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CS/HB 1023, Engrossed 1

2014 Legislature

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An act relating to the Canaveral Port District, Brevard County; providing legislative intent; codifying, amending, repealing, and reenacting special acts relating to the district; providing severability; providing purpose and construction; providing an effective date.

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

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

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2008-288, and 2011-258, Laws of Florida, relating to the Canaveral Port District, are codified, reenacted, amended, and repealed as herein provided.

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

ARTICLE I
CREATION AND STATUS



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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



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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.

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

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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;



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

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



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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



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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



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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



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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



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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



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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



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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,



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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.



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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.



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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



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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



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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



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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.



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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



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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



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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



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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;



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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 Department
582 of Revenue shall report to the Port Authority at the time it is,
583 by law, required to report to the County Property Appraiser of
584 Brevard County the assessed valuation of all railroad lines,
585 railroad property, telephone lines, and telephone properties
586 within the Port District over which the Department of Revenue
587 has jurisdiction for valuation and assessment purposes, and said
588 assessed valuation placed on said properties shall be the
589 valuation for taxation by the Port Authority.

590 (b) The Port Authority shall, during each year, determine
591 by resolution the total amount to be raised from ad valorem
592 taxes levied and assessed upon all the taxable property located



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

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



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

642 (d) This act shall be full authority for the issuance of
643 any of the revenue certificates and revenue bonds authorized
644 herein, which said revenue certificates or revenue bonds shall



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

665 (e) Sections 193.321 through 193.327, Florida Statutes,
666 1967, do not apply and are void with respect to the power and
667 authority of the Port Authority to levy, assess, collect, and
668 enforce ad valorem taxes as set forth in this act.

669 Section 22. (a) The authority has the power to offer and
670 make available life, health, accident, hospitalization, or all



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671 or any part of such insurance for Port Authority officers and
672 employees upon a group insurance plan. The Port Authority shall
673 advertise for bids and shall award said group insurance to the
674 most responsive and responsible bidder providing the best value
675 to the Port Authority. If no bids are received, the Port
676 Authority shall have the discretion to contract for such
677 insurance on such terms and conditions as it may deem desirable.

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

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

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

691 (c) In the exercise of this grant of authority, the Port
692 Authority shall comply with all applicable provisions of chapter
693 253, Florida Statutes, to the same extent as a Board of County
694 Commissioners would comply with such provisions under the same
695 circumstances.



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

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

719 1. All sales of land, interests, or rights in land, or the
720 lease of any interests in land, shall be for cash or upon terms
721 and security to be approved by the Port Authority. No deed shall



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722 be executed and delivered for any sale until full payment is
723 made and received by the Port Authority.

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

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

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

738 (b) The Port Authority may exchange lands or interests or
739 rights in lands owned and acquired by the Port Authority after
740 January 1, 1987, or lands or interests or rights in said lands
741 for which title is otherwise vested in the Port Authority for
742 other lands or interests or rights in lands within the state
743 owned by any person. The Port Authority shall fix the terms and
744 conditions of any such exchange and may pay or receive any sum
745 of money that the Port Authority considers necessary to equalize
746 the values of exchanged properties. Public notice of the meeting
747 at which said exchange is considered shall be provided before



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

756 ARTICLE V

757 PORT COMMISSIONERS

758 Section 1. (a) The governing authority of the Port
759 District is hereby created and shall be designated as the Port
760 Authority and shall consist of five Port Commissioners, one Port
761 Commissioner from each Commissioner Port District, who shall be
762 a qualified elector and reside within the Commissioner Port
763 District from which he or she is appointed or nominated and
764 elected. All Port Commissioners shall be elected for 4-year
765 terms, and said terms shall be arranged so that three Port
766 Commissioners are elected at one general election and two Port
767 Commissioners elected at the next ensuing general election. For
768 the general election in 2014, the term of office of each Port
769 Commissioner shall commence on the Tuesday after the first
770 Monday in January after his or her election. Commencing with the
771 election in November 2016 and each general election thereafter,
772 the term of office of each Port Commissioner shall commence on
773 the first Port Authority meeting after his or her election at



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774 the general election. The terms of office for those
775 commissioners which would expire in January 2017 shall expire
776 upon the commencement of their respective successor's term on
777 the first Port Authority meeting after the general election in
778 2016 and each general election thereafter.

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

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

794 (b) Nomination of candidates shall be made by residency
795 districts at the primary elections, by the various political
796 parties, as general law provides for County Commissioners of
797 Brevard County, at which primary elections the electors of the
798 Port District at large who are qualified to vote in such primary
799 elections shall be entitled to vote. The Board of County



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800 Commissioners shall not print the name of any person as a
801 candidate on the ballots for general elections unless he or she
802 shall have been so nominated.

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

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

816 Section 3. Any vacancy occurring on or in the said Board
817 of Commissioners of the Port Authority, whether caused by
818 resignation, refusal, death, or the unconstitutionality of any
819 part of this act, or for or on account of any other reason
820 whatsoever, shall be filled for the unexpired portion of the
821 corresponding term, or until the first Port Authority meeting
822 after the next ensuing general election, whichever may come
823 sooner, by appointment by the Governor.

824 Section 4. Every Port Commissioner, before he or she
825 assumes office, shall be required to make oath that he or she



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

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

845 Section 6. The Port Commissioners shall be entitled to an
846 annual salary allowance. The salary allowance shall be payable
847 monthly and apply to all services rendered by each Port
848 Commissioner under this act. The salary allowance may be
849 adjusted annually by the Board of Commissioners of the Port
850 Authority, to be effective October 1 of each year; however, any
851 increase in the annual salary allowance shall not exceed the



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852 average percentage increase in the salaries of state career
853 service employees as determined pursuant to s. 145.19, Florida
854 Statutes, for the fiscal year just concluded.

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

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

870 ARTICLE VI

871 ADDITIONAL POWERS

872 Section 1. The Port Authority shall have the power to
873 impose a franchise or excise tax upon businesses and occupations
874 carried on or operated under and by virtue of any franchise or
875 franchises granted by the Port Authority in a sum equal to 0.5
876 percent of the gross receipts of such businesses or occupations.
877 The administration of this section and the collection of this



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

895 Section 2. In the further interest of the advancement,
896 promotion, regulation, and control of the Port, and in the
897 interest of safety, order, convenience, and the general welfare
898 of the public, the Port Authority is authorized and empowered to
899 adopt a plan or plans, and amend the same from time to time, for
900 the zoning of the harbor area for the purpose of regulating the
901 location and establishment of trades, industries, and
902 manufacturing establishments and other use of the property
903 within the Port.



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

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

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

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

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

926 (f) The board of directors of the direct-support
927 organization shall be appointed by the Port Authority and shall
928 include the chair of the Port Authority, or his or her designee,
929 and the Chief Executive Officer as members. The Port Authority



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930 shall approve the articles of incorporation and bylaws of the
931 direct-support organization and any amendments thereto.

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

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

948 Section 4. Commencing in 2015, and every 3 years
949 thereafter, the Port Authority shall review the Port District
950 Land Use Plan. Before approving any amendment to the Land Use
951 Plan, the Port Authority shall provide public notice of the Port
952 Authority meeting at which the amendment to the Land Use Plan
953 will be considered. Any amendment to the Port District Land Use
954 Plan shall only be considered at a duly noticed public hearing.
955 Nothing herein shall restrict the Port Authority's ability to



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956 use Port Authority property in a manner as determined by the
957 Port Authority to be in the Port Authority's best interest.

958 ARTICLE VII

959 PERSONNEL

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

971 Section 2. The Chief Executive Officer shall have such
972 duties and authority in the administration, maintenance,
973 expansion, and operation of the Port as the Port Authority shall
974 assign to him or her, including the promotion of the business
975 and affairs of the Port, including, but not limited to, travel
976 to and from meetings of contemporaries in convention or by
977 industry, necessary subsistence, entertainment of business
978 guests at the Port or elsewhere, within or without the state,
979 and meals for staff members at regular or special meetings of
980 the Port Authority, and shall ratify such past expenditures. The
981 Chief Executive Officer shall keep and maintain an account of



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982 the expenses involved in the performance of his or her duties
983 and submit the same to the Port Authority for approval at any
984 regular meeting.

985 Section 3. The Chief Executive Officer shall receive such
986 compensation as may be agreed.

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

990 ARTICLE VIII

991 LEVY OF TAXES

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

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

1001 (b) A tax for the purpose of paying the principal and
1002 interest on revenue certificates and revenue bonds outstanding,
1003 and for the proper sinking funds for the protection thereof, and
1004 not exceeding in the aggregate the sum of \$7.5 million in
1005 principal, as the same severally mature in accordance with their
1006 tenure.



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1007 Section 2. At the time of the adoption of the tax
1008 resolution as provided herein, the Port Authority shall prepare
1009 and adopt a financial budget for the ensuing fiscal year. Said
1010 budget shall contain an estimate of all items of expenditure
1011 contemplated or anticipated for the ensuing fiscal year and an
1012 estimate of all sources of revenue. Said budget shall be spread
1013 upon the permanent records of the Port Authority.

1014 Section 3. All revenues received by the Port Authority
1015 from the operation of the Port, other than specifically pledged,
1016 shall be paid into the administration fund and be used for
1017 operation, expansion, maintenance, and general administration
1018 purposes and expenses and for the purchase of rights-of-way. Any
1019 part of the administration fund remaining unused or unpledged at
1020 the close of each fiscal year may, in the discretion of the Port
1021 Authority, be transferred to the sinking fund maintained for
1022 bonds or be used to purchase obligations of the Port Authority
1023 at the lowest market price.

1024 ARTICLE IX

1025 PROHIBITIONS

1026 No member of the Port Authority or other officer or
1027 employee shall purchase supplies, goods, or materials for use by
1028 the Port District or Port Authority from himself or herself or
1029 from any firm or corporation in which he or she is interested,
1030 directly or indirectly, or in any manner share in the proceeds
1031 of such purchases. The Port Authority is not obligated for the
1032 purchase price of such supplies, goods, or materials so



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1033 purchased. No Port Commissioner or other officer or employee
 1034 shall bid or enter into or be in any manner interested in any
 1035 contract for public work to which the Port Authority may be a
 1036 party. Any Port Commissioner who shall violate the provisions
 1037 hereof shall be deemed guilty of malfeasance in office, provided
 1038 that no Port Commissioner who shall have recorded his or her
 1039 vote against the letting of such contract or against such
 1040 illegal purchase or who shall have been absent at the taking of
 1041 the vote thereon shall be deemed guilty of a violation of this
 1042 provision. All moneys or things of value paid or delivered
 1043 pursuant to such contract or purchase may be recovered by the
 1044 Port Authority. Notwithstanding anything contained in this
 1045 section, if any provision of this section shall contradict with
 1046 the exemptions listed in s. 112.313, Florida Statutes, the
 1047 exemptions contained in statute shall govern.

1048 ARTICLE X

1049 NOTIFICATION OF CLAIMS

1050 Every claim, whether ex contractu or ex delicto, whether
 1051 liquidated or unliquidated, whether vested or contingent,
 1052 against the Port Authority or Port District shall be signed by
 1053 the claimant or his or her duly authorized agent, shall be filed
 1054 with the Port Authority within 3 months after the claim becomes
 1055 due or arises, and shall be barred if not so filed. Said writing
 1056 representing said claim shall, as particularly as is known to
 1057 the claimant, set out the details of said claim and specify the



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1058 names of the witnesses, if any, whom the claimant relies upon to
 1059 support his or her claim.

1060 ARTICLE XI

1061 STATUTE OF LIMITATIONS

1062 No statute heretofore or hereafter enacted by the
 1063 Legislature prescribing and fixing the time in which action
 1064 shall be brought, commonly known as the "Statute of
 1065 Limitations," shall apply to any action, suit, or proceeding
 1066 instituted and prosecuted by the Port Authority or the Port
 1067 District.

1068 ARTICLE XII

1069 EXEMPTION FROM TAXATION

1070 All property, real and personal, tangible and intangible,
 1071 now owned or hereinafter acquired and held by the Port
 1072 Authority, the governing authority of the Port District, shall
 1073 be exempt from all taxation levied and assessed pursuant to the
 1074 Constitution and laws of the State of Florida by any taxing
 1075 unit.

1076 ARTICLE XIII

1077 EXEMPTION FROM JUDGMENT LIENS

1078 No judgment or decree, writ of execution, or any other writ
 1079 issued or tendered against the said Port Authority shall be a
 1080 lien upon the real or personal property now owned or hereafter
 1081 acquired and held by the said Port Authority. All property, both
 1082 real and personal, tangible and intangible, now owned or
 1083 hereafter acquired and held by the said Port Authority shall be



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1084 exempt from sale under writ of execution and any other judicial
 1085 sale.

1086 ARTICLE XIV

1087 APPEALS BOND

1088 The Port Authority and Port District is not required to
 1089 execute, give, or file any bond required by law to be filed in
 1090 an attachment, injunction, receivership, garnishment, or
 1091 replevin proceedings or in the prosecution of an appeal or writ
 1092 of error. The Port District and Port Authority may supersede any
 1093 appealable judgment, decree, or order rendered in any of the
 1094 courts within the state of which it feels aggrieved by
 1095 prosecuting an appeal or writ of error therefrom, pursuant to
 1096 law, without giving or filing a supersedeas bond as otherwise
 1097 required by law.

1098 ARTICLE XV

1099 REMOVAL OF PORT COMMISSIONERS BY GOVERNOR

1100 No court shall have the power or jurisdiction to appoint
 1101 any officer of the court to exercise the duties and powers of
 1102 the Port Authority or any Port Commissioner. In the event any
 1103 Port Commissioner shall be guilty of intentional and willful
 1104 malfeasance, nonfeasance, or misfeasance in office, or
 1105 commission of a felony, he or she shall be subject to be removed
 1106 by the Governor in the manner provided for the removal of county
 1107 officers.

1108 ARTICLE XVI

1109 INSPECTION OF BOOKS AND RECORDS



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1110 Section 1. The books, audits, and records of the Port
1111 Authority shall at all reasonable hours on regular business days
1112 be open to inspection as provided by law. All moneys of the Port
1113 Authority shall be at all times kept fully and adequately
1114 secured.

1115 Section 2. The books and public records of the Port
1116 Authority shall be audited by an independent auditor annually
1117 and be available for audit by an appropriate state auditing
1118 department at the time the books of the county officials of
1119 Brevard County are audited.

1120 Section 3. The fiscal year of the Port Authority shall
1121 begin October 1 of each year and end September 30 of each year.

1122 ARTICLE XVII

1123 CONTRACTS; COMPETITION

1124 Section 1. No contract shall be let by the Port Authority
1125 for any construction, improvement, repair, or building, nor
1126 shall any goods, supplies, or materials for Port District
1127 purposes or uses be purchased, when the amount to be paid by the
1128 Port Authority shall exceed \$100,000 unless competitive
1129 conditions have been maintained and competitive solicitations
1130 sought except as otherwise provided by general law or this
1131 charter. The Port Authority shall advertise a competitive
1132 solicitation at least once a week for 3 consecutive weeks in a
1133 newspaper of general circulation in the Port District and
1134 Brevard County and for no less than 3 consecutive weeks on the
1135 Port Authority's website. Following the receipt and evaluations



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1136 of the proposals or bids, the Port Authority shall award the
1137 contract to the proposer or bidder who presents the most
1138 responsive, responsible proposal or bid at a cost most
1139 advantageous to the Port Authority, all factors considered. The
1140 Port Authority retains the authority to reject all proposals and
1141 bids. The Port Authority may also require the deposit of cash,
1142 certified check, or bid bond, not to exceed 10 percent of the
1143 bid or proposal, as evidence of good faith on the part of the
1144 proposers or bidders, such deposit to be returned when the bid
1145 or proposal is rejected or performance bond deposited or
1146 contract completed, or shall be retained to secure the payment
1147 of the penal sum in the event the proposer or bidder fails to
1148 enter into such contract and give such performance and payment
1149 bond or bonds. The Port Authority may provide for preferences in
1150 the evaluation process with respect to businesses or residents
1151 located within the Port District.

1152 Section 2. In the event it is reasonably expected that the
1153 cost of a contract under section 1 shall be greater than \$10,000
1154 but less than \$100,000, the Chief Executive Officer or his or
1155 her designee shall do the following:

1156 (a) Obtain at least three written bid offers to perform
1157 such work or furnish such property from at least three
1158 independent persons or business entities responsible in the
1159 subject business endeavor under consideration.

1160 (b) Make a record of the offers.



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1161 (c) After obtaining and recording such offers, award the
1162 contract to the most responsive, responsible bidder of those
1163 solicited as provided in this article.

1164 Section 3. In lieu of the competitive bid requirements set
1165 forth in sections 1 and 2, the Port Authority may use purchase
1166 agreements or contracts of any state agency, county, school
1167 board, or municipality, or of the Federal Government or its
1168 agencies, which agreements or contracts have been competitively
1169 bid for the purchase of goods, supplies, or materials for Port
1170 District purposes.

1171 ARTICLE XVIII

1172 PERIODIC REVIEW OF PORT DISTRICT SPECIAL ACT

1173 Section 1. There shall be a Charter Review Committee
1174 appointed by the Port Authority at the first meeting in January
1175 2023 and every 10 years thereafter. The Charter Review Committee
1176 is created for the purpose of conducting a comprehensive study
1177 of any or all phases of the Port District in conformance with
1178 this article.

1179 Section 2. The Charter Review Committee shall consist of
1180 ten members. Each Port Commissioner shall nominate two members
1181 to the Charter Review Committee. Each member shall reside within
1182 the Port District.

1183 Section 3. The term of each member of the Charter Review
1184 Committee shall expire on December 31 of the year in which he or
1185 she was appointed. The term of each member of the Charter Review
1186 Committee may be extended by the Port Authority upon a majority



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1187 vote of the Port Authority. Any vacancy shall be filled by the
1188 Port Authority in the same manner as the original appointment
1189 for the remainder of the member's unexpired term.

1190 Section 4. All members of the Charter Review Committee
1191 shall be electors of Brevard County. Florida legislators, county
1192 commissioners, municipal elected officials, Port Commissioners,
1193 constitutional officers, the Port District CEO, and Port
1194 District employees may not serve on the Charter Review
1195 Committee.

1196 Section 5. The Port District shall maintain copies of all
1197 written, recorded, and electronic records of the Charter Review
1198 Committee in conformance with the laws of the state.

1199 Section 6. The Charter Review Committee must submit to the
1200 Port Authority any proposed amendments to the Port Authority
1201 Charter no later than October 31 of the year in which the
1202 Charter Review Committee was established.

1203 Section 7. The Port Authority shall include in its general
1204 budget for each fiscal year in which the Charter Review
1205 Committee is in existence such sums as are necessary to carry
1206 out the duties of the Charter Review Committee.

1207 Section 8. In exercising its powers, the Charter Review
1208 Committee shall perform the following: elect a chair and vice
1209 chair, adopt such internal procedures and rules as may be
1210 necessary to carry out its duties, and employ legal counsel as
1211 may be necessary to carry out its duties.



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1212 Section 9. Before the consideration of any recommendations
1213 to amend the Port District Charter, the Port Authority shall
1214 provide public notice of the date, time, and location of the
1215 public hearing at which the amendments to the Port District
1216 Charter will be considered. Such recommendations to amend the
1217 Port District Charter may only be made upon a majority vote of
1218 the Port Authority after a public hearing held to consider such
1219 recommendations.

1220 ARTICLE XIX

1221 COMMERCIAL FISHING

1222 Section 1. The Port Authority shall take reasonable
1223 measures to provide sufficient usable bulkhead space to support
1224 commercial fish dealing operations at Port Canaveral. The usable
1225 bulkhead space shall be an amount no less than that used by
1226 commercial fish dealing operations as of January 1, 2013.

1227 (a) "Commercial fish dealing operations" means any company
1228 or business substantially concerned with processing, receiving,
1229 preserving, storing, transporting, marketing, or selling seafood
1230 or seafood products for human consumption or as input factors in
1231 other industrial processes. Ancillary restaurant and retail uses
1232 operating in conjunction with a commercial fish dealing
1233 operation does not exclude that business from being considered a
1234 commercial fish dealing operation.

1235 (b) "Usable bulkhead space" means bulkhead and adjacent
1236 improved property, including infrastructure, located east of the
1237 locks that is able to contain the necessary infrastructure for



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1238 vehicles and equipment related to commercial fish dealing
1239 operations, such as delivery vehicles, freight vehicles, other
1240 vehicles, and equipment related to commercial fish dealing
1241 operations. It shall be preferred to place the usable bulkhead
1242 space on the south side of the port.

1243 Section 2. The Port Authority shall invite representatives
1244 of the commercial fish dealing industry to offer a presentation
1245 at a public hearing held at a regularly scheduled meeting, not
1246 less than once every 2 years, to discuss the state of the
1247 commercial fish dealing industry at Port Canaveral. The Port
1248 Authority shall provide public notice before the annual public
1249 hearing to discuss the state of the commercial fish dealing
1250 industry at Port Canaveral. In addition, the Port Authority
1251 shall provide written notice via United States mail to existing
1252 commercial fish dealing lessees of the annual public hearing no
1253 later than 45 days before the public hearing. At such public
1254 hearing, members of the public will be permitted to discuss with
1255 the Port Authority the commercial fish dealing industry at Port
1256 Canaveral, ideas for improving the commercial fish dealing
1257 industry at Port Canaveral, or other issues related to the
1258 general state of the commercial fish dealing industry at Port
1259 Canaveral.

1260 Section 3. Before the nonrenewal of a lease or the
1261 involuntary relocation of a lessee engaged in commercial fish
1262 dealing operations, the Port Authority shall provide public
1263 notice of the item to be considered at a public hearing. At the



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1264 public hearing, the lessee shall be entitled to present
1265 information with respect to remaining in the current location or
1266 to have its lease renewed, subject to the then prevailing terms,
1267 conditions, and rates pertaining to similar parcels of lands or
1268 leaseholds within the Port. The Port Authority may offer the
1269 commercial fish dealing lessee a reduced rental rate conditioned
1270 upon the lessee's primary use of the premises for commercial
1271 fish dealing operations. Following the lessee's presentation to
1272 the Port Authority, the Port Authority may, by a supermajority
1273 vote, elect to not renew the lease or to relocate the lessee if
1274 permitted pursuant to the terms of the lease. This section shall
1275 only apply to leases between the Port Authority and a lessee
1276 primarily engaged in commercial fish dealing operations.

1277 ARTICLE XX

1278 PUBLIC RECREATIONAL INTERESTS

1279 (a) The Port Authority shall, in its discretion, use its
1280 best efforts to facilitate public recreational interests. The
1281 Port Authority shall hold an annual public hearing to discuss
1282 the state of recreational interests at Port Canaveral. The Port
1283 Authority shall provide public notice before holding the public
1284 hearing on the state of recreational interests at Port Canaveral
1285 at a regularly scheduled Port Authority meeting.

1286 (b) At the public hearing, members of the public will be
1287 permitted to discuss any issues, problems, concerns, and
1288 proposals related to recreational interests at Port Canaveral.



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1289 (c) The term "recreational interests" shall include, but
1290 not be limited to, all activities at Port Canaveral related to
1291 parks, boating, fishing, and camping. The Port Authority will
1292 maintain these recreational interests.

1293 ARTICLE XXI

1294 SEVERABILITY CLAUSE

1295 If any section, subsection, paragraph, subparagraph,
1296 sentence, clause, or phrase of this act is, for any reason, held
1297 to be unconstitutional or invalid, such holding does not affect
1298 the validity of the remaining portions of this act, the
1299 Legislature hereby declaring that it would have enacted this act
1300 and each and every section, subsection, paragraph, subparagraph,
1301 sentence, clause, and phrase thereof, irrespective of the fact
1302 that any one or more of the sections, subsections, paragraphs,
1303 subparagraphs, sentences, clauses, or phrases thereof may be
1304 declared to be unconstitutional or otherwise ineffective.

1305 ARTICLE XXII

1306 DECLARATION OF PUBLIC PURPOSES

1307 It is determined and declared by the Legislature that all
1308 of the powers conferred upon the Port District by this act and
1309 the exercise of such powers constitute and are proper public
1310 purposes and are for the welfare and benefit of the Port
1311 District and its inhabitants.

1312 Section 4. This act shall be liberally construed to
1313 effectuate the purposes set forth herein.



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1314 Section 5. Chapters 2003-335, 2004-472, 2005-320, 2008-
1315 288, and 2011-258, Laws of Florida, are repealed.
1316 Section 6. This act shall take effect upon becoming a law.