

CHAPTER 2017-199

Committee Substitute for House Bill No. 737

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

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

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

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74-570, 75-468, 81-459, 87-523, 90-462, 95-467, and 99-457, Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.

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

ARTICLE I. PURPOSE.—

Section 1. Name.—The name of the district shall continue to be the “Port of Palm Beach District.”

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

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

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

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

Beginning at the point of intersection of the Atlantic Ocean with the Township line between Townships T-41 and 42 South; thence run West along said Township line and continue West to the Western Boundary of Palm Beach County, Florida; thence run South along the Western Boundary of said Palm Beach County to a point where the Township line between Townships 45 and 46 South according to the United States Government Survey, if extended West, would intersect said West line of said Palm Beach County, thence run East to the Township Line between Townships 45 and 46 South, and continuing East along said Township line to its intersection with the Range Line between Ranges R-41 and 42 East; thence North along the Range Line between Ranges R-41 and 42 East to the point of intersection of said Range Line with the Township Line between Townships 43 and 44 South; thence run East along the Township Line between Townships 43 and 44 South; to the Atlantic Ocean; thence run North along the West Shore of the Atlantic Ocean to the point of beginning; all being in Palm Beach County, Florida.

ARTICLE IV. GOVERNING BODY.—

Section 1. Commissioners.—The governing body of the Port of Palm Beach District shall be known as and designated the “Board of Commissioners of the Port of Palm Beach District” and shall be composed of five members who shall be elected as provided for in Article V. The Port of Palm Beach District shall constitute a body politic and a body corporate and is deemed to be a political subdivision of the state within the meaning of sovereign immunity from taxation.

Section 2. Powers.—Said governing body shall have all powers of a body corporate, including, but not limited to, the power to sue and be sued as a corporation in said name in any court; to make contracts; to adopt and use a common seal and alter the same at its pleasure; to buy, hold, lease, sell, exchange, and convey such real estate and personal property as the board may deem proper to carry out the purposes of this charter; to appoint and employ a chief engineer, a consulting engineer, an attorney or attorneys, an accountant or accountants, a traffic consultant or traffic consultants, and any and all such other consultants, agents, and employees as the board may deem necessary; and to borrow money and to issue negotiable promissory

notes, bonds, revenue certificates, or other evidence of indebtedness therefor, in order to enable said governing body to carry out this charter.

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

ARTICLE V. ELECTION OF BOARD OF COMMISSIONERS.—

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

Section 2. Requirements of commissioners.—All members of the Board of Commissioners of the Port of Palm Beach District shall be duly qualified electors of Palm Beach County and citizens of the United States of America; all of whom must reside within the limits of the Port of Palm Beach District. A change of legal residence of any commissioner beyond the limits of the Port of Palm Beach District shall create a vacancy in such office.

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

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

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

Section 6. Bond of commissioners.—Within 30 days after assuming the duties of the office of Commissioner of the Port of Palm Beach District, each commissioner shall execute and deliver to the Port of Palm Beach District a good and sufficient bond, executed by himself or herself as principal and a surety company licensed to do business in the state as surety, in the principal sum of \$25,000 conditioned upon his or her faithful performance as such Commissioner of the Port of Palm Beach District of the duties thereof. Each bond so given shall be approved by and filed with the board. The failure of any person who is elected or who is appointed as commissioner to give such

bond within 30 days after he or she has assumed such office shall create a vacancy in such office.

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

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

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

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

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

Section 4. Secretary-treasurer bond.—The secretary-treasurer of the Port of Palm Beach District shall execute and deliver to said district a good and sufficient bond, executed by himself or herself as principal with a surety company licensed to do business in the State of Florida as surety, in the principal sum of \$25,000, conditioned upon his or her faithful performance as secretary-treasurer of the Port of Palm Beach District and his or her duties thereof, with said bond to be in addition to the bond given by each of the commissioners as provided in section 6 of Article V. Said bond shall be approved by and filed with the board, and if the secretary-treasurer should fail to give such bond within 30 days after he or she has assumed the office of secretary-treasurer, said misfeasance shall create a vacancy in such office and a vacancy on the board.

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

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

Section 1. “And” shall also mean “or” and the word “or” shall also mean “and,” whenever the context shall so require.

Section 2. “Board of commissioners,” “board,” or “commissioners” means the Board of Commissioners of the Port of Palm Beach District.

Section 3.(1) “Cost,” as applied to improvements, means the cost of constructing or acquiring improvements as defined or referred to in the definition of “project” and shall embrace the cost of all labor and materials; the cost of all machinery and equipment; financing charges, including capitalized interest; and the cost of engineering, legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(2) “Cost,” as applied to a project acquired, constructed, extended, or enlarged, shall include 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, including capitalized interest; cost of investigations, audits, and engineering and legal services; and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense or expenses, and all such other necessary expenses as may be necessary or incident to the financing herein authorized and to the acquisition and construction of a project and the placing of the same in operation. Any obligation or expense lawfully incurred by the district or the board before the issuance of revenue bonds under this charter, including, but not limited to, engineering studies, estimates of cost and of revenues, and such other technical, financial, or legal services in connection with the acquisition, construction, or feasibility of any project, may be regarded as a part of the cost of such project.

Section 4. “Federal agency” means and includes the United States of America and any department, agency, or instrumentality thereof, heretofore or hereafter created, designated, or established by the United States of America.

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

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

Section 7. “Outstanding obligations” means any outstanding revenue bonds or certificates or general obligation bonds of said district.

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

Section 9. “Port facilities” means all structures, terminals, warehouses, docks, approaches, berths, slips, roadways, parkways, quay walls, jetties, lifts, turning basins, machinery, fixtures, equipment, and all property whatsoever, real or personal, tangible or intangible, now or hereafter acquired or constructed by said district pursuant to law, or any facilities of any nature hereafter or at any time acquired or constructed pursuant to law by said district.

Section 10. “Port improvements” means additions, extensions, or improvements to the existing port facilities of the district of every type and kind now or hereafter authorized by law, or the acquisition or construction of any new port facilities of any type or kind now or hereafter authorized by law.

Section 11. “Port manager” means the person managing the operation of the port marine facilities as designated by the board.

Section 12. “Project” means one or any combination of two or more of the following: harbor, port, shipping, and oceanographic 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, public landings, warehouses, terminals, refrigerating and cold storage plants, railroads and motor terminals for passengers or freight, rolling stock, car ferries, boats, and conveyors and appliances of all kinds for the handling of storage, inspection, and transportation of freight and the handling of passenger traffic, administration buildings, service buildings, tunnels, other than subaqueous highway tunnels, and may include all property (real and personal), structures, facilities, rights, easements, the franchises relating to any such project deemed necessary or convenient for the acquisition, construction, purchase, or operation thereof, and any other project or facility defined or authorized pursuant to chapter 315, Florida Statutes, or other general law.

Section 13. “Resolution” and “motion” shall be interchangeable, and wherever an action is required by resolution, the same may be made by motion, and if required by motion, the same may be made by resolution.

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

Section 15. “Terminal facilities” means all property owned or leased by the Port of Palm Beach District and is not restricted to the terminal facilities that are waterfront facilities.

ARTICLE VIII. GRANT OF POWERS TO BOARD OF COMMISSIONERS.—

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

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

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

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

(4) To lay out, construct, condemn, purchase, own, acquire, add to, maintain, conduct, operate, build, equip, manage, replace, enlarge, improve, regulate, control, repair, and establish jetties, piers, quays, wharves, docks, warehouses, storehouses, breakwaters, bulkheads, public landings, slips, seawalls, turning basins, harbors, ports, waterways, channels, moles, terminal facilities, canals, elevators, grain bins, cold storage plants, terminal icing plants, refrigerating plants, precooling plants, bunkers or oil tanks, pipelines, ferries, locks, tidal basins, tramways, cableways, railroads, anchorage areas, depots, conveyors, modern appliances for economic handling, storage, and transportation of freight and handling of passenger traffic, and all other harbor improvements and facilities that the board may determine to be necessary for the district, any project, or the operation of the port facilities, or in connection with the operation or improvement of the district; to perform all customary services, including the handling, weighing, measuring, regulating, controlling, inspecting, and

reconditioning of all commodities and cargo received or shipped through the facilities within the district under the jurisdiction of the district.

(5) To exercise complete and exclusive control over the port and harbor facilities within the district and to apply to the proper public authorities of the United States of America for the right to establish, operate, and maintain foreign trade zones within or outside of the boundaries of the district and to operate and maintain such foreign trade zones; provided, however, that such foreign trade zones shall comply with federal laws and regulations applicable to foreign trade zones and such trade zones shall be subject to all local government codes, ordinances, and other laws.

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

(7) To fix and determine uniform rates of wharfage, dockage, warehousing, storage, port, and terminal charges upon all improvements and harbor facilities located within the terminal facilities owned or leased by the district and to fix and determine the rates, tolls, and other charges for the use of harbor improvements and harbor facilities located within the district insofar as it may be permissible for the district to do so under the State Constitution, federal law, and the United States Constitution.

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

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

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

(11) To provide, by resolution adopted by a majority of the five members of the board, for the borrowing of money and to issue notes for any purpose or purposes for which bonds may be issued under this charter and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of any bonds; to secure an advance of credit for any such purpose or purposes under a credit agreement or other agreement with any bank or trust company or any person, firm, or corporation within or without the state; and to secure any such borrowing, notes, or agreement by pledge of all or any part of the available income or revenues to be received by the district under this charter or by an agreement to exercise any of the powers conferred by this charter.

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

(13) To construct, purchase, sell, lease, maintain, operate, equip, replace, enlarge, repair, condemn, own and otherwise acquire, regulate, and control a single or multiple track line or lines of railway, and also yards, terminals, stations, warehouses, team and other tracks, switches, turnouts and all buildings and appurtenances deemed necessary and appropriate in connection therewith for the receipt, transportation, housing, and delivery of passengers, freight, mail, and express, to extend or connect with the lines and facilities of any common carrier; to enter into such contract, lease, or franchise with the Florida East Coast Railway and its respective successors and assigns and any other common carrier whatsoever as the board shall by resolution determine to be necessary for the development and promotion of the shipping and transportation facilities within the district, and the development and promotion of the harbor, terminal facilities, and port facilities within the district; to acquire by grant, purchase, gift, devise, condemnation, exchange, or in any other manner, all land, easements, and rights-of-way by resolution deemed to be necessary by the district for such purpose; to execute whatever documents and make such arrangements as may be necessary in the opinion of the Interstate Commerce Commission of the United States of America, so as to avoid submitting the entire port district to the jurisdiction of said Interstate Commerce Commission; and to perform and comply with all the rules and regulations promulgated by the Interstate Commerce Commission or any other state or federal agency, covering the operation, maintenance, development, and ownership of the transportation facilities used in connection with the harbor and port facilities within the district.

(14) To provide for the operation, maintenance, and regulation of railroad transportation facilities within the district as a separate department of the district, with the right to maintain separate records and accounting procedures for such department. The board of commissioners may by resolution authorize the creation of a separate department that shall have the authority, under the district, to operate railroad transportation facilities within the district that are owned or leased by the district.

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

(16) To guide, stimulate, and promote the coordinated, efficient, and beneficial development of facilities under the jurisdiction of the district in accordance with present and future needs and requirements of the prosperity and welfare of the people served by the facilities of the district, the board shall have the power and authority to promote and encourage the development of business, agriculture, industry, commerce, and employment within the district; to establish, directly or indirectly, oceanographic facilities of all kinds, including, but not limited to, the encouragement of oceanographic research, development, commerce, and the encouragement of all businesses related to oceanographic purposes; to conduct a campaign of information, advertising, and publicity relating to the facilities under the jurisdiction of the district and to disseminate any and all such information; to encourage and cooperate (including the granting of port funds) with public and private organizations or groups in their efforts to publicize facilities under the jurisdiction of the district; to plan and carry out programs designed to enlarge and improve trade within the state, with other states, and with foreign countries through the use and facilities under the jurisdiction of the district; and to advise, assist, and cooperate (including the granting of funds) with municipal, county, regional, and governmental planning and development agencies in preparing and putting into effect plans and programs for economic development of areas which will benefit through or by the development of the facilities under the jurisdiction of the district, or will encourage the development of the district and its facilities.

(17) To appoint a harbormaster and all persons necessary to properly transact the shipping business in the Port of Palm Beach terminals and to fix their powers and duties and compensation. All such appointees shall serve at the pleasure of the Palm Beach District Board of Commissioners; provided, however, that in any event, their term of office shall terminate with the term of office of the board so appointing them. In the event of a conflict between this charter and chapter 313, Florida Statutes, the provisions of this charter shall control to the extent of such conflict.

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

(1) Pensions, insurance coverage, and state retirement.—To provide for life, hospitalization, medical, and surgical insurance, including disability insurance, for its employees, agents, and officers and their immediate

dependents, on a group insurance plan or plans approved by the board; to pay all or such portions of the premium or premiums thereon as the board, by resolution, may determine; and to assist each and every employee, agent, and officer to come under the State of Florida Retirement System as provided by general law. The Commissioners of the Port of Palm Beach District may participate in any insurance plan on the same basis as any employee.

(2) Tax anticipation loans.—To borrow money from time to time and to issue notes in anticipation of the taxes levied in any year, not in excess of the amount of the tax levied in such year by the board, and to evidence the loan or loans incurred in anticipation of the collection of taxes, the board is hereby authorized to issue negotiable tax anticipation notes, as said board may determine, said note or notes to mature no later than 1 year after the date thereof and to bear interest at a rate not exceeding the legal limit as set by the state.

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

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

(5) Construction of islands.—To construct, or cause or permit to be constructed, any island or islands in any waters within the district by the pumping of sand or earth from any land above or under water or by any other means of construction as a part of or for the purpose of providing any port project or facility herein, including, but not limited to, the creation of any recreational area to be maintained or supervised by the district or to be turned over to any governing body, public or private, as a public recreational area.

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

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

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

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

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

(11) Contracts for projects or facilities.—To contract for the purchase by the district of any port facilities or a port project, to be constructed, enlarged, extended, or improved by any public body, agency, or instrumentality, or by any private person, firm, or corporation, and to provide for payment of the purchase price thereof in such manner as may be deemed by the governing body to be in the best interests of the district, including, but not limited to, the sale or exchange of any property of the district thereof or the issuance of bonds or other obligations of the district.

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

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

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

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

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

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

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

(19) Contracts in general.—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 the duties of the board and of the district, and of the exercise of its powers, as provided in this charter.

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

(21) Rates and charges.—To fix the rates of wharfage, dockage, warehousing, storage, and port and terminal charges for the use of the port, port terminal, and harbor facilities located within said district, and to fix and determine the rates, tolls, and other charges for the use of harbor facilities within said district, over which the district has established jurisdiction

insofar as it may do so under this charter, the State Constitution, federal law, and the United States Constitution.

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

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

(24) Publicize, advertise, and promote.—To publicize, advertise, and promote the activities and objectives authorized by this charter, and to promote the projects of said district, in the manner set forth by resolution of the board; 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 charter; to further create a favorable climate of opinion concerning the activities and projects authorized and indicated by this charter; to cooperate, including the grant or expenditure of funds, to and with other agencies, both public and private, in accomplishing the purposes enumerated and indicated by this charter; and in furtherance thereof, to authorize reasonable expenditures by supporting voucher to be filed for audit for the purposes herein enumerated, including, but not limited to, meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will towards the activities and projects herein authorized.

(25) Other approval unnecessary.—Except as provided in this charter, the approval or consent of any other political subdivision or public body, agency, or instrumentality of the State of Florida, except the Board of Trustees of the Internal Improvement Trust Fund, shall not be required for the approval, grant, or exercise of any of the powers, both general and special, granted by this charter. The State of Florida hereby consents to the exercise of any and all powers granted by this charter without further authorization or approval thereof by any of its agencies or instrumentalities, except as may be required from the Board of Trustees of the Internal Improvement Trust Fund as to the use of any state lands lying under water and which are necessary for the accomplishment of the purposes of this charter.

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

ARTICLE IX. GENERAL OBLIGATION BONDS.—

Section 1. Authorization to issue.—The Port of Palm Beach District, by and through its board of commissioners, shall have the power, and is hereby authorized, to issue general obligation bonds to finance the cost or part of the cost of the construction, acquisition, reconstruction, extension, repair, or improvement of any works, projects, properties, improvements, or other purposes, except for the payment of current expenses, which the district is authorized by this charter or any other law to construct, acquire, or undertake.

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

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

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

Section 5. Advertisement.—In the event an election of the qualified electors is to be held, the Board of Commissioners of the Port of Palm Beach District shall by resolution order such election to be held in the district and shall give 30 days' notice of said election by publication in a newspaper or newspapers published in general circulation in said port district once a week for 4 consecutive weeks during such period, and no other advertisement shall be required; however, the board may, at its option, provide for additional advertisements of said election.

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

Section 7. Form and content of bonds.—All bonds issued under the provisions of this act shall bear interest as provided hereinabove, payable annually or semiannually, and both principal and interest shall be payable at such place or places as the board may determine. The form of such bonds shall be fixed by resolution of the board and said bonds shall be signed by the manual or facsimile signature of the chairperson or vice-chairperson or any

other authorized member of the board, its corporate seal to be affixed thereto, or reproduced or imprinted thereon, attested by the manual or facsimile signature of the secretary-treasurer of the said district. The delivery at any subsequent date of any bond so executed shall be valid, although before the date of delivery the person or persons signing the bond shall cease to hold office.

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

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

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

Section 11. Refunding bonds.—The board shall have the power to provide by resolution for the issuance of refunding bonds to refund the principal and interest of an existing bond indebtedness, for the payment of which the credit of the Port of Palm Beach District is pledged, and such bonds may be issued at or before maturity of the bonds to be refunded. It is determined and declared as a matter of legislative intent that no election to authorize the issuance of refunding bonds shall be necessary except in cases where an election may be required by the State Constitution. In all cases where it is not necessary under the State Constitution to hold an election on the issuance of such refunding bonds, such resolution shall take effect immediately upon the adoption thereof. No other proceedings or procedures of any character whatsoever shall be required for the issuance of such bonds by the district.

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

obligation refunding bonds, shall at all times be, and shall be treated as, negotiable instruments for all purposes.

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

Section 14. Expense to be included in cost.—The cost of any works, projects, properties, improvements, or other purposes financed by the issuance of general obligation bonds under this article may include, construction costs, engineering, fiscal, or financial and legal expenses, surveys, plans, and specifications, interest during construction or acquisition and for 1 year thereafter, initial reserve funds, discount, if any, on the sale or exchange of bonds, acquisition of real or personal property, and such other costs as are necessary and incidental to the construction or acquisition of such works, projects, properties, improvements, or other purposes and financing thereof. The district shall have the power to retain and enter into agreements with engineers, fiscal agents, financial advisors, attorneys, architects, or other consultants or advisors for the planning, supervision, and financing of such works, projects, properties, improvements, or other purposes upon which terms and conditions as shall be deemed advisable to the board.

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

ARTICLE X. REVENUE BONDS OR CERTIFICATES.—

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

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

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

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

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

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

Section 5. Approval, interest, and term.—Such revenue bonds or such refunding bonds as the case may be, may be authorized to be issued under this charter to provide funds for the purpose or purposes prescribed in this article, by resolution or resolutions of the board, and shall take effect immediately upon adoption. Said revenue bonds shall bear interest at such rate or rates, not exceeding the legal limit set forth under general law, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may be payable in such medium of payment, at such place or places within or without the state, may be subject to such terms or

redemption, with or without premium, may be executed in such a manner and may contain such terms, covenants, or conditions, as such resolutions or subsequent resolutions may provide. Said revenue bonds may be sold, all at one time, or in blocks from time to time, at public or private sale, or if issued to refund outstanding obligations to be refunded thereby, in such manner as the governing body shall determine by resolution, and at such price or prices as determined by the governing body. Pending the preparation of the definitive revenue bonds, interim certificates, or receipts or temporary revenue bonds in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of revenue bonds issued pursuant to this charter. Said revenue bonds, and such interim certificates or receipts or temporary revenue bonds, shall be and constitute negotiable instruments within the meaning of and for all purposes of the law merchant and the Uniform Commercial Code-Investment Securities Law of the State of Florida. Revenue bonds issued pursuant to this charter may also be delivered to the contractor or contractors constructing any port improvements in the district to be financed by the issuance of such revenue bonds, in payment for such construction.

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

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

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

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

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

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

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

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

(8) Budgets for the annual operation, maintenance, and repair of such port facilities, restrictions, and limitations upon expenditures for such purposes and the manner of adoption, modification, repeal, or amendment thereof.

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

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

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

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

Section 7. Validity of revenue bonds.—Any revenue bonds issued pursuant to this act bearing the signatures of any officer or officers in office on the date of the signing thereof shall be valid and legally binding obligations, notwithstanding that before the delivery thereof and payment therefore any or all of the persons whose signatures appear thereon, shall have ceased to be officers of the district. The validity of said revenue bonds shall not be dependent on, nor affected by, the validity or regularity of any proceedings relating to the construction or acquisition of such port improvements for which said revenue bonds are issued, or the validity or regularity of any proceedings relating to the establishment and collection of

fees, rates, rentals, or other charges for the use of the port facilities of said district.

Section 8. Lien of revenue bonds.—All revenue bonds issued pursuant to this charter shall have a lien upon the revenues derived from said port facilities to the extent and in the manner provided in the resolution authorizing the issuance of such revenue bonds, which lien shall be prior and paramount to any other lien or obligation of any nature against said revenues subsequently arising or subsequently incurred, except as may be provided in the resolution or resolutions authorizing such revenue bonds. The rank and priority of different issues of revenue bonds issued pursuant to this charter shall be provided in the resolution or resolutions authorizing such revenue bonds; however, nothing herein shall be construed to impair in any manner any of the rights of the holders of any outstanding obligations heretofore issued by the district and not outstanding, and the rights of the holders of revenue bonds pursuant to this charter shall be subject to any of the valid and legal rights of the holders of such outstanding obligations.

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

Section 10. Default provisions.—The resolution authorizing the issuance of such revenue bonds may provide that in the event of a default in the payment of the principal of or interest on the revenue bonds issued pursuant to this charter, or in the performance by the district of any duties imposed upon the district by this charter, or by any covenants or agreements theretofore entered into between the district and the holders of such revenue bonds, any holder or holders of such revenue bonds (unless the resolution authorizing the issuance of such revenue bonds shall limit the right of the appointment of a receiver to a specified number of the percentage of bondholders), acting for himself or herself or themselves alone or also acting for all other holders of such revenue bonds, shall be entitled as of right to the appointment of a receiver of the port facilities, including all parts thereof heretofore or hereafter constructed or acquired, by any court of competent jurisdiction of the state. Jurisdiction shall be that prescribed by general law in any action or proceeding for the appointment of such receiver and such receiver is authorized and empowered in the event of such default or defaults to take over, operate, manage, and control such port facilities and to collect the revenues derived from the use of such port facilities to the same extent

and in the same manner as the district is authorized to do. Such receiver shall so operate, manage, and control such port facilities only under the supervision and direction of the appropriate circuit court and such operation, management, and control shall be in the name of the district. Notwithstanding any provision of any other law to the contrary, such port facilities shall be deemed to be in the district's control and management through such court and its duly appointed receiver for the joint protection of the district and such bondholders.

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

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

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

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

Section 15. Covenants of district.—The board covenants and agrees with any holder or holders of said revenue certificates or revenue bonds, that the governing body of said district will cause, to the best of its judgment, the facilities of the district to be made known to all potential shippers and users

of said district, by the active promotion or advertising of the facilities of the district, so as to attempt to increase the potential revenues to be derived by the district.

Section 16. Waiver of limitations in any other law.—Any and all port improvements authorized herein may be constructed, acquired, or improved and revenue bonds or certificates issued pursuant to this charter without regard to, or necessity for, compliance with the limitations or restrictions contained in any other law, general, special, or local.

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

Section 18. Expenses to be included in cost.—The cost of any works, projects, properties, improvements, or other purposes financed by the issuance of either revenue certificates or refunding revenue certificates under this article shall include, but is not limited to, construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during construction or acquisition and, for 1 year thereafter, initial reserve funds, discount, if any, on the sale or exchange of certificates, acquisition of real or personal property and such other costs as are necessary and incidental to the construction or acquisition of such works, projects, properties, improvements, or other purposes and the financing thereof. The district shall have the power to retain and enter into agreements with engineers, fiscal agents, financial advisors, attorneys, architects, or other consultants or advisors for the planning, supervision, and financing of such works, projects, properties, improvements, or other purposes upon such terms and conditions as shall be deemed advisable to the board.

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

ARTICLE XI. AD VALOREM TAXES.—

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

Section 2. Authorization to levy ad valorem tax.—The board of commissioners is authorized to levy an ad valorem tax not exceeding 2 mills on the dollar of the assessed valuation of taxable property in the district or \$200,000 dollars, whichever is smaller, in each year to pay the costs of operation, maintenance, and other purposes of the district authorized and prescribed by this charter. Said levy shall be made each year not later than July 1 of each year by resolution of said board of a majority thereof duly entered at large upon its minutes. Certified copies of such resolution executed in the name of said board by its chairperson and secretary-treasurer under its corporate seal shall be made and delivered to the Board of County Commissioners of Palm Beach County, and to the Chief Financial Officer of the state, not later than July 15 of each and every year thereafter. It shall be the duty of the Commissioners of Palm Beach County to order the assessor of said county to assess and the collector of said county to collect the amount of taxes so assessed by the board upon all the taxable real and personal property in the district at the rate of taxation adopted by the said board for the said year and included in said resolution, and said levy shall be included in the warrant of the tax assessor and attached to the assessment roll of taxes for said county each year. The tax collector shall collect such taxes so levied by said board in the same manner as other taxes are collected, except as otherwise provided in this charter, and shall pay the same to the secretary-treasurer of said board on or before the 1st and 15th of each month. The said tax assessor and the said tax collector shall be paid for such services by the board as shall be prescribed by the laws of the state. It shall be the duty of said Chief Financial Officer to assess and levy upon all the railroad lines, railroad property, telegraph lines, and telegraphs situated in said district the amount of each such levy as in case of other state and county taxes and collect said taxes thereon in the same manner as is required by law to assess and collect taxes for state and county purposes, and to remit the same to the secretary-treasurer of said board. All such taxes shall be held by said secretary-treasurer for the credit of said board and paid out by him or her as provided herein.

ARTICLE XII. EMPLOYMENT OF PORT MANAGER, EMPLOYEES, AND CONSULTANTS.—

Section 1. Port manager and employees.—The board of commissioners shall have the authority to employ a port manager and to prescribe his or her duties and compensation; however, the manager of the Port of Palm Beach District shall not be a commissioner of the Port of Palm Beach District. The board of commissioners may employ or may authorize the manager to employ agents, clerks, and servants to administer any project under the rules, regulations, directions, and supervision of the port manager or the board and may exact of said manager, agent, clerk, or servant a good and sufficient bond with proper surety thereon to secure the faithful performance of his or her or their duties in an amount and in the form determined by the board.

Section 2. Consultants.—The board shall have full power to employ such consultants and professional persons as said board shall deem fit and

necessary and to prescribe the compensation to be paid to said consultants or professional persons. Any such contracts shall be reduced to writing and shall be signed by the consultant or professional person and by the board, with an executed copy to be filed by the secretary-treasurer of the board.

ARTICLE XIII. PUBLICIZING OF PORT FACILITIES.—

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

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

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

ARTICLE XV. AUDIT.—At least once each year, the board of commissioners shall employ a certified public accountant for the purpose of auditing the books of said Port of Palm Beach District and pay him or her a reasonable compensation therefore. Such audit shall be made public by publication in the community. An audit by the state auditor should also be performed at least once every 2 years. At least once each year, the board shall name a committee of three representative businesspersons of said district for the purpose of auditing the books of said board. Such committee shall have the power to audit or to employ a competent accountant or auditor to audit the books, accounts, and records of said board of commissioners and of the secretary-treasurer thereof. No person acting on such committee within the last preceding 12 months shall be appointed to such committee. The compensation of such committee shall not exceed that of the commissioners under this charter. Such compensation of the committee shall, together with a reasonable compensation for a competent auditor or accountant, be paid by the board of commissioners as other bills are paid by said board.

ARTICLE XVI. INVESTMENT OF PORT FUNDS.—The board is hereby authorized and empowered to invest the moneys belonging to the Port of Palm Beach District in direct obligations of the United States of America, certificates of deposits of state and national banks, general obligations of states, general obligations of counties, municipalities, or other public purpose districts of the state, bonds and securities not subject to limitation, obligations of agencies created by act of the United States Congress and authorized thereby to issue securities or evidences of indebtedness, regardless of guaranty of repayment by the United States Government, public housing authority obligations and in direct ownership or in leasehold improvements of land and buildings used by the Port of Palm Beach District in the transaction of its business, for such periods of time as the board shall deem to be in the best interests of the district and in keeping with good business practices. The board is hereby authorized and empowered when necessary to protect the interest of said board and said funds of the district, to sell and dispose of any of the securities and authorized investments in which said funds may be invested, and reinvest the proceeds thereof from time to time in conformity with this charter as said board shall deem expedient. The secretary-treasurer of the board shall act as the custodian of all funds belonging to said board and to said district.

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

ARTICLE XVIII. DEPOSITORIES.—The board of commissioners shall be empowered and authorized to select as depositories, in which the funds of said board and said district shall be deposited, any bank or trust company authorized under the laws of the United States or under the laws of the state, upon such terms and conditions as said board may deem just and reasonable, and upon such terms as to security as the board shall deem proper.

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

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

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

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

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

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

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

Approved by the Governor June 6, 2017.

Filed in Office Secretary of State June 6, 2017.