

## House Bill No. 903

An act relating to the Consolidated City of Jacksonville; creating and establishing separate airport and seaport authorities; providing for governing bodies, appointment of members, terms, staggered terms, rules of procedure; providing for employment of a managing director and other employees, providing for interrelations with and use of services of the City of Jacksonville; providing definitions; establishing powers; providing for issuance of bonds; providing for budgetary and financial matters; providing for rights of bondholders; providing rights of employees; establishing the separate authorities as county authorities; providing for participation in the Florida Retirement System; providing for cooperation with other entities; providing for audits and bonds; providing for purchasing, procurement, and award of contracts; providing for execution of instruments and examination of claims; providing for transfer of assets and liabilities from the Jacksonville Port Authority to the separate seaport and airport authorities and for assumption of responsibilities; making the Port Facilities Financing Act applicable to seaport operations; declaring a county and public purpose; providing for liberal construction; providing for severability; repealing certain existing local laws relative to the creation and operation of the Jacksonville Port Authority; providing for conforming amendments to sections 18.07 and 24.04, of chapter 92-341, Laws of Florida, being the Charter of the City of Jacksonville, to replace references to the Jacksonville Port Authority with references to the Jacksonville Seaport Authority and the Jacksonville Airport Authority; providing an effective date.

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

Section 1. Section 1. Creation of Jacksonville Seaport Authority and Jacksonville Airport Authority.—

(1) There are hereby created and established two separate bodies politic and corporate to be known as the Jacksonville Seaport Authority and the Jacksonville Airport Authority respectively (hereinafter referred to singly as an "authority" and collectively as "authorities"), which are created as agencies and political subdivisions of the State of Florida in the nature of counties and not municipalities. These authorities are authorized to exercise their respective jurisdictions, powers, and duties within the territorial limits of the former Duval County, which territorial limits now exist within the City of Jacksonville. The Jacksonville Seaport Authority shall operate, manage, and control the seaport and ancillary facilities located within Duval County. The Jacksonville Airport Authority shall operate, manage, and control all publicly owned airports and ancillary facilities located within Duval County. This authorization for a port authority split shall be reviewed for performance and efficiency after a period of 4 years.

(2) The governing body for the Seaport Authority shall consist of seven members, four of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville, and three of whom shall be appointed by the Governor of Florida with the confirmation of the Senate. The governing body for the Airport Authority shall consist of seven members, four of whom shall be appointed by the Governor of Florida with the confirmation of the Senate, and three of whom shall be appointed by the Mayor of the City of Jacksonville with the confirmation of the council of the City of Jacksonville. Members shall serve for terms of 4 years commencing on October 1st of the year of the appointment or for the unexpired portion of a term deemed to have commenced on October 1st. Members of either authority, during their terms, shall serve at the pleasure of the Mayor or Governor, whoever appointed the member. Members shall continue to serve on either authority until their respective successors are appointed. A vacancy occurring during a term of an appointed member, on either authority, shall be filled only for the balance of the unexpired term. Any member appointed to an authority for two consecutive full terms shall not be eligible for appointment to that same authority for the next succeeding term. Provided, however, notwithstanding the above, members initially appointed to the authority shall serve in staggered terms to provide continuity of experience to each authority with two gubernatorial appointments and two mayoral appointments being for initial 2-year terms, which shall count as a full term for purposes of term limits herein.

(3) Each authority shall elect a chair, vice chair, secretary, and treasurer from its members, and such other officers it deems proper, not necessarily from its members, to perform such duties as each authority may direct. Four members of each authority shall constitute a quorum for such authority, but at least four members of such authority must approve any action to be taken by such authority. Resolutions adopted by the vote of at least four members of an authority shall become effective without further action by such authority. Each member of each authority shall have one vote. The yeas and nays shall be called and entered upon the minutes of each meeting upon the passage of every resolution or other action of each authority. Each authority may meet at such times and places designated by it but shall hold regular meetings as necessary, and generally once a month. Special meetings of an authority may be called upon the call of its chair or any three members of such authority. The members of each authority shall not be entitled to compensation but members and employees of each authority shall be entitled to payment of reasonable expenses as provided by the council of the City of Jacksonville.

(4) Each authority shall employ and fix the compensation of a managing director who shall manage the affairs of each respective authority under the supervision and control of the authority employing such managing director. Such managing director may be given any title suitable to either such authority. Each authority may employ such engineers, certified public accountants, consultants, and employees as either said authority may require, and fix and pay their compensation. Each authority may use any of the services available to governmental units through the Administration and Finance Department of the City of Jacksonville, but is not required by law to do so. However, the authority shall be required to use the legal services of the City

of Jacksonville, except in those cases when the chief legal officer of the city determines that the city legal staff cannot provide legal services in the required legal area. Such use of city services, including, but not limited to, legal services, shall be on contractual basis and the authorities are authorized to pay the city reasonable and fair compensation for such services so furnished by the city and used by the authorities. The use by each authority of any such services furnished by the city shall not obligate either authority except to the extent it contracts with the city, or otherwise subject either authority to any rules, regulations, or ordinances of said city not otherwise applicable to the authorities under this act and the charter of said city. Each authority may delegate to one or more of its agents or employees such of its powers as it may deem necessary to carry out the purposes of this act, subject always to the supervision and control of each authority, and may do any and all things necessary to accomplish the purposes of this act.

(5) The provisions of section 286.012, Florida Statutes, requiring any member of each authority present at a meeting to vote unless there is a possible conflict of interest, and the provisions of sections 112.311-112.3175, Florida Statutes, and as the same may be amended in the future, relating to financial disclosure and conflicts of interest, shall apply to each member of each authority.

Section 2. Definitions.—In the interpretation hereof the following words and terms shall be taken to include the following meanings when the context shall require or permit:

(1) The term “bonds” means and embraces bonds, notes, certificates, and other financial obligations issued by either authority for financing or refinancing purposes, and except where otherwise required by the context, notes, and other instruments executed to evidence obligations of either authority for the repayment of borrowed funds.

(2) The term “County” means the County of Duval.

(3) The term “city” or “City of Jacksonville” means the consolidated government of the City of Jacksonville created pursuant to section 9, Article VIII of the State Constitution.

(4) The term “federal agency” means and includes the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality thereof, heretofore or hereafter created, designated, or established by the United States.

(5) Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

(6) The term “project” embraces any one or any combination of 2 or more of the following, to-wit: facilities for the construction, manufacture, repair, or maintenance of boats, ships, and watercraft of all kinds and airplanes, helicopters, and aircraft of all kinds, and other facilities, directly or indirectly related to the promotion and development, of waterborne and airborne

commerce, travel, exploration, and researching, and other harbor, port, shipping, and airport facilities of all kinds, including, but not limited to, harbors, channels, turning basins, anchorage areas, jetties, breakwaters, waterways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, landings, ramps, runways, taxiways, warehouses, terminals, refrigerating, and cold storage plants and facilities, tiedown and parking areas and facilities, railroads and air and motor terminals for passengers, freight, exploration, and research, rolling stock, ferries, boats, airplanes, helicopters, conveyors, and appliances of all kinds for the handling, storage, inspection, and transportation of freight and the handling of passenger traffic, mail, express, and freight, administration and service buildings, toll highways, tunnels, causeways, and bridges connected therewith or incident or auxiliary thereto, and may include all property, structures, facilities, rights, easements, and franchises relating to any such project deemed necessary or convenient for the acquisition, construction, purchase, or operation thereof. Each authority is authorized to use such of its real property as it deems fit for facilities for recreational programs and activities, provided, however, that such programs and activities are approved by a simple majority vote of the Jacksonville City Council.

(7) The term “cost,” as applied to improvements, means the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, the cost of engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(8) The term “cost,” as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension, or enlargement, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction, and if deemed advisable, for up to 1 year after completion of construction, cost of investigations and audits, and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any obligation or expense incurred by either authority prior to the issuance of revenue bonds under the provisions of this act for engineering studies and for estimates of cost and of revenue and for other technical, financial, or legal services in connection with the acquisition or construction of any project may be regarded as a part of the cost of such project.

Section 3. Powers.—Each authority shall have the below specified powers, in addition to other powers otherwise conferred by law; however, those powers that relate to maritime issues are vested in the Jacksonville Seaport Authority; those powers that relate to aviation issues are vested in the Jacksonville Airport Authority; those powers that are neutral in nature are vested in both authorities:

(1) To adopt, use, and alter at will a corporate seal; to sue and be sued, implead and be impleaded, complain, and defend in all courts; to exercise the power of eminent domain to acquire property for any authorized purposes, including the taking of such property ancillary to said power in the manner from time to time provided by the laws of the State of Florida; to accept grants, gifts, and donations; and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, the County of Duval, the City of Jacksonville, or with any other public body of the state.

(2) To adopt rules and regulations with reference to all projects and matters under their respective control. All rules and regulations promulgated and all impositions and exactions made by each authority hereof shall be just and reasonable and consistent with public interest and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction. All rules and regulations shall be a matter of public record and copies thereof shall be dispensed at cost to all applicants therefor.

(3) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair, and operate any project as herein defined.

(4) Subject to the jurisdiction of the United States and the State of Florida, to construct, establish, and improve harbors within the county, to improve navigable waters within the county, and to construct and maintain canals, slips, turning basins, and channels, all upon such terms and conditions as may be required by the United States and the State of Florida.

(5) To acquire for any project authorized by this act by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange, or in any other manner, all property, real or personal, or any estate or interest therein, upon such terms and conditions as each authority shall by resolution fix and determine. The right of eminent domain herein conferred shall be exercised by each authority in the manner provided by law.

(6) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of acquisition, construction, extension, enlargement, improvement, or modernization of any project and to pledge the revenues to secure the payment of bonds.

(7) To enter into joint arrangements with airlines, steamship lines, railroads, any common carrier, or any other commercial enterprise, related to either authority's basic mission, if either authority shall deem it advantageous so to do.

(8) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of their respective duties and the exercise of their respective powers; to make and execute leases or agreements for the use and occupation of the property and projects under their respective control on such terms, conditions, and period of time as each authority may determine, except as noted in subsection (3) of section 1; and to sell and dispose of such property and projects as shall no longer be needed for the uses and purposes of either authority on such terms and conditions as shall be prescribed by resolution of either

authority; however, before disposing of any real property which was acquired from either the city or county under the provisions of this act, each authority shall give written notice to the governmental unit from which such real property was acquired. If said governmental unit desires to accept a reconveyance of said real property, it shall give such authority written notice of such intention within 30 days from the date of mailing of such authority's notice regarding the disposal of such property, and such authority shall make the reconveyance of such property to said governmental unit forthwith. If within such 30 days, said governmental unit does not notify such authority in writing of a desire to accept a reconveyance of said property or refuses to accept a reconveyance of same such authority may sell and dispose of same on such terms and conditions as shall be prescribed by resolution of such authority. Neither authority shall sell real property for less than the appraised value.

(9) To the extent permitted by law to fix, regulate, and collect rates and charges for the services and facilities furnished by any project under the respective control of either authority, and to establish, limit, and control the use of any project as may be deemed necessary to ensure the proper operation of the project; and to impose sanctions to promote and enforce compliance with any rule or regulation which either authority may adopt in the regulation of the ports, harbors, wharves, docks, and other projects under its control.

(10) To fix the rates for wharfage, dockage, warehousing, storage, landing, and port and terminal charges for the use of the facilities owned or operated by such respective authority.

(11) To solicit air carriers, shipping lines, and other businesses and to do all things necessary or advisable to promote commerce and increase passenger traffic and freight tonnage through the seaport and airports operated by the respective authorities; to publicize, advertise, and promote the activities and projects authorized by this act and to promote the objects of either authority in the manner set forth by resolution of said authority; to make known to the users, potential users, and public in general the advantages, facilities, resources, products, attractions, and attributes of the activities and projects authorized by this act; to further create a favorable climate of opinion concerning the activities and projects authorized and indicated by this act; to cooperate, including expenditure of funds, to and with other agencies, both public and private, in accomplishing the purposes enumerated and indicated by this act; and in furtherance thereof, to authorize expenditures for any and all of the purposes herein enumerated, including, but not limited to, meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will toward the activities and projects herein authorized, provided, however, that funds obtained under chapters 159 and 315 may not be used for such purposes. Whenever an expenditure of funds for any of the foregoing purposes is made by a member or employee of either authority, such authority may reimburse such member or employee therefor, but only after such expenditures have been duly authorized by such authority.

(12) To receive and accept from any federal or state agency grants for or in aid of the construction, improvement, or operation of any project and to

receive and accept contributions from any source of money, property, labor, or other things of value.

(13) To make any and all applications required by the Treasury Department and other departments or agencies of the Federal Government as a condition precedent to the establishment within the county of a free port, foreign trade zone, or area for the reception from foreign countries of articles or commerce and to expedite and encourage foreign commerce, and the handling, processing, and delivery thereof into foreign commerce free from the payment of custom duties and to enter into any agreements required by such departments or agencies in connection therewith and to make like applications and agreements with respect to the establishment within said county of one or more bonded warehouses.

(14) To enter into any contract with the State of Florida, the Federal Government, or any agency of said governments, which may be necessary for development of any project related to the authority's basic mission.

(15) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of cost and revenues as either authority may deem necessary and may prepare and adopt a comprehensive plan or plans, for the location, construction, improvement, and development of any project.

(16) To grant exclusive or non-exclusive franchises to persons, firms, or corporations for the operation of restaurants, cafeterias, bars, cigar and cigarette stands, newsstands, buses, taxicabs, vending machines, hotels, motels, service stations, and other concessions in, on, and in connection with any project owned and operated by such authority. In granting such franchises it shall be the duty of the authority to investigate and consider the qualifications and ability of the lessee or concessionaires to provide or perform the contemplated services for the public using the facilities and the revenues which will be derived therefrom by such authority and to exercise sound prudent business judgment on behalf of such authority with respect thereto, calling for bids when practicable and when the interests of the public will best be served by such action.

(17) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, electricity, or telephone service to or in connection with any project.

(18) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by such authority, or under its control, to the payment of the cost of operation, maintenance, repair, improvement, extension, or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects and to combine for financing purposes any two or more projects constructed or acquired by such authority under the provisions of this act. In any such case the authorities may adopt separate budgets for the operation of such project or projects. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension, and enlargement of the project or projects

from the operation of which such revenues arise, for the performance of either authority's contracts in connection with such project or projects, and for the payment of principal of premium, if any, and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement, or extension thereof as the authorities may determine, unless such surplus has been pledged for the payment of principal of premium, if any, and interest on bonds, as authorized in subsections (1)-(6) of section 4, in which event any such surplus shall be applied in accordance with the resolution pledging the same.

(19) To do all other acts and things necessary or proper in the exercise of the powers herein granted.

(20) To do all acts or things necessary or proper to be and serve as a local governmental body within the meaning of Article VII, Section 10(c)(2) of the State Constitution, or as an Industrial Development Authority under part III, chapter 159, Florida Statutes, with respect to any project as defined therein.

(21) To appoint officers for the administration of criminal justice, as defined by Title 28, Chapter 1, Part 20, Code of Federal Regulations, and required by Part 107 of the Federal Aviation Regulations, at Jacksonville International Airport, Herlong Airport, Craig Airport, and Cecil Field. The Airport Authority shall assume all civil responsibility for the actions of such officers and shall provide for the necessary bond to cover any and all actions at law which might arise from the conduct of such officers within the scope of their employment.

#### Section 4. Issuance of bonds.—

(1) Each authority is authorized to issue general obligation bonds or revenue bonds of either said authority for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion, or development of such project whether the property used therefor has previously been acquired or not, and the cost of removing therefrom or relocating or reconstructing at another location any buildings, structures, or facilities, which in the opinion of either such authority constitute obstructions or hazards to the safe or efficient operation of any such project and for the purpose of paying off and retiring any bonds issued or assumed under the provisions of this act.

(2) The bonds of each issue shall be authorized by resolution of the issuing authority and shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the issuing authority, and may be made redeemable before maturity, at the option of the issuing authority, at such price or prices and under such terms and conditions as may be fixed by the issuing authority prior to the issuance of the bonds. The issuing authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and shall fix the denomination or denominations of



the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties, and obligations of the issuing authority with respect to the same, as shall be determined by the issuing authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes to the same extent as if such officer had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon registered or book entry form, as the issuing authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law.

(3) Prior to any public sale of bonds, either authority shall, in addition to any other publication and notice to the financial community, cause notice to be given by publication in a daily newspaper published and having a general circulation in the city that the issuing authority will receive bids for the purchase of the bonds at the office of the issuing authority in the city. Said notice shall be published once not less than 15 days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale, shall state that the bids shall be sealed bids, and shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest which the bonds are to bear or the issuing authority may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale, a copy of such advertisement shall be given to the Florida Division of Bond Finance and to at least three recognized bond dealers in the state, not less than 10 days prior to the date set for receiving the bids.

(4) Except as otherwise provided in this subsection, bonds and refunding bonds issued pursuant to this act shall be sold at public sale and shall be awarded to the bidder whose bid produces the lowest true interest cost to the issuing authority. The issuing authority shall reserve the right to reject any or all bids. Notwithstanding the foregoing, bonds and refunding bonds issued pursuant to this act may be sold at private sale at such price or prices as the issuing authority shall determine to be in its best interest. However, any price less than 100 percent of par value shall be subject to section 215.84, Florida Statutes, as it may be amended from time to time. In no event shall said bonds be sold at a net interest cost to the issuing authority in excess of the legal limit, as established by section 215.84, Florida Statutes, or according to said section as it may be amended from time to time.

The net interest cost of bonds shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bonds, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds with interest computed on a 360-day basis. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(5) The issuing authority shall require all bidders for said bonds to enclose a certified or bank cashier's check, in the amount of 2 percent of the total par value of the bonds offered for sale, drawn on an incorporated bank or trust company payable unconditionally to the order of the issuing authority, as a guarantee of good faith in the performance of each bid. The checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the authority and credited against the full purchase price of the bonds at the time of delivery or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his or her bid.

(6) No general obligation bonds shall be issued by either authority hereunder unless the issuance of such bonds shall have been approved by a majority of the votes cast by qualified voters in an election held for such purpose. Whenever an authority, by resolution, requests the council of the City of Jacksonville to hold such an election, said council shall, on behalf of such authority, hold, conduct, canvass, and announce the results of such election in accordance with the procedure prescribed by law for the issuance of county bonds. The expenses of such election shall be paid by the issuing authority that has requested the election. In no event shall such general obligation bonds be construed or considered to be bonds of the City of Jacksonville or any other municipality but shall be solely bonds of said authority that issues the bonds.

(7) Each authority is authorized to borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same and to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

(8) Subject to the restrictions contained in subsections (2), (3), and (4) of section 4., each authority shall have the power to provide for the issuance of refunding bonds of such authority for the purpose of refunding any revenue bonds or general obligation bonds, or any combination of general obligation or revenue bonds then outstanding which have been assumed by such authority or issued for the purpose of financing the cost of making enlargements, extensions, and improvements to any project acquired, constructed, or operated under the provisions of this act. Said authority is further authorized to provide for the issuance of revenue bonds or general obligation bonds, or any combination thereof, of such authority for the combined purpose of:

(a) Paying the cost of enlargement, extension, reconstruction, or improvement of any project or combination of projects.

(b) Refunding revenue bonds or general obligation bonds, or any combination thereof, which have been assumed by such authority under the provisions of this act which shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement.

The issuance of such bonds, the maturities or other details thereof, the rights or remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the respective authorities with respect to the same shall be set forth in the resolution of the authorities authorizing the issuance of such bonds.

Section 5. Budget and finance.—The fiscal year of each authority shall commence on October 1 of each year and end on the following September 30. Each authority shall prepare and submit its budget to the council of the City of Jacksonville on or before July 1 for the ensuing fiscal year. The council, consistent with the provisions of the Charter of the City of Jacksonville, may increase or decrease the appropriation [budget] requested by each authority on a total basis or a line-by-line basis; however, the appropriation for construction, reconstruction, enlargement, expansion, improvement, or development of any project or projects authorized to be undertaken by the Jacksonville Seaport Authority shall not be reduced below \$800,000 for each year that the bonds to which the \$800,000 is pledged remain outstanding.

Section 6. Rights of bondholders.—All bonds issued by the City of Jacksonville or the Jacksonville Port Authority related to properties transferred to the authorities and bonds issued under authority of chapter 63-1447, Laws of Florida, remain the liability, responsibility, and obligation of the issuer and the rights of the holders of existing outstanding bonds shall be unimpaired. Rights, duties, and obligations of the authorities with respect to the property transferred to it by the Jacksonville Port Authority are ratified and remain unchanged.

Section 7. Rights of employees.—

(a) Except as provided in paragraph (b), all employment rights and employee benefits authorized under section 11, chapter 63-1447, Laws of Florida, as amended, are hereby confirmed, ratified, and continued, notwithstanding the repeal of said chapter 63-1447, Laws of Florida, as amended. In order to preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System pursuant to chapter 121, Florida Statutes, each separate authority created by this act shall be a county agency and employees of each such authority shall participate in the Florida Retirement System, notwithstanding any law to the contrary. Those employees of the Jacksonville Port Authority who were assigned to any activity related to the operation of the marine facilities shall become employees of the Jacksonville Seaport Authority. Those employees of the Jacksonville Port Authority who were assigned to any activities related to the operation of any aviation facilities operated by the Jacksonville Port Authority shall be employees of the Jacksonville Airport Authority. Central administrative employees shall be employed by either the Jacksonville Seaport Authority or the Jacksonville Airport Authority. It is expressly

provided that none of those employees of the former Jacksonville Port Authority who remain with either the Jacksonville Seaport Authority or the Jacksonville Airport Authority shall lose any rights or benefits of whatsoever kind or nature afforded to them by any law, ordinance, collective bargaining agreement, or existing policy or plan, including, but not limited to, pension benefits by virtue of the change in corporate structure. In order to effectively implement the foregoing, each authority shall perform all functions with regard to its own employees that prior to the operation of the two authorities created by this act were performed by the Jacksonville Port Authority. In order to specifically preserve the rights of employees of the former Jacksonville Port Authority to continue participation in the Florida Retirement System, pursuant to chapter 121, Florida Statutes, each separate authority created by this act shall be a county authority and employees of each such authority who are currently participating in the Florida Retirement System and all employees of each authority after the effective date of this act shall participate in the Florida Retirement System.

(b) The Jacksonville Port Authority firefighters shall become merged into the City of Jacksonville's Fire and Rescue Department and shall become employees of the City of Jacksonville; however, with respect to pension benefits such Jacksonville Port Authority Fire Department employees shall have a one-time option to continue participation in the Florida Retirement System or to participate in the City of Jacksonville Police and Fire Pension Fund. Such option must be exercised no later than November 1, 2001. Upon such merger, firefighting services for the airports owned and operated by the Jacksonville Airport Authority shall be provided by the Fire and Rescue Department of the City of Jacksonville pursuant to a written contract to be entered into by and between the City of Jacksonville and the Jacksonville Airport Authority. Notwithstanding any provision in this act to the contrary, such merger and contract shall become effective October 1, 2001. If any firefighter who has vested in the Florida Retirement System exercises the option to become a member of the City of Jacksonville Police and Fire Pension Fund, such vested time shall not be included in the City of Jacksonville Police and Fire Pension Fund.

Section 8. Cooperation with other units, boards, agencies, and individuals.—Express authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in, or of, the state to make and enter into with the authorities, contracts, leases, conveyances, or other agreements within the provisions and purposes of this act. The authorities are hereby expressly authorized to make and enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this act.

Section 9. Audits; bonds.—The authorities shall issue quarterly and annually financial reports of their respective operations and shall also cause annual audits to be made of their respective operations and affairs by an independent certified public accountant, in such detail as may be necessary to show the financial operation and status of the authorities, and the same

shall be preserved as public records of the authorities. The authorities' records may be audited at any time by the Council Auditor of the City of Jacksonville. Members of said authorities shall be required to give a good and sufficient surety bond in the sum of \$50,000, payable to the City of Jacksonville, conditioned upon the faithful performance of their duties as members of the authorities. Such bonds shall be approved by and filed with the clerk of the circuit court of Duval County, and the premium or premiums thereon shall be paid by the respective authorities as a necessary expense of said authorities. Each authority shall have power to require their respective managing directors and such others of its employees as they may deem necessary to furnish good and sufficient surety bond in such sum as such authority shall require, conditioned upon the faithful performance of duties, and to pay the premium or premiums thereon as a necessary expense of each said authority.

Section 10. Award of contracts.—

(1) All construction, reconstruction, repairs, or work of any nature made by the authorities, where the entire costs, value, or amount of such construction, reconstruction, repairs, or work, including the labor and materials, exceeds \$12,000, except construction, reconstruction, repairs, or work done by employees of such authorities or by labor supplied under agreement with Federal Government or state government, with supplies and materials purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authorities with the lowest responsible bidder upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. Each authority shall keep a current list of responsible bidders and, whenever the authorities shall award a contract, the bidder shall come from such list. No contract shall be entered into for construction, improvement, or repair of any project, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by either authority, and in an amount fixed by either authority, for the faithful performance of the contract. All such contracts shall provide, among other things, that the person or corporation entering into such contract with each authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation were named therein, provided the action is brought within 1 year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of either authority to construct any project, or any part thereof, or any addition, betterment, or extension thereto, directly by the officers, agents, and employees of such authority, or otherwise, other than by contract.

(2) All supplies, equipment, machinery, and materials, costing \$12,000 or more, shall be purchased by the authorities only after due advertisement as provided hereinafter. The authorities shall accept the lowest bid or bids, kind, quality, and material being equal but the authorities shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and

manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.

(3) The term "advertisement" or "due public notice" wherever used in this section means a notice published at least once a week for 2 consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the county, and in such other newspapers or publications as each authority shall deem advisable.

(4) Subject to the aforesaid provisions, the authorities may, but without intending by this provision to limit any powers of either authority, enter into and carry out such contract or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project, or portion thereof, as the authorities may deem desirable or as may be requested by the Federal Government or state government assisting in the financing of its projects, seaport facilities, airport facilities, and facilities related thereto, or any part thereof, provided the provisions of this subsection shall not apply to any case in which an authority has taken over by transfer or assignment any contract assigned to it or assumed by it in connection with the transfer of city and county properties authorized under the provisions of sections 11 and 12, or to any contract in connection with projects which an authority may have had transferred to it by any persons or private corporations, and further provided the provisions of this section shall not apply to any contract or agreement between an authority and any engineers, architects, attorneys, or other professional services or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.

Section 11. Execution of instruments; examination of claims.—All instruments in writing necessary to be signed by either authority shall be executed by its chair and secretary. Either authority may, by resolution, designate one or more officers, members, employees, or agents of such authority to execute instruments in writing where it is necessary that such instruments be signed by either authority. No expenditure of funds of either authority shall be made except by voucher approved by the spending authority and signed by its chair and secretary, or by one or more officers, members, or employees of such authority as such authority may designate by resolution. The foregoing authority of the chair may be exercised by the vice chair in the absence of the chair and the foregoing authority of the secretary may be exercised by an assistant secretary designated by each authority in the absence of the secretary. Each authority shall provide for the examination of all payrolls, bills, and other claims and demands against either authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.

Section 12. Transfer of assets and liabilities.—The Jacksonville Port Authority shall take all actions necessary to convey, assign, transfer, and set over:

(1) All of the right, title, and interests of the Jacksonville Port Authority in and to its marine port facilities and its airport facilities, including, with-

out limitation, its real and personal property and any interests therein, books, records, contracts, leases, and all other property of any kind or nature related to the operation of the marine port activities and airport activities, by operation of this act and without further act, to the Jacksonville Seaport Authority or Jacksonville Airport Authority, respectively, depending upon the operation or jurisdiction of each such authority.

(2) All contracts and leases relating to Jacksonville Port Authority's marine port operations and airport operations, respectively, shall, by operation of this act and without further act, become contracts and leases of the Jacksonville Seaport Authority or the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each successor authority.

(3) All accounts receivable, accounts payable, and cash on hand relating to the Jacksonville Port Authority's marine port operations and airport operations shall, by operation of this act, and without further act, be transferred or delivered to the Jacksonville Seaport Authority or the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each such authority.

(4) All operating expenses, including taxes of all kinds and all revenue and expense accruals of Jacksonville Port Authority's marine operations and airport operations shall be transferred to the Jacksonville Seaport Authority or to the Jacksonville Airport Authority, respectively, depending upon the operating jurisdiction of each such authority, on the effective date at transfer.

The conveyances specified in this section shall be effective as of October 1, 2001.

Section 13. Chapter 315, Florida Statutes, relating to port facilities financing, also applicable.—The provisions of chapter 315, Florida Statutes, relating to port facilities financing, shall also be applicable to the Jacksonville Seaport Authority.

Section 14. Declaration of purposes.—The authorities created by this act and the purposes which they are intended to serve are hereby found to be for a county and public purpose. Such authorities are political subdivisions of the State of Florida, local governmental bodies within the meaning of Article VII, Section 10(c)(2) of the State Constitution, and, subject to proper resolution and establishment by the council of the City of Jacksonville pursuant to section 159.45, Florida Statutes, an Industrial Development Authority under part III, chapter 159, Florida Statutes, with respect to any project as defined therein. Nothing in this act is intended to create entities which are exempt from ad valorem taxation.

Section 2. Section 1. Construction.—The powers of each authority created by this act shall be construed liberally in favor of each such authority. No listing of powers included in this act is intended to be exclusive or restrictive and the specific mention of, or failure to mention, particular powers in this act shall not be construed as limiting in any way the general

powers of either respective authority as stated in section 3. It is the intent of this act to grant each authority full power and right to exercise all authority necessary for the effective operation and conduct of each such authority. It is further intended that each authority should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which each such authority is created. The fact that this article specifically states that either authority possesses a certain power does not mean that either such authority must exercise such power unless this article specifically so requires.

Section 2. Severability clause.—The provisions of this act are severable and it is the intention to confer the whole or any part of the powers provided for herein and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 3. Repealer; abolition of Jacksonville Port Authority; assumption of responsibility.—

(1) Effective October 1, 2001, chapters 63-1447, 65-1459, 65-1467, 65-1471, 65-1472, 65-1726, 67-1301, 67-1302, 67-1303, 67-1304, 67-1305, 67-1533, 67-1536, 67-1542, 67-2227, 70-663, 70-666, 70-667, 70-674, 70-677, 70-1002, 71-698(5), 72-532, 73-452, 74-472, 77-546, 79-451, 80-517, 81-371, 83-399, 85-429, 86-401, 86-412, 91-373, 92-338, and 94-422, Laws of Florida, which create, establish, revise, amend, or otherwise relate to the Jacksonville Port Authority, are hereby repealed.

(2) Effective October 1, 2001, the Jacksonville Port Authority, created, established, revised, or amended by the above-referenced laws, is hereby abolished, and all its functions, plans, projects, and programs in effect or undertaken by the Jacksonville Port Authority relative to seaport operations and airport operations shall be assumed by the Jacksonville Seaport Authority and the Jacksonville Airport Authority, respectively, on that date.

Section 3. Section 18.07 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville, is amended in part to read:

Section 18.07. Definitions.

For purposes of this Charter, the following terms shall have the following meanings:

(d) “Independent agencies” means the Duval County School Board, the Jacksonville Airport Authority, the Jacksonville Seaport Authority ~~the Jacksonville Port Authority,~~ the Jacksonville Transportation Authority, the Jacksonville Electric Authority, the Jacksonville Downtown Development Authority, and the Jacksonville Police and Fire Pension Board of Trustees.

Section 4. Subsection (4) of section 24.04 of Article 24 of chapter 92-341, Laws of Florida, as amended by chapter 97-339, Laws of Florida, is amended, and subsection (12) is added to said section, to read:

Section 24.04. Individual ex officio advisors to the commission.



The following individual ex officio advisors are named to assist the commission in an advisory or fact-finding role as may be requested individually or collectively of them by the commission so as to effectuate the centralized economic development goals of the commission. No ex officio advisor shall serve simultaneously as both an ex officio advisor and as an appointed member of the commission. These individual ex officio advisors shall be:

(4) The President/Chief Executive Officer of the Jacksonville Airport Port Authority.

(12) The President/Chief Executive Officer of the Jacksonville Seaport Authority.

Section 5. Sections 1 and 12 of section 1 of this act shall take effect upon this act becoming a law and the remaining sections of this act shall take effect on October 1, 2001.

Approved by the Governor June 5, 2001.

Filed in Office Secretary of State June 5, 2001.