

Seminole County Port Authority

Section 1. Seminole County Port Authority.—There is hereby created and established a body politic and corporate to be known as the Seminole County Port Authority (hereinafter referred to as the “Authority”). The facility to be operated by the Authority shall be known as the Port of Sanford, and which is hereby authorized to exercise the jurisdiction, powers and duties herein granted.

(a) The governing body of the Authority shall consist of nine members, eight of whom shall be appointed by the Board of County Commissioners of Seminole County. Such appointees shall be residents of Seminole County who are qualified electors, none of whom shall be an elected public official. One member shall be selected annually by the Board of County Commissioners of Seminole County from the Board of County Commissioners to serve as the ninth member whose term shall expire on the first Tuesday after the first Monday in January of the year next succeeding his appointment. The remaining eight shall be appointed to serve a term of four years. Each appointed member shall hold office until his successor has been appointed and has qualified. A vacancy occurring during the term of an appointed member shall be filled only for the balance of the unexpired term.

(b) The Authority shall elect one of its members as chairman of the Authority and a second member as vice-chairman of the Authority. The Authority shall also elect a secretary and a treasurer to perform such duties as the Authority may direct.

(c) Five members of the Authority shall constitute a quorum, and at least five members must approve any action to be taken by the Authority. Resolutions adopted by the vote of at least five members of the Authority shall become effective without further action by the Authority. Each member of the Authority shall have one vote. The yeas and nays shall be called and entered upon the minutes of each meeting upon the passage of each resolution or other action of the Authority.

(d) All warrants drawn for the disbursement of funds of the Authority shall be signed by ~~the~~ its chairman and the treasurer or such persons as set forth in the Purchasing Policy adopted by the Authority in accordance with Florida Statutes, as amended from time to time. Bonds or additional bonds of the chairman, the treasurer, and any person employed by the Authority as hereinafter provided who handle or are responsible for public funds of the Authority, shall be provided by the Authority in amounts approved by the Board of County Commissioners of Seminole County.

(e) The Authority shall hold a regular meeting each month on a date and at a time in Seminole County fixed by resolution of the Authority properly recorded in its minutes. The Authority may change its regular meeting date only after appropriate public notice. Special meetings may be called upon the call of its chairman or any three members of the Authority. Such special meetings shall be held in Seminole County and whenever possible appropriate public notice thereof shall be given. All meetings of the Authority shall be open to the public.

(f) The members of the Authority shall receive no compensation but shall receive reimbursement for per diem and travel expenses incurred in connection with their official duties as provided in section 112.061, Florida Statutes. Reimbursement of said per diem and expenses to members of the Authority shall be made only pursuant to approval of the Authority and proper travel expense vouchers.

(g) The Authority shall employ and fix the compensation of a managing director who shall manage the affairs of the Authority under the supervision and control of the Authority. The Authority may employ such engineers, attorneys, certified public accountants, consultants and employees as said Authority may require, and fix and pay their compensation.

(h) The Authority may do any and all things necessary to accomplish the purposes of this act.

(i) The fiscal year of the Authority shall end on September 30th of each year.

History.—s. 1, ch. 65-2270; s. 1, ch. 76-487; s. 1, ch. 88-447.

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

(a) The term “Authority” shall mean the body politic created by this act.

(b) The term “county” shall mean the county of Seminole.

(c) The term “city” shall mean any incorporated municipality.

(d) The term “state” shall mean the state of Florida and any department of, or corporation, agency or instrumentality thereof.

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

(f) The word “projects” shall embrace any one or any combination of two or more of the following, to-wit: harbor, port, shipping 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 and freight, rolling stock, car ferries, boats, conveyors and appliances of all kinds for the handling, storage, inspection and transportation and service buildings, roads, toll highways, tunnels, causeways, and bridges connected therewith or incident or auxiliary thereto, and may include all property, structures, facilities, rights, easements and franchises relating to any such project and deemed necessary or convenient for the acquisition, construction, purchase or operation thereof. The word “projects” shall also embrace capital projects for port facilities and industrial or manufacturing plants as contemplated by Section 10(c) of Article VII of the State Constitution and projects as defined and authorized under part II of chapter 159, Florida Statutes; provided, however, that such industrial or manufacturing plants shall be located only on property owned by the Authority on the effective date of this act.

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

(h) The term “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 enlargements, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction and, if deemed advisable, for one year after completion of construction, cost of investigations, and audits and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any obligation or expense incurred by the Authority prior to the issuance of revenue bonds under the provision of this act for engineering studies and for estimates of cost and of revenues and for other technical, financial or legal services in connection with the acquisition or construction of any project may be regarded as a part of the cost of such project.

History.—s. 2, ch. 65-2270; s. 1, ch. 75-504.

Section 3. Powers.—The Authority shall have the specific powers, in addition to other powers otherwise conferred:

(a) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair and operate or purchase any project as hereinafter defined;

(b) Subject to the jurisdiction of the United States of America and the state of Florida, to construct, establish and improve harbors, to improve navigable waters and to construct and maintain canals, slips, turning basins and channels, all upon such terms and conditions as may be required by the United States of America and the state of Florida;

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

(d) To borrow money for any authorized purpose, evidencing such obligation by promissory notes, mortgages upon all or any part of its assets, revenue certificates, certificates of indebtedness or other appropriate financing documents. Any obligation of the Authority which pledges any of the fixed assets of the Authority as security for such obligation or which pledges the full faith and credit of the Authority shall bear an interest rate not to exceed the lawful rate as is from time to time established by law. Any obligation of the Authority which does not directly pledge any of its fixed assets or pledge its full faith and credit, including but not limited to obligations contemplated by chapter 159, Florida Statutes, shall bear interest at a rate or rates to be established by the Authority not exceeding ten percent per annum.

(e) To enter into joint arrangements with steamship lines, railroads, or other transportation lines, or any contract, private, or common carrier, if the Authority shall deem it advantageous so to do;

(f) 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 its duties and the exercise of its powers; to make and execute leases or agreements for the use and occupation of the property and projects under its control on such terms, conditions and period of time as the Authority may determine, provided, however, that any lease or agreement, as aforesaid, for a period exceeding ten (10) years shall be first authorized and approved by the affirmative vote of not less than five (5) members of the Authority and to sell and dispose of such property and projects as shall no longer be needed for the uses and purposes of the Authority on such terms and conditions as shall be prescribed by resolution of the Authority, provided, however, that before disposing of any real property which was acquired from either the city or county under the provisions of this act, the Authority shall give written notice to the governmental unit from which such real property was acquired. If said governmental unit desires to accept a reconveyance of said real property, it shall give the Authority written notice of such intention within thirty (30) days from the date of mailing of the Authority's notice regarding the disposal of such property and the Authority shall make the reconveyance of such property to said governmental unit forthwith. If within such thirty (30) days said governmental unit does not notify the Authority in writing of a desire to accept a reconveyance of said property, or refuses to accept a reconveyance of same, the Authority may sell and dispose of same on such terms and conditions as shall be prescribed by resolution of the Authority.

(g) To the extent permitted by law to fix, regulate and collect rates and charges for the services and facilities furnished by any project under its control, to establish, limit and control

the use of any project as may be deemed necessary to insure the proper operation of the project; to impose sanctions to promote and enforce compliance with any rule or regulation which the Authority may adopt in the regulation of the ports, harbors, wharves, docks and other projects under its control;

(h) To fix the rates of wharfage, dockage, warehousing, storage and port and terminal charges for the use of the port and harbor facilities located within said county and owned or operated by said Authority;

(i) To solicit shipping and other business and do all things necessary or advisable to promote commerce and increase tonnage through the port of Sanford.

(j) To receive and accept from any federal or state agency, grants for or in aid of the planning, development, construction, improvement or operation of any project and to receive and accept contributions from any source of either money, property, labor or other things of value;

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

(l) To enter into any contract with the state of Florida, the government of the United States or any agency of said governments, which may be necessary in order to produce assistance, appropriations and aid for the deepening, widening and extending of channels and turning basins, and building and construction of slips, wharves, breakwaters, jetties, bulkheads and any and all other harbor and navigation improvements and facilities;

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

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

(o) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, gas, sewerage services, electricity and/or telephone service or any other services to or in connection with any project;

(p) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by the Authority to the payment of the cost of operation, maintenance, repair, improvement, extension and/or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest

on bonds issued in connection with any such project or projects, and to combine for financing purposes any two or more projects constructed or acquired by the Authority under the provisions of this act. In any such case the Authority may adopt separate budgets for the operation of such project or projects. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension and enlargement of the project or projects from the operation of which such revenues arise, for the performance of the Authority's contracts in connection with such project or projects, and for the payment of principal and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement and/or extension thereof as the Authority may determine, unless such surplus has been pledged for the payment of principal and interest on bonds, as authorized in subsection (17) of this section, in which event any such surplus shall be applied in accordance with the resolution pledging the same.

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

(2) The bonds of each issue shall be authorized by resolution of the Authority and shall be dated, shall bear average interest at such rate or rates not exceeding the lawful rate of interest as is from time to time established by law, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principle and interest, which may be at any bank or trust company with in or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties and obligations of the Authority with respect to the same, as shall be determined by the Authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupons bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law.

(3) Prior to any sale of bonds the Authority shall cause notice to be given by publication in some daily newspaper published and having a general circulation in the county that the Authority

will receive bids for the purchase of the bonds at the office of the Authority in the county. Said notice shall be published twice and the first publication shall be given not less than fifteen (15) days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state that the bids shall be sealed bids, shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest which the bonds are to bear or the Authority may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale the Authority shall also give notice in writing of the proposed sale enclosing a copy of such advertisement to the chairman of the Florida development commission and to at least three (3) recognized bond dealers in the state, such notices to be given not less than ten (10) days prior to the date set for receiving the bids.

(4) All bonds and refunding bonds issued pursuant to this chapter shall be sold at public sale and shall be awarded to the bidder whose bid produces the lowest net interest cost to the Authority. The net interest cost of bids shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bids, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds, with interest computed on a three hundred sixty (360) day year basis. The Authority shall reserve the right to reject any or all bids. In no event shall said bonds be sold at a net interest cost to the Authority in excess of the rate as is from time to time established by law. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds, and may contain such terms and conditions as the Authority may determine.

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

(6) No general obligation bonds shall be issued hereunder unless the issuance of such bonds shall have been approved by a majority of the votes cast in an election in which a majority of the freeholders residing in Seminole county who are qualified to vote in such election shall participate. Whenever the Authority by resolution requests the board of county commissioners of Seminole county to hold such an election, said board may on behalf of the Authority, hold, conduct, canvass and announce the results of such election in accordance with the procedure prescribed by law for the issuance of county bonds. The expenses of such election shall be paid by the Authority. In no event shall such general obligation bonds be construed or considered to be bonds of the county of Seminole but shall be solely bonds of said Authority. If the resolution of the Authority requests said board of county commissioners as a prerequisite to holding such bond election to provide for a special registration of freeholders who shall be qualified to participate in such election, the board of county commissioners may provide for such special registration of qualified electors who are freeholders in Seminole county in the same manner provided by law for the special registration of freeholders in county bond elections. The expenses of conducting such special registration shall be borne by the Authority.

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

(s) To do all acts or things necessary or proper to be and serve as a local governmental body within the meaning of Section 10(c) of Article VII of the State Constitution or as a local agency under part II of chapter 159, Florida Statutes, with respect to any project as defined therein, provided, that projects as defined in part II of chapter 159, Florida Statutes, shall be located only on property owned by the Authority on the effective date of this act; provided, further, that with respect to port facilities (wherever located within Seminole County) within the meaning of Section 10(c) of Article VII of the State Constitution, the Authority shall have the same powers as a local agency under part II of chapter 159, Florida Statutes, as are therein provided with respect to industrial or manufacturing plants as fully and completely as if port facilities had been expressly included within the definition of project therein.

(t) To publicize, advertise and promote the activities and projects authorized by this act, as amended; to make known to users and potential users in the public the advantages, facilities, resources, products, attractions, and attributes of the activities and projects authorized by chapter 65-2270, Laws of Florida, as amended; to further create a favorable climate of opinion concerning the activities and projects authorized and indicated by chapter 65-2270, Laws of Florida, as amended; to cooperate, including the grant or expenditure of funds, to and with other agencies, both public and private, in accomplishing the purposes authorized by chapter 65-2270, Laws of Florida, as amended; and in furtherance thereof, to authorize reasonable expenditures by a supporting voucher to be filed for audit for such authorized purposes including, but not limited to, meals and hospitality.

History.—s. 3, ch. 65-2270; s. 1, ch. 67-2074; s. 2, ch. 75-504; ss. 2, 3, ch. 76-487.

Section 4. Financial reports; audits; tax levy.—

(a) The Authority shall on or before November 30 of each year file an annual financial report for the fiscal year ended September 30 immediately preceding with the board of county commissioners of Seminole County. The Authority shall on or before July 15 each year submit to the board of county commissioners a detailed budget for its operations in the succeeding fiscal year beginning October 1. The Authority shall, with the board of county commissioners, fix a date and time on or before August 31 for a public hearing on the budget of the Authority. The Authority shall advertise a summary of the budget one (1) time in a newspaper of general circulation published in the county, and the advertisement shall state that the Authority and the board of county commissioners will meet on a day fixed in the advertisement, not earlier than one (1) week and not later than two (2) weeks from the date of the advertising for the purpose of hearing requests and complaints from the public regarding the budgets. The Authority and the board of county commissioners shall meet upon the date fixed in the advertisement, and from day to day thereafter if deemed necessary, for the purpose of holding a public hearing and making whatever revisions in the budget that are deemed necessary. The board of county commissioners pursuant to the public hearing thereon may approve or disapprove the total of the budget of the Authority. Upon the board's approval, the budget becomes fixed and the total thereof may be amended by the Authority in the manner prescribed for county budgets in section 129.06(2), Florida Statutes. All expenses incurred in the fiscal year for which the budget is made shall be vouchered and charged on the financial records against the budget of that year, and to carry out this provision the Authority may hold its books open for thirty (30) days after the expiration of the fiscal year. It is unlawful for the Authority to expend or contract for expenditures in any fiscal year more than the amount budgeted and in no case shall the total appropriation be exceeded. It is unlawful for the Authority to incur indebtedness against the Authority in excess of the expenditure allowed by law, or to pay any illegal charge against the

Authority, or to pay any claim against the Authority not authorized by law and any member of the Authority concurring in any such act shall be guilty of malfeasance in office and subject to suspension and removal from office as provided elsewhere herein. The board of county commissioners of Seminole County may levy an annual tax on all taxable real and personal property in such county in the budget amount so approved, which amount, however, shall not exceed one half (½) mill, for the operating and administrative expenses of the Authority and for the construction, operation, maintenance, enlargement, expansion, improvement or development of any project or projects herein specified, and for the purpose of enabling the Authority to carry out its functions under this act, as limited by the provisions of ¹section 3 of chapter 67-2078, Laws of Florida.

(b) The board of county commissioners shall levy an annual tax on all taxable real and personal property in such county sufficient to meet the sinking fund requirements for the payment of the interest and principal on any general obligation bonds issued by the Authority as the same become due.

(c) For the payment of the principal of and the interest on any general obligation bonds of the Authority issued under the provisions of this act, the board of county commissioners of Seminole county shall levy annually, in the manner hereinafter provided, a special tax upon all taxable real and personal property within the county, in addition to the tax authorized by subparagraph (a) above, sufficient to pay such principal and interest as the same respectively become due and payable and the proceeds of all such taxes shall when collected and received by the Authority be paid into a special fund and used for no other purpose than the payment of such principal and interest; provided, however, that there may be pledged to payment of such principal and interest the surplus of the revenues of the project or projects, after payment of the costs of operation, maintenance and repair thereof, and in the event of such pledge the amount of the annual tax levy herein provided for may be reduced in any year by the amount of such revenues actually received in the preceding year and then remaining on deposit to the credit of the special fund for the payment of such principal and interest.

(d) The levy, collection and expenditure of such taxes is hereby declared to be for a lawful county purpose.

(e) The assessor of taxes shall assess taxes for the Authority upon certification of the tax levy by the board of county commissioners and the tax collector of Seminole county shall, as and when collected, remit and deposit all moneys collected under the taxes hereby authorized to the Authority in a bank or banks qualified as depositories of public funds, to be designated by such Authority. Certified copies of tax resolutions executed in the name of the Authority by its chairman, and attested by its secretary, under its corporate seal, shall immediately be delivered to the board of county commissioners of Seminole county, Florida. Commissions of the tax assessor and collector shall be paid by the Authority and shall be at the rates provided by law for the assessment and collection of county taxes.

(f) The tax assessor, tax collector, and board of county commissioners of Seminole county, Florida, shall when requested by the Authority, prepare from their official records and deliver to the Authority any and all information that may be requested at any time from him or them regarding the tax valuations, levies, assessments or collections in such county, the cost of which shall be at the Authority's expense.

(g) Misfeasance, malfeasance, or nonfeasance, or any act of impropriety reflecting upon the port Authority, shall be cause for the suspension or removal of any member of the port Authority. Removal may be effected by the governor of the state of Florida.

History.—s. 4, ch. 65-2270; s. 1, ch. 72-695.

¹**Note.**—Repealed by s. 2, ch. 95-480.

Section 5. Additional powers.—The Authority shall have power to adopt, use and alter at will a corporate seal; to sue and be sued, implead and be impleaded, complain and defend in all courts; to exercise the power of eminent domain to acquire property for any of its authorized purposes including the taking of such property ancillary to said power in the manner from time to time provided by the laws of the state of Florida; to accept grants, gifts and donations; and to enter into contracts, leases or other transactions with any federal agency, the state, any agency of the state, the county of Seminole, any incorporated area or with other public body of the state.

History.—s. 5, ch. 65-2270.

Section 6. Rules and regulations.—The Authority shall have power to adopt rules and regulations with reference to all projects and matters under its control. All rules and regulations promulgated and all impositions and exactions made by Authority hereof shall be just and reasonable and consistent with public interest, and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction. All rules and regulations of the Authority shall be a matter of public record and copies thereof shall be dispensed by the Authority at cost to all applicants therefor.

History.—s. 6, ch. 65-2270.

Section 7. Bonds eligible for legal investments.—Notwithstanding any provisions of any other law or laws to the contrary, all revenue bonds, general obligation bonds, or any combination of general obligation or revenue bonds, including refunding bonds, issued pursuant to this act shall constitute legal investments for savings banks, banks, trust companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency or instrumentality of the state of Florida, or of any county, municipality, or other political subdivision of the state of Florida; and shall be eligible as security for deposits for state, county, municipal and other public funds.

History.—s. 7, ch. 65-2270.

~~Section 8. Provision for immediate funds.—The Authority is hereby authorized and empowered to borrow money in a total amount not to exceed Sixty Thousand Dollars (\$60,000.00) for a period or periods not exceeding one (1) year, and to issue its promissory notes therefor, upon such terms, and at such rate or rates of interest, not exceeding six per cent (6%) per annum as the Authority may deem advisable in order to provide itself with immediate funds for the purposes of administering and operating the Authority until the initial tax levy provided for is available.~~

History.—s. 8, ch. 65-2270.

Section 9. Rights of employees.—All employees of the Authority shall be employed and promoted in accordance with and under such rules and regulations as the Authority may adopt from time to time.

History.—s. 9, ch. 65-2270.

Section 10. Cooperation with other units, boards, agencies and individuals.—Express Authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission or individual in, or of, the state to make and enter into with the Authority, contracts, leases, conveyances, or other agreements within the provisions and purposes of this chapter. The Authority is hereby expressly authorized to make and enter into contracts, leases, conveyances and other agreements with any political subdivisions, agency or instrumentality of the state and

any and all federal agencies, corporations and individuals, for the purpose of carrying out the provisions of this chapter.

History.—s. 10, ch. 65-2270.

Section 11. Award of contracts.—

(a) All construction, reconstruction, repairs, maintenance, or work of any nature made by the Authority, ~~where the entire costs, value or amount of such construction, reconstruction, repairs or work, including the labor and materials, shall exceed Two Thousand Dollars (\$2,000.00) except construction, reconstruction, repairs or work done by employees of the Authority, or by labor supplied under agreement with federal government or state government, with supplies and materials purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the Authority with the lowest responsible bidder upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. No contract shall be entered into for construction, or improvement, or repair of any project, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by the Authority, and in an amount fixed by the Authority, for the faithful performance of the contract. All such contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation was named therein, provided the action is brought within one (1) year after the time the cause of action accrued.~~ shall comply with the Purchasing Policy adopted by the Authority in accordance with Florida Statutes, as amended from time to time. Nothing in this section shall be construed to limit the power of Authority to construct, repair or improve its projects or facilities, or any part thereof, or any addition, betterment or extension thereto, directly by the officers, agents and employees of the Authority, or otherwise than by contract.

(b) All supplies, equipment, machinery and materials ~~costing One Thousand Dollars (\$1,000.00) or more, shall be purchased only after due advertisement as provided hereinafter. The Authority shall accept the lowest responsible bid or bids, kind, quality and material being equal, but the Authority shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer~~ purchased by the Authority shall comply with the Purchasing Policy adopted by the Authority in accordance with Florida Statutes, as amended from time to time.

(c) The term “advertisement” or “due public notice” wherever used in this section shall mean a notice published at least once a week for two (2) consecutive weeks before the award of any contract, in accordance with the Purchasing Policy adopted by the Authority in accordance with Florida Statutes, as amended from time to time, in a daily newspaper published and having a general circulation in the county, and in such other newspapers or publications as the Authority shall deem advisable.

(d) No member of the Authority or officer or employee thereof shall either directly or indirectly be a party to, or be in any manner interested in, any contract or agreement with the Authority for any matter, cause or thing whatsoever in which such member shall have a financial interest or by reason whereof any liability or indebtedness shall in any way be created against such Authority. If any contract or agreement shall be made in violation of the provisions of this section the same shall be null and void and no action shall be maintained thereon against the Authority.

(e) Subject to the aforesaid provisions the Authority may (but without intending by this provision to limit any powers of the Authority), enter into and carry out such contract, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project, or portion thereof, as the Authority may deem desirable or as may be requested by the federal government or state government assisting in the financing of its projects, port facilities and facilities related thereto, or any part thereof; provided that the provisions of this section shall not apply to any contract or agreement between the Authority and any engineers, architects, attorneys, or for other professional services, or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.

History.—s. 11, ch. 65-2270.

Section 12. Execution of documents; examination of claims.—All instruments in writing necessary to be signed by the Authority shall be executed by the chairman and secretary and attested by the seal of the Authority. No expenditure of funds of the Authority, ~~other than for payroll labor,~~ shall be made except by voucher approved by the Authority and signed by its chairman and ~~secretary~~ Treasurer or such persons as set forth in the Purchasing Policy adopted by the Authority in accordance with Florida Statutes, as amended from time to time. ~~The foregoing Authority of the chairman may be exercised by the vice chairman in the absence of the chairman and the foregoing Authority of the secretary may be exercised by an acting secretary designated by the Authority in the absence of the secretary.~~ The Authority shall provide for the examination of all payrolls, bills and other claims and demands against the Authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the Authority has funds on hand to make payment.

History.—s. 12, ch. 65-2270.

Section 13. Records.—The Authority shall keep accurate and sufficiently detailed financial records, including source documents and books of final entry on forms and in a manner approved by the state auditor. Minutes shall be kept of each meeting of the Authority and shall reflect all official actions of the Authority. The minute book shall be properly indexed as to subject matter for easy reference thereto. All records of the Authority shall be open for public inspection at the office of the Authority during regular business hours, except that no individual has the right to monopolize any particular record which might be referred to by a large number of persons or the use of which might be required by the officer or employee having charge of it.

History.—s. 13, ch. 65-2270.

Section 14. Audits.—The records shall be audited annually by the state auditor and the Authority shall make all records necessary for said audit available to the state auditor at the time designated by him.

History.—s. 14, ch. 65-2270.

Section 15. Chapter 315, Florida Statutes, relating to port facilities financing, also applicable.—The provisions of chapter 315, Florida Statutes, relating to port facilities financing, shall also be applicable to the Authority but where the provisions of said chapter 315 are inconsistent with the provisions of this act, the provisions of this act shall prevail.

History.—s. 15, ch. 65-2270.

Section 16. Submerged lands.—The Authority shall negotiate with the trustees of the internal improvement board for the transfer of such islands and submerged lands belonging to the state of Florida to the Authority as will serve a public purpose, subject to the riparian rights of the respective owners of the uplands adjacent thereto.

History.—s. 16, ch. 65-2270.

Section 17. Declaration of purpose.—The Authority created by this act and the purposes which it is intended to serve are hereby found to be for a county and public purpose. The Authority is hereby designated as a local governmental body within the meaning of Section 10(c) of Article VII of the State Constitution and as a local agency within the meaning of such term in part II of chapter 159, Florida Statutes, subject to the specific limitations and additional grants of power provided in this act.

History.—s. 17, ch. 65-2270; s. 3, ch. 75-504.

Section 18. Construction.—It is intended that the provisions of this act shall be liberally construed to accomplish the purposes provided for or intended to be provided for herein, and where strict construction would result in the defeat of the accomplishment thereof, the liberal construction shall be chosen.

History.—s. 18, ch. 65-2270.

Section 21. Surplus funds.—

(a) The Seminole County Port Authority at its discretion may transfer to the Seminole County general fund, any monies derived from its operation which are declared to be surplus to the needs of the Authority. Such transfer may be effected at any time or from time to time as determined by the Authority.

(b) Such surplus monies as designated in subsection (1) transferred to the general fund may be expended by the board of county commissioners for any legal purpose.

History.—ss. 1, 2, ch. 67-2073