

1 A bill to be entitled
 2 An act relating to the Canaveral Port District,
 3 Brevard County; providing legislative intent;
 4 codifying, amending, repealing, and reenacting special
 5 acts relating to the district; providing severability;
 6 providing purpose and construction; providing an
 7 effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Pursuant to s. 189.429, Florida Statutes, this
 12 act constitutes the codification of all special acts relating to
 13 the Canaveral Port District, Brevard County. It is the intent of
 14 the Legislature in enacting this law to provide a single,
 15 comprehensive special act charter for the district, including
 16 all current legislative authority granted to the district by its
 17 several legislative enactments and any additional authority
 18 granted by this act.

19 Section 2. Chapters 2003-335, 2004-472, 2005-320, 2008-
 20 288, and 2011-258, Laws of Florida, relating to the Canaveral
 21 Port District, are codified, reenacted, amended, and repealed as
 22 herein provided.

23 Section 3. The charter of the Canaveral Port District is
 24 re-created and reenacted to read:

25 ARTICLE I

26 CREATION AND STATUS

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

33
 34 Beginning at a point where the west boundary line of
 35 said Brevard County, Florida, intersects with the
 36 south boundary line of Township 25 South, Range 35
 37 East, and proceeding thence easterly along the south
 38 boundary line of Township 25 South to the intersection
 39 of the east boundary line of Brevard County, Florida,
 40 with the south boundary line of Township 25 South.

41
 42 Section 2. The Canaveral Port District shall be divided
 43 into five Commissioner Port Districts.

44 Section 3. Commencing with the year 1982, and every 10
 45 years thereafter, the Canaveral Port Authority by resolution
 46 shall divide the Canaveral Port District into five Commissioner
 47 Port Districts of contiguous territory as nearly equal in
 48 population as practicable according to the duly registered
 49 electors in the Canaveral Port District determined by the
 50 elector registration rolls of the Supervisor of Elections of
 51 Brevard County. On or before January 15 of each decennial year
 52 commencing with the year 1982, the Supervisor of Elections of

53 Brevard County shall transmit to the Canaveral Port Authority a
54 certified statement of all elector precincts lying in whole or
55 in part in the Canaveral Port District and the number of
56 electors in each precinct or partial precinct in the Canaveral
57 Port District according to the most recent records of the
58 Supervisor of Elections before the submission of such certified
59 statement. On or before March 5 of each such decennial year, the
60 Canaveral Port Authority shall divide and define the boundaries
61 of each of the five Commissioner Port Districts based on the
62 certified statement of elector precincts and number of electors
63 submitted by the Supervisor of Elections. No Commissioner Port
64 District shall have more than 22 percent or less than 18 percent
65 of the total number of duly registered electors in the Canaveral
66 Port District according to the certified statement of the
67 Supervisor of Elections. On or before March 31 of each such
68 decennial year, the Canaveral Port Authority shall deliver to
69 the Board of County Commissioners of Brevard County and the
70 Supervisor of Elections of Brevard County a certified copy of
71 the resolution by the Canaveral Port Authority defining the
72 boundaries of the five Commissioner Port Districts determined
73 hereunder, and the Commissioner Port Districts so determined
74 shall constitute the Commissioner Port Districts until the same
75 are again determined decennially under this section. As the five
76 Commissioner Port Districts are decennially determined and
77 defined, the same shall immediately supersede the previously
78 determined and defined five Commissioner Port Districts.

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

81 ARTICLE II

82 DEFINITIONS

83 Section 1. All references herein to "District" or "Port
 84 District" shall be deemed to mean the Canaveral Port District,
 85 situated in Brevard County as described in Article I; and all
 86 references herein to "Port Commissioners" or "Port Authority"
 87 shall be deemed to mean the Canaveral Port Authority, the
 88 governing body of the Canaveral Port District. All references
 89 herein to "Port Commissioners" shall be deemed to mean qualified
 90 commissioners or members constituting the Canaveral Port
 91 Authority. All references herein to "Port Canaveral" or "Port"
 92 shall be deemed to mean the Port of Canaveral, Brevard County,
 93 including, but not limited to, the main entrance channels,
 94 turning basins, slips, and jetties, and including also all lands
 95 abutting on the navigable waters of said Port, all submerged
 96 lands deeded to said Port from the Trustees of the Internal
 97 Improvement Trust Fund, and all other lands owned by the
 98 Canaveral Port Authority.

99 Section 2. The term "public notice" means notice that is
 100 published in the following methods:

110.1 (a) Once a week for 2 consecutive weeks in a newspaper of
 102 general circulation published in Brevard County;

103 (b) On the Port Authority website;

104 (c) In a manner no less than may be required by Florida
 105 law.

106
 107 Additional requirements for public notice may be provided for
 108 herein.

109 ARTICLE III

110 GOVERNING AUTHORITY

111 The governing authority of the Port District shall be known
 112 as the Canaveral Port Authority. Said Canaveral Port Authority
 113 is a body politic and body corporate and is deemed a political
 114 subdivision of the state within the meaning of sovereign
 115 immunity from taxation; it shall have perpetual existence; it
 116 may adopt and use a common seal and alter the same; it may
 117 contract and be contracted with; it may sue in its corporate
 118 name in any of the courts in the several states and in the
 119 courts of the United States; and it may be sued only in the
 120 courts of the state and the courts of the United States for the
 121 Southern District of the state or in such other District Court
 122 of the United States to which Brevard County may hereafter be
 123 transferred.

124 ARTICLE IV

125 GENERAL GRANT OF POWERS

126 Section 1. The authority has the power to acquire by
 127 grant, purchase, gift, devise, or condemnation or in any other
 128 manner all property, real or personal, or any estate or interest
 129 therein within the Port District which by resolution the Port

130 Authority shall determine to be necessary for the purposes of
 131 the Port District, and said determination shall be conclusive,
 132 except in cases of fraud or gross abuse of discretion; and to
 133 improve, maintain, lease, mortgage, or otherwise encumber the
 134 same, or any part thereof, or any estate or interest therein,
 135 and to sell, convey, and deliver the legal title to certain land
 136 to an agency of Florida for rights-of-way for a public toll
 137 highway between Port Canaveral, Brevard County, and United
 138 States Highway No. 1 near City Point, Brevard County, with right
 139 of reversion of said land upon abandonment thereof by nonuser or
 140 in the event such public toll highway is not constructed,
 141 whichever is sooner, and upon such conditions as said Port
 142 Authority shall fix and determine as hereinafter provided, and
 143 said determination shall be deemed conclusive, except in cases
 144 of fraud or gross abuse of discretion.

145 Section 2. The authority has the power to lay out,
 146 construct, condemn, purchase, own, mortgage, add to, maintain,
 147 conduct, operate, build, equip, manage, replace, enlarge,
 148 improve, regulate, control, repair, fix, and establish jetties;
 149 piers; quays; wharves; docks; warehouses; storehouses;
 150 breakwaters; bulkheads; public landings; slips; seawalls;
 151 turning basins; harbors; ports; waterways; channels; moles;
 152 bridges; catwalks; ferries and causeways; drydocks; terminal
 153 facilities; canals; elevators; grain bins; cold storage plants;
 154 icing plants and their distribution; refrigerating plants;
 155 precooling plants; bunkers; oil tanks; pipelines; locks; tidal

156 basins; subways; tramways; cableways; anchorage areas; depots;
157 barges or other craft; airways; landing fields; conveyors;
158 modern appliances for economic handling, storing, and
159 transportation of freight and the handling of passenger traffic;
160 systems of fresh water supply; electric and steam generating
161 stations and plants and distribution systems therefor; sewage
162 systems and sewage disposal and treatment plants; cellular and
163 telephone systems and lines, buried or on poles; gas lines and
164 distribution systems therefor for servicing the lands,
165 properties, and facilities now or hereafter owned, acquired, or
166 controlled by lease, franchise, or otherwise by the Port
167 Authority and any and all areas adjacent thereto; radio
168 broadcasting stations and facilities; parking lots and areas for
169 off-street or off-road parking of motor vehicles, barge lines,
170 truck lines, steamship lines, shipping lines, roads, and
171 railroads within and without the territorial limits of Port
172 District; and all other harbor and harbor area improvements and
173 facilities which the Port Authority may determine to be
174 necessary, feasible, and advantageous; and in connection with
175 the operation, improvement, and maintenance of said port, to
176 perform all customary services, including the handling,
177 weighing, measuring, regulation, control, inspection, and
178 reconditioning of all commodities and cargo received or shipped
179 through said port.

180 Section 3. The authority has the power to exercise control
181 over Port Canaveral and any and all parts thereof; to apply to

182 proper authorities of the United States government for the right
183 to establish, operate, and maintain a foreign trade zone within
184 the limits of Brevard County and to establish, operate, and
185 maintain such foreign trade zone; to apply for and obtain
186 permission from the United States government to create, improve,
187 regulate, and control all waters and natural or artificial
188 waterways within said Port Canaveral; to improve all navigable
189 and nonnavigable waters situated within the Port District
190 necessary or useful to the operation, improvement, and
191 maintenance of Port Canaveral; to construct, improve, and
192 maintain such inlets, slips, turning basins, and channels; to
193 make and give to the United States government such guarantees
194 upon such terms and conditions as may be required; and to enact,
195 adopt, and establish rules and regulations for the complete
196 exercise of jurisdiction and control over all of said lands and
197 waters of Port Canaveral within the Port District.

198 Section 4. The authority has the power to fix uniform
199 rates of wharfage, dockage, pilotage, warehousing, storage,
200 port, and terminal charges upon all harbor facilities and
201 improvements located within the Port District, whether owned by
202 the Port Authority or otherwise, and to fix and determine the
203 rates, commissions, rentals, tolls, and other charges for the
204 use of harbor and area facilities and improvements located
205 within the Port District insofar as it may be permissible for
206 the Port Authority to do so under the Constitution and laws of

207 the State of Florida and under the Constitution and laws of the
 208 United States of America.

209 Section 5. The authority has the power to exercise such
 210 police powers as the Port Authority shall determine to be
 211 necessary for the effective control, regulation, and protection
 212 of Port Canaveral and for the effective exercise of jurisdiction
 213 over said port.

214 Section 6. The authority has the power to grant franchises
 215 to any person, firm, or corporation to construct, establish,
 216 operate, replace, repair, fix, enlarge, maintain, improve,
 217 equip, manage, acquire, and control jetties; piers; quays;
 218 wharves; docks; warehouses; storehouses; breakwaters; bulkheads;
 219 public landings; slips; seawalls; turning basins; harbors;
 220 ports; waterways; channels; moles; bridges; catwalks; ferries;
 221 roads and causeways; drydocks; terminal facilities; canals;
 222 elevators; grain bins; cold storage plants; icing plants and
 223 their distribution; refrigeration plants; precooling plants;
 224 bunkers; oil tanks; pipelines; locks; tidal basins; subways;
 225 tramways; cableways; anchorage areas; depots; barges or other
 226 craft; airways; landing fields; conveyors; modern appliances for
 227 economic handling, storing, and transportation of freight and
 228 the handling of passenger traffic; systems of fresh water
 229 supply; electric and steam generating stations and plants and
 230 distribution systems therefor; sewage systems and sewage
 231 disposal and treatment plants; cellular and telephone systems
 232 and lines, buried or on poles; gas lines and distribution

233 systems therefor for servicing the lands, properties, and
 234 facilities now or hereafter owned, acquired, or controlled by
 235 lease, franchise, or otherwise by the Port Authority and any and
 236 all areas adjacent thereto; radio broadcasting stations and
 237 facilities; parking lots and areas for off-street or off-road
 238 parking of motor vehicles, barge lines, truck lines, steamship
 239 lines, shipping lines, roads, and railroads within and without
 240 the territorial limits of the Port District; and other harbor
 241 and harbor area improvements and facilities which the Port
 242 Authority may determine to be necessary, feasible, and
 243 advantageous; and in connection with the operation, improvement,
 244 and maintenance of said port, to perform all customary services,
 245 including the handling, weighing, measuring, regulation,
 246 control, inspection, and reconditioning of all commodities and
 247 cargo received or shipped through said port in the exercise of
 248 such franchise. Nothing in this section shall be construed to
 249 limit the right of the Port Authority to construct, maintain,
 250 and operate the port facilities as provided in section 2.

251 Section 7. The authority has the power to enter into such
 252 contract, lease, or franchise with any common carrier or
 253 carriers and their respective successors and assigns as the Port
 254 Authority shall determine to be necessary for the development,
 255 improvement, and promotion of the transportation and warehousing
 256 facilities of Port Canaveral and the development, improvement,
 257 and promotion of Port Canaveral; to acquire by grant, purchase,
 258 gift, devise, condemnation, exchange, or in any other manner all

259 land, easements, and rights of property deemed necessary, or
260 advantageous by the Port Authority for such purposes; and to
261 execute whatever arrangements, by contract or otherwise, as may
262 be necessary to perform and comply with all rules and
263 regulations promulgated by any state or federal agency covering
264 the operation, maintenance, improvement, development, and
265 ownership of the transportation and warehousing facilities used
266 in connection with Port Canaveral.

267 Section 8. The authority has the power to levy, assess,
268 collect, and enforce ad valorem taxes upon all of the real and
269 personal property in the Port District for the purpose of
270 defraying operating, maintenance, and general administration
271 expenses and other necessary expenses incurred for the
272 improvement of the port facilities, and for the purchase of
273 rights-of-way, within the Port District, provided that such levy
274 does not exceed 3 mills on the dollar in any one year on the
275 total assessed valuation of all taxable property within the Port
276 District for such year; and the Port Authority is authorized and
277 empowered to issue its promissory note or notes at the rate of
278 interest, maturity, terms, and conditions as directed by the
279 Port Authority, signed in the name of the Port Authority by the
280 Chair and the Secretary and the corporate seal affixed thereto,
281 and the funds derived therefrom to be used for the payment of
282 operating, maintenance, and general administration expenses, and
283 for the purchase of right-of-way, against or to be repaid from

284 the anticipated revenues to be derived from the said 3-mill ad
285 valorem tax previously levied and assessed.

286 Section 9. The authority has the power to create and
287 designate such offices, departments, and divisions, other than
288 those herein specifically provided for, as the Port Authority
289 may determine to be necessary and prescribe the duties and
290 compensation of such officers and employees; and to employ an
291 attorney for the Port Authority and fix and determine the
292 compensation and duties of said attorney. The term of office of
293 said attorney and all appointees and employees shall be at the
294 pleasure of the Port Authority.

295 Section 10. The authority has the power to make rules and
296 regulations consistent with the Constitution and laws of the
297 State of Florida and with the Constitution and laws of the
298 United States of America for the promotion and conduct of
299 navigation, commerce, and industry in the Port District. Said
300 rules and regulations shall be reasonable and shall apply
301 uniformly to all similarly situated.

302 Section 11. The authority has the power to make rules and
303 regulations governing the course; conduct; movement; stationing
304 and restationing; berthing and reberthing; fueling and
305 refueling; loading, unloading, and reloading; and docking,
306 storing, mooring, and anchoring of ships, vessels, crafts,
307 barges, skiffs, and boats within the Port District and the
308 navigable waters over which the said Port Authority has
309 jurisdiction and to remove all obstacles to navigation,

310 commerce, and industry in the waters of the port and the
311 navigable waters over which the said Port Authority has
312 jurisdiction; however, this power can only be exercised within
313 navigable waters, entrance channels, turning basins, and slips
314 in the waters of the port.

315 Section 12. The authority has the power to prescribe, fix,
316 and establish fines, penalties, and punishment for the violation
317 of the rules and regulations of said Port Authority and to
318 enforce such fines, penalties, and punishments in such manner as
319 the Port Authority may by resolution determine. All fines and
320 penalties so imposed or levied shall be recoverable in the name
321 of the Port Authority in any court of the state having
322 jurisdiction over the amount involved and shall inure and belong
323 to said Port Authority.

324 Section 13. The authority has the power to enter into any
325 contract with the Government of the United States, or any agency
326 thereof, which may be necessary in order to procure assistance,
327 appropriations, grants, gifts, and aid for the deepening,
328 widening, and extending of channels and turning basins and the
329 building, construction, and maintenance of slips, wharves,
330 breakwaters, jetties, bulkheads, facilities, and any and all
331 other port improvements and facilities; and to convey lands in
332 either title or possessory interest to, or acquire lands by
333 lease or in fee simple interest from, the government of the
334 United States, and to build improvements thereon, whether by
335 conveyance in fee simple, leasehold, or contract.

336 Section 14. The authority has the power to exercise the
337 right of eminent domain and to condemn, appropriate, and acquire
338 any property, both real and personal, and any interest or estate
339 therein which by resolution the Port Authority shall determine
340 to be necessary for the deepening, widening, and extending of
341 the channels, turning basins, roads, and railroads and the
342 building and construction of slips, wharves, sheds, warehouses,
343 breakwaters, jetties, bulkheads, and any and all other port
344 improvements and facilities. Said determination of necessity
345 shall be conclusive, except in cases of fraud or gross abuse of
346 discretion. Such condemnation proceeding shall be exercised in
347 the manner consistent with Florida law.

348 Section 15. The authority has the power to borrow money as
349 herein provided.

350 Section 16. (a) The authority has the power to execute
351 and deliver all contracts, deeds, leases, mortgages, promissory
352 notes, franchises, assignments, releases, and all other
353 instruments necessary and convenient to carry out the powers
354 herein expressly or impliedly conferred, all of which shall be
355 executed in the name of the Port Authority and signed by the
356 chair and the secretary thereof and its corporate seal affixed
357 thereto. All checks and vouchers for the disbursement of funds
358 of the Port Authority shall be executed in the manner and form
359 as prescribed by the Port Authority.

360 (b) The authority has the power and authority by majority
361 vote at any regular meeting to lease the lands, personal
362 properties, and facilities as provided herein:

363 1. A lease for a period not to exceed 30 years may be
364 approved by a majority vote of the Port Authority at a public
365 meeting.

366 2. A lease for a period of more than 30 years, but not
367 exceeding 50 years, may be approved by a majority vote at a
368 public meeting. Before considering such a lease, in addition to
369 providing public notice regarding the intent to enter into such
370 a lease, the Port Authority shall advertise, in a newspaper of
371 general circulation in Brevard County, the Port Authority's
372 intent to enter into such a lease no less than 30 days before
373 the consideration of such lease at a duly noticed regular
374 meeting of the Port Authority. The notice requirement contained
375 in this section shall run concurrently with the public notice
376 requirements contained in Article II.

377 3. A lease for a period of more than 50 years, but not
378 exceeding 99 years, may be approved by a super majority vote of
379 the Port Authority voting at two public meetings. Before
380 considering such a lease, in addition to providing public notice
381 regarding the intent to enter into such a lease, the Port
382 Authority shall advertise, in a newspaper of general circulation
383 in Brevard County, the Port Authority's intent to enter into
384 such a lease no less than 60 days before the first public
385 meeting at which the Port Authority will consider the lease. The

386 notice requirement contained in this section shall run
 387 concurrently with the public notice requirements contained in
 388 Article II.

389 Section 17. The authority has the power to regulate the
 390 speed, operation, docking, storing, and conduct of all water
 391 craft of any kind plying or using the waterways within said port
 392 and over which the Port Authority has jurisdiction; however,
 393 this power shall be exercised only within navigable waters,
 394 entrance channels, turning basins, and slips in the waters of
 395 the port.

396 Section 18. The authority has the power to appoint a
 397 harbormaster, a deputy harbormaster, stevedores, longshoremen,
 398 and all other persons necessary to properly transact the
 399 shipping business at said port and to fix their powers, duties,
 400 and compensation. The Port Authority has the power to license
 401 stevedores as independent contractors for hire, to fix the terms
 402 and conditions of such licenses, and to determine the fees to be
 403 charged. Such stevedores shall serve at the pleasure of the Port
 404 Authority unless terminated sooner by the licenses.

405 Section 19. (a) The authority has the power to borrow
 406 money and apply for grants from any state or federal agency or
 407 agencies and private party or parties and to secure the payment
 408 of the same by the issuance of revenue certificates or revenue
 409 bonds, which shall bear such denomination and be in such form as
 410 shall be required by the Port Authority, for the purpose of
 411 carrying out any of the powers, projects, or purposes of the

412 Port Authority or Port District, or for the purpose of providing
413 funds to be used in the construction, operation, maintenance,
414 expansion, promotion, or repair of harbor facilities and
415 improvements at the Port, or for the purpose of deepening,
416 widening, constructing, or repairing slips, channels, turning
417 basins, bulkheads, seawalls, jetties, breakwaters, warehouses,
418 or wharves at the Port, or for the purpose of constructing,
419 maintaining, or repairing platforms, railroads, and railroad
420 facilities, and serve as common carriers; to construct,
421 maintain, and repair streets, roads, or avenues surrounding or
422 adjacent to or providing access to the port; and to apply to
423 related projects off-port or other Port Authority owned
424 property; provided that such revenue certificates or revenue
425 bonds hereby authorized to be issued and outstanding shall not
426 bear a higher rate of interest than provided by general law,
427 which shall be payable semiannually.

428 (b) The Port Authority is authorized to secure said
429 revenue certificates or revenue bonds by a pledge of the
430 revenues of the port project, including revenues from all or any
431 part of the facilities connected therewith, owned and operated
432 by the Port Authority and in addition thereto. Said revenue
433 certificates or revenue bonds may be secured by a lien on all or
434 any part of the personal properties of the Authority or the Port
435 District or the income derived therefrom, including the full
436 faith and credit of said Port District, as well as conduit

437 financing and financing through third parties or not-for-profit
438 501(c)(3) entities. Real property is expressly excluded.

439 (c) The issuance of said revenue bonds shall be authorized
440 by resolution of the Port Authority, which resolution may be
441 adopted at any meeting of the Port Authority by a vote of a
442 majority of the Port Commissioners. The revenue certificates or
443 revenue bonds issued hereunder shall bear such rate or rates of
444 interest not exceeding that provided by general law; may be in
445 one or more series; may bear such date or dates; may mature at
446 such time or times not exceeding 30 years after their respective
447 dates, in such medium of payment, at such place or places; may
448 carry such registration privileges; may be subject to such terms
449 of redemption; may be in such form or forms; and may be executed
450 in such manner and contain such terms and conditions as the Port
451 Authority may prescribe. The revenue certificates or revenue
452 bonds herein provided for may be issued by the Port Authority
453 upon the Port Authority first adopting an appropriate resolution
454 authorizing such issuance and without the question of issuing
455 said revenue certificates or revenue bonds being first
456 authorized by an election held for such purpose, provided that
457 the amount to be issued and the purpose for which issued shall
458 be advertised and notice shall be given in accordance with
459 general law.

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

463 Section 20. (a) The authority has the power to issue
464 revenue certificates or revenue bonds authorized in section 19,
465 supported by an ad valorem tax to be assessed against all the
466 taxable properties within the Port District for any of the
467 purposes mentioned in section 19.

468 (b) Before the issuance of any of the said revenue
469 certificates or revenue bonds, such issue shall be authorized by
470 resolution of the Port Authority, which resolution shall state
471 the amount of the certificates or bonds proposed to be issued,
472 the purpose or purposes for which issued, the denomination for
473 such certificates or bonds, the rate of interest the same are to
474 bear, and the time, place, and conditions when, where, and upon
475 which said certificates or bonds, and the interest thereon,
476 shall become due and payable. However, such certificates or
477 bonds shall be issued only after they have been first approved
478 by a majority vote of the qualified electors residing in the
479 Port District in an election held within the territory
480 constituting the Port District. Such resolution, so adopted,
481 shall name a day for the holding of such election, and said Port
482 Authority shall give at least 30 days' notice of the election by
483 publication in a newspaper published in the Port District, once
484 a week for 4 consecutive weeks during said period of 30 days.
485 Said notice shall state the time of the election and the purpose
486 of the election, and said certificates or bonds shall be issued
487 only after the same shall have been authorized and ratified by a
488 majority of the votes cast in said election and a majority of

489 the qualified electors who reside in the Port District shall
490 participate.

491 (c) All said qualified electors residing in the Port
492 District shall be entitled to vote in said election, which
493 election shall in all respects not herein expressly provided be
494 called and held and the result thereof determined in accordance
495 with any applicable general statute now in force or hereafter
496 enacted. The place of voting in said election shall be the same
497 as the places for voting at the general elections usually held
498 within the territorial limits of the Port District. Inspectors
499 and clerks shall be appointed and qualified as in general
500 elections, and they shall canvass the votes cast and make due
501 returns of the same without delay. Returns of said elections
502 shall be made to the Port Authority. It shall be the duty of the
503 Port Authority to cause to be prepared a sufficient number of
504 ballots to be used at such election, with such description of
505 said certificates or bonds to be voted on as the Port Authority
506 may prescribe. A separate statement giving the amount of the
507 certificate or bond issued and the interest thereon, together
508 with such other details as may be deemed necessary or proper to
509 inform the electors, shall be printed on the ballots in
510 connection with the question "FOR the Issuance of Revenue
511 Certificates or Revenue Bonds Supported by an Ad Valorem Tax"
512 and "AGAINST the Issuance of Revenue Certificates or Revenue
513 Bonds Supported by an Ad Valorem Tax." Directions to the voter
514 to express his or her choice by making an (x) mark in the space

515 to the right or the left of said question shall be stated in the
 516 ballot. Said ballots shall be in form substantially as follows:

517 Official Ballot, Canaveral Port District

518 SPECIAL ELECTION (Insert Date)

519 This election is held for the approval or disapproval of
 520 the issuance of \$ _____ of Revenue Certificates (or
 521 Revenue Bonds) of Canaveral Port District, supported by an ad
 522 valorem tax, bearing interest at the rate of _____ percent
 523 per annum. Place a cross mark (x) in the space to the left (or
 524 right) of the proposition of your choice. FOR issuance of
 525 Revenue Certificates (or Revenue Bonds) of Canaveral Port
 526 District in the amount of \$ _____ supported by an ad
 527 valorem tax to be issued against the taxable properties of the
 528 District, bearing interest at the rate of _____ percent per
 529 annum, payable semiannually. AGAINST Issuance of Revenue
 530 Certificates (or Revenue Bonds) of Canaveral Port District in
 531 the amount of \$ _____ supported by an ad valorem tax to
 532 be issued against the taxable properties of the District,
 533 bearing interest at the rate of _____ percent per annum,
 534 payable semiannually.

535
 536 If a majority of the votes cast in said election are in favor of
 537 the issuance of said certificates or bonds, then the Port
 538 Authority shall be authorized to issue such certificates or
 539 bonds in the amount specified in said resolution calling such
 540 special election. The proceeds received therefrom shall be used

541 by the Port Authority for the purposes stated in said
542 resolution.

543 (d) For the purpose of securing any of such revenue
544 certificates or revenue bonds supported by an ad valorem tax
545 authorized to be issued herein, the Port Authority, in addition
546 to pledging the net revenues and income of the Port Authority or
547 the Port District, is further authorized, empowered, and
548 directed to annually levy, assess, collect, and enforce an ad
549 valorem tax upon all the taxable property of the Port District,
550 sufficient in amount to provide for the payment of the interest
551 to become due thereon and to provide for a sinking fund
552 sufficient in amount to discharge said certificates or bonds at
553 their respective maturities, which said ad valorem tax so levied
554 shall be in addition to all other taxes provided herein.

555 (e) The Port Authority is additionally authorized and
556 empowered to borrow money at an interest rate not to exceed 7.5
557 percent per annum and maturity date not to exceed 1 year from
558 any bank or other party; to create and maintain a sinking fund
559 for the payment, as budgeted, of the principal and interest of
560 outstanding revenue certificates or revenue bonds; and to
561 execute its promissory note or notes therefor, signed in the
562 name of the Port Authority by its chair and its secretary and
563 the corporate seal affixed thereto, all as directed by the Port
564 Authority, and said note or notes shall be payable from the
565 anticipated revenues to be derived from the previously levied
566 and assessed ad valorem tax as authorized in this section;

567 however, such notes shall not exceed in any one year 75 percent
568 of the current taxes levied in any one year by the Port
569 Authority for the payment of the interest and redemption of the
570 revenue bonds or revenue certificates of the Port Authority
571 currently becoming due.

572 Section 21. (a) The manner in which the Port Authority
573 shall exercise the levying, assessing, and collecting of any ad
574 valorem tax provided herein shall be as follows: the County
575 Property Appraiser of Brevard County, immediately after the tax
576 assessment of said county for any year after the passage of this
577 act has been reviewed and equalized by the Board of County
578 Commissioners of Brevard County, shall report in writing to the
579 Port Authority the assessed valuation of all taxable property
580 within the territorial limits of the Port District, as assessed
581 and equalized for state and county taxation, and the Chief
582 Financial Officer of the State of Florida shall report to the
583 Port Authority at the time he or she is, by law, required to
584 report to the County Property Appraiser of Brevard County the
585 assessed valuation of all railroad lines, railroad property,
586 telephone lines, and telephone properties within the Port
587 District over which he or she has jurisdiction for valuation and
588 assessment purposes, and said assessed valuation placed on said
589 properties shall be the valuation for taxation by the Port
590 Authority.

591 (b) The Port Authority shall, during each year, determine
592 by resolution the total amount to be raised from ad valorem

593 taxes levied and assessed upon all the taxable property located
594 within the Port District to provide funds sufficient in amount
595 to pay the interest on said revenue certificates or revenue
596 bonds, which are supported by an ad valorem tax, as such
597 interest may become due; and also provide for a sinking fund
598 sufficient in amount to discharge the principal of revenue
599 certificates or revenue bonds at their respective maturities;
600 and at the same time the Port Authority shall determine the
601 amount to be required to pay the charges and costs for
602 operation, maintenance, general administration, capital
603 improvements, and the purchase of right-of-way. It shall adopt
604 its resolution levying an ad valorem tax against all of the
605 taxable property of the Port District sufficient to pay said
606 interest, sinking fund, charges, and costs, which tax, if so
607 levied, however, shall not exceed 3 mills on the dollar of
608 assessed value in any one year.

609 (c) A certified copy of said tax resolution, executed in
610 the name of the Port Authority under the corporate seal of the
611 port authority by its chair, and attested by its secretary,
612 shall be made and delivered to the Board of County Commissioners
613 of Brevard County and the Chief Financial Officer of the State
614 of Florida, with all reasonable dispatch after the Port
615 Authority has received the total valuation of all taxable
616 properties to be assessed within the Port District. Upon the
617 receipt of such resolution by said Board of County
618 Commissioners, it shall be the mandatory duty of said Board of

619 County Commissioners to order and direct the County Property
620 Appraiser of Brevard County to assess and levy, and the County
621 Tax Collector of Brevard County to collect, the tax, at the rate
622 fixed and determined by said resolution of the Port Authority,
623 upon all taxable properties located within the Port District,
624 and said revenues and assessments so determined and made shall
625 be included in the tax roll and warrant of said County Property
626 Appraiser for each fiscal year hereafter. The said Tax Collector
627 shall collect such taxes in the manner and at the same time as
628 state and county taxes are collected and shall pay and remit the
629 same upon the collection thereof to the Port Authority. It shall
630 be the duty of the Chief Financial Officer of the State of
631 Florida to assess and levy on all railroad lines and railroad
632 property, all telecommunication equipment and telecommunication
633 property, and all other taxable property within his or her
634 jurisdiction located within the Port District a tax at the rate
635 prescribed by said tax resolution of the Port Authority and to
636 collect the said tax thereon in the same manner and at the same
637 time as he or she is required by law to assess and collect such
638 taxes for state and county purposes and pay and remit the same
639 when collected to the Port Authority. All such taxes shall be
640 disbursed and paid out by the Port Authority only for the
641 purposes for which said taxes were levied, upon vouchers,
642 checks, or warrants issued in such manner as the Port Authority,
643 by resolution, may determine.

644 (d) This act shall be full authority for the issuance of
645 any of the revenue certificates and revenue bonds authorized
646 herein, which said revenue certificates or revenue bonds shall
647 have the qualities of negotiable paper under the law merchant
648 and shall not be invalidated for any irregularity or defect in
649 the proceedings for the issuance thereof and shall be
650 incontestable in the hands of bona fide purchasers for value. No
651 proceedings in respect to the issuance of any such revenue
652 certificates or revenue bonds shall be necessary except such as
653 required by this act; however, such revenue certificates or
654 revenue bonds may be validated and confirmed in the way and
655 manner contemplated and provided by the general laws and
656 statutes of the state. This act constitutes an irrepealable
657 contract between the Port Authority and the holders of any such
658 revenue certificates or revenue bonds and of the coupons thereof
659 issued pursuant to the provisions hereof. Any holder of any of
660 said revenue certificates or revenue bonds or coupons may,
661 either at law or in equity, by suit, action, or mandamus,
662 enforce and compel the performance of any of the duties required
663 by this act of any of the officers or persons mentioned herein
664 relating to said revenue certificates or revenue bonds or the
665 levying, assessing, and collection of the taxes provided for the
666 payment thereof.

667 (e) Sections 193.321 through 193.327, Florida Statutes,
668 1967, do not apply and are void with respect to the power and

669 authority of the Port Authority to levy, assess, collect, and
670 enforce ad valorem taxes as set forth in this act.

671 Section 22. (a) The authority has the power to offer and
672 make available life, health, accident, hospitalization, or all
673 or any part of such insurance for Port Authority officers and
674 employees upon a group insurance plan. The Port Authority shall
675 advertise for bids and shall award said group insurance to the
676 most responsive and responsible bidder providing the best value
677 to the Port Authority. If no bids are received, the Port
678 Authority shall have the discretion to contract for such
679 insurance on such terms and conditions as it may deem desirable.

680 (b) The Port Authority is authorized to pay all or any
681 portion of the premiums for such group insurance as an operating
682 expense. The Port Authority is further authorized to deduct
683 periodically from the wages of any officer or employee, upon the
684 written request of such officer or employee, any premium or
685 portion of premium for any such insurance.

686 Section 23. (a) Section 253.126, Florida Statutes, is
687 specifically void with respect to the Port Authority.

688 (b) The Port Authority is granted the power and authority
689 to establish bulkhead lines, authorize dredging and filling, and
690 have jurisdiction under chapter 253, Florida Statutes, as to the
691 lands and waters under the jurisdiction of the Port Authority in
692 lieu of the Board of County Commissioners.

693 (c) In the exercise of this grant of authority, the Port
694 Authority shall comply with all applicable provisions of chapter

695 253, Florida Statutes, to the same extent as a Board of County
 696 Commissioners would comply with such provisions under the same
 697 circumstances.

698 Section 24. The authority has the power to comprehensively
 699 plan for urban and rural transportation needs and to
 700 comprehensively plan for the use of the lands, resources, and
 701 waters under its jurisdiction; to participate in such planning
 702 with other public agencies as defined in chapter 163, Florida
 703 Statutes; and to enter into interlocal governmental agreements
 704 (including, without limitation by this specific reference,
 705 Metropolitan Planning Organizations contemplated under 23 U.S.C.
 706 s. 134 and the Urban Mass Transportation Act of 1964) in such
 707 transportation and real property fields.

708 Section 25. (a) The authority has the power to sell or
 709 otherwise convey or dispose of any lands or any interests or
 710 rights in lands to which the Port District acquired title after
 711 January 1, 1987, or to which it may hereafter acquire title,
 712 whenever the Port Authority determines it is in the best
 713 interest of the Port District to do so at the best price and
 714 terms obtainable, for such terms and conditions as the Port
 715 Authority may in its discretion determine. The power to sell or
 716 otherwise convey granted herein specifically includes the power
 717 by the Port Authority to enter into public partnerships
 718 regarding Port District lands upon such terms and conditions as
 719 the Port Authority may in its discretion determine. However, any
 720 conveyance or agreement must be for a public purpose.

721 1. All sales of land, interests, or rights in land, or the
722 lease of any interests in land, shall be for cash or upon terms
723 and security to be approved by the Port Authority. No deed shall
724 be executed and delivered for any sale until full payment is
725 made and received by the Port Authority.

726 2. Before selling or disposing of any land or any interest
727 or rights in and to any land, it shall be the duty of the Port
728 Authority to provide public notice regarding the intention to
729 sell or dispose of the land. The first publication shall be not
730 less than 15 days nor more than 30 days before the meeting at
731 which the proposed sale or disposition will be considered. The
732 notice shall set forth a description of the lands or interests
733 or rights in lands offered for sale or other disposition.

734 3. Deeds of conveyance of lands, the titles to which are
735 held by the Port District or in the name of the Port Authority,
736 shall be by special warranty deed.

737 4. All deeds of conveyance held by the Port District or by
738 the Port Authority shall convey only the interest of the Port
739 District or the Port Authority in the property covered thereby.

740 (b) The Port Authority may exchange lands or interests or
741 rights in lands owned and acquired by the Port Authority after
742 January 1, 1987, or lands or interests or rights in said lands
743 for which title is otherwise vested in the Port Authority for
744 other lands or interests or rights in lands within the state
745 owned by any person. The Port Authority shall fix the terms and
746 conditions of any such exchange and may pay or receive any sum

747 of money that the Port Authority considers necessary to equalize
748 the values of exchanged properties. Public notice of the meeting
749 at which said exchange is considered shall be provided before
750 the adoption by the Port Authority of a resolution authorizing
751 the exchange of properties. The Port Authority shall also
752 advertise, in a newspaper of general circulation in Brevard
753 County, the Port Authority's intent to exchange such land or
754 interest or rights in lands no less than 60 days before the
755 public meeting at which the Port Authority will consider the
756 exchange. This 60-day notice requirement shall run concurrently
757 with the public notice requirements contained in Article II.

758 ARTICLE V

759 PORT COMMISSIONERS

760 Section 1. (a) The governing authority of the Port
761 District is hereby created and shall be designated as the Port
762 Authority and shall consist of five Port Commissioners, one Port
763 Commissioner from each Commissioner Port District, who shall be
764 a qualified elector and reside within the Commissioner Port
765 District from which he or she is appointed or nominated and
766 elected. All Port Commissioners shall be elected for 4-year
767 terms, and said terms shall be arranged so that three Port
768 Commissioners are elected at one general election and two Port
769 Commissioners elected at the next ensuing general election. For
770 the general election in 2014, the term of office of each Port
771 Commissioner shall commence on the Tuesday after the first
772 Monday in January after his or her election. Commencing with the

773 election in November 2016 and each general election thereafter,
774 the term of office of each Port Commissioner shall commence on
775 the first Port Authority meeting after his or her election at
776 the general election. The terms of office for those
777 commissioners which would expire in January 2017 shall expire
778 upon the commencement of their respective successor's term on
779 the first Port Authority meeting after the general election in
780 2016 and each general election thereafter.

781 (b) No Port Commissioner elected in the general election
782 of 2014 or subsequent thereto shall serve more than three
783 consecutive terms. Service as a Port Commissioner before the
784 terms that commenced in January 2015 shall not be considered in
785 applying the term limitations of this section. The service of
786 any portion of, the resignation from, or forfeiture of an
787 elective office during any part of a 4-year elective term shall
788 be deemed to constitute a full and complete term under this
789 section.

790 Section 2. (a) Each Commissioner Port District shall be a
791 residency district for all elections hereunder. The five Port
792 Commissioners shall be elected at the general election held in
793 each Commissioner Port District next ensuing and at all
794 subsequent general primaries and general elections thereafter
795 upon the official county ballots, pursuant to this charter.

796 (b) Nomination of candidates shall be made by residency
797 districts at the primary elections, by the various political
798 parties, as general law provides for County Commissioners of

799 Brevard County, at which primary elections the electors of the
 800 Port District at large who are qualified to vote in such primary
 801 elections shall be entitled to vote. The Board of County
 802 Commissioners shall not print the name of any person as a
 803 candidate on the ballots for general elections unless he or she
 804 shall have been so nominated.

805 (c) Candidates for nomination in primary elections shall
 806 pay the same filing fee to the Clerk of the Board of County
 807 Commissioners; file in the same manner the like oaths, sworn
 808 statements, and receipts for party assessments; be governed by
 809 the same restrictions; be subject to like party assessments by
 810 the County Executive Committees of the respective political
 811 parties; and in all respects comply with the general laws of
 812 Florida governing candidates for Board of County Commissioners
 813 in primaries.

814 (d) Elections of candidates shall be at general elections
 815 as provided by general law, at which general elections all
 816 qualified electors residing within the Port District shall be
 817 entitled to vote.

818 Section 3. Any vacancy occurring on or in the said Board
 819 of Commissioners of the Port Authority, whether caused by
 820 resignation, refusal, death, or the unconstitutionality of any
 821 part of this act, or for or on account of any other reason
 822 whatsoever, shall be filled for the unexpired portion of the
 823 corresponding term, or until the first Port Authority meeting

824 after the next ensuing general election, whichever may come
825 sooner, by appointment by the Governor.

826 Section 4. Every Port Commissioner, before he or she
827 assumes office, shall be required to make oath that he or she
828 will faithfully discharge the duties of his or her office and
829 uphold and defend the laws and the Constitution of the State of
830 Florida and shall give good and sufficient surety bond payable
831 to the Governor for the use and benefit of the Port Authority in
832 the sum of \$2,000, conditioned for the faithful performance of
833 the duties of his or her office, said bond to be approved by the
834 Port Authority and filed with the Secretary of State. Any and
835 all premiums of the surety bonds shall be paid by the Port
836 Authority as a necessary expense of said district.

837 Section 5. As soon as practicable after the newly
838 appointed or elected Port Commissioners shall have qualified,
839 they shall meet and organize by the selection from among
840 themselves of a chair and a vice chair and shall also elect a
841 secretary and a treasurer. The latter two offices may be held by
842 one person, and such person may or may not be a member of said
843 authority. A majority of the duly qualified members shall
844 constitute a quorum. The chair and the secretary, if the latter
845 is a member of said Port Authority, shall be entitled to vote at
846 all meetings.

847 Section 6. The Port Commissioners shall be entitled to an
848 annual salary allowance. The salary allowance shall be payable
849 monthly and apply to all services rendered by each Port

850 Commissioner under this act. The salary allowance may be
 851 adjusted annually by the Board of Commissioners of the Port
 852 Authority, to be effective October 1 of each year; however, any
 853 increase in the annual salary allowance shall not exceed the
 854 average percentage increase in the salaries of state career
 855 service employees as determined pursuant to s. 145.19, Florida
 856 Statutes, for the fiscal year just concluded.

857 Section 7. All meetings of the Port Authority shall be
 858 open to the public, shall be governed by chapters 286 and 189,
 859 Florida Statutes, and shall be held at a duly noticed location
 860 within the Port District. Records of all business transacted by
 861 the Port Authority shall be kept and preserved in substantial
 862 minute books by the secretary as permanent records, and the
 863 minute books or excerpts therefrom, duly certified by the
 864 secretary under the seal of the Port Authority, shall be prima
 865 facie evidence in all courts of the proceedings of the Port
 866 Authority. The Port Authority shall have the power to prescribe
 867 by resolution rules for the conduct of its meetings not
 868 inconsistent herewith.

869 Section 8. The expense accounts of Port Commissioners and
 870 employees shall be itemized in writing and submitted to the Port
 871 Authority at a duly noticed public meeting.

872 ARTICLE VI

873 ADDITIONAL POWERS

874 Section 1. The Port Authority shall have the power to
 875 impose a franchise or excise tax upon businesses and occupations

876 carried on or operated under and by virtue of any franchise or
877 franchises granted by the Port Authority in a sum equal to 0.5
878 percent of the gross receipts of such businesses or occupations.
879 The administration of this section and the collection of this
880 franchise tax are vested in the Port Authority, and said Port
881 Authority is authorized to make, promulgate, and enforce such
882 reasonable rules and regulations relating to the administration
883 and enforcement of this law and the collection of said franchise
884 tax as may be deemed expedient, independently of all other
885 remedies and proceedings authorized by law for the enforcement
886 and collection of said franchise tax. A right of action, by suit
887 in the name of the Port Authority, is hereby created, and such
888 suit may be maintained and prosecuted, and all proceedings
889 taken, to the same effect and extent as for the enforcement of a
890 right of action for debt or assumpsit, or substitute forms of
891 action therefor, and any and all remedies available in such
892 actions including attachment and garnishment shall be and are
893 hereby made available to the Port Authority in the enforcement
894 of the payment of any franchise tax accruing hereunder. The Port
895 Authority is not required to post bond in any such actions or
896 proceedings.

897 Section 2. In the further interest of the advancement,
898 promotion, regulation, and control of the Port, and in the
899 interest of safety, order, convenience, and the general welfare
900 of the public, the Port Authority is authorized and empowered to
901 adopt a plan or plans, and amend the same from time to time, for

902 the zoning of the harbor area for the purpose of regulating the
 903 location and establishment of trades, industries, and
 904 manufacturing establishments and other use of the property
 905 within the Port.

906 Section 3. (a) The Port Authority shall have the power
 907 and authority to establish a direct-support organization to
 908 receive, hold, invest, and administer property; to make
 909 expenditures to or for the benefit of the Port District; and to
 910 promote the development and expansion of the economic,
 911 historical, and cultural contributions of the maritime industry
 912 of the Port District.

913 (b) A direct-support organization established pursuant to
 914 this section shall be approved by the Port Authority and be a
 915 corporation not for profit, incorporated under chapter 617,
 916 Florida Statutes, and approved by the Department of State.

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

920 (d) The direct-support organization is authorized and
 921 permitted to use property, facilities, and employee services of
 922 the Port Authority subject to the conditions prescribed by the
 923 Port Authority. The conditions shall provide for budget and
 924 audit review and oversight by the Port Authority.

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

928 (f) The board of directors of the direct-support
929 organization shall be appointed by the Port Authority and shall
930 include the chair of the Port Authority, or his or her designee,
931 and the Chief Executive Officer as members. The Port Authority
932 shall approve the articles of incorporation and bylaws of the
933 direct-support organization and any amendments thereto.

934 (g) The annual budget of the direct-support organization
935 shall be presented to and approved by the Port Authority on or
936 before the beginning of the fiscal year adopted by the direct-
937 support organization.

938 (h) In any fiscal year in which the direct-support
939 organization has more than \$100,000 in expenditures or expenses,
940 the direct-support organization shall provide an annual
941 financial audit of its accounts and records, to be conducted by
942 an independent certified public accountant in accordance with
943 the rules adopted by the Auditor General pursuant to s.
944 11.45(8), Florida Statutes. The annual audit report shall be
945 submitted within 9 months after the end of the fiscal year to
946 the Port Authority. The Auditor General and Office of Program
947 Policy Analysis and Government Accountability have the authority
948 to require and receive from the direct-support organization any
949 records relative to the operation of the organization.

950 Section 4. Commencing in 2015, and every 3 years
951 thereafter, the Port Authority shall review the Port District
952 Land Use Plan. Before approving any amendment to the Land Use
953 Plan, the Port Authority shall provide public notice of the Port

954 Authority meeting at which the amendment to the Land Use Plan
 955 will be considered. Any amendment to the Port District Land Use
 956 Plan shall only be considered at a duly noticed public hearing.
 957 Nothing herein shall restrict the Port Authority's ability to
 958 use Port Authority property in a manner as determined by the
 959 Port Authority to be in the Port Authority's best interest.

960 ARTICLE VII

961 PERSONNEL

962 Section 1. The Port Authority may appoint a Chief
 963 Executive Officer (CEO) to serve at the pleasure of the Port
 964 Authority. The Port Authority shall be responsible for all
 965 policies and operation at the Port Authority; however, the Port
 966 Authority may delegate authority to the CEO for the operations,
 967 management, and oversight of the implementation of the policy
 968 decisions set forth by the Port Authority. The powers delegated
 969 by the Authority to the CEO shall be clearly established to
 970 ensure accountability of both the CEO and the Port Authority and
 971 shall be reviewed at a public meeting at least once every 2
 972 years.

973 Section 2. The Chief Executive Officer shall have such
 974 duties and authority in the administration, maintenance,
 975 expansion, and operation of the Port as the Port Authority shall
 976 assign to him or her, including the promotion of the business
 977 and affairs of the Port, including, but not limited to, travel
 978 to and from meetings of contemporaries in convention or by
 979 industry, necessary subsistence, entertainment of business

980 guests at the Port or elsewhere, within or without the state,
 981 and meals for staff members at regular or special meetings of
 982 the Port Authority, and shall ratify such past expenditures. The
 983 Chief Executive Officer shall keep and maintain an account of
 984 the expenses involved in the performance of his or her duties
 985 and submit the same to the Port Authority for approval at any
 986 regular meeting.

987 Section 3. The Chief Executive Officer shall receive such
 988 compensation as may be agreed.

989 Section 4. Official travel authorized by the Port
 990 Authority shall be reimbursed by the authority as provided in a
 991 resolution adopted by the authority.

992 ARTICLE VIII

993 LEVY OF TAXES

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

997 (a) A tax not exceeding 3 mills on the dollar of the total
 998 assessed valuations of all taxable property, both real and
 999 personal, within said Port District for each year. Said tax
 1000 shall constitute an administration fund for operation,
 1001 maintenance, and general administration expenses and for the
 1002 purchase of rights-of-way.

1003 (b) A tax for the purpose of paying the principal and
 1004 interest on revenue certificates and revenue bonds outstanding,
 1005 and for the proper sinking funds for the protection thereof, and

1006 not exceeding in the aggregate the sum of \$7.5 million in
 1007 principal, as the same severally mature in accordance with their
 1008 tenure.

1009 Section 2. At the time of the adoption of the tax
 1010 resolution as provided herein, the Port Authority shall prepare
 1011 and adopt a financial budget for the ensuing fiscal year. Said
 1012 budget shall contain an estimate of all items of expenditure
 1013 contemplated or anticipated for the ensuing fiscal year and an
 1014 estimate of all sources of revenue. Said budget shall be spread
 1015 upon the permanent records of the Port Authority.

1016 Section 3. All revenues received by the Port Authority
 1017 from the operation of the Port, other than specifically pledged,
 1018 shall be paid into the administration fund and be used for
 1019 operation, expansion, maintenance, and general administration
 1020 purposes and expenses and for the purchase of rights-of-way. Any
 1021 part of the administration fund remaining unused or unpledged at
 1022 the close of each fiscal year may, in the discretion of the Port
 1023 Authority, be transferred to the sinking fund maintained for
 1024 bonds or be used to purchase obligations of the Port Authority
 1025 at the lowest market price.

1026 ARTICLE IX

1027 PROHIBITIONS

1028 No member of the Port Authority or other officer or
 1029 employee shall purchase supplies, goods, or materials for use by
 1030 the Port District or Port Authority from himself or herself or
 1031 from any firm or corporation in which he or she is interested,

1032 directly or indirectly, or in any manner share in the proceeds
1033 of such purchases. The Port Authority is not obligated for the
1034 purchase price of such supplies, goods, or materials so
1035 purchased. No Port Commissioner or other officer or employee
1036 shall bid or enter into or be in any manner interested in any
1037 contract for public work to which the Port Authority may be a
1038 party. Any Port Commissioner who shall violate the provisions
1039 hereof shall be deemed guilty of malfeasance in office, provided
1040 that no Port Commissioner who shall have recorded his or her
1041 vote against the letting of such contract or against such
1042 illegal purchase or who shall have been absent at the taking of
1043 the vote thereon shall be deemed guilty of a violation of this
1044 provision. All moneys or things of value paid or delivered
1045 pursuant to such contract or purchase may be recovered by the
1046 Port Authority. Notwithstanding anything contained in this
1047 section, if any provision of this section shall contradict with
1048 the exemptions listed in s. 112.313, Florida Statutes, the
1049 exemptions contained in statute shall govern.

1050 ARTICLE X

1051 NOTIFICATION OF CLAIMS

1052 Every claim, whether ex contractu or ex delicto, whether
1053 liquidated or unliquidated, whether vested or contingent,
1054 against the Port Authority or Port District shall be signed by
1055 the claimant or his or her duly authorized agent, shall be filed
1056 with the Port Authority within 3 months after the claim becomes
1057 due or arises, and shall be barred if not so filed. Said writing

1058 representing said claim shall, as particularly as is known to
 1059 the claimant, set out the details of said claim and specify the
 1060 names of the witnesses, if any, whom the claimant relies upon to
 1061 support his or her claim.

1062 ARTICLE XI

1063 STATUTE OF LIMITATIONS

1064 No statute heretofore or hereafter enacted by the
 1065 Legislature prescribing and fixing the time in which action
 1066 shall be brought, commonly known as the "Statute of
 1067 Limitations," shall apply to any action, suit, or proceeding
 1068 instituted and prosecuted by the Port Authority or the Port
 1069 District.

1070 ARTICLE XII

1071 EXEMPTION FROM TAXATION

1072 All property, real and personal, tangible and intangible,
 1073 now owned or hereinafter acquired and held by the Port
 1074 Authority, the governing authority of the Port District, shall
 1075 be exempt from all taxation levied and assessed pursuant to the
 1076 Constitution and laws of the State of Florida by any taxing
 1077 unit.

1078 ARTICLE XIII

1079 EXEMPTION FROM JUDGMENT LIENS

1080 No judgment or decree, writ of execution, or any other writ
 1081 issued or tendered against the said Port Authority shall be a
 1082 lien upon the real or personal property now owned or hereafter
 1083 acquired and held by the said Port Authority. All property, both

1084 real and personal, tangible and intangible, now owned or
 1085 hereafter acquired and held by the said Port Authority shall be
 1086 exempt from sale under writ of execution and any other judicial
 1087 sale.

1088 ARTICLE XIV

1089 APPEALS BOND

1090 The Port Authority and Port District is not required to
 1091 execute, give, or file any bond required by law to be filed in
 1092 an attachment, injunction, receivership, garnishment, or
 1093 replevin proceedings or in the prosecution of an appeal or writ
 1094 of error. The Port District and Port Authority may supersede any
 1095 appealable judgment, decree, or order rendered in any of the
 1096 courts within the state of which it feels aggrieved by
 1097 prosecuting an appeal or writ of error therefrom, pursuant to
 1098 law, without giving or filing a supersedeas bond as otherwise
 1099 required by law.

1100 ARTICLE XV

1101 REMOVAL OF PORT COMMISSIONERS BY GOVERNOR

1102 No court shall have the power or jurisdiction to appoint
 1103 any officer of the court to exercise the duties and powers of
 1104 the Port Authority or any Port Commissioner. In the event any
 1105 Port Commissioner shall be guilty of intentional and willful
 1106 malfeasance, nonfeasance, or misfeasance in office, or
 1107 commission of a felony, he or she shall be subject to be removed
 1108 by the Governor in the manner provided for the removal of county
 1109 officers.

1110 ARTICLE XVI

1111 INSPECTION OF BOOKS AND RECORDS

1112 Section 1. The books, audits, and records of the Port
 1113 Authority shall at all reasonable hours on regular business days
 1114 be open to inspection as provided by law. All moneys of the Port
 1115 Authority shall be at all times kept fully and adequately
 1116 secured.

1117 Section 2. The books and public records of the Port
 1118 Authority shall be audited by an independent auditor annually
 1119 and be available for audit by an appropriate state auditing
 1120 department at the time the books of the county officials of
 1121 Brevard County are audited.

1122 Section 3. The fiscal year of the Port Authority shall
 1123 begin October 1 of each year and end September 30 of each year.

1124 ARTICLE XVII

1125 CONTRACTS; COMPETITION

1126 Section 1. No contract shall be let by the Port Authority
 1127 for any construction, improvement, repair, or building, nor
 1128 shall any goods, supplies, or materials for Port District
 1129 purposes or uses be purchased, when the amount to be paid by the
 1130 Port Authority shall exceed \$100,000 unless competitive
 1131 conditions have been maintained and competitive solicitations
 1132 sought except as otherwise provided by general law or this
 1133 charter. The Port Authority shall advertise a competitive
 1134 solicitation at least once a week for 3 consecutive weeks in a
 1135 newspaper of general circulation in the Port District and

1136 Brevard County and for no less than 3 consecutive weeks on the
 1137 Port Authority's website. Following the receipt and evaluations
 1138 of the proposals or bids, the Port Authority shall award the
 1139 contract to the proposer or bidder who presents the most
 1140 responsive, responsible proposal or bid at a cost most
 1141 advantageous to the Port Authority, all factors considered. The
 1142 Port Authority retains the authority to reject all proposals and
 1143 bids. The Port Authority may also require the deposit of cash,
 1144 certified check, or bid bond, not to exceed 10 percent of the
 1145 bid or proposal, as evidence of good faith on the part of the
 1146 proposers or bidders, such deposit to be returned when the bid
 1147 or proposal is rejected or performance bond deposited or
 1148 contract completed, or shall be retained to secure the payment
 1149 of the penal sum in the event the proposer or bidder fails to
 1150 enter into such contract and give such performance and payment
 1151 bond or bonds. The Port Authority may provide for preferences in
 1152 the evaluation process with respect to businesses or residents
 1153 located within the Port District.

1154 Section 2. In the event it is reasonably expected that the
 1155 cost of a contract under section 1 shall be greater than \$10,000
 1156 but less than \$100,000, the Chief Executive Officer or his or
 1157 her designee shall do the following:

1158 (a) Obtain at least three written bid offers to perform
 1159 such work or furnish such property from at least three
 1160 independent persons or business entities responsible in the
 1161 subject business endeavor under consideration.

1162 (b) Make a record of the offers.

1163 (c) After obtaining and recording such offers, award the
 1164 contract to the most responsive, responsible bidder of those
 1165 solicited as provided in this article.

1166 Section 3. In lieu of the competitive bid requirements set
 1167 forth in sections 1 and 2, the Port Authority may use purchase
 1168 agreements or contracts of any state agency, county, school
 1169 board, or municipality, or of the Federal Government or its
 1170 agencies, which agreements or contracts have been competitively
 1171 bid for the purchase of goods, supplies, or materials for Port
 1172 District purposes.

1173 ARTICLE XVIII

1174 PERIODIC REVIEW OF PORT DISTRICT SPECIAL ACT

1175 Section 1. There shall be a Charter Review Committee
 1176 appointed by the Port Authority at the first meeting in January
 1177 2023 and every 10 years thereafter. The Charter Review Committee
 1178 is created for the purpose of conducting a comprehensive study
 1179 of any or all phases of the Port District in conformance with
 1180 this article.

1181 Section 2. The Charter Review Committee shall consist of
 1182 ten members. Each Port Commissioner shall nominate two members
 1183 to the Charter Review Committee. Each member shall reside within
 1184 the Port District.

1185 Section 3. The term of each member of the Charter Review
 1186 Committee shall expire on December 31 of the year in which he or
 1187 she was appointed. The term of each member of the Charter Review

1188 Committee may be extended by the Port Authority upon a majority
1189 vote of the Port Authority. Any vacancy shall be filled by the
1190 Port Authority in the same manner as the original appointment
1191 for the remainder of the member's unexpired term.

1192 Section 4. All members of the Charter Review Committee
1193 shall be electors of Brevard County. Florida legislators, county
1194 commissioners, municipal elected officials, Port Commissioners,
1195 constitutional officers, the Port District CEO, and Port
1196 District employees may not serve on the Charter Review
1197 Committee.

1198 Section 5. The Port District shall maintain copies of all
1199 written, recorded, and electronic records of the Charter Review
1200 Committee in conformance with the laws of the state.

1201 Section 6. The Charter Review Committee must submit to the
1202 Port Authority any proposed amendments to the Port Authority
1203 Charter no later than October 31 of the year in which the
1204 Charter Review Committee was established.

1205 Section 7. The Port Authority shall include in its general
1206 budget for each fiscal year in which the Charter Review
1207 Committee is in existence such sums as are necessary to carry
1208 out the duties of the Charter Review Committee.

1209 Section 8. In exercising its powers, the Charter Review
1210 Committee shall perform the following: elect a chair and vice
1211 chair, adopt such internal procedures and rules as may be
1212 necessary to carry out its duties, and employ legal counsel as
1213 may be necessary to carry out its duties.

1214 Section 9. Before the consideration of any recommendations
 1215 to amend the Port District Charter, the Port Authority shall
 1216 provide public notice of the date, time, and location of the
 1217 public hearing at which the amendments to the Port District
 1218 Charter will be considered. Such recommendations to amend the
 1219 Port District Charter may only be made upon a majority vote of
 1220 the Port Authority after a public hearing held to consider such
 1221 recommendations.

1222 ARTICLE XIX

1223 COMMERCIAL FISHING

1224 Section 1. The Port Authority shall take reasonable
 1225 measures to provide sufficient usable bulkhead space to support
 1226 commercial fish dealing operations at Port Canaveral. The usable
 1227 bulkhead space shall be an amount no less than that used by
 1228 commercial fish dealing operations as of January 1, 2013.

1229 (a) "Commercial fish dealing operations" means any company
 1230 or business substantially concerned with processing, receiving,
 1231 preserving, storing, transporting, marketing, or selling seafood
 1232 or seafood products for human consumption or as input factors in
 1233 other industrial processes. Ancillary restaurant and retail uses
 1234 operating in conjunction with a commercial fish dealing
 1235 operation does not exclude that business from being considered a
 1236 commercial fish dealing operation.

1237 (b) "Usable bulkhead space" means bulkhead and adjacent
 1238 improved property, including infrastructure, located east of the
 1239 locks that is able to contain the necessary infrastructure for

1240 vehicles and equipment related to commercial fish dealing
1241 operations, such as delivery vehicles, freight vehicles, other
1242 vehicles, and equipment related to commercial fish dealing
1243 operations. It shall be preferred to place the usable bulkhead
1244 space on the south side of the port.

1245 Section 2. The Port Authority shall invite representatives
1246 of the commercial fish dealing industry to offer a presentation
1247 at a public hearing held at a regularly scheduled meeting, not
1248 less than once every 2 years, to discuss the state of the
1249 commercial fish dealing industry at Port Canaveral. The Port
1250 Authority shall provide public notice before the annual public
1251 hearing to discuss the state of the commercial fish dealing
1252 industry at Port Canaveral. In addition, the Port Authority
1253 shall provide written notice via United States mail to existing
1254 commercial fish dealing lessees of the annual public hearing no
1255 later than 45 days before the public hearing. At such public
1256 hearing, members of the public will be permitted to discuss with
1257 the Port Authority the commercial fish dealing industry at Port
1258 Canaveral, ideas for improving the commercial fish dealing
1259 industry at Port Canaveral, or other issues related to the
1260 general state of the commercial fish dealing industry at Port
1261 Canaveral.

1262 Section 3. Before the nonrenewal of a lease or the
1263 involuntary relocation of a lessee engaged in commercial fish
1264 dealing operations, the Port Authority shall provide public
1265 notice of the item to be considered at a public hearing. At the

1266 public hearing, the lessee shall be entitled to present
1267 information with respect to remaining in the current location or
1268 to have its lease renewed, subject to the then prevailing terms,
1269 conditions, and rates pertaining to similar parcels of lands or
1270 leaseholds within the Port. The Port Authority may offer the
1271 commercial fish dealing lessee a reduced rental rate conditioned
1272 upon the lessee's primary use of the premises for commercial
1273 fish dealing operations. Following the lessee's presentation to
1274 the Port Authority, the Port Authority may, by a supermajority
1275 vote, elect to not renew the lease or to relocate the lessee if
1276 permitted pursuant to the terms of the lease. This section shall
1277 only apply to leases between the Port Authority and a lessee
1278 primarily engaged in commercial fish dealing operations.

1279 ARTICLE XX

1280 PUBLIC RECREATIONAL INTERESTS

1281 (a) The Port Authority shall, in its discretion, use its
1282 best efforts to facilitate public recreational interests. The
1283 Port Authority shall hold an annual public hearing to discuss
1284 the state of recreational interests at Port Canaveral. The Port
1285 Authority shall provide public notice before holding the public
1286 hearing on the state of recreational interests at Port Canaveral
1287 at a regularly scheduled Port Authority meeting.

1288 (b) At the public hearing, members of the public will be
1289 permitted to discuss any issues, problems, concerns, and
1290 proposals related to recreational interests at Port Canaveral.

1291 (c) The term "recreational interests" shall include, but
 1292 not be limited to, all activities at Port Canaveral related to
 1293 parks, boating, fishing, and camping. The Port Authority will
 1294 maintain these recreational interests.

1295 ARTICLE XXI

1296 SEVERABILITY CLAUSE

1297 If any section, subsection, paragraph, subparagraph,
 1298 sentence, clause, or phrase of this act is, for any reason, held
 1299 to be unconstitutional or invalid, such holding does not affect
 1300 the validity of the remaining portions of this act, the
 1301 Legislature hereby declaring that it would have enacted this act
 1302 and each and every section, subsection, paragraph, subparagraph,
 1303 sentence, clause, and phrase thereof, irrespective of the fact
 1304 that any one or more of the sections, subsections, paragraphs,
 1305 subparagraphs, sentences, clauses, or phrases thereof may be
 1306 declared to be unconstitutional or otherwise ineffective.

1307 ARTICLE XXII

1308 DECLARATION OF PUBLIC PURPOSES

1309 It is determined and declared by the Legislature that all
 1310 of the powers conferred upon the Port District by this act and
 1311 the exercise of such powers constitute and are proper public
 1312 purposes and are for the welfare and benefit of the Port
 1313 District and its inhabitants.

1314 Section 4. This act shall be liberally construed to
 1315 effectuate the purposes set forth herein.

CS/HB 1023

2014

1316 Section 5. Chapters 2003-335, 2004-472, 2005-320, 2008-
1317 288, and 2011-258, Laws of Florida, are repealed.

1318 Section 6. This act shall take effect upon becoming a law.