

CHAPTER 2024-283

Committee Substitute for House Bill No. 755

An act relating to the Canaveral Port District, Brevard County; amending chapter 2014-241, Laws of Florida; revising provisions relating to the publication of legal notices; correcting references to certain courts; revising a provision limiting the location of a foreign trade zone; clarifying authority to engage or employ attorneys; revising notice and approval requirements for certain leases; deleting obsolete provisions for commissioner terms; revising a provision relating to the payment of a filing fee; providing for the use of electronic recordkeeping; providing for an increase in the amount of levied tax permitted to be used for payment of principal and interest on revenue certificates and bonds; revising provisions relating to advertisement for competitive solicitations by the port authority; revising provisions relating to contracts and competitive bids; revising circumstances under which specified competitive bid requirements do not apply; conforming provisions to changes made by the act; requiring the port authority to take reasonable measures to support the Commercial Space Launch Industry and to submit an annual report; providing a definition; requiring the port authority to hold public hearings to discuss the state of the Commercial Space Launch Industry interests; providing requirements for such hearings and notices; providing construction; providing an effective date.

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

Section 1. Articles XXI and XXII of section 3 of chapter 2014-241, Laws of Florida, are renumbered as Articles XXII and XXIII, respectively, section 2 of Article II, Article III, sections 3, 9, 16, and 25 of Article IV, sections 1, 2, and 7 of Article V, section 4 of Article VI, section 1 of Article VIII, sections 1, 2, and 3 of Article XVII, sections 2 and 3 of Article XIX, and Article XX of section 3 of that chapter are amended, and a new Article XXI is added to that section, to read:

ARTICLE II DEFINITIONS

Section 2. The term “Public Notice” means notice that is published in the following methods:

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

~~(a)(b)~~ On the Port Authority website for 2 consecutive weeks; and

~~(b)(e)~~ In a manner no less than may be required by Florida law.

Additional requirements for Public Notice may be provided for herein.

ARTICLE III

GOVERNING AUTHORITY

The governing authority of the Port District shall be known as the Canaveral Port Authority. Said Canaveral Port Authority is a body politic and body corporate and is deemed a political subdivision of the state within the meaning of sovereign immunity from taxation; it shall have perpetual existence; it may adopt and use a common seal and alter the same; it may contract and be contracted with; it may sue in its corporate name in any of the courts in the several states and in the courts of the United States; and it may be sued only in the courts of the state and the courts of the United States for the Middle Southern District of the state (or in such other District Court of the United States to which Brevard County may hereafter be transferred), except as may be limited by s. 768.28, Florida Statutes, or any succeeding enactment.

ARTICLE IV

GENERAL GRANT OF POWERS

Section 3. The authority has the power to exercise control over Port Canaveral and any and all parts thereof; to apply to proper authorities of the United States government for the right to establish, operate, and maintain a foreign trade zone ~~within the limits of Brevard County~~ and to establish, operate, and maintain such foreign trade zone; to apply for and obtain permission from the United States government to create, improve, regulate, and control all waters and natural or artificial waterways within said Port Canaveral; to improve all navigable and nonnavigable waters situated within the Port District necessary or useful to the operation, improvement, and maintenance of Port Canaveral; to construct, improve, and maintain such inlets, slips, turning basins, and channels; to make and give to the United States government such guarantees upon such terms and conditions as may be required; and to enact, adopt, and establish rules and regulations for the complete exercise of jurisdiction and control over all of said lands and waters of Port Canaveral within the Port District.

Section 9. The Port Authority has the power to create and designate such offices, departments, and divisions, other than those herein specifically provided for, as the Port Authority may determine to be necessary and prescribe the duties and compensation of such officers and employees; and to engage or employ attorneys ~~an attorney~~ for the Port Authority and fix and determine the compensation and duties of said attorneys ~~attorney~~. The term of service office of said attorneys ~~attorney~~ and all appointees and employees shall be at the pleasure of the Port Authority.

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

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

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

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

~~2.3. A lease for a period of more than 30 50 years, but not exceeding 99 years, may be approved by a super majority vote of 75 percent of the full Port Authority Commission voting at two public meetings. Before considering such a lease, ~~in addition to providing public notice regarding the intent to enter into such a lease,~~ the Port Authority shall publish notice in a manner provided in chapter 50, Florida Statutes, no less than 60 days before the first public meeting at which the Port Authority will consider the lease and provide Public Notice of ~~advertise, in a newspaper of general circulation in Brevard County,~~ the Port Authority's intent to enter into such a lease no less than 60 days before the first public meeting at which the Port Authority will consider the lease. The notice requirement contained in this section shall run concurrently with the public notice requirements contained in Article II.~~

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

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

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

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

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

(b) The Port Authority may exchange lands or interests or rights in lands owned and acquired by the Port Authority after January 1, 1987, or lands or interests or rights in said lands for which title is otherwise vested in the Port Authority for other lands or interests or rights in lands within the state owned by any person. The Port Authority shall fix the terms and conditions of any such exchange and may pay or receive any sum of money that the Port Authority considers necessary to equalize the values of exchanged properties. Public Notice of the meeting at which said exchange is considered shall be provided before the adoption by the Port Authority of a resolution authorizing the exchange of properties. The Port Authority shall also publish notice in a manner provided in chapter 50, Florida Statutes, of advertise, in a newspaper of general circulation in Brevard County, the Port Authority's intent to exchange such land or interest or rights in lands no less than 60 days before the public meeting at which the Port Authority will consider the exchange. ~~This 60-day notice requirement shall run concurrently with the public notice requirements contained in Article II.~~

ARTICLE V

PORT COMMISSIONERS

Section 1. (a) The governing authority of the Port District is hereby created and shall be designated as the Port Authority and shall consist of five Port Commissioners, one Port Commissioner from each Commissioner Port District, who shall be a qualified elector and reside within the Commissioner Port District from which he or she is appointed or nominated and elected. All Port Commissioners shall be elected for 4-year terms, and said terms shall be arranged so that three Port Commissioners are elected at

one general election and two Port Commissioners elected at the next ensuing general election. For the general election in 2014, the term of office of each Port Commissioner shall commence on the Tuesday after the first Monday in January after his or her election. Commencing with the election in November 2016 and each general election thereafter, The term of office of each Port Commissioner shall commence on the first Port Authority meeting after his or her election at the general election and. The terms of office for those commissioners which would expire in January 2017 shall expire upon the commencement of their respective successor's term on the first Port Authority meeting after the general election in 2016 and each general election thereafter.

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

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

(b) Nomination of candidates shall be made by residency districts at the primary elections, by the various political parties, as general law provides for County Commissioners of Brevard County, at which primary elections the electors of the Port District at large who are qualified to vote in such primary elections shall be entitled to vote. The Board of County Commissioners shall not print the name of any person as a candidate on the ballots for general elections unless he or she shall have been so nominated.

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

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

Section 7. All meetings of the Port Authority shall be open to the public, shall be governed by chapters 286 and 189, Florida Statutes, and shall be held at a duly noticed location within the Port District. Records of all

business transacted by the Port Authority shall be kept and preserved in substantial minute books by the secretary as permanent records, and the minute books or excerpts therefrom, duly certified by the secretary under the seal of the Port Authority, shall be prima facie evidence in all courts of the proceedings of the Port Authority. Unless prohibited by law, such records may be maintained in an electronic format in lieu of physical books. The Port Authority shall have the power to prescribe by resolution rules for the conduct of its meetings not inconsistent herewith.

ARTICLE VI

ADDITIONAL POWERS

Section 4. Commencing in 2015, and every 3 years thereafter, the Port Authority shall review the Port District Land Use Plan. Before approving any amendment to the Land Use Plan, the Port Authority shall provide Public Notice ~~public notice~~ of the Port Authority meeting at which the amendment to the Land Use Plan will be considered. Any amendment to the Port District Land Use Plan shall only be considered at a duly noticed public hearing. Nothing herein shall restrict the Port Authority's ability to use Port Authority property in a manner as determined by the Port Authority to be in the Port Authority's best interest.

ARTICLE VIII

LEVY OF TAXES

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

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

(b) A tax for the purpose of paying the principal and interest on revenue certificates and revenue bonds outstanding, and for the proper sinking funds for the protection thereof, and not exceeding in the aggregate the sum of \$20 ~~\$7.5~~ million in principal, as the same severally mature in accordance with their tenure.

ARTICLE XVII

CONTRACTS; COMPETITION

Section 1. No contract shall be let by the Port Authority for any construction, improvement, repair, or building, nor shall any goods, supplies, or materials for Port District purposes or uses be purchased, when the amount to be paid by the Port Authority shall exceed \$100,000 unless competitive conditions have been maintained and competitive solicitations sought except as otherwise provided by general law or this charter. The Port Authority shall advertise a competitive solicitation at least 10 days, but not more than 90 days, before receiving bids in a manner provided in chapter 50, Florida Statutes, once a week for 3 consecutive weeks in a newspaper of general circulation in the Port District and Brevard County and for no less than 3 consecutive weeks on the Port Authority’s website. Following the receipt and evaluations of the proposals or bids, the Port Authority shall award the contract to the proposer or bidder who presents the most responsive, responsible proposal or bid at a cost most advantageous to the Port Authority, all factors considered. The Port Authority retains the authority to reject all proposals and bids. The Port Authority may also require the deposit of cash, certified check, or bid bond, not to exceed 10 percent of the bid or proposal, as evidence of good faith on the part of the proposers or bidders, such deposit to be returned when the bid or proposal is rejected or performance bond deposited or contract completed, or shall be retained to secure the payment of the penal sum in the event the proposer or bidder fails to enter into such contract and give such performance and payment bond or bonds. The Port Authority may provide for preferences in the evaluation process with respect to businesses or residents located within the Port District.

Section 2. In the event it is reasonably expected that the cost of a contract under section 1 shall be greater than ~~\$25,000~~ \$10,000 but less than \$100,000, the Chief Executive Officer or his or her designee shall do the following:

- (a) ~~Request Obtain~~ Request Obtain at least three written bid offers to perform such work or furnish such property from at least three independent persons or business entities responsible in the subject business endeavor under consideration.
- (b) Make a record of the offers.
- (c) After obtaining and recording such offers, award the contract to the most responsive, responsible, and qualified bidder of those solicited as provided in this article.

Section 3. ~~In lieu of~~ The competitive bid requirements set forth in sections 1 and 2 do not apply to:

(a) Purchases through a contract issued by a federal, state, or local government or a school board, or agencies thereof, if such contract has been competitively bid;

(b) Purchases made pursuant to the Consultants' Competitive Negotiation Act;

(c) Purchases made pursuant to s. 255.20, Florida Statutes, as may be amended from time to time;

(d) Purchases of equipment, supplies, materials, or services from a federal General Services Administration schedule or for a federal agency when required for Port operations;

(e) Purchases of equipment, supplies, materials, or services when competitive solicitation and award are excepted or exempted by law, including, but not limited to, those identified in chapters 255 and 287, Florida Statutes, as may be amended from time to time;

(f) Purchases of required equipment, supplies, materials, or services that are highly specialized or proprietary, or when no other authorized vendor can supply the required equipment, supplies, materials, or services;

(g) Emergency purchases necessary to mitigate a situation that threatens the safety of employees or passengers, the operation of the Port, or the loss of Port property;

(h) Certain mandatory, recurring, or day-to-day expenditures such as utilities, government fees, or purchases of equipment, supplies, materials, or services provided through interlocal governmental agreements;

(i) Purchases of government surplus material and equipment;

(j) Purchases of used equipment and material to be used for Port purposes, provided that two independent appraisals are obtained and considered;

(k) Purchases through the Port Authority's Owner-Direct Purchase Program when the construction contract or construction management contract has been awarded in accordance with this Article; and

(l) Situations in which the Port Authority has taken over by transfer or assignment any contract authorized to be assigned to it under this act, the Port Authority may use purchase agreements or contracts of any state agency, county, school board, or municipality, or of the Federal Government or its agencies, which agreements or contracts have been competitively bid for the purchase of goods, supplies, or materials for Port District purposes.

ARTICLE XIX

COMMERCIAL FISHING

Section 2. The Port Authority shall invite representatives of the commercial fish dealing industry to offer a presentation at a public hearing held at a regularly scheduled meeting, not less than once every 2 years, to discuss the state of the commercial fish dealing industry at Port Canaveral. The Port Authority shall provide Public Notice ~~public notice~~ before the annual public hearing to discuss the state of the commercial fish dealing industry at Port Canaveral. In addition, the Port Authority shall provide written notice via United States mail to existing commercial fish dealing lessees of the annual public hearing no later than 45 days before the public hearing. At such public hearing, members of the public will be permitted to discuss with the Port Authority the commercial fish dealing industry at Port Canaveral, ideas for improving the commercial fish dealing industry at Port Canaveral, or other issues related to the general state of the commercial fish dealing industry at Port Canaveral.

Section 3. Before the nonrenewal of a lease or the involuntary relocation of a lessee engaged in commercial fish dealing operations, the Port Authority shall provide Public Notice ~~public notice~~ of the item to be considered at a public hearing. At the public hearing, the lessee shall be entitled to present information with respect to remaining in the current location or to have its lease renewed, subject to the then prevailing terms, conditions, and rates pertaining to similar parcels of lands or leaseholds within the Port. The Port Authority may offer the commercial fish dealing lessee a reduced rental rate conditioned upon the lessee’s primary use of the premises for commercial fish dealing operations. Following the lessee’s presentation to the Port Authority, the Port Authority may, by a supermajority vote, elect to not renew the lease or to relocate the lessee if permitted pursuant to the terms of the lease. This section shall only apply to leases between the Port Authority and a lessee primarily engaged in commercial fish dealing operations.

ARTICLE XX

PUBLIC RECREATIONAL INTERESTS

(a) The Port Authority shall, in its discretion, use its best efforts to facilitate public recreational interests. The Port Authority shall hold an annual public hearing to discuss the state of recreational interests at Port Canaveral. The Port Authority shall provide Public Notice ~~public notice~~ before holding the public hearing on the state of recreational interests at Port Canaveral at a regularly scheduled Port Authority meeting.

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

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

ARTICLE XXI

COMMERCIAL SPACE LAUNCH INDUSTRY

Section 1. The Port Authority shall take reasonable measures to support the Commercial Space Launch Industry at Port Canaveral and shall submit by February 1 of each year, commencing February 1, 2025, an annual report to the chair of the Space Florida Board of Directors on such measures. The term “Commercial Space Launch Industry” means any company substantially engaged in the transport, operation, and recovery of space launch or landing services with active maritime operations at Port Canaveral.

Section 2. The Port Authority shall hold a public hearing at least once every 2 years to discuss the state of Commercial Space Launch Industry interests at Port Canaveral. The Port Authority shall invite representatives from the Commercial Space Launch Industry with active maritime assets or operations at Port Canaveral and Space Florida to attend the public hearing at least 45 days before the public hearing. The Port Authority shall provide Public Notice before holding the public hearing at a regularly scheduled Port Authority meeting. In addition, the Port Authority shall provide written notice of the hearing via United States mail to the chair of the Space Florida Board of Directors at least 45 days before the public hearing.

Section 3. At the public hearing, representatives from the Commercial Space Launch Industry and Space Florida and members of the public will be permitted to discuss any issues, concerns, or proposals related to the growth of the Commercial Space Launch Industry at Port Canaveral.

Section 2. This act shall be liberally construed to effectuate the purposes set forth herein.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 14, 2024.

Filed in Office Secretary of State June 14, 2024.