499 Thence easterly along said centerline and its easterly
 500 projection to the centerline of the Intracoastal
 501 Waterway of the Indian River;

502
 503 Thence northerly along said centerline to the South
 504 line of Township 22 South;

505
 506 Thence easterly along said South line to the point of
 507 beginning.

508
 509 (e) District 5: Beginning at the intersection of the
 510 centerline of the Canaveral Port Authority Main
 511 Channel and the Mean High Water Line of the Atlantic
 512 Ocean;

513
 514 Thence meander southerly along said Mean High Water
 515 Line to the North line of Patrick Air Force Base, also
 516 being the South line of Orlando Beach Subdivision as
 517 recorded in Plat Book 9 page 43, Public Records of
 518 Brevard County, Florida, in Section 35, Township 25
 519 South, Range 37 East;

520
 521 Thence westerly along said North line to the
 522 centerline of the Banana River;

523

524 | Thence southerly along said centerline to the South
 525 | line of Township 25 South;
 526 |
 527 | Thence westerly along said South line to the
 528 | centerline of the Intracoastal Waterway of the Indian
 529 | River;
 530 |
 531 | Thence northerly along said centerline to the westerly
 532 | projection of the centerline of West Merritt Avenue,
 533 | said line also being the North line of Section 34,
 534 | Township 24 South, Range 36 East;
 535 |
 536 | Thence easterly along said westerly projection and
 537 | centerline to the centerline of North Courtenay
 538 | Parkway;
 539 |
 540 | Thence northerly along said centerline to the
 541 | centerline of Needle Boulevard;
 542 |
 543 | Thence easterly along said centerline to the
 544 | centerline of Fourth Place;
 545 |
 546 | Thence southerly along said centerline to the
 547 | centerline of Alabama Avenue;
 548 |
 549 | Thence easterly along said centerline to the
 550 | centerline of Fourth Street;
 551 |

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

552 Thence southerly along said centerline to the
 553 centerline of East Merritt Avenue;

554
 555 Thence easterly along said centerline to the
 556 centerline of Palmetto Avenue;

557
 558 Thence southwesterly along said centerline to the
 559 centerline of LeJeune Boulevard;

560
 561 Thence southeasterly along said centerline to the
 562 centerline of Plumosa Street;

563
 564 Thence southerly along said centerline to the
 565 centerline of Merritt Island Causeway (State Road
 566 520);

567
 568 Thence easterly along said centerline to the
 569 centerline of Sykes Creek;

570
 571 Thence meander northerly along said centerline to the
 572 westerly projection of the South line of Surfside
 573 Estates, Unit 1, as recorded in Plat Book 16 page 65,
 574 Public Records of Brevard County, Florida;

575
 576 Thence easterly along said westerly projection and
 577 South line to the centerline of North Banana River
 578 Drive;

579

580 Thence southerly along said centerline to the
 581 centerline of Morningside Drive, in Section 30,
 582 Township 24 South, Range 37 East;

583
 584 Thence easterly along said centerline and its easterly
 585 projection to the centerline of the Banana River;

586
 587 Thence northerly along said centerline to the
 588 centerline of the Canaveral Port Authority Main
 589 Channel;

590
 591 Thence easterly along said centerline to the point of
 592 beginning.

593
 594 (f) All of the aforesaid boundary lines and
 595 referenced points are as the same are situated and
 596 located on the date this provision becomes law, except
 597 that the shoreline of the Atlantic Ocean and channel
 598 centerlines of the waterways in said descriptions
 599 shall be as the same exists in fact from time to time.

600
 601 Section 3. Commencing with the year 1982, and every 10
 602 years thereafter, the Canaveral Port Authority by resolution
 603 shall divide the Canaveral Port District into five (5)
 604 Commissioner Port Districts of contiguous territory as nearly
 605 equal in population as practicable according to the duly
 606 registered electors in the Canaveral Port District determined by
 607 the elector registration rolls of the Supervisor of Elections

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608 for Brevard County. On or before January 15th of each decennial
609 year commencing with the year 1982, the Supervisor of Elections
610 for Brevard County shall transmit to the Canaveral Port
611 Authority a certified statement of all elector precincts lying
612 in whole or in part in the Canaveral Port District and the
613 number of electors in each precinct or partial precinct in the
614 Canaveral Port District according to the most recent records of
615 the Supervisor of Elections prior to the submission of such
616 certified statement. On or before March 5th of each such
617 decennial year, the Canaveral Port Authority shall divide and
618 define the boundaries of each of the five (5) Commissioner Port
619 Districts based on the certified statement of elector precincts
620 and number of electors submitted by the Supervisor of Elections.
621 No Commissioner Port Districts shall have more than 22 percent
622 or less than 18 percent of the total number of duly registered
623 electors in the Canaveral Port District according to the
624 certified statement of the Supervisor of Elections. On or before
625 March 31st of each such decennial year, the Canaveral Port
626 Authority shall deliver to the Board of County Commissioners for
627 Brevard County and the Supervisor of Elections for Brevard
628 County a certified copy of the resolution by the Canaveral Port
629 Authority defining the boundaries of the five Commissioner Port
630 Districts determined hereunder, and the Commissioner Port
631 Districts so determined shall be and constitute the Commissioner
632 Port Districts to and until the same are again determined
633 decennially under this provision. As the five Commissioner Port
634 Districts are decennially determined and defined, the same shall

635 immediately supersede the previously determined and defined five
 636 Commissioner Port Districts.

637 Section 4. The District's charter may only be amended by
 638 special act of the Legislature.

639 ARTICLE II. Definitions

640 Section 1. All references herein to ~~"Harbor District" or~~
 641 "Port District" shall be deemed to mean Canaveral Port District,
 642 situated in Brevard County as described in Article I; and all
 643 references herein to ~~"Harbor Commissioners,"~~ "Port
 644 Commissioners," or "Port Authority" shall be deemed to mean the
 645 Canaveral Port Authority, the governing body of the Canaveral
 646 Port District. All references herein to ~~"Harbor Commissioners"~~
 647 ~~or~~ "Port Commissioners" shall be deemed to mean qualified
 648 commissioners or members constituting the Canaveral Port
 649 Authority. All references herein to "Port Canaveral" or "Port"
 650 shall be deemed to mean the Port of Canaveral, Brevard County,
 651 including, but not limited to, the main entrance channels,
 652 turning basins, slips, and jetties, and including also all lands
 653 abutting on the navigable waters of said port, all submerged
 654 lands deeded to said port from the Trustees of the Internal
 655 Improvement Trust Fund, and all other lands owned by the
 656 Canaveral Port Authority.

657 ARTICLE III. Governing Authority

658 Section 1. The governing authority of said Canaveral Port
 659 District shall be known as the Canaveral Port Authority. Said
 660 Canaveral Port Authority as a body politic and body corporate is
 661 deemed a political subdivision of the State of Florida within
 662 the meaning of sovereign immunity from taxation; it shall have

663 perpetual existence; it may adopt and use a common seal and
 664 alter the same; it may contract and be contracted with; it may
 665 sue in its corporate name in any of the courts in the several
 666 states and in the courts of the United States, and may be sued
 667 only in the courts of the state and the courts of the United
 668 States for the Southern District of the state, or in such other
 669 District Court of the United States to which Brevard County may
 670 hereafter be transferred.

671 ARTICLE IV. General Grant of Powers

672 The Canaveral Port Authority, governing body of the Canaveral
 673 Port District, shall have additional powers as follows:

674 Section 1. To acquire by grant, purchase, gift, devise,
 675 condemnation, or in any other manner, all property, real or
 676 personal, or any estate or interest therein, within said
 677 Canaveral Port District, which by resolution the said port
 678 authority shall determine to be necessary for the purposes of
 679 said Canaveral Port District; said determination shall be
 680 conclusive, except in cases of fraud or gross abuse of
 681 discretion; and to improve, maintain, lease, mortgage, or
 682 otherwise encumber the same, or any part thereof, or any
 683 interest or estate therein, and to sell, convey, and deliver the
 684 legal title to certain land to an agency of Florida for rights-
 685 of-way for a public toll highway between Port Canaveral, Brevard
 686 County, and United States Highway No. 1 near City Point, Brevard
 687 County; with right of reversion of said land upon abandonment
 688 thereof by nonuser, or, in the event such public toll highway be
 689 not constructed, whichever is sooner; and upon such conditions
 690 as said Port Authority shall fix and determine, as hereinafter

691 provided; and said determination shall be deemed conclusive,
 692 except in case of fraud or gross abuse of discretion.

693 Section 2. To lay out, construct, condemn, purchase, own,
 694 mortgage, add to, maintain, conduct, operate, build, equip,
 695 manage, replace, enlarge, improve, regulate, control, repair,
 696 fix, and establish jetties, piers, quays, wharves, docks,
 697 warehouses, storehouses, breakwaters, bulkheads, public
 698 landings, slips, seawalls, turning basins, harbors, ports,
 699 waterways, channels, moles, bridges, catwalks, ferries and
 700 causeways, drydocks, terminal facilities, canals, elevators,
 701 grain bins, cold storage plants, icing plants and their
 702 distribution, refrigerating plants, pre-cooling plants, bunkers,
 703 oil tanks, pipelines, locks, tidal basins, subways, tramways,
 704 cableways, anchorage areas, depots, areas for abandoned or
 705 derelict ships, barges, or other craft, airways, landing fields,
 706 conveyors, modern appliances for economic handling, storing, and
 707 transportation of freight and the handling of passenger traffic,
 708 systems of fresh water supply, electric and steam generating
 709 stations and plants and distribution systems therefor, sewage
 710 systems and sewage disposal and treatment plants, cellular
 711 ~~telegraph~~ and telephone systems and lines, buried or on poles,
 712 gas lines and distribution systems therefor for servicing the
 713 lands, properties and facilities now or hereafter owned,
 714 acquired, or controlled by lease, franchise, or otherwise, by
 715 Canaveral Port District or the Canaveral Port Authority and any
 716 and all areas adjacent thereto, radio broadcasting stations and
 717 facilities, parking lots and areas for off-street or off-road
 718 parking of motor vehicles, barge lines, truck lines, steamship

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719 lines, shipping lines, roads and railroads, within and without
720 the territorial limits of Canaveral Port District, and all other
721 harbor and harbor area improvements and facilities which the
722 Port Authority may determine to be necessary, feasible, and
723 advantageous; and in connection with the operation, improvement,
724 and maintenance of said port, to perform all customary services,
725 including the handling, weighing, measuring, regulation,
726 control, inspection, and reconditioning of all commodities and
727 cargo received or shipped through said port.

728 Section 3. To exercise control over Port Canaveral,
729 Brevard County, and any and all parts thereof; to apply to
730 proper authorities of the United States Government for the right
731 to establish, operate, and maintain a Foreign Trade Zone within
732 the limits of Brevard County and to establish, operate, and
733 maintain such Foreign Trade Zone; to apply for and obtain
734 permission from the United States Government to create, improve,
735 regulate, and control all waters, and natural or artificial
736 waterways within said Port Canaveral; to improve all navigable
737 and non-navigable waters situated within said Canaveral Port
738 District necessary or useful to the operation, improvement, and
739 maintenance of Port Canaveral; to construct, improve, and
740 maintain such inlets, slips, turning basins, and channels; to
741 make and give to the United States Government such guarantees
742 upon such terms and conditions as may be required; and to enact,
743 adopt, and establish rules and regulations for the complete
744 exercise of jurisdiction and control over all of said lands and
745 waters of said Port Canaveral within said Canaveral Port
746 District.

747 Section 4. To fix uniform rates of wharfage, dockage,
 748 pilotage, warehousing, storage, port, and terminal charges upon
 749 all harbor facilities and improvements located within said Port
 750 District, whether owned by said Port Authority or otherwise, and
 751 to fix and determine the rates, commissions, rentals, tolls, and
 752 other charges for the use of harbor and area facilities and
 753 improvements located within said Port District insofar as it may
 754 be permissible for said Port Authority to do so under the
 755 Constitution and laws of the State of Florida and under the
 756 Constitution and laws of the United States of America.

757 Section 5. To exercise such police powers as the Port
 758 Authority shall determine to be necessary for the effective
 759 control, regulation, and protection of Port Canaveral and for
 760 the effective exercise of jurisdiction over said port.

761 Section 6. To grant franchises to any person, firm, or
 762 corporation to construct, establish, operate, replace, repair,
 763 fix, enlarge, maintain, improve, equip, manage, acquire, and
 764 control jetties, piers, quays, wharves, docks, warehouses,
 765 storehouses, breakwaters, bulkheads, public landings, slips,
 766 seawalls, turning basins, harbors, ports, waterways, channels,
 767 moles, bridges, catwalks, ferries, roads and causeways,
 768 drydocks, terminal facilities, canals, elevators, grain bins,
 769 cold storage plants, icing plants and their distribution,
 770 refrigeration plants, pre-cooling plants, bunkers, oil tanks,
 771 pipelines, locks, tidal basins, subways, tramways, cableways,
 772 anchorage areas, depots, ~~areas for abandoned ships,~~ barges, or
 773 other craft, airways, landing fields, conveyors, modern
 774 appliances for economic handling, storing, and transportation of

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775 freight and the handling of passenger traffic, systems of fresh
776 water supply, electric and steam generating stations and plants
777 and distribution systems therefor, sewage systems and sewage
778 disposal and treatment plants, cellular ~~telegraph~~ and telephone
779 systems and lines, buried or on poles, gas lines and
780 distribution systems therefor for servicing the lands,
781 properties, and facilities now or hereafter owned, acquired, or
782 controlled by lease, franchise, or otherwise by Canaveral Port
783 District or the Canaveral Port Authority, and any and all areas
784 adjacent thereto, radio broadcasting stations and facilities,
785 parking lots and areas for off-street or off-road parking of
786 motor vehicles, barge lines, truck lines, steamship lines,
787 shipping lines, roads and railroads within and without the
788 territorial limits of the Canaveral Port District, and other
789 harbor and harbor area improvements and facilities which the
790 Port Authority may determine to be necessary, feasible, and
791 advantageous; and in connection with the operation, improvement,
792 and maintenance of said port, to perform all customary services,
793 including the handling, weighing, measuring, regulation,
794 control, inspection, and reconditioning of all commodities and
795 cargo received or shipped through said port in the exercise of
796 such franchise. Nothing in this section shall be construed to
797 limit the right of the Port Authority to construct, maintain,
798 and operate the port facilities, as provided in section 2 of
799 this article.

800 Section 7. To enter into such contract, lease, or
801 franchise with any common carrier or carriers and their
802 respective successors and assigns as the Port Authority shall

803 determine to be necessary for the development, improvement, and
 804 promotion of the transportation and warehousing facilities of
 805 Port Canaveral and the development, improvement, and promotion
 806 of Port Canaveral; to acquire by grant, purchase, gift, devise,
 807 condemnation, exchange, or in any other manner all land,
 808 easements, and rights of property deemed necessary or
 809 advantageous by the Port Authority for such purposes; to execute
 810 whatever arrangements, by contract or otherwise, may be
 811 necessary ~~in the opinion of the Interstate Commerce Commission~~
 812 to perform and comply with all rules and regulations promulgated
 813 by ~~the Interstate Commerce Commission or any other~~ state or
 814 federal agency covering the operation, maintenance, improvement,
 815 development, and ownership of the transportation and warehousing
 816 facilities used in connection with Port Canaveral.

817 Section 8. To levy, assess, collect, and enforce ad
 818 valorem taxes upon all of the real and personal property in the
 819 Canaveral Port District for the purpose of defraying operating,
 820 maintenance, and general administration expenses and other
 821 necessary expenses incurred for the improvement of the port
 822 facilities, and for the purchase of rights-of-way, of said
 823 Canaveral Port Authority and Canaveral Port District, provided
 824 that such levy shall not exceed 3 mills on the dollar in any one
 825 year on the total assessed valuation of all taxable property
 826 within said Canaveral Port District for such year; and the Port
 827 Authority is authorized and empowered to issue its promissory
 828 note or notes at the rate of interest, maturity, terms, and
 829 conditions as directed by the Canaveral Port Authority, signed
 830 in the name of the Canaveral Port Authority by the Chair and the

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831 Secretary and the corporate seal affixed thereto, and the funds
832 derived therefrom to be used for the payment of operating,
833 maintenance, and general administration expenses, and for the
834 purchase of right-of-way, against or to be repaid from the
835 anticipated revenues to be derived from the said 3 mill ad
836 valorem tax, previously levied and assessed.

837 Section 9. To create and designate such offices,
838 departments, and divisions, other than those herein specifically
839 provided for, as the said Port Authority may determine to be
840 necessary; to prescribe the duties and compensation of such
841 officers and employees; to employ an attorney for the Port
842 Authority; and to fix and determine the compensation and duties
843 of said attorney. The term of office of said attorney and all
844 appointees and employees shall be at the pleasure of the Port
845 Authority.

846 Section 10. To make rules and regulations consistent with
847 the Constitution and laws of the State of Florida, and with the
848 Constitution and laws of the United States of America, for the
849 promotion and conduct of navigation, commerce, and industry in
850 said Port Canaveral. Said rules and regulations shall be
851 reasonable and shall apply uniformly to all similarly situated.

852 Section 11. To make rules and regulations governing the
853 course, conduct, movement, stationing and restationing, berthing
854 and reberthing, fueling and refueling, loading, unloading, and
855 reloading, docking, storing, mooring, and anchoring of ships,
856 vessels, crafts, barges, skiffs, and boats within said Port
857 Canaveral and the navigable waters over which the said Port
858 Authority has jurisdiction; to remove all obstacles to

859 navigation, commerce, and industry in the waters of said Port
 860 Canaveral and the navigable waters over which the said Port
 861 Authority has jurisdiction; however, this power can only be
 862 exercised within navigable waters, entrance channels, turning
 863 basins, and slips in the waters of the said port.

864 Section 12. To prescribe, fix, and establish fines,
 865 penalties, and punishment for the violation of the rules and
 866 regulations of said Port Authority and to enforce such fines,
 867 penalties, and punishments in such manner as the Port Authority
 868 may by resolution determine. All fines and penalties so imposed
 869 or levied shall be recoverable in the name of the Canaveral Port
 870 Authority in any court of the state having jurisdiction over the
 871 amount involved and shall inure and belong to said Port
 872 Authority.

873 Section 13. To enter into any contract with the Government
 874 of the United States, or any agency thereof, which may be
 875 necessary in order to procure assistance, appropriations,
 876 grants, gifts, and aid for the deepening, widening, and
 877 extending of channels and turning basins and the building,
 878 construction, and maintenance of slips, wharves, breakwaters,
 879 jetties, bulkheads, facilities, and any and all other port
 880 improvements and facilities. To convey lands in either title or
 881 possessory interest to, or acquire lands by lease or in fee
 882 simple interest from, the Federal title to lands to the United
 883 States Government for a United States Coast Guard facility, to
 884 meet the requirements of local interests and to build
 885 improvements thereon, whether by for other advisable port
 886 interests; with right of reversion of said land in the event the

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887 ~~same is either not used for said purpose within 5 years after~~
888 ~~conveyance in fee simple, leasehold, or contract or there is an~~
889 ~~abandonment of such use for 5 years.~~

890 Section 14. To exercise the right of eminent domain and to
891 condemn, appropriate, and acquire any property, both real and
892 personal, and any interest or estate therein which by resolution
893 the Port Authority shall determine to be necessary for the
894 deepening, widening, and extending of the channels, turning
895 basins, roads, and railroads and the building and construction
896 of slips, wharves, sheds, warehouses, breakwaters, jetties,
897 bulkheads, and any and all other port improvements and
898 facilities, said determination shall be conclusive, except in
899 the case of fraud or gross abuse of discretion; such
900 condemnation proceeding shall be exercised in the manner
901 provided in chapter 73 ~~sections 73.01, 73.011, 73.02 through~~
902 ~~73.12, 73.14, 73.15, 73.17, 73.18, and 73.20,~~ Florida Statutes
903 2010, 1951, and acts amendatory and supplementary thereto; and
904 pursuant to the following additional provisions, to-wit:

905 ~~(a)~~ The Port Authority, if satisfied with the verdict
906 rendered in a condemnation proceeding, shall, within 30 days
907 after the rendition of the judgment, file in the court in which
908 said proceeding was instituted its written acceptance of the
909 verdict and judgment and shall pay into court the compensation
910 ascertained by the jury. The court having jurisdiction of said
911 condemnation proceedings shall have the power to extend the time
912 within which said award shall be paid, not to exceed 18 months
913 from the date of the rendition of the judgment. Such award shall

914 bear interest at the rate of 6 percent per annum during such
 915 extended period of time.

916 ~~(b) The Port Authority shall defray the cost of~~
 917 ~~proceedings necessary to effectuate the purposes of this~~
 918 ~~section, provided that the Port Authority shall not be held~~
 919 ~~liable for costs in any action brought by any person or~~
 920 ~~plaintiff, unless the decision of the court shall be in favor of~~
 921 ~~such person or plaintiff, and in such case the court shall~~
 922 ~~determine and specify the costs which are to be paid by the said~~
 923 ~~Port Authority.~~

924 Section 15. To borrow money as herein provided.

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

936 (b) The Port Authority shall have the power and authority
 937 by majority vote at any regular meeting to lease the lands,
 938 personal properties, and facilities for a period not to exceed
 939 30 ~~10~~ years, except leases for the purpose of the construction
 940 and development of hotels, convention centers, and major retail
 941 and entertainment developments, which leases shall not exceed 50

942 years; except that under extraordinary circumstances, as
 943 reflected by a supermajority vote, the Port Authority may grant
 944 such leases in excess of 50 years, but not longer than 99 years;
 945 ~~or to encumber personal properties and facilities for not more~~
 946 ~~than \$1 million, and for a period not to exceed 5 years, to~~
 947 ~~secure the note or notes of the Port Authority authorized under~~
 948 ~~subsection (a) of said article and section, upon such terms and~~
 949 ~~conditions as the Port Authority shall determine.~~

950 ~~(c) Any lease of the lands, personal properties, or~~
 951 ~~facilities of the Port Authority for a period of more than 10~~
 952 ~~years, or any encumbrance of the personal properties or~~
 953 ~~facilities of the Port Authority for more than \$1 million, and~~
 954 ~~for a period of more than 5 years, shall be first advertised in~~
 955 ~~a newspaper of general circulation published within the~~
 956 ~~Canaveral Port District for 15 days by three consecutive weekly~~
 957 ~~publications, stating the terms and the amount to be paid and~~
 958 ~~particularly describing the lands, personal properties, or~~
 959 ~~facilities to be leased or encumbered, except where it is~~
 960 ~~proposed to lease or to encumber such properties in favor of a~~
 961 ~~governmental agency, and provided that in the event a petition~~
 962 ~~is filed within 30 days after said advertisement is published,~~
 963 ~~signed by 10 percent of the qualified electors residing within~~
 964 ~~the Canaveral Port District and therein requesting that the~~
 965 ~~question of leasing of the lands or of encumbering of the said~~
 966 ~~personal properties or facilities be decided by an election~~
 967 ~~called for that purpose. It will then be the duty of the Port~~
 968 ~~Authority to call an election to be held within the territory~~
 969 ~~constituting the Canaveral Port District, for the purpose of~~

970 ~~determining whether or not said lease or said encumbrance as~~
 971 ~~described in said advertisement shall be executed. Said election~~
 972 ~~shall be held as provided in this act. If no such petition be~~
 973 ~~filed, then the lease or the encumbrance may be executed by the~~
 974 ~~Port Authority forthwith.~~

975 Section 17. To regulate the speed, operation, docking,
 976 storing, and conduct of all water craft of any kind plying or
 977 using the waterways within said port and over which the Port
 978 Authority has jurisdiction; however, this power shall be
 979 exercised only within navigable waters, entrance channels,
 980 turning basins, and slips in the waters of the port.

981 Section 18. To appoint a Harbormaster ~~Pilot Commission~~
 982 ~~consisting of three or more members as the Port Authority may~~
 983 ~~determine, a Harbor-Master, a deputy Harbormaster Harbor-Master,~~
 984 stevedores, longshoremen, and all other persons necessary to
 985 properly transact the shipping business at said port and to fix
 986 their powers, duties, and compensation. The Port Authority is
 987 granted the power to license stevedores as independent
 988 contractors for hire, and to fix the terms and conditions of
 989 such licenses and to determine the fees to be charged, to serve
 990 at the pleasure of the Port Authority, unless terminated sooner
 991 by the licenses. ~~The Port Authority shall serve as a Pilot~~
 992 ~~Commission until a Pilot Commission shall be appointed.~~

993 Section 19. (a) The Port Authority shall have the power
 994 to borrow money and apply for grants from any state or federal
 995 agency or agencies, or private party or parties, and to secure
 996 the payment of the same by the issuance of revenue certificates
 997 or revenue bonds (which shall bear such denomination and be in

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998 | such form as shall be required by the Canaveral Port Authority),
 999 | for the purpose of carrying out any of the powers, projects, or
 1000 | purposes of the Port Authority or Port District, or for the
 1001 | purpose of providing funds to be used in the construction,
 1002 | operation, maintenance, expansion, promotion, or repair of
 1003 | harbor facilities, ~~and~~ improvements at Port Canaveral, or for
 1004 | the purpose of deepening, widening, constructing, or repairing
 1005 | ~~of~~ slips, channels, turning basins, bulkheads, seawalls,
 1006 | jetties, breakwaters, warehouses, or wharves at Port Canaveral
 1007 | ~~Port~~, or for the purpose of constructing, maintaining, or
 1008 | repairing platforms, railroads, and railroad facilities, and
 1009 | serve as common carriers; to construct, maintain, and repair
 1010 | streets, roads, or avenues surrounding or adjacent to or
 1011 | providing access to Port Canaveral; and to apply to related
 1012 | projects off-port or other Port Authority-owned property;
 1013 | provided that such revenue certificates or revenue bonds hereby
 1014 | authorized to be issued and outstanding shall not bear a higher
 1015 | rate of interest than provided by general law which shall be
 1016 | payable semiannually.

1017 | (b) The Port Authority is hereby authorized to secure said
 1018 | revenue certificates or revenue bonds by a pledge of the
 1019 | revenues of the port project, including revenues from all or any
 1020 | part of the facilities connected therewith, owned and operated
 1021 | by the Port Authority and in addition thereto, said revenue
 1022 | certificates or revenue bonds may be secured by a lien on all or
 1023 | any part of the personal properties of the Authority or the
 1024 | District or the income derived therefrom, including the full
 1025 | faith and credit of said Port District, as well as conduit

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1026 financing, financing through third parties, and not-for-profit
 1027 501(c)(3) entities. Real property is expressly excluded.

1028 (c) The issuance of said revenue bonds shall be authorized
 1029 by resolution of the Port Authority, which resolution may be
 1030 adopted at any ~~regular~~ meeting of the Port Commissioners by a
 1031 vote of a majority of the members thereof. The revenue
 1032 certificates or revenue bonds issued hereunder shall bear such
 1033 rate or rates of interest not exceeding that provided by general
 1034 law; may be in one or more series; may bear such date or dates;
 1035 may mature at such time or times not exceeding 30 years after
 1036 their respective dates, in such medium of payment, at such place
 1037 or places; may carry such registration privileges; may be
 1038 subject to such terms of redemption; may be in such form or
 1039 forms; and may be executed in such manner and contain such terms
 1040 and conditions as the Port Authority may prescribe. The revenue
 1041 certificates or revenue bonds herein provided for may be issued
 1042 by the Port Authority upon the Authority first adopting an
 1043 appropriate resolution authorizing such issuance and without the
 1044 question of issuing said revenue certificates or revenue bonds
 1045 being first authorized by an election held for such purpose,
 1046 provided that the amount to be issued and the purpose for which
 1047 issued shall be advertised and notice shall be given in
 1048 accordance with general law ~~for at least 30 days prior thereto~~
 1049 ~~by publication in a newspaper published in said District, which~~
 1050 ~~notice shall be published in 3 weekly issues of said paper.~~

1051 (d) Notwithstanding anything contained in this section,
 1052 the Port Authority shall have all the powers provided for local
 1053 agencies pursuant to part II of chapter 159, Florida Statutes.

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1054 Section 20. (a) The Port Authority is hereby further
1055 authorized and empowered to issue revenue certificates or
1056 revenue bonds authorized in section 19 of this act, supported by
1057 an ad valorem tax, to be assessed against all the taxable
1058 properties within the Port District for any of the purposes
1059 mentioned in section 19 of this act.

1060 (b) Before the issuance of any of the said revenue
1061 certificates or revenue bonds, such issue shall be authorized by
1062 resolution of the Port Authority; which said resolution shall
1063 state the amount of the certificates or bonds proposed to be
1064 issued, the purpose or purposes for which issued, the
1065 denomination for such certificates or bonds, the rate of
1066 interest the same are to bear, and the time, place, and
1067 conditions when, where, and upon which said certificates or
1068 bonds, and the interest thereon, shall become due and payable.
1069 However, such certificates or bonds shall be issued only after
1070 they have been first approved by a majority vote of the
1071 qualified electors residing in the Canaveral Port District in an
1072 election held within the territory constituting the Canaveral
1073 Port District. Such resolution, so adopted, shall name a day for
1074 the holding of such election, and said Port Authority shall give
1075 at least 30 days' notice of said election by publication in a
1076 newspaper published in said District, once a week for 4
1077 consecutive weeks during said period of 30 days. Said notice
1078 shall state the time of the election and the purpose of the
1079 election, and said certificates or bonds shall be issued only
1080 after the same shall have been authorized and ratified by a
1081 majority of the votes cast in said election and a majority of

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1082 the qualified electors who reside in said Canaveral Port
1083 District shall participate.

1084 (c) All said qualified electors residing in said District
1085 shall be entitled to vote in said election, which election shall
1086 in all respects not herein expressly provided be called and held
1087 and the result thereof determined in accordance with the
1088 provisions of any applicable general statute now in force or
1089 hereafter enacted. The place of voting in said election shall be
1090 the same as the places for voting at the general elections
1091 usually held within the territorial limits of said District.
1092 Inspectors and clerks shall be appointed and qualified as in
1093 case of general elections and they shall canvass the votes cast
1094 and make due returns of the same without delay. Returns of said
1095 elections shall be made to the Port Authority. It shall be the
1096 duty of the Port Authority to cause to be prepared a sufficient
1097 number of ballots to be used at such election, with such
1098 description of said certificates or bonds to be voted on as the
1099 Port Authority may prescribe. A separate statement giving the
1100 amount of the certificate or bond issued and the interest
1101 thereon, together with such other details as may be deemed
1102 necessary or proper to inform the electors, shall be printed on
1103 the ballots in connection with the question "FOR the Issuance of
1104 Revenue Certificates or Revenue Bonds Supported by an Ad Valorem
1105 Tax" and "AGAINST the Issuance of Revenue Certificates or
1106 Revenue Bonds Supported by an Ad Valorem Tax." Directions to the
1107 voters to express their choice by making an (x) mark in the
1108 space to the right or the left of said question shall be stated

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1109 | in the ballot. Said ballots shall be in form substantially as
 1110 | follows:

1111 |
 1112 | Official Ballot Canaveral Port District SPECIAL ELECTION (Insert
 1113 | Date) This election is held for the approval or disapproval of
 1114 | the issuance of \$..... of Revenue Certificates (or Revenue
 1115 | Bonds) of Canaveral Port District, supported by an ad valorem
 1116 | tax, bearing interest at the rate of per centum per annum.
 1117 | Place a cross mark (x) in the space to the left (or right) of
 1118 | the proposition of your choice. FOR issuance of Revenue
 1119 | Certificates (or Revenue Bonds) of Canaveral Port District in
 1120 | the amount of \$..... supported by an ad valorem tax to be
 1121 | issued against the taxable properties of the District, bearing
 1122 | interest at the rate of per centum per annum, payable
 1123 | semiannually.

1124 |
 1125 | AGAINST Issuance of Revenue Certificates (or Revenue Bonds) of
 1126 | Canaveral Port District in the amount of \$..... supported
 1127 | by an ad valorem tax to be issued against the taxable properties
 1128 | of the District, bearing interest at the rate of per centum
 1129 | per annum, payable semiannually.

1130 |
 1131 | If a majority of the votes cast in said election are in favor of
 1132 | the issuance of said certificates or bonds, then the Canaveral
 1133 | Port Authority shall be authorized to issue such certificates or
 1134 | bonds in the amount specified in said resolution calling such
 1135 | special election. The proceeds received therefrom shall be used
 1136 | by the Authority for the purposes stated in said resolution.

1137
 1138 (d) For the purpose of securing any of such revenue
 1139 certificates or revenue bonds, supported by an ad valorem tax,
 1140 authorized to be issued herein, the Port Authority, in addition
 1141 to pledging the net revenues and income of the Port Authority or
 1142 the Canaveral Port District, is hereby further authorized,
 1143 empowered, and directed to annually levy, assess, collect, and
 1144 enforce an ad valorem tax upon all the taxable property of the
 1145 Canaveral Port District, sufficient in amount to provide for the
 1146 payment of the interest to become due thereon and to provide for
 1147 a sinking fund sufficient in amount to discharge said
 1148 certificates or bonds at their respective maturities, which said
 1149 ad valorem tax so levied shall be in addition to all other taxes
 1150 provided herein.

1151 (e) The Port Authority is additionally authorized and
 1152 empowered to borrow money at an interest rate not to exceed 7.5
 1153 percent per annum and maturity date not to exceed 1 year, from
 1154 any bank or other party, to create and maintain a sinking fund
 1155 for the payment as budgeted, of the principal and interest of
 1156 outstanding revenue certificates or revenue bonds; and to
 1157 execute its promissory note or notes therefor, signed in the
 1158 name of the Canaveral Port Authority by its Chair and its
 1159 Secretary and the corporate seal affixed thereto, all as
 1160 directed by the Board of Commissioners of the Canaveral Port
 1161 Authority, and said note or notes shall be payable from the
 1162 anticipated revenues to be derived from the previously levied
 1163 and assessed ad valorem tax as authorized in this section,
 1164 provided, however, such notes shall not exceed in any one year

1165 75 percent of the current taxes levied in any one year by the
 1166 Port Authority for the payment of the interest and redemption of
 1167 the revenue bonds or revenue certificates of Canaveral Port
 1168 Authority currently becoming due.

1169 Section 21. (a) The manner in which the Port Authority
 1170 shall exercise the levying, assessing, and collecting of any ad
 1171 valorem tax provided herein shall be as follows: The County
 1172 Property Appraiser of Brevard County, immediately after the tax
 1173 assessment of said county for any year after the passage of this
 1174 act has been reviewed and equalized by the Board of County
 1175 Commissioners of Brevard County, shall report in writing to the
 1176 Canaveral Port Authority the assessed valuation of all taxable
 1177 property within the territorial limits of the Canaveral Port
 1178 District, as assessed and equalized for state and county
 1179 taxation, and the Chief Financial Officer of the State of
 1180 Florida shall report to the Canaveral Port Authority at the time
 1181 he or she is, by law, required to report to the County Property
 1182 Appraiser of Brevard County the assessed valuation of all
 1183 railroad lines, railroad property, telephone ~~and telegraph~~
 1184 lines, and telephone ~~and telegraph~~ properties within the
 1185 Canaveral Port District, over which he or she has jurisdiction
 1186 for valuation and assessment purposes and said assessed
 1187 valuation, placed on said properties, shall be the valuation for
 1188 taxation by the Port Authority.

1189 (b) The Port Authority shall, during each year, determine
 1190 by resolution the total amount to be raised from ad valorem
 1191 taxes levied and assessed upon all the taxable property located
 1192 within said Canaveral Port District to provide funds sufficient

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1193 | in amount to pay the interest on said revenue certificates or
1194 | revenue bonds, which are supported by an ad valorem tax, as such
1195 | interest may become due; and also provide for a sinking fund
1196 | sufficient in amount to discharge the principal of revenue
1197 | certificates or revenue bonds at their respective maturities;
1198 | and at the same time the Port Authority shall determine the
1199 | amount to be required to pay the charges and costs for
1200 | operation, maintenance, general administration, capital
1201 | improvements, and the purchase of right-of-way. It shall adopt
1202 | its resolution levying an ad valorem tax against all of the
1203 | taxable property of the District sufficient to pay said
1204 | interest, sinking fund, charges, and costs, which tax, if so
1205 | levied, however, shall not exceed 3 mills on the dollar of
1206 | assessed value in any one year.

1207 | (c) A certified copy of said tax resolution, executed in
1208 | the name of the Port Authority under the corporate seal of the
1209 | Port Authority by its Chair, and attested by its Secretary,
1210 | shall be made and delivered to the Board of County Commissioners
1211 | of Brevard County and the Chief Financial Officer of the State
1212 | of Florida, with all reasonable dispatch after the Port
1213 | Authority has received the total valuation of all taxable
1214 | properties to be assessed within the Canaveral Port District.
1215 | Upon the receipt of such resolution by said Board of County
1216 | Commissioners, it shall be the mandatory duty of said Board of
1217 | County Commissioners to order and direct the County Property
1218 | Appraiser of Brevard County to assess and levy, and the County
1219 | Tax Collector of Brevard County to collect, the tax, at the rate
1220 | fixed and determined by said resolution of the Port Authority,

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1221 upon all taxable properties located within said Canaveral Port
 1222 District, and said revenues and assessments so determined and
 1223 made shall be included in the tax roll and warrant of said
 1224 County Property Appraiser for each fiscal year hereafter. The
 1225 said Tax Collector shall collect such taxes in the manner and at
 1226 the same time as state and county taxes are collected and shall
 1227 pay and remit the same upon the collection thereof to the Port
 1228 Authority. It shall be the duty of the Chief Financial Officer
 1229 of the State of Florida to assess and levy on all railroad lines
 1230 and railroad property, all telephone and telegraph lines and
 1231 telephone and telegraph property, and all other taxable property
 1232 within his or her jurisdiction located within said Canaveral
 1233 Port District a tax at the rate prescribed by said tax
 1234 resolution of the Port Authority and to collect the said tax
 1235 thereon in the same manner and at the same time as he or she is
 1236 required by law to assess and collect such taxes for state and
 1237 county purposes and pay and remit the same when collected to the
 1238 Port Authority. All such taxes shall be disbursed and paid out
 1239 by the Port Authority only for the purposes for which said taxes
 1240 were levied, upon vouchers, checks, or warrants issued in such
 1241 manner as the Port Authority, by resolution, may determine.

1242 (d) This act shall be full authority for the issuance of
 1243 any of the revenue certificates and revenue bonds authorized
 1244 herein, which said revenue certificates or revenue bonds shall
 1245 have the qualities of negotiable paper under the law merchant
 1246 and shall not be invalidated for any irregularity or defect in
 1247 the proceedings for the issuance thereof and shall be
 1248 incontestable in the hands of bona fide purchasers for value. No

1249 | proceedings in respect to the issuance of any such revenue
 1250 | certificates or revenue bonds shall be necessary except such as
 1251 | required by this act; however, such revenue certificates or
 1252 | revenue bonds may be validated and confirmed in the way and
 1253 | manner contemplated and provided by the general laws and
 1254 | statutes of the state. The provisions of this act shall
 1255 | constitute an irrevocable contract between the Port Authority
 1256 | and the holders of any such revenue certificates or revenue
 1257 | bonds, and of the coupons thereof issued pursuant to the
 1258 | provisions hereof. Any holder of any of said revenue
 1259 | certificates or revenue bonds or coupons may, either at law or
 1260 | in equity, by suit, action, or mandamus, enforce and compel the
 1261 | performance of any of the duties required by this act of any of
 1262 | the officers or persons mentioned herein relating to said
 1263 | revenue certificates or revenue bonds, or the levying,
 1264 | assessing, and collection of the taxes provided for the payment
 1265 | thereof.

1266 | (e) The provisions of sections 193.321 through 193.327,
 1267 | Florida Statutes 1967, shall not apply~~7~~ and are hereby
 1268 | specifically repealed as to the power and authority of the
 1269 | Canaveral Port Authority to levy, assess, collect, and enforce
 1270 | ad valorem taxes as set forth in this act.

1271 | Section 22. (a) The Board of Commissioners of the
 1272 | Canaveral Port Authority, Brevard County, is authorized to offer
 1273 | and make available ~~provide~~ life, health, accident,
 1274 | hospitalization, or all or any part of such insurance for
 1275 | Canaveral Port Authority officers and employees, upon a group
 1276 | insurance plan. The Board shall advertise for bids and shall

1277 | award said group insurance to the most responsive and
 1278 | responsible ~~lowest and best~~ bidder providing the best value to
 1279 | the Canaveral Port Authority, provided that if no bids are
 1280 | received, the Board shall have the discretion to contract for
 1281 | such insurance on such terms and conditions as it may deem
 1282 | desirable.

1283 | (b) The Board of Commissioners of the Canaveral Port
 1284 | Authority is authorized to pay all or any portion of the
 1285 | premiums for such group insurance as an operating expense. The
 1286 | said Board is further authorized to deduct periodically from the
 1287 | wages of any officer or employee, upon the written request of
 1288 | such officer or employee, any premium or portion of premium for
 1289 | any such insurance.

1290 | Section 23. (a) Section 253.126, Florida Statutes, is
 1291 | hereby specifically repealed as to the Canaveral Port Authority.

1292 | (b) The Canaveral Port Authority is granted the power and
 1293 | authority to establish bulkhead lines, authorize dredging and
 1294 | filling, and have jurisdiction under chapter 253, Florida
 1295 | Statutes, as to the lands and waters under the jurisdiction of
 1296 | the Canaveral Port Authority in lieu of the Board of County
 1297 | Commissioners.

1298 | (c) In the exercise of this grant of authority, the
 1299 | Canaveral Port Authority shall comply with all applicable
 1300 | provisions of chapter 253, Florida Statutes, to the same extent
 1301 | as a Board of County Commissioners would comply with such
 1302 | provisions under the same circumstances.

1303 | Section 24. To comprehensively plan for urban and rural
 1304 | transportation needs and to comprehensively plan for the use of

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1305 the lands, resources, and waters under its jurisdiction; to
1306 participate in such planning with other public agencies as
1307 defined in chapter 163, Florida Statutes; and to enter into
1308 interlocal governmental agreements (including, without
1309 limitation by this specific reference, Metropolitan Planning
1310 Organizations contemplated under 23 U.S.C. section 134 and the
1311 Urban Mass Transportation Act of 1964) in such transportation
1312 and real property fields.

1313 Section 25. (a) The Canaveral Port Authority is
1314 authorized to sell or otherwise convey or dispose of any lands
1315 or any interests or rights in lands to which the District
1316 acquired title after January 1, 1987, or to which it may
1317 hereafter acquire title, whenever the Canaveral Port Authority
1318 determines it is in the best interest of the District to do so
1319 at the best price and terms obtainable, for such terms and
1320 conditions as the Canaveral Port Authority may in its discretion
1321 determine. The power to sell or otherwise convey granted herein
1322 specifically includes the power by the District to enter into
1323 public partnerships regarding District lands upon such terms and
1324 conditions as the Canaveral Port Authority may in its discretion
1325 determine. However, any conveyance or agreement must be for a
1326 public purpose.

1327 (1) All sales of land, interests, or rights in land, or
1328 the lease of any interests in land, shall be for cash or upon
1329 terms and security to be approved by the Canaveral Port
1330 Authority. No deed shall be executed and delivered for any sale
1331 until full payment is made and received by the District.

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1332 (2) Before selling or disposing of any land or any
1333 interest or rights in and to any land, it shall be the duty of
1334 the District to cause a notice of intention to sell or dispose
1335 of the land to be published by electronic posting ~~in a newspaper~~
1336 ~~of general circulation published in Brevard County~~ no less than
1337 once each week for 2 successive weeks. The first publication
1338 shall be not less than 15 days nor more than 30 days prior to
1339 the meeting at which the proposed sale or disposition will be
1340 considered. The notice shall set forth a description of the
1341 lands or interests or rights in lands offered for sale or other
1342 disposition.

1343 (3) Deeds of conveyance of lands, the titles to which are
1344 held by the District or in the name of the Canaveral Port
1345 Authority, shall be by special warranty deed.

1346 (4) All deeds of conveyance held by the District or by the
1347 Canaveral Port Authority shall convey only the interest of the
1348 District or the Canaveral Port Authority in the property covered
1349 thereby.

1350 (b) The Canaveral Port Authority may exchange lands or
1351 interests or rights in lands owned and acquired by the District
1352 after January 1, 1987, or lands or interests or rights in said
1353 lands for which title is otherwise vested in the District, for
1354 other lands or interests or rights in lands within the state
1355 owned by any person. The Canaveral Port Authority shall fix the
1356 terms and conditions of any such exchange and may pay or receive
1357 any sum of money that the Canaveral Port Authority considers
1358 necessary to equalize the values of exchanged properties. Before
1359 any exchange of property is effected, notice of the meeting at

1360 | which said exchange is considered shall be published in a
 1361 | newspaper of general circulation published in Brevard County
 1362 | prior to the adoption by the Canaveral Port Authority of a
 1363 | resolution authorizing the exchange of properties. Notice shall
 1364 | be published at least once not less than 7 days nor more than 14
 1365 | days prior to the meeting at which the resolution will be
 1366 | considered.

1367 | ARTICLE V. Port Commissioners

1368 | Section 1. The governing authority of the Canaveral Port
 1369 | District is hereby created and shall be designated as the
 1370 | Canaveral Port Authority, and shall consist of five Port
 1371 | Commissioners, one Port Commissioner from each Commissioner Port
 1372 | District, who shall be a qualified elector and reside within the
 1373 | Commissioner Port District from which he or she is appointed or
 1374 | nominated and elected. All Port Commissioners shall be elected
 1375 | for 4-year terms, and said terms shall be arranged so that three
 1376 | Port Commissioners are elected at one general election and two
 1377 | Port Commissioners elected at the next ensuing general election.
 1378 | The term of office of each Port Commissioner shall commence on
 1379 | the first Tuesday after the first Monday in January following
 1380 | his or her election. No Port Commissioner elected in or
 1381 | subsequent to the general election of 2012 shall serve more than
 1382 | two consecutive terms.

1383 | Section 2. (a) Each Commissioner Port District shall be a
 1384 | residency district for all elections hereunder. The five Port
 1385 | Commissioners shall be nominated in the general primary and
 1386 | elected in the general election held in each Commissioner Port
 1387 | District next ensuing and at all subsequent general primaries

1388 and general elections thereafter upon the official county
 1389 ballots.

1390 (b) Nomination of candidates shall be made by residency
 1391 districts at the primary elections, by the various political
 1392 parties, as the general laws of Florida provide for County
 1393 Commissioners for Brevard County, at which primary elections the
 1394 electors of the Canaveral Port District at large who are
 1395 qualified to vote in such primary elections shall be entitled to
 1396 vote. The Board of County Commissioners shall not print the name
 1397 of any person as a candidate on the ballots for general
 1398 elections unless he or she shall have been so nominated.

1399 (c) Candidates for nomination in primary elections shall
 1400 pay the same filing fee to the Clerk of the Board of County
 1401 Commissioners; file in the same manner the like oaths, sworn
 1402 statements, and receipts for party assessments; be governed by
 1403 the same restrictions; be subject to like party assessments by
 1404 the County Executive Committees of the respective political
 1405 parties; and in all respects comply with the general laws of
 1406 Florida governing candidates for Board of County Commissioners
 1407 in primaries.

1408 (d) Elections of candidates shall be at general elections
 1409 as provided by the general laws of Florida, at which general
 1410 elections all qualified electors residing within the Canaveral
 1411 Port District shall be entitled to vote.

1412 Section 3. Any vacancy occurring on or in the said Board
 1413 of Commissioners of the Port Authority, whether caused by
 1414 resignation, refusal, death, or the unconstitutionality of any
 1415 part of this act, or for or on account of any other reason

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1416 whatsoever, shall be filled for the unexpired portion of the
1417 corresponding term, or until the first Tuesday after the first
1418 Monday in January after the next ensuing general election,
1419 whichever may come sooner, by appointment by the Governor.

1420 Section 4. Every Port Commissioner, before he or she
1421 assumes office, shall be required to make oath that he or she
1422 will faithfully discharge the duties of his or her office and
1423 uphold and defend the laws and the Constitution of the State of
1424 Florida and give good and sufficient surety bond payable to the
1425 Governor for the use and benefit of the Canaveral Port Authority
1426 in the sum of \$2,000, conditioned for the faithful performance
1427 of the duties of his or her office, said bond to be approved by
1428 the Canaveral Port Authority and filed with the Secretary of
1429 State. Any and all premiums of the surety bonds shall be paid by
1430 the Port Authority as a necessary expense of said District.

1431 Section 5. As soon as practicable after the newly
1432 appointed or elected Port Commissioners shall have qualified,
1433 they shall meet and organize by the selection from among
1434 themselves of a Chair and a Vice-Chair, and shall also elect a
1435 Secretary and a Treasurer, provided, however, that the latter
1436 two offices may be held by one person and such person may or may
1437 not be a member of said Authority. A majority of the duly
1438 qualified members shall constitute a quorum. The Chair and the
1439 Secretary, if the latter be a member of said Port Authority,
1440 shall be entitled to vote at all meetings. Being a Port
1441 Commissioner of the Canaveral Port Authority shall not
1442 disqualify such Port Commissioner from holding any municipal,
1443 county, or state office.

1444 Section 6. The annual salary allowance of each Port
 1445 Commissioner shall be determined and adopted by the Board of
 1446 Commissioners of the Canaveral Port Authority at the regular
 1447 meeting held in September 2003, to be effective commencing
 1448 October 1, 2003. The salary allowance established in September
 1449 2003, shall not exceed the average annual salary paid to Port
 1450 Commissioners of those other special district seaports which
 1451 have an established annual salary for Port Commissioners. The
 1452 salary allowance shall be payable monthly and apply to all
 1453 services rendered by each Port Commissioner under this act. The
 1454 salary allowance adopted as provided herein may be adjusted
 1455 annually by the Board of Commissioners of the Canaveral Port
 1456 Authority; however, any increase in the annual salary allowance
 1457 shall not exceed the average percentage increase in the salaries
 1458 of state career service employees as determined pursuant to
 1459 section 145.19, Florida Statutes, for the fiscal year just
 1460 concluded.

1461 Section 7. All meetings of the said Port Authority shall
 1462 be held in accordance with general law ~~open to the public~~ and
 1463 shall be held at a duly noticed location within the Port
 1464 District ~~the office of the Port Authority~~. Records of all
 1465 business transacted by the Port Authority shall be kept and
 1466 preserved in substantial Minute Books by the Secretary as a
 1467 permanent record, and the Minute Books or excerpts therefrom,
 1468 duly certified by the Secretary under the seal of the Port
 1469 Authority, shall be prima facie evidence in all courts of the
 1470 proceedings of the Port Authority. The Port Authority shall have

1471 power to prescribe by resolution rules for the conduct of its
 1472 meetings not inconsistent herewith.

1473 Section 8. The expense accounts of Port Commissioners and
 1474 employees shall be itemized in writing and submitted to the Port
 1475 Authority in session.

1476 ARTICLE VI. Additional Powers

1477 Section 1. The Canaveral Port Authority shall have the
 1478 power to impose a franchise or excise tax upon businesses and
 1479 occupations carried on or operated under and by virtue of any
 1480 franchise or franchises granted by the Port Authority in a sum
 1481 equal to 0.5 percent of the gross receipts of such businesses or
 1482 occupations. The administration of this section and the
 1483 collection of this franchise tax are hereby vested in the
 1484 Canaveral Port Authority, and said Port Authority is authorized
 1485 to make, promulgate, and enforce such reasonable rules and
 1486 regulations relating to the administration and enforcement of
 1487 this law and the collection of said franchise tax as may be
 1488 deemed expedient, independently of all other remedies and
 1489 proceedings authorized by law for the enforcement and collection
 1490 of said franchise tax, a right of action, by suit in the name of
 1491 the Canaveral Port Authority, is hereby created; and such suit
 1492 may be maintained and prosecuted, and all proceedings taken, to
 1493 the same effect and extent as for the enforcement of a right of
 1494 action for debt or assumpsit, or substitute forms of action
 1495 therefor, and any and all remedies available in such actions
 1496 including attachment and garnishment shall be and are hereby
 1497 made available to the said Canaveral Port Authority in the
 1498 enforcement of the payment of any franchise tax accruing

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1499 hereunder, provided that the Port Authority shall not be
1500 required to post bond in any such actions or proceedings.

1501 Section 2. In the further interest of the advancement,
1502 promotion, regulation, and control of Port Canaveral, and in the
1503 interest of safety, order, convenience, and the general welfare
1504 of the public, the Port Authority is authorized and empowered to
1505 adopt a plan or plans, and amend the same from time to time, for
1506 the zoning of the Harbor area for the purpose of regulating the
1507 location and establishment of trades, industries, and
1508 manufacturing establishments and other use of the property
1509 within said Port Canaveral.

1510 Section 3. (a) The Canaveral Port Authority shall have
1511 the power and authority to establish a direct-support
1512 organization to receive, hold, invest, and administer property;
1513 to make expenditures to or for the benefit of the Canaveral Port
1514 District; and to promote the development and expansion of the
1515 economic, historical, and cultural contributions of the maritime
1516 industry of the Canaveral Port District.

1517 (b) A direct-support organization established pursuant to
1518 this section shall be approved by the Canaveral Port Authority
1519 and be a corporation not for profit, incorporated under the
1520 provisions of chapter 617, Florida Statutes, and approved by the
1521 Department of State.

1522 (c) The direct-support organization shall be organized and
1523 operated exclusively to carry out the purposes set forth in
1524 subsection (a).

1525 (d) The direct-support organization is authorized and
1526 permitted to use property, facilities, and employee services of

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1527 the Canaveral Port Authority subject to the conditions
1528 prescribed by the Port Authority. The conditions shall provide
1529 for budget and audit review and oversight by the Port Authority.

1530 (e) The direct-support organization shall provide equal
1531 employment opportunities to all persons, regardless of race,
1532 color, religion, sex, age, or national origin.

1533 (f) The board of directors of the direct-support
1534 organization shall be appointed by the Port Authority and shall
1535 include the chairperson of the Port Authority, or his or her
1536 designee, and the chief executive officer as members. The Port
1537 Authority shall approve the articles of incorporation and bylaws
1538 of the direct-support organization and any amendments thereto.

1539 (g) The annual budget of the direct-support organization
1540 shall be presented to and approved by the Port Authority on or
1541 before the beginning of the fiscal year adopted by the direct-
1542 support organization.

1543 (h) In any fiscal year in which the direct-support
1544 organization has more than \$100,000 in expenditures or expenses,
1545 the direct-support organization shall provide an annual
1546 financial audit of its accounts and records, to be conducted by
1547 an independent certified public accountant in accordance with
1548 the rules adopted by the Auditor General pursuant to section
1549 11.45(8), Florida Statutes. The annual audit report shall be
1550 submitted within 9 months after the end of the fiscal year to
1551 the Port Authority. The Auditor General and Office of Program
1552 Policy Analysis and Government Accountability have the authority
1553 to require and receive from the direct-support organization any
1554 records relative to the operation of the organization.

1582 Section 4. Official travel authorized by the Canaveral
 1583 Port Authority shall be reimbursed by the Authority in
 1584 accordance with the following provisions:

1585 (a) All official travel ~~performed within the state~~ shall
 1586 be reimbursable in accordance with section 112.061, Florida
 1587 Statutes.

1588 ~~(b) Official travel outside of the state but within the~~
 1589 ~~continental United States shall be reimbursable in accordance~~
 1590 ~~with section 112.061, Florida Statutes, with the exception of~~
 1591 ~~the reimbursement rates for meals. The reimbursement rates for~~
 1592 ~~meals shall be as follows:~~

1. ~~Breakfast~~ \$ ~~5.00.~~

2. ~~Lunch~~ \$ ~~11.00.~~

3. ~~Dinner~~ \$ ~~22.00.~~

1593
 1594
 1595
 1596 ~~On October 1 of each year, the above meal rates will be adjusted~~
 1597 ~~by the Consumer Price Index, "All urban consumers, food away~~
 1598 ~~from home," by the change in the 12-month period preceding~~
 1599 ~~October 1.~~

1600 (b) ~~(e)~~ Official travel outside of the continental United
 1601 States shall be reimbursable in accordance with section 112.061,
 1602 Florida Statutes, with the exception of meals. The reimbursement
 1603 rates for meals shall be in accordance with the United States
 1604 Department of State Standardized Regulations, Per diem
 1605 Supplement for all foreign areas. Once the daily meal rate has

1606 been determined by the applicable travel location, the following
 1607 percentage rates will apply to the maximum daily rate allowed:

1. Breakfast 14% of daily maximum rate.

1608
 2. Lunch 28% of daily maximum rate.

1609
 3. Dinner 58% of daily maximum rate.

1610
 1611 ARTICLE VIII. Levy of Taxes

1612 Section 1. The Port Authority shall not, during any one
 1613 year, levy a tax in any greater sum or amount than shall be
 1614 necessary for the following purposes:

1615 (a) A tax not exceeding 3 mills on the dollar of the total
 1616 assessed valuations of all taxable property, both real and
 1617 personal, within said Canaveral Port District for each year.
 1618 Said tax shall constitute an Administration Fund for the
 1619 operation, maintenance, and general administration expenses, and
 1620 for the purchase of rights-of-way.

1621 (b) A tax for the purpose of paying the principal and
 1622 interest on revenue certificates and revenue bonds outstanding,
 1623 and for the proper sinking funds for the protection thereof, and
 1624 not exceeding in the aggregate the sum of \$7,500,000 in
 1625 principal, as the same severally mature in accordance with their
 1626 tenure ~~tenor~~.

1627 Section 2. At the time of the adoption of the tax
 1628 resolution as provided hereinabove, the Port Authority shall
 1629 prepare and adopt a financial budget for the ensuing fiscal

1630 year. Said budget shall contain an estimate of all items of
 1631 expenditure contemplated or anticipated for the ensuing fiscal
 1632 year, and an estimate of all sources of revenue. Said budget
 1633 shall be spread upon the permanent records of the Port
 1634 Authority.

1635 Section 3. All revenues received by the Port Authority
 1636 from the operation of Port Canaveral, other than specifically
 1637 pledged, shall be paid into the Administration Fund and be used
 1638 for operation, expansion, maintenance, and general
 1639 administration purposes and expenses, and for the purchase of
 1640 rights-of-way. Any part of the Administration Fund remaining
 1641 unused or unpledged at the close of each fiscal year may, in the
 1642 discretion of the Port Authority, be transferred to the sinking
 1643 fund maintained for bonds, or to purchase obligations of the
 1644 Port Authority at the lowest market price.

1645 ARTICLE IX. Prohibitions

1646 Section 1. No member of the Port Authority or other
 1647 officer or employee shall purchase supplies, goods, or materials
 1648 for use by the Port District or Port Authority from himself or
 1649 herself or from any firm or corporation in which he or she is
 1650 interested, directly or indirectly, nor in any manner share in
 1651 the proceeds of such purchases. The Port Authority shall not be
 1652 obligated for the purchase price of such supplies, goods, or
 1653 materials so purchased. No Port Commissioner or other officer or
 1654 employee shall bid or enter into or be in any manner interested
 1655 in any contract for public work to which the said Port Authority
 1656 may be a party. Any Port Commissioner who shall violate the
 1657 provisions hereof shall be deemed guilty of malfeasance in

1658 office, provided that no Port Commissioner who shall have
 1659 recorded his or her vote against the letting of such contract or
 1660 against such illegal purchase or who shall have been absent at
 1661 the taking of the vote thereon shall be deemed guilty of a
 1662 violation of this provision. All moneys or things of value paid
 1663 or delivered pursuant to such contract or purchase may be
 1664 recovered by the Port Authority. Notwithstanding anything
 1665 contained in this section, if any provision of this section
 1666 contradicts with the exemptions listed in section 112.313,
 1667 Florida Statutes, the exemptions contained in general law shall
 1668 govern.

1669 ARTICLE X. Notification of Claims

1670 Section 1. Every claim, whether ex contractu or ex
 1671 delicto, whether liquidated or unliquidated, whether vested or
 1672 contingent, against the Port Authority or Canaveral Port
 1673 District shall be filed, signed by the claimant or his or her
 1674 duly authorized agent, with the Port Authority within 3 months
 1675 after the time said claim shall become due or arise, and shall
 1676 be barred if not so filed; said writing representing said claim
 1677 shall, as particularly as is known to the claimant, set out the
 1678 details of said claim and specify the names of the witnesses, if
 1679 any, whom the claimant relies upon to support his or her claim.

1680 ARTICLE XI. Statute of Limitations

1681 Section 1. No statute heretofore or hereafter enacted by
 1682 the Legislature, prescribing and fixing the time in which action
 1683 shall be brought, and commonly known as the "Statute of
 1684 Limitations," shall apply to any action, suit, or proceeding

1685 instituted and prosecuted by the Port Authority or the Canaveral
 1686 Port District.

1687 ARTICLE XII. Exemption From Taxation

1688 Section 1. All property, real and personal, tangible and
 1689 intangible, now owned or hereinafter acquired and held by the
 1690 Canaveral Port Authority, the governing authority of the
 1691 Canaveral Port District, shall be exempt from all taxation
 1692 levied and assessed pursuant to the Constitution and laws of the
 1693 State of Florida by any taxing unit.

1694 ARTICLE XIII. Exemption From Judgment Liens

1695 Section 1. No judgment or decree, writ of execution, or
 1696 any other writ issued or tendered against the said Canaveral
 1697 Port Authority shall be a lien upon the real or personal
 1698 property now owned or hereafter acquired and held by the said
 1699 Port Authority. All property, both real and personal, tangible
 1700 and intangible, now owned or hereafter acquired and held by the
 1701 said Port Authority shall be exempt from sale, under writ of
 1702 execution and any other judicial sale.

1703 ARTICLE XIV. Appeals Bond

1704 Section 1. The Port Authority and Canaveral Port District
 1705 shall not be required to execute, give, or file any bond
 1706 required by law to be filed in an attachment, injunction,
 1707 receivership, garnishment, or replevin proceedings, or in the
 1708 prosecution of an appeal or writ of error. The Canaveral Port
 1709 District and Port Authority may supersede any appealable
 1710 judgment, decree, or order rendered in any of the courts within
 1711 the state, of which it feels aggrieved, by prosecuting an appeal

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1712 or writ of error therefrom, pursuant to law, without giving or
 1713 filing a supersedeas bond as otherwise required by law.

1714 ARTICLE XV. Removal of Port Commissioners by Governor

1715 Section 1. No court shall have the power or jurisdiction
 1716 to appoint any officer of the court to exercise the duties and
 1717 powers of the Port Authority or any Port Commissioner. In the
 1718 event any Port Commissioner shall be guilty of intentional and
 1719 willful malfeasance, nonfeasance, or misfeasance in office, or
 1720 commission of a felony, he or she shall be subject to be removed
 1721 by the Governor in the manner provided for the removal of county
 1722 officers.

1723 ARTICLE XVI. Inspection of Books and Records

1724 Section 1. The books, audits, and records of the Port
 1725 Authority shall at all reasonable hours on regular business days
 1726 be open to inspection as provided by law. All moneys of the Port
 1727 Authority shall be at all times kept fully and adequately
 1728 secured.

1729 Section 2. The books and public records of the Port
 1730 Authority shall be audited by an independent auditor annually
 1731 and be available for audit by an appropriate ~~the~~ state auditing
 1732 department at the time the books of the county officials of
 1733 Brevard County are audited.

1734 Section 3. The fiscal year of the Port Authority shall
 1735 begin October 1 of each year and end September 30 of each year.

1736 ARTICLE XVII. Contracts; Competition

1737 Section 1. No contract shall be let by the Port Authority
 1738 for any construction, improvement, repair, or building, nor
 1739 shall any goods, supplies, or materials for Canaveral Port

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1740 District purposes or uses be purchased when the amount to be
1741 paid by the Canaveral Port District or the Port Authority shall
1742 exceed \$100,000, unless notice thereof shall be advertised at
1743 least three times, once each week for 3 consecutive weeks by
1744 electronic posting in a newspaper of general circulation in the
1745 Canaveral Port District, calling for bids or proposals upon the
1746 work to be done or the goods, supplies, or materials to be
1747 purchased by the Port Authority, and in each case, the bid or
1748 proposal of the most responsive and lowest responsible bidder
1749 providing the best overall value to the Port Authority shall be
1750 accepted, unless the Port Authority may, in its discretion,
1751 reject all bids. The Port Authority may also require the deposit
1752 of cash, ~~or a~~ certified check, or bid-bond not to exceed 10
1753 ~~\$1,000 or 15~~ percent of the bid, as evidence of good faith on
1754 the part of the bidders, such deposit to be returned when the
1755 bid is rejected or performance bond deposited or contract
1756 completed. All other things being equal, preference may ~~shall~~ be
1757 given by the Port Authority in making all purchases and the
1758 letting of all contracts to residents of the Canaveral Port
1759 District.

1760 Section 2. In the event it is reasonably expected that the
1761 cost amount of a contract under section 1 of this article shall
1762 be greater than \$10,000 but less than \$100,000, then the Chief
1763 Executive Officer ~~Port Manager~~ or his or her designee shall do
1764 the following:

1765 (a) Obtain at least three written ~~telephonic~~ bid offers to
1766 perform such work or furnish such property from at least three

1767 independent persons or business entities responsible in the
 1768 subject business endeavor under consideration.

1769 (b) Make a record of the offers.

1770 (c) After obtaining and recording such offers, award the
 1771 contract to the lowest responsible bidder of those solicited as
 1772 provided in this article.

1773 Section 3. In lieu of the competitive bid requirements set
 1774 forth in sections 1 and 2 of this article, the Port Authority
 1775 may utilize purchase agreements or contracts of any state
 1776 agency, county, school board, or municipality, or of the Federal
 1777 Government or its agencies, which agreements or contracts have
 1778 been competitively bid for the purchase of goods, supplies, or
 1779 materials for Canaveral Port District purposes.

1780 ARTICLE XVIII. ~~Leases and Encumbrances~~

1781 ~~Section 1. Whether an election shall be required to be~~
 1782 ~~held to decide whether or not a lease for more than 10 years, or~~
 1783 ~~an encumbrance for more than \$1 million for a period of more~~
 1784 ~~than 5 years of or against the land, personal properties, or~~
 1785 ~~facilities of the Port Authority, shall be in accordance with~~
 1786 ~~the provisions of Article IV, Section 16, subsection(c)~~
 1787 ~~hereinabove; however, no lease shall exceed an initial period of~~
 1788 ~~50 years or any renewal or renewals thereof, excepting leases~~
 1789 ~~for the purpose of the construction and development of hotels,~~
 1790 ~~convention centers, festive market places, and world trade~~
 1791 ~~centers, which lease shall not exceed an initial period of 99~~
 1792 ~~years or any renewal or renewals thereof. If an encumbrance~~
 1793 ~~exceeds \$1 million, a referendum as provided for in Article IV,~~
 1794 ~~Section 16, subsection (c) shall be required when said~~

1795 ~~referendum is requested by a petition bearing the signatures of~~
 1796 ~~10 percent of the qualified electors.~~

1797 ~~Section 2. It shall be the duty of the Port Authority to~~
 1798 ~~give at least 30 days' notice of any such election by~~
 1799 ~~publication in a newspaper published within said Canaveral Port~~
 1800 ~~District for at least 30 days prior to the date of said~~
 1801 ~~election, which notice shall be published once a week for 4~~
 1802 ~~consecutive weekly issues.~~

1803 ~~Section 3. Said notice shall state the description of the~~
 1804 ~~lands, personal properties, or facilities to be leased or~~
 1805 ~~encumbered and the sum to be received by the Port Authority~~
 1806 ~~therefor.~~

1807 ~~Section 4. All qualified electors residing in the~~
 1808 ~~Canaveral Port District shall be entitled to vote in said~~
 1809 ~~election, which election shall in all respects not herein~~
 1810 ~~expressly provided be called and held and the results thereof~~
 1811 ~~determined in accordance with the provisions of any applicable~~
 1812 ~~general statute of the state now in force or hereafter enacted.~~
 1813 ~~The places for voting in said election shall be the same as the~~
 1814 ~~places for voting at the general elections usually held within~~
 1815 ~~the territorial limits of the Canaveral Port District.~~
 1816 ~~Inspectors and clerks shall be appointed and qualified as in~~
 1817 ~~case of general elections, and they shall canvass the votes cast~~
 1818 ~~and make due returns of the same without delay. The returns of~~
 1819 ~~said election shall be made to the Port Authority.~~

1820 ~~Section 5. It shall be the duty of the Port Authority to~~
 1821 ~~cause to be prepared a sufficient number of ballots to be used~~
 1822 ~~at such elections with such description of the lands, personal~~

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1823 ~~properties, or facilities to be leased or encumbered and the sum~~
 1824 ~~to be received therefor; a description of the purposes therefor;~~
 1825 ~~and the amount and rate of interest, together with other~~
 1826 ~~details, to be voted on.~~

1827 Section 6. ~~Said ballots shall be in form substantially as~~
 1828 ~~follows:~~

1829 ~~OFFICIAL BALLOT~~

1830 ~~CANAVERAL PORT DISTRICT~~

1831 ~~Special election (Insert date)~~

1832 ~~This election is held for the approval or disapproval of (insert~~
 1833 ~~subject matter),~~

1834 ~~Place a cross (x) mark in the space to the left of the~~
 1835 ~~proposition of your choice.~~

1836 ~~() FOR (insert subject matter)~~

1837 ~~() AGAINST (insert subject matter)~~

1838 Section 7. ~~If a majority of the qualified electors~~
 1839 ~~residing in said Canaveral Port District who shall participate~~
 1840 ~~in such election shall cast their votes in favor of the~~
 1841 ~~execution and delivery of the lease of the encumbrance, it shall~~
 1842 ~~become the duty of the Canaveral Port Authority to execute and~~
 1843 ~~deliver the lease or the encumbrance as authorized in said~~
 1844 ~~election.~~

1845 ~~ARTICLE XIX.~~ Severability Clause

1846 Section 1. If any section, subsection, paragraph,
 1847 subparagraph, sentence, clause, or phrase of this act is, for
 1848 any reason, held to be unconstitutional or invalid, such holding
 1849 shall not affect the validity of the remaining portions of this
 1850 act, the Legislature hereby declaring that it would have enacted

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1851 | this act and each and every section, subsection, paragraph,
1852 | subparagraph, sentence, clause, and phrase thereof, irrespective
1853 | of the fact that any one or more of the sections, subsections,
1854 | paragraphs, subparagraphs, sentences, clauses, or phrases
1855 | thereof may be declared to be unconstitutional or otherwise
1856 | ineffective.

1857 | ARTICLE XIX ~~XX~~. Declaration of Public Purposes

1858 | Section 1. It is hereby determined and declared by the
1859 | Legislature that all of the powers conferred upon the District
1860 | by this act and the exercise of such powers constitute and are
1861 | proper public purposes and are for the welfare and benefit of
1862 | the District and its inhabitants.

1863 | Section 2. The provisions of this act shall be liberally
1864 | construed to effectuate the purposes set forth herein.

1865 | Section 2. Chapters 2003-335, 2004-472, 2005-320, 2008-
1866 | 288, and 2011-258, Laws of Florida, are repealed.

1867 | Section 3. This act shall take effect upon becoming a law.