

1 A bill to be entitled
 2 An act relating to the Port of Palm Beach District,
 3 Palm Beach County; codifying, amending, reenacting,
 4 and repealing special acts relating to the district;
 5 repealing chs. 74-570, 75-468, 81-459, 87-523, 90-462,
 6 95-467, and 99-457, Laws of Florida; deleting obsolete
 7 language; redesignating the trade zones established by
 8 the district as foreign trade zones and authorizing
 9 such foreign trade zones to maintain trade operations
 10 outside of the boundaries of the district; providing
 11 an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Pursuant to s. 189.019, Florida Statutes, this
 16 act constitutes the codification of all special acts and court
 17 decrees relating to the Port of Palm Beach District. It is the
 18 intent of the Legislature in enacting this act to provide a
 19 single, comprehensive special act charter for the district,
 20 including all current legislative authority granted to the
 21 district by its several legislative enactments and any
 22 additional authority granted by this act. It is further the
 23 intent of the Legislature that this act preserve all district
 24 authority in addition to any authority contained in chapter 298,
 25 Florida Statutes.

26 Section 2. Chapters 74-570, 75-468, 81-459, 87-523, 90-
 27 462, 95-467, and 99-457, Laws of Florida, are amended, codified,
 28 reenacted, and repealed as herein provided.

29 Section 3. The charter for the Port of Palm Beach District
 30 is re-created and reenacted to read:

31 ARTICLE I. PURPOSE.—

32 Section 1. Name.—The name of the district shall continue
 33 to be the "Port of Palm Beach District."

34 Section 2. Purpose.—The purposes of the changes as
 35 contained in this act are to provide an integrated charter of
 36 the powers and safeguards necessary for the desired promotion,
 37 development of the facilities and services of the Port of Palm
 38 Beach, and to provide for the liberal construction of this act
 39 so as to effectuate the purposes thereof for the welfare and
 40 convenience of the citizens and taxpayers of the Port of Palm
 41 Beach District, and of the Port of Palm Beach District and the
 42 County of Palm Beach.

43 ARTICLE II. GENERAL PROVISIONS.—No obligations or
 44 contracts of the Port of Palm Beach District, including revenue
 45 certificates heretofore issued, the issuance of tax anticipation
 46 notes, and any and all proceedings heretofore begun for any
 47 improvement or for the borrowing of money, or for the issuing of
 48 revenue certificates, shall be impaired or voided by this act
 49 and such debts, obligations, contracts and revenue certificates
 50 shall pass to and shall be binding upon the Port of Palm Beach

51 District. All such proceedings heretofore begun for the
52 construction of any improvements or for the borrowing of money,
53 and issuing of revenue certificates, may be continued and
54 completed and binding upon the Port of Palm Beach District, as
55 said district shall continue to exist with provisions relating
56 to jurisdiction, powers, and duties being supplemented, amended,
57 and repealed by this act.

58 ARTICLE III. BOUNDARIES.—The following shall continue to
59 be the territory known as the "Port of Palm Beach District" and
60 shall consist of so much of Palm Beach County, as is described
61 and embraced in the following boundaries:

62
63 Beginning at the point of intersection of the Atlantic
64 Ocean with the Township line between Townships T-41
65 and 42 South; thence run West along said Township line
66 and continue West to the Western Boundary of Palm
67 Beach County, Florida; thence run South along the
68 Western Boundary of said Palm Beach County to a point
69 where the Township line between Townships 45 and 46
70 South according to the United States Government
71 Survey, if extended West, would intersect said West
72 line of said Palm Beach County, thence run East to the
73 Township Line between Townships 45 and 46 South, and
74 continuing East along said Township line to its
75 intersection with the Range Line between Ranges R-41

76 and 42 East; thence North along the Range Line between
77 Ranges R-41 and 42 East to the point of intersection
78 of said Range Line with the Township Line between
79 Townships 43 and 44 South; thence run East along the
80 Township Line between Townships 43 and 44 South; to
81 the Atlantic Ocean; thence run North along the West
82 Shore of the Atlantic Ocean to the point of beginning;
83 all being in Palm Beach County, Florida.

84
85 ARTICLE IV. GOVERNING BODY.-

86 Section 1. Commissioners.-The governing body of the Port
87 of Palm Beach District shall be known as and designated the
88 "Board of Commissioners of the Port of Palm Beach District" and
89 shall be composed of five members who shall be elected as
90 provided for in Article V. The Port of Palm Beach District shall
91 constitute a body politic and a body corporate and is deemed to
92 be a political subdivision of the state within the meaning of
93 sovereign immunity from taxation, with proprietary and
94 regulatory authority in the same manner as counties and other
95 political subdivisions of the state.

96 Section 2. Powers.-Said governing body shall have all
97 powers of a body corporate, including, but not limited to, the
98 power to sue and be sued as a corporation in said name in any
99 court; to make contracts; to adopt and use a common seal and
100 alter the same at its pleasure; to buy, hold, lease, sell,

101 exchange, and convey such real estate and personal property as
102 the board may deem proper to carry out the purposes of this
103 charter; to appoint and employ a chief engineer, a consulting
104 engineer, an attorney or attorneys, an accountant or
105 accountants, a traffic consultant or traffic consultants, and
106 any and all such other consultants, agents, and employees as the
107 board may deem necessary; and to borrow money and to issue
108 negotiable promissory notes, bonds, revenue certificates, or
109 other evidence of indebtedness therefor, in order to enable said
110 governing body to carry out this charter.

111 Section 3. Quorum.—At any meeting of the board, three
112 commissioners shall constitute a quorum for the transaction of
113 business, but in the event a quorum is not present, the
114 commissioner or commissioners so present may adjourn the meeting
115 to some future date.

116 ARTICLE V. ELECTION OF BOARD OF COMMISSIONERS.—

117 Section 1. Conduct of affairs.—The Board of Commissioners
118 of the Port of Palm Beach District shall consist of five
119 commissioners, each elected by districtwide vote of the
120 qualified electors within the Port of Palm Beach District for a
121 term of 4 years. Each candidate for commissioner shall file and
122 qualify in one of five groups, designated 1, 2, 3, 4, and 5.

123 Section 2. Requirements of commissioners.—All members of
124 the Board of Commissioners of the Port of Palm Beach District
125 shall be duly qualified electors of Palm Beach County and

126 citizens of the United States of America; all of whom must
127 reside within the limits of the Port of Palm Beach District. A
128 change of legal residence of any commissioner beyond the limits
129 of the Port of Palm Beach District shall create a vacancy in
130 such office.

131 Section 3. Election laws.—All existing and future general
132 laws of the state which regulate and control primaries and
133 elections in connection with county offices are hereby adopted
134 for and made applicable to the district.

135 Section 4. Present commissioners.—All of the present Port
136 of Palm Beach District Commissioners shall hold office for the
137 term for which they were elected. Nothing herein shall be
138 construed to adversely affect their tenure as Commissioners of
139 the Port of Palm Beach District for the term for which they have
140 been duly elected and qualified, and they shall continue to
141 serve as such commissioners until their successors have become
142 duly qualified after the next general election, or until such
143 time as they shall become previously disqualified by reason of
144 death, change of residence, or by removal from office by the
145 Governor, pursuant to applicable law.

146 Section 5. Term of office.—At each general election,
147 successors to the commissioners whose terms are about to expire
148 shall be elected for terms of 4 years each.

149 Section 6. Bond of commissioners.—Within 30 days after
150 assuming the duties of the office of Commissioner of the Port of

151 Palm Beach District, each commissioner shall execute and deliver
152 to the Port of Palm Beach District a good and sufficient bond,
153 executed by himself or herself as principal and a surety company
154 licensed to do business in the state as surety, in the principal
155 sum of \$25,000 conditioned upon his or her faithful performance
156 as such Commissioner of the Port of Palm Beach District of the
157 duties thereof. Each bond so given shall be approved by and
158 filed with the board. The failure of any person who is elected
159 or who is appointed as commissioner to give such bond within 30
160 days after he or she has assumed such office shall create a
161 vacancy in such office.

162 Section 7. Vacancies in board.—Any vacancy occurring on
163 the board shall be filled by the other commissioners appointing
164 a person to hold such office for the unexpired term; however, if
165 there should be as many as two vacancies simultaneously, for any
166 cause whatsoever, said vacancies shall be filled by appointment
167 by the Governor and the commission members so appointed by the
168 Governor shall serve until the next general election is held
169 within the district, at which time said vacancies shall be
170 filled according to the election laws of the State of Florida,
171 and as provided in Article V and this article, with the term of
172 office of each commissioner so elected to be for the unexpired
173 term of the commission seat on the board that he or she is
174 filling, or for a full term of 2 or 4 years, as the case may be.

175 ARTICLE VI. ORGANIZATION AND COMPENSATION OF BOARD OF
176 COMMISSIONERS.—

177 Section 1. Organization of board.—As soon as practicable,
178 after the Commissioners of the Port of Palm Beach District have
179 been elected and have qualified, they shall meet and elect the
180 officers of the district as hereinafter provided.

181 Section 2. Officers.—The officers of the district shall be
182 chosen from the membership of the board and said commissioners
183 shall elect a chairperson, a vice chairperson, and a secretary-
184 treasurer. Said officers' terms shall be at the pleasure of a
185 majority of the board.

186 Section 3. Salary of commissioners—The salary of each
187 commissioner, regardless of the office that he or she shall
188 hold, shall be \$9,500 per annum, payable in monthly
189 installments.

190 Section 4. Secretary-treasurer bond.—The secretary-
191 treasurer of the Port of Palm Beach District shall execute and
192 deliver to said district a good and sufficient bond, executed by
193 himself or herself as principal with a surety company licensed
194 to do business in the State of Florida as surety, in the
195 principal sum of \$25,000, conditioned upon his or her faithful
196 performance as secretary-treasurer of the Port of Palm Beach
197 District and his or her duties thereof, with said bond to be in
198 addition to the bond given by each of the commissioners as
199 provided in section 6 of Article V. Said bond shall be approved

200 by and filed with the board, and if the secretary-treasurer
 201 should fail to give such bond within 30 days after he or she has
 202 assumed the office of secretary-treasurer, said misfeasance
 203 shall create a vacancy in such office and a vacancy on the
 204 board.

205 Section 5. Present officers to continue.—The organization
 206 of the present Board of Commissioners of the Port of Palm Beach
 207 District shall continue, and the officers as selected by the
 208 commission shall continue in office, as the officers of the
 209 district, as provided hereinabove.

210 ARTICLE VII. DEFINITIONS.—As used in this charter, the
 211 following words and terms shall be taken to include the
 212 following meanings, when the context shall require or permit:

213 Section 1. "And" shall also mean "or" and the word "or"
 214 shall also mean "and," whenever the context shall so require.

215 Section 2. "Board of commissioners," "board," or
 216 "commissioners" means the Board of Commissioners of the Port of
 217 Palm Beach District.

218 Section 3.(1) "Cost," as applied to improvements, means
 219 the cost of constructing or acquiring improvements as defined or
 220 referred to in the definition of "project" and shall embrace the
 221 cost of all labor and materials; the cost of all machinery and
 222 equipment; financing charges, including capitalized interest;
 223 and the cost of engineering, legal expenses, plans,

224 specifications, and such other expenses as may be necessary or
225 incident to such construction or acquisition.

226 (2) "Cost," as applied to a project acquired, constructed,
227 extended, or enlarged, shall include the purchase price of any
228 project acquired; the cost of improvements; the cost of such
229 construction, extension, or enlargement; the cost of all lands,
230 properties, rights, easements, and franchises acquired; the cost
231 of all machinery and equipment; financing charges, including
232 capitalized interest; cost of investigations, audits, and
233 engineering and legal services; and all other expenses necessary
234 or incident to determining the feasibility or practicability of
235 such acquisition or construction, administrative expense or
236 expenses, and all such other necessary expenses as may be
237 necessary or incident to the financing herein authorized and to
238 the acquisition and construction of a project and the placing of
239 the same in operation. Any obligation or expense lawfully
240 incurred by the district or the board before the issuance of
241 revenue bonds under this charter, including, but not limited to,
242 engineering studies, estimates of cost and of revenues, and such
243 other technical, financial, or legal services in connection with
244 the acquisition, construction, or feasibility of any project,
245 may be regarded as a part of the cost of such project.

246 Section 4. "Federal agency" means and includes the United
247 States of America and any department, agency, or instrumentality

248 thereof, heretofore or hereafter created, designated, or
249 established by the United States of America.

250 Section 5. "Fiscal year" or any term referring to the 12-
251 month period of operation of the district means that period of
252 time beginning at 12:01 a.m. on October 1 of each and every
253 calendar year and expiring at 12:00 midnight on September 30 of
254 each and every calendar year.

255 Section 6. "Governing body" means the Board of
256 Commissioners of the Port of Palm Beach District or any board,
257 agency, or other body that shall hereafter be empowered to
258 exercise the general legislative and governing powers in said
259 district.

260 Section 7. "Outstanding obligations" means any outstanding
261 revenue bonds or certificates or general obligation bonds of
262 said district.

263 Section 8. "Port district" or "district" means the Port of
264 Palm Beach District, a political subdivision and independent
265 special district as defined by chapter 189, Florida Statutes.

266 Section 9. "Port facilities" means all structures,
267 terminals, warehouses, docks, approaches, berths, slips,
268 roadways, parkways, quay walls, jetties, lifts, turning basins,
269 machinery, fixtures, equipment, and all property whatsoever,
270 real or personal, tangible or intangible, now or hereafter
271 acquired or constructed by said district pursuant to law, or any

272 facilities of any nature hereafter or at any time acquired or
273 constructed pursuant to law by said district.

274 Section 10. "Port improvements" means additions,
275 extensions, or improvements to the existing port facilities of
276 the district of every type and kind now or hereafter authorized
277 by law, or the acquisition or construction of any new port
278 facilities of any type or kind now or hereafter authorized by
279 law.

280 Section 11. "Port manager" means the person managing the
281 operation of the port marine facilities as designated by the
282 board.

283 Section 12. "Project" means one or any combination of two
284 or more of the following: harbor, port, shipping, and
285 oceanographic facilities of all kinds, including, but not
286 limited to, harbors, channels, turning basins, anchorage areas,
287 jetties, breakwaters, waterways, canals, locks, tidal basins,
288 wharves, docks, piers, slips, bulkheads, public landings,
289 warehouses, terminals, refrigerating and cold storage plants,
290 railroads and motor terminals for passengers or freight, rolling
291 stock, car ferries, boats, and conveyors and appliances of all
292 kinds for the handling of storage, inspection, and
293 transportation of freight and the handling of passenger traffic,
294 administration buildings, service buildings, tunnels, other than
295 subaqueous highway tunnels, and may include all property (real
296 and personal), structures, facilities, rights, easements, the

297 franchises relating to any such project deemed necessary or
 298 convenient for the acquisition, construction, purchase, or
 299 operation thereof, and any other project or facility defined or
 300 authorized pursuant to chapter 315, Florida Statutes, or other
 301 general law.

302 Section 13. "Resolution" and "motion" shall be
 303 interchangeable, and wherever an action is required by
 304 resolution, the same may be made by motion, and if required by
 305 motion, the same may be made by resolution.

306 Section 14. "Revenue bonds" means revenue bonds,
 307 certificates, or other obligations payable from the gross or net
 308 revenues derived from the port facilities of the district, as
 309 provided in the resolution that authorized their issuance, and
 310 shall include both revenue bonds issued to finance port
 311 improvements or to refund outstanding obligations, or for both
 312 of said purposes.

313 Section 15. "Terminal facilities" means all property owned
 314 or leased by the Port of Palm Beach District and is not
 315 restricted to the terminal facilities that are waterfront
 316 facilities.

317 ARTICLE VIII. GRANT OF POWERS TO BOARD OF COMMISSIONERS.-

318 Section 1. General powers.-The Port of Palm Beach
 319 District, by and through its board of commissioners, in addition
 320 to powers set forth elsewhere herein, shall have full and
 321 complete power and authority:

322 (1) To act as the governing body for the operation,
323 maintenance, and management of projects and facilities located
324 within the district, with full power to establish and determine
325 such policies as may be deemed necessary in the opinion of the
326 board for the operation and promotion of the projects within the
327 district.

328 (2) To construct, acquire, establish, improve, extend,
329 enlarge, reconstruct, reequip, maintain, repair, and operate any
330 project as herein defined; provided that this act does not
331 authorize the construction of oil refineries, oil tank farms, or
332 steel mills.

333 (3) To acquire by purchase, gift, devise, condemnation,
334 lease, or otherwise, real or personal property, or any estate
335 therein, or riparian rights, or easements therein, streets and
336 roads, public parking lots or spaces, bridges and tunnel sites,
337 public parks, playgrounds, docks, seawalls, harbors, wharves,
338 warehouses and any other property (real or personal or mixed)
339 within the district; and to sell at public or private sale, or
340 lease to public or private entities, for public or private
341 purposes, all or any portion of any property now or hereafter
342 owned by the district, including any such properties, port
343 facilities, or projects, as extended, enlarged, or improved, on
344 such terms and subject to such conditions as the board shall
345 determine to be in the best interest of the district.

346 (4) To lay out, construct, condemn, purchase, own,
347 acquire, add to, maintain, conduct, operate, build, equip,
348 manage, replace, enlarge, improve, regulate, control, repair,
349 and establish jetties, piers, quays, wharves, docks, warehouses,
350 storehouses, breakwaters, bulkheads, public landings, slips,
351 seawalls, turning basins, harbors, ports, waterways, channels,
352 moles, terminal facilities, canals, elevators, grain bins, cold
353 storage plants, terminal icing plants, refrigerating plants,
354 precooling plants, bunkers or oil tanks, pipelines, ferries,
355 locks, tidal basins, tramways, cableways, railroads, anchorage
356 areas, depots, conveyors, modern appliances for economic
357 handling, storage, and transportation of freight and handling of
358 passenger traffic, and all other harbor improvements and
359 facilities that the board may determine to be necessary for the
360 district, any project, or the operation of the port facilities,
361 or in connection with the operation or improvement of the
362 district; to perform all customary services, including the
363 handling, weighing, measuring, regulating, controlling,
364 inspecting, and reconditioning of all commodities and cargo
365 received or shipped through the facilities within the district
366 under the jurisdiction of the district.

367 (5) To exercise complete and exclusive control over the
368 port and harbor facilities within the district and to apply to
369 the proper public authorities of the United States of America
370 for the right to establish, operate, and maintain foreign trade

371 zones within or outside of the boundaries of the district and to
372 operate and maintain such foreign trade zones; provided,
373 however, that such foreign trade zones shall comply with federal
374 laws and regulations applicable to foreign trade zones and such
375 trade zones shall be subject to all local government codes,
376 ordinances, and other laws.

377 (6) To improve all navigable and nonnavigable waters
378 situated within the district necessary to the operation,
379 improvement, and maintenance of the port and harbor facilities
380 within the district; to apply for and obtain permission from the
381 United States of America to create, improve, regulate, and
382 control all water and natural or artificial waterways within the
383 district necessary to the operation and maintenance of the
384 harbor and port facilities within said district; to construct
385 and maintain such inlets, slips, wharfs, piers, turning basins,
386 and channels; and to enact, adopt, and establish rules and
387 regulations for the complete and exclusive exercise of
388 jurisdiction and control over all of the waters and harbors
389 within the district.

390 (7) To fix and determine uniform rates of wharfage,
391 dockage, warehousing, storage, port, and terminal charges upon
392 all improvements and harbor facilities located within the
393 terminal facilities owned or leased by the district and to fix
394 and determine the rates, tolls, and other charges for the use of
395 harbor improvements and harbor facilities located within the

396 district insofar as it may be permissible for the district to do
 397 so under the State Constitution, federal law, and the United
 398 States Constitution.

399 (8) To provide a procedure whereby the board establishes
 400 rules and regulations concerning the publication of a schedule
 401 of charges made by all private stevedoring and longshoremen's
 402 companies operating within the harbor and waterfront facilities
 403 or within the terminal facilities in the district; to provide
 404 reasonable rules and regulations requiring stevedoring and
 405 longshoremen's companies to publish charges made for services
 406 furnished within the terminal facilities; and to provide rules
 407 and regulations establishing a procedure whereby sufficient
 408 notice shall be given to the board of any proposed changes in
 409 rates or charges made by stevedoring or longshoremen's companies
 410 operating within the terminal facilities for their services.

411 (9) To grant franchises of all kinds for the use of port,
 412 terminal, and harbor facilities or projects within the district
 413 upon such terms and conditions, and to grant leases and rights-
 414 of-way upon such terms and conditions, as the board may by
 415 resolution determine.

416 (10) To expend the money of the district for any and all
 417 purposes as provided for in this charter and for any other
 418 lawful purpose.

419 (11) To provide, by resolution adopted by a majority of
 420 the five members of the board, for the borrowing of money and to

421 issue notes for any purpose or purposes for which bonds may be
422 issued under this charter and to refund the same; to issue notes
423 in anticipation of the receipt of the proceeds of the sale of
424 any bonds; to secure an advance of credit for any such purpose
425 or purposes under a credit agreement or other agreement with any
426 bank or trust company or any person, firm, or corporation within
427 or without the state; and to secure any such borrowing, notes,
428 or agreement by pledge of all or any part of the available
429 income or revenues to be received by the district under this
430 charter or by an agreement to exercise any of the powers
431 conferred by this charter.

432 (12) To raise annually by taxes and assessments in the
433 district such sums of money as the board deems necessary for the
434 purposes and needs of the district within the limitations as
435 hereinafter provided.

436 (13) To construct, purchase, sell, lease, maintain,
437 operate, equip, replace, enlarge, repair, condemn, own and
438 otherwise acquire, regulate, and control a single or multiple
439 track line or lines of railway, and also yards, terminals,
440 stations, warehouses, team and other tracks, switches, turnouts
441 and all buildings and appurtenances deemed necessary and
442 appropriate in connection therewith for the receipt,
443 transportation, housing, and delivery of passengers, freight,
444 mail, and express, to extend or connect with the lines and
445 facilities of any common carrier; to enter into such contract,

446 lease, or franchise with the Florida East Coast Railway and its
447 respective successors and assigns and any other common carrier
448 whatsoever as the board shall by resolution determine to be
449 necessary for the development and promotion of the shipping and
450 transportation facilities within the district, and the
451 development and promotion of the harbor, terminal facilities,
452 and port facilities within the district; to acquire by grant,
453 purchase, gift, devise, condemnation, exchange, or in any other
454 manner, all land, easements, and rights-of-way by resolution
455 deemed to be necessary by the district for such purpose; to
456 execute whatever documents and make such arrangements as may be
457 necessary in the opinion of the Interstate Commerce Commission
458 of the United States of America, so as to avoid submitting the
459 entire port district to the jurisdiction of said Interstate
460 Commerce Commission; and to perform and comply with all the
461 rules and regulations promulgated by the Interstate Commerce
462 Commission or any other state or federal agency, covering the
463 operation, maintenance, development, and ownership of the
464 transportation facilities used in connection with the harbor and
465 port facilities within the district.

466 (14) To provide for the operation, maintenance, and
467 regulation of railroad transportation facilities within the
468 district as a separate department of the district, with the
469 right to maintain separate records and accounting procedures for
470 such department. The board of commissioners may by resolution

471 authorize the creation of a separate department that shall have
472 the authority, under the district, to operate railroad
473 transportation facilities within the district that are owned or
474 leased by the district.

475 (15) To regulate the transportation of persons and
476 property for hire over the streets, waterways, and property
477 within the terminal facilities of the district, over property
478 owned or leased by the district; to grant to any person,
479 persons, firm, or corporation franchises for the use of the
480 streets, roads, or other property, owned or leased by the
481 district, for the operation of any automobile, bus, ferry, water
482 transportation system, public service or utility, taxicabs, cars
483 for hire, buses, or other transportation facilities, and any and
484 all other business enterprises, whatsoever, subject to the terms
485 and restrictions of any resolution adopted by the Board of
486 Commissioners of the Port of Palm Beach District in the manner
487 provided therein.

488 (16) To guide, stimulate, and promote the coordinated,
489 efficient, and beneficial development of facilities under the
490 jurisdiction of the district in accordance with present and
491 future needs and requirements of the prosperity and welfare of
492 the people served by the facilities of the district, the board
493 shall have the power and authority to promote and encourage the
494 development of business, agriculture, industry, commerce, and
495 employment within the district; to establish, directly or

496 indirectly, oceanographic facilities of all kinds, including,
497 but not limited to, the encouragement of oceanographic research,
498 development, commerce, and the encouragement of all businesses
499 related to oceanographic purposes; to conduct a campaign of
500 information, advertising, and publicity relating to the
501 facilities under the jurisdiction of the district and to
502 disseminate any and all such information; to encourage and
503 cooperate (including the granting of port funds) with public and
504 private organizations or groups in their efforts to publicize
505 facilities under the jurisdiction of the district; to plan and
506 carry out programs designed to enlarge and improve trade within
507 the state, with other states, and with foreign countries through
508 the use and facilities under the jurisdiction of the district;
509 and to advise, assist, and cooperate (including the granting of
510 funds) with municipal, county, regional, and governmental
511 planning and development agencies in preparing and putting into
512 effect plans and programs for economic development of areas
513 which will benefit through or by the development of the
514 facilities under the jurisdiction of the district, or will
515 encourage the development of the district and its facilities.

516 (17) To appoint a harbormaster and all persons necessary
517 to properly transact the shipping business in the Port of Palm
518 Beach terminals and to fix their powers and duties and
519 compensation. All such appointees shall serve at the pleasure of
520 the Palm Beach District Board of Commissioners; provided,

521 however, that in any event, their term of office shall terminate
522 with the term of office of the board so appointing them. In the
523 event of a conflict between this charter and chapter 313,
524 Florida Statutes, the provisions of this charter shall control
525 to the extent of such conflict.

526 Section 2. Special powers.—The Port of Palm Beach District
527 shall have the following specific powers in addition to the
528 other powers conferred:

529 (1) Pensions, insurance coverage, and state retirement.—To
530 provide for life, hospitalization, medical, and surgical
531 insurance, including disability insurance, for its employees,
532 agents, and officers and their immediate dependents, on a group
533 insurance plan or plans approved by the board; to pay all or
534 such portions of the premium or premiums thereon as the board,
535 by resolution, may determine; and to assist each and every
536 employee, agent, and officer to come under the State of Florida
537 Retirement System as provided by general law. The Commissioners
538 of the Port of Palm Beach District may participate in any
539 insurance plan on the same basis as any employee.

540 (2) Tax anticipation loans.—To borrow money from time to
541 time and to issue notes in anticipation of the taxes levied in
542 any year, not in excess of the amount of the tax levied in such
543 year by the board, and to evidence the loan or loans incurred in
544 anticipation of the collection of taxes, the board is hereby
545 authorized to issue negotiable tax anticipation notes, as said

546 board may determine, said note or notes to mature no later than
547 1 year after the date thereof and to bear interest at a rate not
548 exceeding the legal limit as set by the state.

549 (3) Acquisition of facilities.—To acquire by purchase,
550 grant, gift, or lease or by the exercise of the right of eminent
551 domain and to hold and dispose of any property, real or
552 personal, tangible or intangible, or any right or interest in
553 any such property, for or in connection with any port facilities
554 or projects, whether or not subject to mortgage, lien, charge,
555 or other encumbrance. In exercising the power of eminent domain,
556 proceedings shall be instituted and conducted in the name of the
557 Port of Palm Beach District in exact accordance with the
558 procedure described by chapters 73 and 74, Florida Statutes.

559 (4) Filling in of lands.—To add to or extend, or cause or
560 permit to be added to or extended, any existing land, including
561 submerged land, or islands, now or hereafter owned by the
562 district, bordering on or being in any waters within the
563 district, by the pumping of sand or earth from any land, under
564 or above water, or by any other means of construction, as a part
565 of or for the purpose of providing any project or facility, or
566 for the purpose of improving, creating, or extending any
567 property of the district, for the use of or disposal by the
568 district.

569 (5) Construction of islands.—To construct, or cause or
570 permit to be constructed, any island or islands in any waters

571 within the district by the pumping of sand or earth from any
572 land above or under water or by any other means of construction
573 as a part of or for the purpose of providing any port project or
574 facility herein, including, but not limited to, the creation of
575 any recreational area to be maintained or supervised by the
576 district or to be turned over to any governing body, public or
577 private, as a public recreational area.

578 (6) Access.—To construct or permit to be constructed any
579 bridge, tunnel, or causeway, or any combination thereof, to,
580 from, or between any project. If such be within the limits of
581 any municipality, the consent of the governing body of said
582 municipality must first be obtained.

583 (7) Dredging.—To dredge or deepen harbors, channels, and
584 turning basins; to cooperate with the United States of America
585 or any agency thereof in the dredging or deepening of any
586 harbor, channel, or turning basin; to enter into contracts with
587 the United States of America or with any agency thereof
588 concerning any such dredging or deepening project; to pay such
589 amounts to the United States of America or any agency thereof,
590 as required by the terms of such contract, and in addition
591 thereto to likewise contract with any private person, firm, or
592 corporation in connection with any of the aforesaid dredging or
593 deepening, and to pay such amounts as shall be required by the
594 terms of any such contract entered into.

595 (8) Extend existing projects—To fill in, extend, and
596 enlarge, or cause or permit to be filled in, extended, and
597 enlarged, any existing project; to demolish and remove any and
598 all structures thereon or constituting a part thereof; and
599 otherwise to prepare the same for sale or lease in order to
600 provide funds for financing projects under this charter.

601 (9) Acquire existing projects.—To acquire any existing
602 projects and to fill in, extend, enlarge, or improve the same,
603 or to cause or permit the same to be extended, enlarged, or
604 improved, for any public purpose or for sale or lease for the
605 purpose of providing funds for the acquisition by the district
606 of any project or for the payment of bonds, notes, or other
607 obligations of the district or in connection with any project.

608 (10) Sale or lease of projects.—To sell at public or
609 private sale or lease for public or private purposes in
610 accordance with general law, all or any portion of any project
611 now or hereafter owned by the district, including any such
612 project as extended, enlarged, or improved, and all or any
613 portion of any property of the district created, extended, or
614 enlarged under the authority of the district, deemed necessary,
615 in the opinion of the board, on such terms and subject to such
616 conditions as the board shall determine to be in the best
617 interests of the district.

618 (11) Contracts for projects or facilities.—To contract for
619 the purchase by the district of any port facilities or a port

620 project, to be constructed, enlarged, extended, or improved by
621 any public body, agency, or instrumentality, or by any private
622 person, firm, or corporation, and to provide for payment of the
623 purchase price thereof in such manner as may be deemed by the
624 governing body to be in the best interests of the district,
625 including, but not limited to, the sale or exchange of any
626 property of the district thereof or the issuance of bonds or
627 other obligations of the district.

628 (12) Loans or grants.—To accept loans or grants of money,
629 materials, or property at any time from the United States of
630 America, the State of Florida, or any agency, instrumentality,
631 or subdivision thereof, upon such terms and conditions as the
632 United States of America, the State of Florida, or such agency,
633 instrumentality, or subdivision thereof may impose.

634 (13) Control.—To exercise jurisdiction, control, and
635 supervision over any port project or port facilities now or
636 hereafter acquired, owned, controlled, or constructed by the
637 district.

638 (14) Set rentals, rates, and fees.—To operate and
639 maintain, and to fix and collect rates, rentals, fees, and other
640 charges, and to provide regulations and controls for any of the
641 services and facilities provided by the port facilities or
642 projects now or hereafter acquired, owned, or constructed by the
643 district, excluding state bar pilots.

644 (15) Contract debts.—To contract debts for the acquisition
645 of any port facilities or port project, or for any other
646 purposes of this charter, to borrow money, to make advances, and
647 to issue bonds or other obligations to finance all or any part
648 of such acquisition or acquisitions or construction or in the
649 carrying out of any purposes of this charter.

650 (16) Advances to the United States of America.—To make
651 advances to the United States of America or any agency or
652 instrumentality thereof in connection with any port project or
653 port facilities, including, but not limited to, the dredging or
654 deepening of any harbor, channel, or turning basin in connection
655 with, or in order to serve, any port facility or any port
656 project.

657 (17) Survey rights.—To enter on any lands, waters, or
658 premises, within or without the district, or within the
659 corporate limits of any county, port district, port authority,
660 or municipality, for the purpose of making surveys, soundings,
661 and examinations with relation to any existing or proposed port
662 facilities or port projects.

663 (18) Contract with governmental agencies.—To contract with
664 the United States of America or the State of Florida or any
665 agency, instrumentality, or subdivision thereof, or with any
666 public body or political subdivision, or with any private
667 person, firm, or corporation with reference to any one or more
668 of the powers granted by this charter.

669 (19) Contracts in general.—To make and enter into all
670 contracts and agreements and to do and perform all acts and
671 deeds necessary and incidental to the performance of the duties
672 of the board and of the district, and of the exercise of its
673 powers, as provided in this charter.

674 (20) Joint arrangements.—To enter into joint arrangements
675 with steamship lines, railroads, airlines, or other
676 transportation lines, or any common carrier, if in the opinion
677 of the board, it is advantageous for the district to do so.

678 (21) Rates and charges.—To fix the rates of wharfage,
679 dockage, warehousing, storage, and port and terminal charges for
680 the use of the port, port terminal, and harbor facilities
681 located within said district, and to fix and determine the
682 rates, tolls, and other charges for the use of harbor facilities
683 within said district, over which the district has established
684 jurisdiction insofar as it may do so under this charter, the
685 State Constitution, federal law, and the United States
686 Constitution.

687 (22) Regulation of water craft.—To regulate the operation,
688 docking, storing, and conduct of all water craft of any kind,
689 plying or using the waterways under the control of the district.

690 (23) To carry out the purpose of act.—To do all acts and
691 things and to enter into all contracts and agreements necessary
692 or convenient to carry out the purposes of this charter.

693 (24) Publicize, advertise, and promote.—To publicize,
694 advertise, and promote the activities and objectives authorized
695 by this charter, and to promote the projects of said district,
696 in the manner set forth by resolution of the board; to make
697 known to the users, potential users, and public in general the
698 advantages, facilities, resources, products, attractions, and
699 attributes of the activities and projects authorized by this
700 charter; to further create a favorable climate of opinion
701 concerning the activities and projects authorized and indicated
702 by this charter; to cooperate, including the grant or
703 expenditure of funds, to and with other agencies, both public
704 and private, in accomplishing the purposes enumerated and
705 indicated by this charter; and in furtherance thereof, to
706 authorize reasonable expenditures by supporting voucher to be
707 filed for audit for the purposes herein enumerated, including,
708 but not limited to, meals, hospitality, and entertainment of
709 persons in the interest of promoting and engendering good will
710 towards the activities and projects herein authorized.

711 (25) Other approval unnecessary.—Except as provided in
712 this charter, the approval or consent of any other political
713 subdivision or public body, agency, or instrumentality of the
714 State of Florida, except the Board of Trustees of the Internal
715 Improvement Trust Fund, shall not be required for the approval,
716 grant, or exercise of any of the powers, both general and
717 special, granted by this charter. The State of Florida hereby

718 consents to the exercise of any and all powers granted by this
719 charter without further authorization or approval thereof by any
720 of its agencies or instrumentalities, except as may be required
721 from the Board of Trustees of the Internal Improvement Trust
722 Fund as to the use of any state lands lying under water and
723 which are necessary for the accomplishment of the purposes of
724 this charter.

725 (26) Advertising—To advertise the Port of Palm Beach
726 District and its facilities or projects therein in such manner
727 as the board deems advisable and to negotiate and contract with
728 shipping companies and such other private firms, persons, and
729 institutions as the board may deem necessary for the development
730 of the Port of Palm Beach District, and the extension of
731 commerce through it. All expenses incurred in exercise of the
732 powers conferred by this subsection shall be approved by the
733 board and shall be reimbursed or paid out of the operating fund
734 of the district.

735 ARTICLE IX. GENERAL OBLIGATION BONDS.—

736 Section 1. Authorization to issue.—The Port of Palm Beach
737 District, by and through its board of commissioners, shall have
738 the power, and is hereby authorized, to issue general obligation
739 bonds to finance the cost or part of the cost of the
740 construction, acquisition, reconstruction, extension, repair, or
741 improvement of any works, projects, properties, improvements, or
742 other purposes, except for the payment of current expenses,

743 which the district is authorized by this charter or any other
744 law to construct, acquire, or undertake.

745 Section 2. Restrictions on issuance.—Said bonds may be in
746 such form, denomination, and bearing such rate of interest not
747 exceeding the legal limit under general law, and becoming due at
748 such time, but not exceeding 40 years after the date of
749 issuance, and upon such conditions as may be determined by the
750 board; further, the amount thereof shall not exceed in the
751 aggregate, 15 percent of the assessed valuation of the taxable
752 property of the district, as certified by the Property Appraiser
753 of Palm Beach County at the time of issue.

754 Section 3. Vote of qualified electors.—All general
755 obligation bonds issued by the district, except general
756 obligation refunding bonds, which must produce net interest cost
757 savings, shall be issued only after the same has been approved
758 by the qualified electors residing in said district, as provided
759 for in the Constitution of the State of Florida as the same is
760 now in existence, or as hereinafter lawfully amended.

761 Section 4. State law.—As far as practicable, and where not
762 inconsistent with this charter, the procedure provided in
763 chapter 100, Florida Statutes, shall govern.

764 Section 5. Advertisement.—In the event an election of the
765 qualified electors is to be held, the Board of Commissioners of
766 the Port of Palm Beach District shall by resolution order such
767 election to be held in the district and shall give 30 days'

768 notice of said election by publication in a newspaper or
769 newspapers published in general circulation in said port
770 district once a week for 4 consecutive weeks during such period,
771 and no other advertisement shall be required; however, the board
772 may, at its option, provide for additional advertisements of
773 said election.

774 Section 6. Use of Palm Beach County registration system.-
775 In determining the persons who are qualified registered electors
776 within the district, the registration system of Palm Beach
777 County shall be used, and the Supervisor of Elections of Palm
778 Beach County shall conduct the necessary election on behalf of
779 the Port of Palm Beach District.

780 Section 7. Form and content of bonds.-All bonds issued
781 under the provisions of this act shall bear interest as provided
782 hereinabove, payable annually or semiannually, and both
783 principal and interest shall be payable at such place or places
784 as the board may determine. The form of such bonds shall be
785 fixed by resolution of the board and said bonds shall be signed
786 by the manual or facsimile signature of the chairperson or vice-
787 chairperson or any other authorized member of the board, its
788 corporate seal to be affixed thereto, or reproduced or imprinted
789 thereon, attested by the manual or facsimile signature of the
790 secretary-treasurer of the said district. The delivery at any
791 subsequent date of any bond so executed shall be valid, although

792 before the date of delivery the person or persons signing the
793 bond shall cease to hold office.

794 Section 8. Registered bonds and notes.—Bonds issued
795 hereunder shall be registered bonds as to principal and
796 interest. The district shall keep or cause to be kept
797 registration books regarding its bonds and notes.

798 Section 9. More than one improvement may be included.—In
799 issuing bonds under this charter, it shall be lawful for the
800 board to include more than one improvement or purpose in any
801 bond issue.

802 Section 10. Advertising for sale of general obligation
803 bonds.—All general obligation bonds issued under this act shall
804 be sold in the manner required under Florida law. No general
805 obligation bonds issued hereunder shall be sold for less than 95
806 percent of the par value and accrued interest.

807 Section 11. Refunding bonds.—The board shall have the
808 power to provide by resolution for the issuance of refunding
809 bonds to refund the principal and interest of an existing bond
810 indebtedness, for the payment of which the credit of the Port of
811 Palm Beach District is pledged, and such bonds may be issued at
812 or before maturity of the bonds to be refunded. It is determined
813 and declared as a matter of legislative intent that no election
814 to authorize the issuance of refunding bonds shall be necessary
815 except in cases where an election may be required by the State
816 Constitution. In all cases where it is not necessary under the

817 State Constitution to hold an election on the issuance of such
818 refunding bonds, such resolution shall take effect immediately
819 upon the adoption thereof. No other proceedings or procedures of
820 any character whatsoever shall be required for the issuance of
821 such bonds by the district.

822 Section 12. Terms of refunding general obligation bonds.-
823 Unless otherwise required under general law, the resolution of
824 the Board of Commissioners of the Port of Palm Beach District
825 authorizing the issuance of general obligation and general
826 obligation refunding bonds, may provide that such bonds may be
827 issued in one or more series as the board may determine, not to
828 exceed 40 years from their respective date; may bear interest at
829 such rates, not exceeding the maximum rate of interest permitted
830 under general law may carry such registration privileges as
831 desired; may be executed in such manner and may be payable in
832 such medium of payment, at such place, as desired; may be
833 subject to such terms of redemption, with or without a premium;
834 may provide for the replacement of mutilated, destroyed, stolen,
835 or lost bonds; may be authenticated in such manner and upon
836 compliance with such conditions as desired; and may contain such
837 other terms and covenants as may be desired. Notwithstanding the
838 form or tenor thereof, and in the absence of an express recital
839 on the face thereof that the bond is not negotiable, all general
840 obligation bonds, including general obligation refunding bonds,

841 shall at all times be, and shall be treated as, negotiable
842 instruments for all purposes.

843 Section 13. Validity of refunding bonds.—Refunding bonds
844 bearing the signatures of officers of the Port of Palm Beach
845 District in office on the date of the signing thereof shall be
846 valid and binding obligations of the district for all purposes,
847 notwithstanding that before the delivery thereof, any or all of
848 the persons whose signatures appear thereon shall have ceased to
849 be officers of the district. A resolution authorizing refunding
850 bonds may provide that any such refunding bond shall be
851 conclusively deemed to be valid and to have been issued in
852 conformity with this charter. The authority of the Port of Palm
853 Beach District to issue obligations under this charter may be
854 determined, and obligations to be issued under this charter may
855 be validated, all as provided by law.

856 Section 14. Expense to be included in cost.—The cost of
857 any works, projects, properties, improvements, or other purposes
858 financed by the issuance of general obligation bonds under this
859 article may include, construction costs, engineering, fiscal, or
860 financial and legal expenses, surveys, plans, and
861 specifications, interest during construction or acquisition and
862 for 1 year thereafter, initial reserve funds, discount, if any,
863 on the sale or exchange of bonds, acquisition of real or
864 personal property, and such other costs as are necessary and
865 incidental to the construction or acquisition of such works,

866 projects, properties, improvements, or other purposes and
867 financing thereof. The district shall have the power to retain
868 and enter into agreements with engineers, fiscal agents,
869 financial advisors, attorneys, architects, or other consultants
870 or advisors for the planning, supervision, and financing of such
871 works, projects, properties, improvements, or other purposes
872 upon which terms and conditions as shall be deemed advisable to
873 the board.

874 Section 15. Passage of resolutions.—Any resolution required
875 to be passed under this article may be adopted at a regular or a
876 special meeting, and at the same meeting in which it is
877 introduced, by a majority of all of the members of the board
878 then in office.

879 ARTICLE X. REVENUE BONDS OR CERTIFICATES.—

880 Section 1. How issued.—The Board of Commissioners of the
881 Port of Palm Beach District shall have the full power to provide
882 by resolution the issuance or sale of revenue bonds or revenue
883 certificates to provide money for any of the purposes for which
884 the Port of Palm Beach District has the power and authority to
885 expend the money, including the power to refund any and all
886 previous issues of bonds, and for any other lawful purposes of
887 the Port of Palm Beach District, and to provide that such
888 revenue bonds and interest thereon shall be payable as
889 hereinafter provided.

890 Section 2. Refunding revenue bonds.—In addition to the
 891 revenue bonds provided for in section 1, said district shall
 892 also have power and is hereby authorized to issue its revenue
 893 bonds for the purpose of:

894 (1) Refunding at any time any outstanding bonds and
 895 deposit a sufficient amount of the proceeds of such revenue
 896 bonds irrevocably in escrow for the payment at maturity or
 897 redemption of such outstanding obligations; and

898 (2) To pay all expenses incurred in the issuance thereof.
 899 Pending the date upon which such outstanding obligations mature
 900 or are subject to redemption prior to maturity, the district may
 901 invest the moneys so deposited in escrow for the payment of the
 902 principal of and interest on said outstanding obligations only
 903 in direct obligations of the United States of America or
 904 obligations guaranteed by the United States of America maturing
 905 not later than the date or dates upon which moneys so deposited
 906 in escrow shall be needed for the payment of maturing principal
 907 or interest, or the redemption of such outstanding obligations.
 908 Said revenue bonds issued to refund such outstanding obligations
 909 may be issued in such principal amount as shall be necessary, at
 910 the price received at the sale of such revenue bonds, to pay the
 911 principal of and interest and redemption premiums, if any, on
 912 such outstanding obligations to the date of maturity of such
 913 outstanding obligations, or to the date on which such

914 outstanding obligations shall be callable prior to maturity, and
915 to pay all expenses incurred in the issuance thereof.

916 Section 3. Payment provisions for revenue bonds.—The
917 revenue bonds issued pursuant to this charter shall be payable
918 from the revenues derived from the port facilities of the
919 district and the full faith and credit of said district shall
920 not be pledged for such revenue bonds. A holder of revenue bonds
921 does not have the right to require ad valorem taxes on real
922 estate to be levied for the payment of the principal of or
923 interest on such revenue bonds, and such revenue bonds are not
924 an indebtedness of said district within the meaning of any
925 constitutional charter or statutory limitation or for any
926 purpose. A referendum or election is not required for the
927 issuance of such revenue bonds unless such a referendum or
928 election is required by the State Constitution.

929 Section 4. Partial pledging of revenues.—In providing for
930 the payment of revenue certificates or revenue bonds issued
931 pursuant to this charter, the board may, by resolution, limit
932 the revenues pledged for the payment thereof to a specific
933 project or projects so that not all of the revenues of the
934 district, at that time, or in the future are encumbered, or, in
935 the alternative, may specifically omit the pledging of certain
936 revenues or potential revenues.

937 Section 5. Approval, interest, and term.—Such revenue
938 bonds or such refunding bonds as the case may be, may be

939 authorized to be issued under this charter to provide funds for
940 the purpose or purposes prescribed in this article, by
941 resolution or resolutions of the board, and shall take effect
942 immediately upon adoption. Said revenue bonds shall bear
943 interest at such rate or rates, not exceeding the legal limit
944 set forth under general law, payable semiannually, may be in one
945 or more series, may bear such date or dates, may mature at such
946 time or times not exceeding 40 years from their respective
947 dates, may be payable in such medium of payment, at such place
948 or places within or without the state, may be subject to such
949 terms or redemption, with or without premium, may be executed in
950 such a manner and may contain such terms, covenants, or
951 conditions, as such resolutions or subsequent resolutions may
952 provide. Said revenue bonds may be sold, all at one time, or in
953 blocks from time to time, at public or private sale, or if
954 issued to refund outstanding obligations to be refunded thereby,
955 in such manner as the governing body shall determine by
956 resolution, and at such price or prices as determined by the
957 governing body. Pending the preparation of the definitive
958 revenue bonds, interim certificates, or receipts or temporary
959 revenue bonds in such form and with such provisions as the
960 governing body may determine may be issued to the purchaser or
961 purchasers of revenue bonds issued pursuant to this charter.
962 Said revenue bonds, and such interim certificates or receipts or
963 temporary revenue bonds, shall be and constitute negotiable

964 instruments within the meaning of and for all purposes of the
965 law merchant and the Uniform Commercial Code-Investment
966 Securities Law of the State of Florida. Revenue bonds issued
967 pursuant to this charter may also be delivered to the contractor
968 or contractors constructing any port improvements in the
969 district to be financed by the issuance of such revenue bonds,
970 in payment for such construction.

971 Section 6. Covenants in resolutions.-Any resolution
972 authorizing the issuance of revenue bonds under this charter may
973 contain covenants as to:

974 (1) The purpose or purposes to which the proceeds of sale
975 of said revenue bonds may be applied and the securing, use, and
976 disposition thereof, including, if deemed desirable, the
977 appointment of a trustee or depositary for such funds.

978 (2) The use and disposition of the gross revenues derived
979 from the port facilities, including the parts thereof heretofore
980 or hereafter constructed or acquired, and the creation and
981 maintenance of reserve funds and including, if deemed desirable,
982 the appointment of a trustee or depositary for such funds.

983 (3) The pledging of all or any part of the gross revenues
984 derived from the port facilities, including any part thereof
985 heretofore or hereafter constructed or acquired, or derived from
986 any sources, to the payment of the principal of and interest on
987 revenue bonds issued pursuant to this charter, and for such
988 reserve and other funds as may be deemed necessary or desirable.

989 (4) The fixing, establishing, and collecting of such fees,
990 rates, rentals, or other charges for the use of the port
991 facilities of the district, including the parts thereof
992 heretofore or hereafter constructed or acquired, and the
993 revision of same from time to time, as will always provide
994 revenues at least sufficient to pay all of the principal of and
995 interest on such revenue bonds or any other obligations payable
996 from the revenues of such port facilities, including reserves
997 therefor, and the expenses of operation, maintenance, and repair
998 of such port facilities, to the full extent the same are not
999 paid from other legally available funds, or any other payments
1000 required by the terms of the resolution or resolutions
1001 authorizing the issuance of such revenue bonds.

1002 (5) Limitations or restrictions upon the issuance of
1003 additional revenue bonds or other obligations payable from the
1004 revenues of such port facilities and the rights and remedies of
1005 the holders of such additional revenue bonds issued thereafter.

1006 (6) The appointment of a trustee or trustees to apply and
1007 hold any revenues derived from such port facilities.

1008 (7) The appointment of a trustee or trustees to act for
1009 and on behalf of bondholders the manner and terms of such
1010 appointment and the powers of such trustee or trustees.

1011 (8) Budgets for the annual operation, maintenance, and
1012 repair of such port facilities, restrictions, and limitations

1013 upon expenditures for such purposes and the manner of adoption,
 1014 modification, repeal, or amendment thereof.

1015 (9) The amounts of insurance to be maintained upon such
 1016 port facilities, or any part thereof, and the use and
 1017 disposition of the proceeds of any such insurance.

1018 (10) The keeping of books of account relating to such port
 1019 facilities and the audit and inspection thereof.

1020 (11) Limitations and restrictions on the right of the
 1021 district to sell, mortgage, dispose of, or otherwise encumber
 1022 such port facilities or any part thereof.

1023 (12) Such other additional covenants as shall be deemed
 1024 necessary and desirable by the governing body of the district
 1025 for the security of the holders of revenue bonds issued pursuant
 1026 to this charter. All such covenants and agreements shall
 1027 constitute valid and legally binding contracts between the
 1028 district and the holders of any revenue bonds issued pursuant to
 1029 this charter and such resolutions, regardless of the time of
 1030 issuance and subject to any limitations contained in such
 1031 resolutions, shall be enforceable by any holder or holders of
 1032 such revenue bonds acting either for himself or herself or
 1033 themselves alone or acting on behalf of all other holders of
 1034 such revenue bonds by appropriate proceedings in any court of
 1035 competent jurisdiction.

1036 Section 7. Validity of revenue bonds.—Any revenue bonds
 1037 issued pursuant to this act bearing the signatures of any

1038 officer or officers in office on the date of the signing thereof
1039 shall be valid and legally binding obligations, notwithstanding
1040 that before the delivery thereof and payment therefore any or
1041 all of the persons whose signatures appear thereon, shall have
1042 ceased to be officers of the district. The validity of said
1043 revenue bonds shall not be dependent on, nor affected by, the
1044 validity or regularity of any proceedings relating to the
1045 construction or acquisition of such port improvements for which
1046 said revenue bonds are issued, or the validity or regularity of
1047 any proceedings relating to the establishment and collection of
1048 fees, rates, rentals, or other charges for the use of the port
1049 facilities of said district.

1050 Section 8. Lien of revenue bonds.—All revenue bonds issued
1051 pursuant to this charter shall have a lien upon the revenues
1052 derived from said port facilities to the extent and in the
1053 manner provided in the resolution authorizing the issuance of
1054 such revenue bonds, which lien shall be prior and paramount to
1055 any other lien or obligation of any nature against said revenues
1056 subsequently arising or subsequently incurred, except as may be
1057 provided in the resolution or resolutions authorizing such
1058 revenue bonds. The rank and priority of different issues of
1059 revenue bonds issued pursuant to this charter shall be provided
1060 in the resolution or resolutions authorizing such revenue bonds;
1061 however, nothing herein shall be construed to impair in any
1062 manner any of the rights of the holders of any outstanding

1063 obligations heretofore issued by the district and not
1064 outstanding, and the rights of the holders of revenue bonds
1065 pursuant to this charter shall be subject to any of the valid
1066 and legal rights of the holders of such outstanding obligations.

1067 Section 9. Duty to fix and collect charges.—The governing
1068 body of the district shall prescribe and collect fees, rates,
1069 rentals, or other charges for the port facilities of said
1070 district and shall revise such rates, fees, rentals, or other
1071 charges from time to time whenever necessary, and it shall be
1072 the mandatory duty of the district at all times to fix,
1073 establish, and maintain such fees, rates, rentals, or other
1074 charges as will produce sufficient revenues to pay when due the
1075 principal of and interest on all revenue bonds or other
1076 obligations for the payment of which such revenues are or shall
1077 have been pledged or encumbered, including reserves therefor,
1078 and to provide for any other funds that may be required pursuant
1079 to the resolution authorizing the issuance of such revenue bonds
1080 and to provide for all expenses of operation and maintenance of
1081 such port facilities, to the full extent that such cost of
1082 operation and maintenance is not paid from other legally
1083 available funds.

1084 Section 10. Default provisions.—The resolution authorizing
1085 the issuance of such revenue bonds may provide that in the event
1086 of a default in the payment of the principal of or interest on
1087 the revenue bonds issued pursuant to this charter, or in the

1088 performance by the district of any duties imposed upon the
1089 district by this charter, or by any covenants or agreements
1090 theretofore entered into between the district and the holders of
1091 such revenue bonds, any holder or holders of such revenue bonds
1092 (unless the resolution authorizing the issuance of such revenue
1093 bonds shall limit the right of the appointment of a receiver to
1094 a specified number of the percentage of bondholders), acting for
1095 himself or herself or themselves alone or also acting for all
1096 other holders of such revenue bonds, shall be entitled as of
1097 right to the appointment of a receiver of the port facilities,
1098 including all parts thereof heretofore or hereafter constructed
1099 or acquired, by any court of competent jurisdiction of the
1100 state. Jurisdiction shall be that prescribed by general law in
1101 any action or proceeding for the appointment of such receiver
1102 and such receiver is authorized and empowered in the event of
1103 such default or defaults to take over, operate, manage, and
1104 control such port facilities and to collect the revenues derived
1105 from the use of such port facilities to the same extent and in
1106 the same manner as the district is authorized to do. Such
1107 receiver shall so operate, manage, and control such port
1108 facilities only under the supervision and direction of the
1109 appropriate circuit court and such operation, management, and
1110 control shall be in the name of the district. Notwithstanding
1111 any provision of any other law to the contrary, such port
1112 facilities shall be deemed to be in the district's control and

1113 management through such court and its duly appointed receiver
1114 for the joint protection of the district and such bondholders.

1115 Section 11. Exemption of property and revenues from
1116 taxation.—All property of and all revenues derived from such
1117 port facilities, including such parts thereof heretofore or
1118 hereafter constructed or acquired, shall be exempt from all
1119 taxation by the state or by any county, municipality, or other
1120 political subdivision thereof.

1121 Section 12. Power to contract.—The district shall have
1122 power to contract with any person; any private or public
1123 corporation; the state or any agency, instrumentality, county,
1124 municipality, or political subdivision thereof; or any agency,
1125 instrumentality, or corporation of or created by the United
1126 States of America, with respect to such port facilities or any
1127 port improvements or any parts thereof and shall also have power
1128 to accept and receive grants or loans from the same and in
1129 connection with any such contract, grant, or loan. The district
1130 may stipulate and agree to such covenants, terms, and conditions
1131 as the governing body of the district shall deem appropriate.

1132 Section 13. Waiver of other control.—The fees, rates,
1133 rentals, or other charges for the port facilities of said
1134 district, when constructed, acquired, or improved as provided in
1135 this charter, shall not be subject to supervision, regulation,
1136 or control of any bureau, board, commission, or other like
1137 instrumentality of the state.

1138 Section 14. Covenants of State of Florida—The State of
1139 Florida covenants with the holders of any revenue bonds issued
1140 pursuant to this act, that it will not in any manner limit or
1141 alter the powers and obligations vested by this act in the
1142 district to fix, establish, and collect, in the manner provided
1143 in this act, fees, rates, rentals, or other charges for the port
1144 facilities of the district and to revise the same from time to
1145 time whenever necessary, which will always be sufficient to
1146 comply with and fully perform the terms of all the covenants and
1147 agreements made by the district with the holders of such revenue
1148 bonds until all principal of and interest on said revenue bonds
1149 and all the costs and expenses in connection with any action or
1150 proceedings by and on behalf of the holders of such revenue
1151 bonds are fully paid and discharged or adequate provisions made
1152 for the payment or discharge thereof.

1153 Section 15. Covenants of district.—The board covenants and
1154 agrees with any holder or holders of said revenue certificates
1155 or revenue bonds, that the governing body of said district will
1156 cause, to the best of its judgment, the facilities of the
1157 district to be made known to all potential shippers and users of
1158 said district, by the active promotion or advertising of the
1159 facilities of the district, so as to attempt to increase the
1160 potential revenues to be derived by the district.

1161 Section 16. Waiver of limitations in any other law.—Any
1162 and all port improvements authorized herein may be constructed,

1163 acquired, or improved and revenue bonds or certificates issued
1164 pursuant to this charter without regard to, or necessity for,
1165 compliance with the limitations or restrictions contained in any
1166 other law, general, special, or local.

1167 Section 17. Power to issue.—The district, by and through
1168 its board of commissioners, shall have the power and authority
1169 to issue revenue certificates and refunding revenue certificates
1170 to finance the cost or part of the cost of the construction,
1171 acquisition, reconstruction, extension, repair, or improvement
1172 of any works, projects, properties, improvements, or other
1173 purposes, including any lawful purpose, which the district is
1174 authorized by this charter or any other law to construct,
1175 acquire, or undertake.

1176 Section 18. Expenses to be included in cost.—The cost of
1177 any works, projects, properties, improvements, or other purposes
1178 financed by the issuance of either revenue certificates or
1179 refunding revenue certificates under this article shall include,
1180 but is not limited to, construction costs, engineering, fiscal
1181 or financial and legal expenses, surveys, plans and
1182 specifications, interest during construction or acquisition and,
1183 for 1 year thereafter, initial reserve funds, discount, if any,
1184 on the sale or exchange of certificates, acquisition of real or
1185 personal property and such other costs as are necessary and
1186 incidental to the construction or acquisition of such works,
1187 projects, properties, improvements, or other purposes and the

1188 financing thereof. The district shall have the power to retain
1189 and enter into agreements with engineers, fiscal agents,
1190 financial advisors, attorneys, architects, or other consultants
1191 or advisors for the planning, supervision, and financing of such
1192 works, projects, properties, improvements, or other purposes
1193 upon such terms and conditions as shall be deemed advisable to
1194 the board.

1195 Section 19. Passage of resolutions.—Any resolution
1196 required to be passed under this article may be adopted at a
1197 regular or a special meeting, and at the same meeting in which
1198 it is introduced, by a majority of all of the members of the
1199 board of commissioners then in office.

1200 ARTICLE XI. AD VALOREM TAXES.—

1201 Section 1. Annual levy.—Subject to Section 1 of Article IX
1202 of this charter, the board is hereby authorized and empowered to
1203 levy upon all the real and personal taxable property of said
1204 district an ad valorem tax sufficient in amount to pay the
1205 interest becoming due and payable annually upon any bonds issued
1206 or to be issued, or money borrowed or to be borrowed by the said
1207 district, for which the full faith and credit of the district is
1208 pledged, and also to create a sinking fund for the payment of
1209 principal thereof at maturity.

1210 Section 2. Authorization to levy ad valorem tax.—The board
1211 of commissioners is authorized to levy an ad valorem tax not
1212 exceeding 2 mills on the dollar of the assessed valuation of

1213 taxable property in the district or \$200,000 dollars, whichever
 1214 is smaller, in each year to pay the costs of operation,
 1215 maintenance, and other purposes of the district authorized and
 1216 prescribed by this charter. Said levy shall be made each year
 1217 not later than July 1 of each year by resolution of said board
 1218 of a majority thereof duly entered at large upon its minutes.
 1219 Certified copies of such resolution executed in the name of said
 1220 board by its chairperson and secretary-treasurer under its
 1221 corporate seal shall be made and delivered to the Board of
 1222 County Commissioners of Palm Beach County, and to the Chief
 1223 Financial Officer of the state, not later than July 15 of each
 1224 and every year thereafter. It shall be the duty of the
 1225 Commissioners of Palm Beach County to order the assessor of said
 1226 county to assess and the collector of said county to collect the
 1227 amount of taxes so assessed by the board upon all the taxable
 1228 real and personal property in the district at the rate of
 1229 taxation adopted by the said board for the said year and
 1230 included in said resolution, and said levy shall be included in
 1231 the warrant of the tax assessor and attached to the assessment
 1232 roll of taxes for said county each year. The tax collector shall
 1233 collect such taxes so levied by said board in the same manner as
 1234 other taxes are collected, except as otherwise provided in this
 1235 charter, and shall pay the same to the secretary-treasurer of
 1236 said board on or before the 1st and 15th of each month. The said
 1237 tax assessor and the said tax collector shall be paid for such

1238 services by the board as shall be prescribed by the laws of the
1239 state. It shall be the duty of said Chief Financial Officer to
1240 assess and levy upon all the railroad lines, railroad property,
1241 telegraph lines, and telegraphs situated in said district the
1242 amount of each such levy as in case of other state and county
1243 taxes and collect said taxes thereon in the same manner as is
1244 required by law to assess and collect taxes for state and county
1245 purposes, and to remit the same to the secretary-treasurer of
1246 said board. All such taxes shall be held by said secretary-
1247 treasurer for the credit of said board and paid out by him or
1248 her as provided herein.

1249 ARTICLE XII. EMPLOYMENT OF PORT MANAGER, EMPLOYEES, AND
1250 CONSULTANTS.-

1251 Section 1. Port manager and employees.-The board of
1252 commissioners shall have the authority to employ a port manager
1253 and to prescribe his or her duties and compensation; however,
1254 the manager of the Port of Palm Beach District shall not be a
1255 commissioner of the Port of Palm Beach District. The board of
1256 commissioners may employ or may authorize the manager to employ
1257 agents, clerks, and servants to administer any project under the
1258 rules, regulations, directions, and supervision of the port
1259 manager or the board and may exact of said manager, agent,
1260 clerk, or servant a good and sufficient bond with proper surety
1261 thereon to secure the faithful performance of his or her or

1262 their duties in an amount and in the form determined by the
1263 board.

1264 Section 2. Consultants.—The board shall have full power to
1265 employ such consultants and professional persons as said board
1266 shall deem fit and necessary and to prescribe the compensation
1267 to be paid to said consultants or professional persons. Any such
1268 contracts shall be reduced to writing and shall be signed by the
1269 consultant or professional person and by the board, with an
1270 executed copy to be filed by the secretary-treasurer of the
1271 board.

1272 ARTICLE XIII. PUBLICIZING OF PORT FACILITIES.—

1273 Section 1. General.—The board of commissioners is hereby
1274 authorized and empowered to publicize, advertise, and promote
1275 the activities, projects, and facilities referred to in this
1276 charter, and said board is authorized to expend such amounts as
1277 it deems necessary and advisable, not to exceed 10 percent of
1278 the sum collected by the district from all sources, including
1279 its operation, but specifically excluding any taxes that are
1280 levied and collected, all in the preceding fiscal year of the
1281 district, for the publicizing of the port facilities and the
1282 promotion thereof.

1283 Section 2. Payment of vouchers.—All obligations, expenses,
1284 and costs incurred under this article shall be paid when
1285 vouchers thereof, approved by the board, are exhibited.

1286 ARTICLE XIV. BONDS, LEGAL INVESTMENTS.—General obligation
1287 and refunding bonds and revenue and revenue refunding bonds
1288 issued by the district under the provisions of this act are
1289 legal investments for which all public officers and public
1290 bodies of the state and its political subdivisions, all
1291 insurance companies, trust companies, banking associations,
1292 investment companies, executors, administrators, trustees, and
1293 other fiduciaries may properly and legally invest funds,
1294 including capital in their control or belonging to them. Such
1295 bonds are hereby made securities, which may properly and legally
1296 be deposited with and received by any state or port district
1297 officer or any agency or political subdivision of the state for
1298 any purpose for which the deposit of bonds or obligations of the
1299 district is now or may hereafter be authorized by law.

1300 ARTICLE XV. AUDIT.—At least once each year, the board of
1301 commissioners shall employ a certified public accountant for the
1302 purpose of auditing the books of said Port of Palm Beach
1303 District and pay him or her a reasonable compensation therefore.
1304 Such audit shall be made public by publication in the community.
1305 An audit by the state auditor should also be performed at least
1306 once every 2 years. At least once each year, the board shall
1307 name a committee of three representative businesspersons of said
1308 district for the purpose of auditing the books of said board.
1309 Such committee shall have the power to audit or to employ a
1310 competent accountant or auditor to audit the books, accounts,

1311 and records of said board of commissioners and of the secretary-
 1312 treasurer thereof. No person acting on such committee within the
 1313 last preceding 12 months shall be appointed to such committee.
 1314 The compensation of such committee shall not exceed that of the
 1315 commissioners under this charter. Such compensation of the
 1316 committee shall, together with a reasonable compensation for a
 1317 competent auditor or accountant, be paid by the board of
 1318 commissioners as other bills are paid by said board.

1319 ARTICLE XVI. INVESTMENT OF PORT FUNDS.—The board is hereby
 1320 authorized and empowered to invest the moneys belonging to the
 1321 Port of Palm Beach District in direct obligations of the United
 1322 States of America, certificates of deposits of state and
 1323 national banks, general obligations of states, general
 1324 obligations of counties, municipalities, or other public purpose
 1325 districts of the state, bonds and securities not subject to
 1326 limitation, obligations of agencies created by act of the United
 1327 States Congress and authorized thereby to issue securities or
 1328 evidences of indebtedness, regardless of guaranty of repayment
 1329 by the United States Government, public housing authority
 1330 obligations and in direct ownership or in leasehold improvements
 1331 of land and buildings used by the Port of Palm Beach District in
 1332 the transaction of its business, for such periods of time as the
 1333 board shall deem to be in the best interests of the district and
 1334 in keeping with good business practices. The board is hereby
 1335 authorized and empowered when necessary to protect the interest

1336 of said board and said funds of the district, to sell and
 1337 dispose of any of the securities and authorized investments in
 1338 which said funds may be invested, and reinvest the proceeds
 1339 thereof from time to time in conformity with this charter as
 1340 said board shall deem expedient. The secretary-treasurer of the
 1341 board shall act as the custodian of all funds belonging to said
 1342 board and to said district.

1343 ARTICLE XVII. DISBURSEMENT OF FUNDS.—All funds of the
 1344 district shall be disbursed upon the order of said board signed
 1345 by any two officers thereof; however, the board may disburse
 1346 funds of the district into an impress account and, when
 1347 establishing said account, may authorize and designate the port
 1348 manager or other employee of the district to disburse funds from
 1349 said particular impress account, upon such directions as the
 1350 board shall give, all in keeping with good business practices.
 1351 The port manager or employee of the district who has the
 1352 authority to disburse funds of the district from any account
 1353 indicated hereinabove shall at all times be bonded with a
 1354 fidelity bond in at least an amount equal to the maximum amount
 1355 of funds that would be held in said account at any one time and
 1356 be subject to withdrawal by the manager or employee.

1357 ARTICLE XVIII. DEPOSITORIES.—The board of commissioners
 1358 shall be empowered and authorized to select as depositories, in
 1359 which the funds of said board and said district shall be
 1360 deposited, any bank or trust company authorized under the laws

1361 of the United States or under the laws of the state, upon such
1362 terms and conditions as said board may deem just and reasonable,
1363 and upon such terms as to security as the board shall deem
1364 proper.

1365 ARTICLE XIX. ACTION BY RESOLUTION.—All action required or
1366 authorized to be taken under this charter by the board of
1367 commissioners may be by resolution, which resolution may be
1368 adopted at the meeting of the board at which such resolution is
1369 introduced and shall take effect immediately upon such adoption.
1370 Except as otherwise provided in this charter, no resolution
1371 under this charter need be published or posted, nor shall any
1372 such resolution require for its passage more than a majority of
1373 all the members of the board then in office.

1374 ARTICLE XX. PUBLIC PURPOSES.—It is hereby determined and
1375 declared that each and all of the powers conferred by this
1376 charter and the exercise thereof are proper public and
1377 proprietary purposes.

1378 ARTICLE XXI. ADDITIONAL AND ALTERNATIVE METHOD.—This act
1379 shall be deemed to provide an additional and alternative method
1380 for the doing of the things authorized hereby and shall be
1381 regarded as supplemental and additional to the powers conferred
1382 by any other law, and shall not be regarded as in derogation of
1383 any powers now existing nor a limitation thereof.

1384 ARTICLE XXII. LIBERAL CONSTRUCTION.—This charter, being
1385 necessary for the welfare of the inhabitants of the state, shall
1386 be liberally construed to effect the purposes thereof.

1387 ARTICLE XXIII. SEVERABILITY.—The provisions of this
1388 charter are severable and it is the intention to confer the
1389 whole or any part of the powers provided herein. If any of the
1390 provisions of this charter shall be held unconstitutional by any
1391 court of competent jurisdiction, the decision of such court
1392 shall have no effect to impair any of the remaining provisions.

1393 Section 4. Chapters 74-570, 75-468, 81-459, 87-523, 90-
1394 462, 95-467, and 99-457, Laws of Florida, are repealed.

1395 Section 5. This act shall take effect upon becoming a law.