



# CANAVERAL HARBOR PORT DISTRICT CHARTER 2024

Chapter 2014-241,  
as amended by Chapter 2024-283,  
Laws of Florida



# PORT CANAVERAL COMMISSIONERS



(Photo L-R): Chairman Micah Loyd, Secretary/Treasurer Jerry W. Allender, Commissioner Kevin Markey, Vice Chairman Wayne Justice and Commissioner Robert "Fritz" VanVolkenburgh

## **The Canaveral Harbor Port District**

Since the idea of its creation in the late 1800s and its construction during the 1950s, Port Canaveral has grown and prospered to become a major deepwater port of entry.

Created by the Florida Legislature and structured as the Canaveral Port District, it encompasses approximately one-half of Brevard County, Florida. The district is subdivided into five areas, each represented by an elected commissioner. The commissioners embody the Canaveral Port Authority Board, which has jurisdiction over fiscal and regulatory policies, with the chief executive officer and staff responsible for the administration and operations of the port.

As an independent special taxing district and political subdivision of the State of Florida, the Canaveral Port Authority has been granted powers necessary to operate the Port including the power to levy ad valorem taxes; incur indebtedness through the sale of bonds; establish tariff rates; and negotiate for government grants. The Port Authority Board voted in 1986 to cease levying taxes.

Since its dedication on November 4, 1953, Port Canaveral has built first-class berthing facilities and has experienced great success in the cruise and cargo industries while maintaining a commitment to preserving the environment. Port Canaveral continues to develop to meet the needs of existing tenants, attract new business, and provide the residents and companies in the region with the benefits of low-cost ocean transportation, a growing job base and expanding economic opportunity.



## Canaveral Port Authority Commissioners

The original Charter (Ch. 19716, Laws of Florida, 1939) established a seven-member board of port commissioners. These members were Port Commissioners by virtue of being elected as County Commissioners and Mayors. Only two were elected as Port Commissioners.

The 1953 Charter (Ch. 28922, Laws of Florida, 1953) established a five-member elected Board. The Governor appointed the first five-member board in June 1953, with elections then being held during regular elections that year.

<b>1941-1942</b>	A. Fortenberry ( <i>County Commissioner</i> ), John Witter, W. B. Lewis, A. A. Dunn ( <i>County Commissioner</i> ), R. L. Geiger ( <i>Mayor of Rockledge</i> ), W. G. Akridge, W. C. Klingensmith
<b>1943-1944</b>	Fortenberry ( <i>County Commissioner</i> ), Dunn ( <i>County Commissioner</i> ), F. H. MacFarland, Geiger ( <i>Mayor of Rockledge</i> ), Witter, Lewis, Noah B. Butt ( <i>Mayor of Cocoa</i> )
<b>1945</b>	Fortenberry ( <i>County Commissioner</i> ), Dunn ( <i>County Commissioner</i> ), Geiger ( <i>Mayor of Rockledge</i> ), S. L. Knutson, Klingensmith, Lewis, MacFarland
<b>1946</b>	Fortenberry ( <i>County Commissioner</i> ), Geiger ( <i>Mayor of Rockledge</i> ), H. E. Griggs ( <i>Mayor of Cocoa</i> ), Dunn ( <i>County Commissioner</i> ), Witter, Lewis, Knutson
<b>1947</b>	Fortenberry ( <i>County Commissioner</i> ), Geiger ( <i>Mayor of Rockledge</i> ), L. M. Carpenter ( <i>County Commissioner</i> ), Griggs ( <i>Mayor of Cocoa</i> ), Dunn ( <i>County Commissioner</i> ), Lewis, Knutson
<b>1948</b>	Fortenberry ( <i>County Commissioner</i> ), Geiger ( <i>Mayor of Rockledge</i> ), Carpenter, Griggs ( <i>Mayor of Cocoa</i> ), Dunn ( <i>County Commissioner</i> ), Lewis, Knutson
<b>1949</b>	Fortenberry ( <i>County Commissioner</i> ), Geiger ( <i>Mayor of Rockledge</i> ), Carpenter ( <i>County Commissioner</i> ), Butt ( <i>Mayor of Cocoa</i> ), Dunn ( <i>County Commissioner</i> ), Lewis, Knutson
<b>1950</b>	Fortenberry ( <i>County Commissioner</i> ), Butt ( <i>Mayor of Cocoa</i> ), Lewis, Geiger ( <i>Mayor of Rockledge</i> ), Knutson, Carpenter ( <i>County Commissioner</i> ), Dunn ( <i>County Commissioner</i> )
<b>1951</b>	D. S. "Dave" Nisbet ( <i>County Commissioner</i> ), R. C. Burns, N. Argabrite, Carpenter ( <i>County Commissioner</i> ), Dunn ( <i>County Commissioner</i> ), Geiger ( <i>Mayor of Rockledge</i> ), Butt ( <i>Mayor of Cocoa</i> )
<b>1952</b>	Nisbet ( <i>County Commissioner</i> ), Burns, Argabrite, Carpenter ( <i>County Commissioner</i> ), Dunn ( <i>County Commissioner</i> ), Geiger ( <i>Mayor of Rockledge</i> ), Butt ( <i>Mayor of Cocoa</i> )
<b>1953</b>	Nisbet ( <i>County Commissioner</i> ), Burns, Argabrite, Carpenter ( <i>County Commissioner</i> ), Dunn ( <i>County Commissioner</i> ), Geiger ( <i>Mayor of Rockledge</i> ), Butt ( <i>Mayor of Cocoa</i> )
<b>June 1953</b>	Butt, Carpenter, Dunn, G. W. Laycock, Nisbet ( <i>All appointed by Governor to constitute the new Board in accordance with new law, Chapter 28922 Laws of Florida, Special Acts of 1953</i> )
<b>1954</b>	Butt, Carpenter, Dunn, Laycock, Nisbet
<b>1955-1956</b>	Kelly L. Brinson, Mayo Hill, Dunn, W. O. B. Chittenden, Laycock
<b>1957-1958</b>	Brinson, Chittenden, Dunn, Hill, Laycock
<b>1959</b>	Brinson, Chittenden, John V. D'Albora, Dunn, Laycock ( <i>Commissioner Chittenden resigned April 22, 1959, and Sion A. "Gus" Faulk, appointed by Gov. Collins, was sworn in as a Port Commissioner. Mr. Dunn was elected Chairman.</i> )
<b>1960</b>	Brinson, Faulk, D'Albora, Dunn, Laycock ( <i>Roy Estridge appointed September 1960 to unexpired term of Laycock, deceased.</i> )
<b>1961-1964</b>	Brinson, Dunn, D'Albora, R. A. Cutter, Roderick S. McIver
<b>1965</b>	Brinson, Cutter, D'Albora, Dunn, McIver
<b>1966</b>	Brinson, Cutter, D'Albora, Dunn, McIver ( <i>W. S. "Pappy" Austin appointed June 1966 to unexpired term of A. A. Dunn, deceased.</i> )
<b>1967-1968</b>	W. S. Austin, Cutter, James H. Clendinen, McIver, Malcolm E. McLouth
<b>1969-1972</b>	Austin, William H. Clark, Clendinen, McIver, McLouth
<b>1973</b>	Austin, Clark, Clendinen, McIver, McLouth ( <i>Commissioner Clark resigned effective August 31, 1973, to accept a position with his company in Seattle, Washington. Clyde Cowlin appointed to Board in December 1973 to fill vacancy left by Mr. Clark's resignation.</i> )
<b>1974-1976</b>	Austin, Clendinen, Cowlin, McIver, McLouth

<b>1977</b>	Austin, Clendinen, Wesley H. “Wes” Houser, McLouth, Nisbet
<b>1978</b>	Austin, Clendinen, Houser, McLouth, Nisbet
<b>1979</b>	Clendinen, Gilbert S. Goshorn, Houser, McLouth, Nisbet
<b>1980</b>	Clendinen, Goshorn, Houser, McLouth, Nisbet ( <i>Commissioner Goshorn resigned September 24, 1980, to assume office as Circuit Judge for the 18th Judicial Circuit Court of Florida.</i> )
<b>1981-1982</b>	M. M. “Buck” Buchanan, Clendinen, R. A. Cutter, Houser, McLouth
<b>1983-1984</b>	Jerry W. Allender, Buchanan, McLouth, Thomas L. Newbern, Nisbet
<b>1985-1989</b>	Allender, Buchanan, Sue Ford, McLouth, Newbern
<b>1990</b>	Allender, Buchanan, Ford, McLouth, Newbern ( <i>Ralph J. Kennedy appointed November and December to unexpired term of Ford who resigned to seek another public office.</i> )
<b>1991-1994</b>	Allender, Buchanan, Kennedy, McLouth, Newbern
<b>1995-1996</b>	Raymond P. Sharkey, Buchanan, Donald N. Molitor, Kennedy, McLouth ( <i>Rodney S. Ketcham appointed August 21, 1996, to complete McLouth’s term.</i> )
<b>1997-2002</b>	Sharkey, Joe D. Matheny, Molitor, Kennedy, Ketcham
<b>2003-2005</b>	Sharkey, Matheny, Tom Goodson, Kennedy, Ketcham
<b>2006-2008</b>	Sharkey, Matheny, Goodson, Kennedy, Ketcham
<b>2006-2008</b>	Sharkey, Matheny, Goodson, Kennedy, Ketcham ( <i>Charles Ragland appointed May 7, 2008, to unexpired term of Ketcham, deceased.</i> )
<b>2009</b>	Sharkey, Matheny, Goodson, Malcolm “Mac” McClouth, Kennedy ( <i>Commissioner Kennedy resigned effective October 30, 2009</i> )
<b>2010</b>	Sharkey, Matheny, Goodson, Robert “Bruce” Deardoff, McClouth ( <i>Commissioner Goodson resigned effective November 2, 2010, to assume office as Florida State Representative for District 50</i> )
<b>2011-2012</b>	Deardoff, Weinberg, Allender, Matheny, Sullivan
<b>2013-2014</b>	Weinberg, Allender, Sullivan, Deardoff, John H. “Hank” Evans
<b>2015-2016</b>	Weinberg, Allender, Wayne Justice, Deardoff, Evans
<b>2016-2018*</b>	Weinberg, Allender, Justice, Robert Harvey, Micah Loyd
<b>2018-2020</b>	Allender, Justice, Loyd, Harvey, Robyn Hattaway
<b>2020-2022</b>	Loyd, Allender, Hattaway, Justice, Kevin Markey
<b>2022-2024</b>	Loyd, Allender, Justice, Markey, Robert “Fritz” VanVolkenburgh

\* Beginning in November 2016, Commissioner terms were revised to commence at the first Port Authority meeting after the election (Article V, Section 1 (a)).

**Be it enacted by the Legislature of the State of Florida:**

**Canaveral Port District Charter**

**Chapter 2014-241, Laws of Florida, as amended by Chapter 2024-283, Laws of Florida, effective as of June 14, 2024.**

**ARTICLE I. Creation and Status**

**Section 1.** There is created and established a port district in Brevard County, which shall also be an independent special taxing district and political subdivision of the state, to be known as the “Canaveral Port District,” which shall consist of so much of Brevard County as lies north of that line described as follows:

Beginning at a point where the west boundary line of said Brevard County, Florida, intersects with the south boundary line of Township 25 South, Range 35 East, and proceeding thence easterly along the south boundary line of Township 25 South to the intersection of the east boundary line of Brevard County, Florida, with the south boundary line of Township 25 South.

**Section 2.** The Canaveral Port District shall be divided into five Commissioner Port Districts.

**Section 3.** Commencing with the year 1982, and every 10 years thereafter, the Canaveral Port Authority by resolution shall divide the Canaveral Port District into five Commissioner Port Districts of contiguous territory as nearly equal in population as practicable according to the duly registered electors in the Canaveral Port District determined by the elector registration rolls of the Supervisor of Elections of Brevard County. On or before January 15 of each decennial year commencing with the year 1982, the Supervisor of Elections of Brevard County shall transmit to the Canaveral Port Authority a certified statement of all elector precincts lying in whole or in part in the Canaveral Port District and the number of electors in each precinct or partial precinct in the Canaveral Port District according to the most recent records of the Supervisor of Elections before the submission of such certified statement. On or before March 5 of each such decennial year, the Canaveral Port Authority shall divide and define the boundaries of each of the five Commissioner Port Districts based on the certified statement of elector precincts and number of electors submitted by the Supervisor of Elections. No

Commissioner Port District shall have more than 22 percent or less than 18 percent of the total number of duly registered electors in the Canaveral Port District according to the certified statement of the Supervisor of Elections. On or before March 31 of each such decennial year, the Canaveral Port Authority shall deliver to the Board of County Commissioners of Brevard County and the Supervisor of Elections of Brevard County a certified copy of the resolution by the Canaveral Port Authority defining the boundaries of the five Commissioner Port Districts determined hereunder, and the Commissioner Port Districts so determined shall constitute the Commissioner Port Districts until the same are again determined decennially under this section. As the five Commissioner Port Districts are decennially determined and defined, the same shall immediately supersede the previously determined and defined five Commissioner Port Districts.

**Section 4.** The District’s charter may only be amended by special act of the Legislature.

**ARTICLE II. Definitions**

**Section 1.** All references herein to “District” or “Port District” shall be deemed to mean the Canaveral Port District, situated in Brevard County as described in Article I; and all references herein to “Port Commissioners” or “Port Authority” shall be deemed to mean the Canaveral Port Authority, the governing body of the Canaveral Port District. All references herein to “Port Commissioners” shall be deemed to mean qualified commissioners or members constituting the Canaveral Port Authority. All references herein to “Port Canaveral” or “Port” shall be deemed to mean the Port of Canaveral, Brevard County, including but not limited to, the main entrance channels, turning basins, slips, and jetties, and including also all lands abutting on the navigable waters of said Port, all submerged lands deeded to said Port from the Trustees of the Internal Improvement Trust Fund, and all other lands owned by the Canaveral Port Authority.

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

- (a) On the Port Authority website for 2 consecutive weeks; and
- (b) In a manner no less than 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 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 1.** The authority has the power to acquire by grant, purchase, gift, devise, or condemnation or in any other manner all property, real or personal, or any estate or interest therein within the Port District which by resolution the Port Authority shall determine to be necessary for the purposes of the Port District, said determination shall be conclusive, except in cases of fraud or gross abuse of discretion; and to improve, maintain, lease, mortgage, or otherwise encumber the same, or any part thereof, or any estate or interest therein, and to sell, convey, and deliver the legal title to certain land to an agency of Florida for rights-of-way for a public toll highway between Port Canaveral, Brevard County, and United States Highway No. 1 near City Point, Brevard County, with right of reversion of said land upon abandonment thereof by nonuser or in the event such public toll highway is not constructed, whichever is sooner, and upon such conditions as said Port Authority shall fix and determine as hereinafter provided, and said determination shall be deemed conclusive, except in cases of fraud or gross abuse of discretion.

**Section 2.** The authority has the power to lay out, construct, condemn, purchase, own, mortgage, add to, maintain, conduct, operate, build, equip, manage, replace, enlarge, improve, regulate, control, repair, fix, and establish jetties; piers; quays; wharves; docks; warehouses; storehouses; breakwaters; bulkheads; public landings; slips; seawalls; turning basins; harbors; ports; waterways; channels; moles; bridges; catwalks; ferries

and causeways; drydocks; terminal facilities; canals; elevators; grain bins; cold storage plants; icing plants and their distribution; refrigerating plants; precooling plants; bunkers; oil tanks; pipelines; locks; tidal basins; subways; tramways; cableways; anchorage areas; depots; barges or other craft; airways; landing fields; conveyors; modern appliances for economic handling, storing, and transportation of freight and the handling of passenger traffic; systems of fresh water supply; electric and steam generating stations and plants and distribution systems therefor; sewage systems and sewage disposal and treatment plants; cellular and telephone systems and lines, buried or on poles; gas lines and distribution systems therefor for servicing the lands, properties, and facilities now or hereafter owned, acquired, or controlled by lease, franchise, or otherwise by the Port Authority and any and all areas adjacent thereto; radio broadcasting stations and facilities; parking lots and areas for off-street or off-road parking of motor vehicles, barge lines, truck lines, steamship lines, shipping lines, roads and railroads within and without the territorial limits of Port District; and all other harbor and harbor area improvements and facilities which the Port Authority may determine to be necessary, feasible, and advantageous; and in connection with the operation, improvement, and maintenance of said port, to perform all customary services, including the handling, weighing, measuring, regulation, control, inspection, and reconditioning of all commodities and cargo received or shipped through said port.

**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 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 4.** The authority has the power to fix uniform rates of wharfage, dockage, pilotage, warehousing, storage, port, and terminal charges upon all harbor facilities and improvements located within the Port District, whether owned by the Port Authority or otherwise, and to fix and determine the rates, commissions, rentals, tolls, and other charges for the use of harbor and area facilities and improvements located within the Port District insofar as it may be permissible for the Port Authority to do so under the Constitution and laws of the State of Florida and under the Constitution and laws of the United States of America.

**Section 5.** The authority has the power to exercise such police powers as the Port Authority shall determine to be necessary for the effective control, regulation, and protection of Port Canaveral and for the effective exercise of jurisdiction over said port.

**Section 6.** The authority has the power to grant franchises to any person, firm, or corporation to construct, establish, operate, replace, repair, fix, enlarge, maintain, improve, equip, manage, acquire, and control jetties; piers; quays; wharves; docks; warehouses; storehouses; breakwaters; bulkheads; public landings; slips; seawalls; turning basins; harbors; ports; waterways; channels; moles; bridges; catwalks; ferries; roads and causeways; drydocks; terminal facilities; canals; elevators; grain bins; cold storage plants; icing plants and their distribution; refrigeration plants; precooling plants; bunkers; oil tanks; pipelines; locks; tidal basins; subways; tramways; cableways; anchorage areas; depots; barges or other craft; airways; landing fields; conveyors; modern appliances for economic handling, storing, and transportation of freight and the handling of passenger traffic; systems of fresh water supply; electric and steam generating stations and plants and distribution systems therefor; sewage systems and sewage disposal and treatment plants; cellular and telephone systems and lines, buried or on poles; gas lines and distribution systems therefor for servicing the lands, properties, and facilities now or hereafter owned, acquired, or controlled by lease, franchise, or otherwise by the Port Authority and any and all areas adjacent thereto; radio broadcasting stations and facilities; parking lots and areas for off-street or off-road parking of motor vehicles, barge lines, truck lines, steamship lines, shipping lines, roads, and railroads within and without the territorial limits of the Port District; and other harbor and harbor area improvements and facilities which the Port Authority may determine to be necessary, feasible, and

advantageous; and in connection with the operation, improvement, and maintenance of said port, to perform all customary services, including the handling, weighing, measuring, regulation, control, inspection, and reconditioning of all commodities and cargo received or shipped through said port in the exercise of such franchise. Nothing in this section shall be construed to limit the right of the Port Authority to construct, maintain, and operate the port facilities as provided in section 2.

**Section 7.** The authority has the power to enter into such contract, lease, or franchise with any common carrier or carriers and their respective successors and assigns as the Port Authority shall determine to be necessary for the development, improvement, and promotion of the transportation and warehousing facilities of Port Canaveral and the development, improvement, and promotion of Port Canaveral; to acquire by grant, purchase, gift, devise, condemnation, exchange, or in any other manner all land, easements, and rights of property deemed necessary, or advantageous by the Port Authority for such purposes; and to execute whatever arrangements, by contract or otherwise, as may be necessary to perform and comply with all rules and regulations promulgated by any state or federal agency covering the operation, maintenance, improvement, development, and ownership of the transportation and warehousing facilities used in connection with Port Canaveral.

**Section 8.** The authority has the power to levy, assess, collect, and enforce ad valorem taxes upon all of the real and personal property in the Port District for the purpose of defraying operating, maintenance, and general administration expenses and other necessary expenses incurred for the improvement of the port facilities, and for the purchase of rights-of-way, within the Port District, provided that such levy does not exceed 3 mills on the dollar in any one year on the total assessed valuation of all taxable property within the Port District for such year; and the Port Authority is authorized and empowered to issue its promissory note or notes at the rate of interest, maturity, terms, and conditions as directed by the Port Authority, signed in the name of the Port Authority by the Chair and the Secretary and the corporate seal affixed thereto, and the funds derived therefrom to be used for the payment of operating, maintenance, and general administration expenses, and for the purchase of right-of-way, against or to be repaid from the anticipated revenues to be derived from the said 3-mill ad valorem tax, previously levied and assessed.



**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 for the Port Authority and fix and determine the compensation and duties of said attorneys. The term of service of said attorneys and all appointees and employees shall be at the pleasure of the Port Authority.

**Section 10.** The authority has the power to make rules and regulations consistent with the Constitution and laws of the State of Florida and with the Constitution and laws of the United States of America for the promotion and conduct of navigation, commerce, and industry in the Port District. Said rules and regulations shall be reasonable and shall apply uniformly to all similarly situated.

**Section 11.** The authority has the power to make rules and regulations governing the course; conduct; movement; stationing and restationing; berthing and reberthing; fueling and refueling; loading, unloading, and reloading; and docking, storing, mooring, and anchoring of ships, vessels, crafts, barges, skiffs, and boats within the Port District and the navigable waters over which the said Port Authority has jurisdiction and to remove all obstacles to navigation, commerce, and industry in the waters of the port and the navigable waters over which the said Port Authority has jurisdiction; however, this power can only be exercised within navigable waters, entrance channels, turning basins, and slips in the waters of the port.

**Section 12.** The authority has the power to prescribe, fix, and establish fines, penalties, and punishment for the violation of the rules and regulations of said Port Authority and to enforce such fines, penalties, and punishments in such manner as the Port Authority may by resolution determine. All fines and penalties so imposed or levied shall be recoverable in the name of the Port Authority in any court of the state having jurisdiction over the amount involved and shall inure and belong to said Port Authority.

**Section 13.** The authority has the power to enter into any contract with the Government of the United States, or any agency thereof, which may be necessary in order to procure assistance, appropriations, grants, gifts, and aid for the deepening, widening, and extending of channels

and turning basins and the building, construction, and maintenance of slips, wharves, breakwaters, jetties, bulkheads, facilities, and any and all other port improvements and facilities; and to convey lands in either title or possessory interest to, or acquire lands by lease or in fee simple interest from, the government of the United States, and to build improvements thereon, whether by conveyance in fee simple, leasehold, or contract.

**Section 14.** The authority has the power to exercise the right of eminent domain and to condemn, appropriate, and acquire any property, both real and personal, and any interest or estate therein which by resolution the Port Authority shall determine to be necessary for the deepening, widening, and extending of the channels, turning basins, roads, and railroads and the building and construction of slips, wharves, sheds, warehouses, breakwaters, jetties, bulkheads, and any and all other port improvements and facilities. Said determination of necessity shall be conclusive, except in cases of fraud or gross abuse of discretion. Such condemnation proceeding shall be exercised in the manner consistent with Florida law.

**Section 15.** The authority has the power to borrow money as herein provided.

**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 99 years, may be approved by a supermajority vote of 75 percent of the full Port Authority Commission at two public meetings. Before considering

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 the Port Authority's intent to enter into such a lease.

**Section 17.** The authority has the power to regulate the speed, operation, docking, storing, and conduct of all water craft of any kind plying or using the waterways within said port and over which the Port Authority has jurisdiction; however, this power shall be exercised only within navigable waters, entrance channels, turning basins, and slips in the waters of the port.

**Section 18.** The authority has the power to appoint a harbormaster, a deputy harbormaster, stevedores, longshoremen, and all other persons necessary to properly transact the shipping business at said port and to fix their powers, duties, and compensation. The Port Authority has the power to license stevedores as independent contractors for hire, to fix the terms and conditions of such licenses, and to determine the fees to be charged. Such stevedores shall serve at the pleasure of the Port Authority unless terminated sooner by the licenses.

**Section 19. (a)** The authority has the power to borrow money and apply for grants from any state or federal agency or agencies and private party or parties and to secure the payment of the same by the issuance of revenue certificates or revenue bonds, which shall bear such denomination and be in such form as shall be required by the Port Authority, for the purpose of carrying out any of the powers, projects, or purposes of the Port Authority or Port District, or for the purpose of providing funds to be used in the construction, operation, maintenance, expansion, promotion, or repair of harbor facilities and improvements at the Port, or for the purpose of deepening, widening, constructing, or repairing slips, channels, turning basins, bulkheads, seawalls, jetties, breakwaters, warehouses, or wharves at the Port, or for the purpose of constructing, maintaining, or repairing platforms, railroads, and railroad facilities, and serve as common carriers; to construct, maintain, and repair streets, roads, or avenues surrounding or adjacent to or providing access to the port; and to apply to related projects off-port or other Port Authority owned property; provided that such revenue certificates or revenue bonds hereby authorized to be issued and outstanding shall not bear a higher rate

of interest than provided by general law which shall be payable semiannually.

**(b)** The Port Authority is authorized to secure said revenue certificates or revenue bonds by a pledge of the revenues of the port project, including revenues from all or any part of the facilities connected therewith, owned and operated by the Port Authority and in addition thereto. Said revenue certificates or revenue bonds may be secured by a lien on all or any part of the personal properties of the Authority or the Port District or the income derived therefrom, including the full faith and credit of said Port District, as well as conduit financing and financing through third parties or not-for-profit 501(c)(3) entities. Real property is expressly excluded.

**(c)** The issuance of said revenue bonds shall be authorized by resolution of the Port Authority, which resolution may be adopted at any meeting of the Port Authority by a vote of a majority of the Port Commissioners. The revenue certificates or revenue bonds issued hereunder shall bear such rate or rates of interest not exceeding that provided by general law; may be in one or more series; may bear such date or dates; may mature at such time or times not exceeding 30 years after their respective dates, in such medium of payment, at such place or places; may carry such registration privileges; may be subject to such terms of redemption; may be in such form or forms; and may be executed in such manner and contain such terms and conditions as the Port Authority may prescribe. The revenue certificates or revenue bonds herein provided for may be issued by the Port Authority upon the Port Authority first adopting an appropriate resolution authorizing such issuance and without the question of issuing said revenue certificates or revenue bonds being first authorized by an election held for such purpose, provided that the amount to be issued and the purpose for which issued shall be advertised and notice shall be given in accordance with general law.

**(d)** Notwithstanding anything contained in this section, the Port Authority shall have all the powers provided for local agencies pursuant to part II of chapter 159, Florida Statutes.

**Section 20. (a)** The authority has the power to issue revenue certificates or revenue bonds authorized in section 19, supported by an ad valorem tax to be assessed

against all the taxable properties within the Port District for any of the purposes mentioned in section 19.

**(b)** Before the issuance of any of the said revenue certificates or revenue bonds, such issue shall be authorized by resolution of the Port Authority, which resolution shall state the amount of the certificates or bonds proposed to be issued, the purpose or purposes for which issued, the denomination for such certificates or bonds, the rate of interest the same are to bear, and the time, place, and conditions when, where, and upon which said certificates or bonds, and the interest thereon, shall become due and payable. However, such certificates or bonds shall be issued only after they have been first approved by a majority vote of the qualified electors residing in the Port District in an election held within the territory constituting the Port District. Such resolution, so adopted, shall name a day for the holding of such election, and said Port Authority shall give at least 30 days' notice of the election by publication in a newspaper published in the Port District, once a week for 4 consecutive weeks during said period of 30 days. Said notice shall state the time of the election and the purpose of the election, and said certificates or bonds shall be issued only after the same shall have been authorized and ratified by a majority of the votes cast in said election and a majority of the qualified electors who reside in the Port District shall participate.

**(c)** All said qualified electors residing in the Port District shall be entitled to vote in said election, which election shall in all respects not herein expressly provided be called and held and the result thereof determined in accordance with any applicable general statute now in force or hereafter enacted. The place of voting in said election shall be the same as the places for voting at the general elections usually held within the territorial limits of the Port District. Inspectors and clerks shall be appointed and qualified as in general elections, and they shall canvass the votes cast and make due returns of the same without delay. Returns of said elections shall be made to the Port Authority. It shall be the duty of the Port Authority to cause to be prepared a sufficient number of ballots to be used at such election, with such description of said certificates or bonds to be voted on as the Port Authority may prescribe. A separate statement giving the amount of the certificate or bond issued and the interest thereon, together with such other details as may be deemed necessary or proper to inform the electors, shall be printed on the ballots in connection with the question

“FOR the Issuance of Revenue Certificates or Revenue Bonds Supported by an Ad Valorem Tax” and “AGAINST the Issuance of Revenue Certificates or Revenue Bonds Supported by an Ad Valorem Tax.” Directions to the voter to express his or her choice by making an (x) mark in the space to the right or the left of said question shall be stated in the ballot. Said ballots shall be in form substantially as follows:

**Official Ballot, Canaveral Port District**

**SPECIAL ELECTION (Insert Date)**

This election is held for the approval or disapproval of the issuance of \$..... of Revenue Certificates (or Revenue Bonds) of Canaveral Port District, supported by an ad valorem tax, bearing interest at the rate of ..... percent per annum. Place a cross mark (x) in the space to the left (or right) of the proposition of your choice. FOR issuance of Revenue Certificates (or Revenue Bonds) of Canaveral Port District in the amount of \$..... supported by an ad valorem tax to be issued against the taxable properties of the District, bearing interest at the rate of ..... percent per annum, payable semiannually. AGAINST Issuance of Revenue Certificates (or Revenue Bonds) of Canaveral Port District in the amount of \$..... supported by an ad valorem tax to be issued against the taxable properties of the District, bearing interest at the rate of ..... percent per annum, payable semiannually.

If a majority of the votes cast in said election are in favor of the issuance of said certificates or bonds, then the Port Authority shall be authorized to issue such certificates or bonds in the amount specified in said resolution calling such special election. The proceeds received therefrom shall be used by the Port Authority for the purposes stated in said resolution.

**(d)** For the purpose of securing any of such revenue certificates or revenue bonds supported by an ad valorem tax authorized to be issued herein, the Port Authority, in addition to pledging the net revenues and income of the Port Authority or the Port District, is further authorized, empowered, and directed to annually levy, assess, collect, and enforce an ad valorem tax upon all the taxable property of the Port District, sufficient in amount to provide for the payment of the interest to become due thereon and to provide for a sinking fund sufficient in amount to discharge said certificates or bonds at their respective maturities, which said ad valorem tax so levied shall be in addition to all other taxes provided herein.

(e) The Port Authority is additionally authorized and empowered to borrow money at an interest rate not to exceed 7.5 percent per annum and maturity date not to exceed 1 year from any bank or other party; to create and maintain a sinking fund for the payment, as budgeted, of the principal and interest of outstanding revenue certificates or revenue bonds; and to execute its promissory note or notes therefor, signed in the name of the Port Authority by its chair and its secretary and the corporate seal affixed thereto, all as directed by the Port Authority, and said note or notes shall be payable from the anticipated revenues to be derived from the previously levied and assessed ad valorem tax as authorized in this section; however, such notes shall not exceed in any one year 75 percent of the current taxes levied in any one year by the Port Authority for the payment of the interest and redemption of the revenue bonds or revenue certificates of the Port Authority currently becoming due.

**Section 21. (a)** The manner in which the Port Authority shall exercise the levying, assessing, and collecting of any ad valorem tax provided herein shall be as follows: the County Property Appraiser of Brevard County, immediately after the tax assessment of said county for any year after the passage of this act has been reviewed and equalized by the Board of County Commissioners of Brevard County, shall report in writing to the Port Authority the assessed valuation of all taxable property within the territorial limits of the Port District, as assessed and equalized for state and county taxation, and the Department of Revenue shall report to the Port Authority at the time it is, by law, required to report to the County Property Appraiser of Brevard County the assessed valuation of all railroad lines, railroad property, telephone lines, and telephone properties within the Port District over which the Department of Revenue has jurisdiction for valuation and assessment purposes and said assessed valuation placed on said properties shall be the valuation for taxation by the Port Authority.

(b) The Port Authority shall, during each year, determine by resolution the total amount to be raised from ad valorem taxes levied and assessed upon all the taxable property located within the Port District to provide funds sufficient in amount to pay the interest on said revenue certificates or revenue bonds, which are supported by an ad valorem tax, as such interest may become due; and also provide for a sinking fund sufficient in amount to discharge the principal of revenue certificates or revenue bonds at their respective maturities; and at the same time

the Port Authority shall determine the amount to be required to pay the charges and costs for operation, maintenance, general administration, capital improvements, and the purchase of right-of-way. It shall adopt its resolution levying an ad valorem tax against all of the taxable property of the Port District sufficient to pay said interest, sinking fund, charges, and costs, which tax, if so levied, however, shall not exceed 3 mills on the dollar of assessed value in any one year.

(c) A certified copy of said tax resolution, executed in the name of the Port Authority under the corporate seal of the Port Authority by its chair, and attested by its secretary, shall be made and delivered to the Board of County Commissioners of Brevard County and the Department of Revenue, with all reasonable dispatch after the Port Authority has received the total valuation of all taxable properties to be assessed within the Port District. Upon the receipt of such resolution by said Board of County Commissioners, it shall be the mandatory duty of said Board of County Commissioners to order and direct the County Property Appraiser of Brevard County to assess and levy, and the County Tax Collector of Brevard County to collect, the tax, at the rate fixed and determined by said resolution of the Port Authority, upon all taxable properties located within the Port District, and said revenues and assessments so determined and made shall be included in the tax roll and warrant of said County Property Appraiser for each fiscal year hereafter. The said Tax Collector shall collect such taxes in the manner and at the same time as state and county taxes are collected and shall pay and remit the same upon the collection thereof to the Port Authority. It shall be the duty of the Department of Revenue to assess and levy on all railroad lines and railroad property, all telecommunication equipment and telecommunication property, and all other taxable property within his or her jurisdiction located within the Port District a tax at the rate prescribed by said tax resolution of the Port Authority and to collect the said tax thereon in the same manner and at the same time as he or she is required by law to assess and collect such taxes for state and county purposes and pay and remit the same when collected to the Port Authority. All such taxes shall be disbursed and paid out by the Port Authority only for the purposes for which said taxes were levied, upon vouchers, checks, or warrants issued in such manner as the Port Authority, by resolution, may determine.

(d) This act shall be full authority for the issuance of any of the revenue certificates and revenue bonds authorized

herein, which said revenue certificates or revenue bonds shall have the qualities of negotiable paper under the law merchant and shall not be invalidated for any irregularity or defect in the proceedings for the issuance thereof and shall be incontestable in the hands of bona fide purchasers for value. No proceedings in respect to the issuance of any such revenue certificates or revenue bonds shall be necessary except such as required by this act; however, such revenue certificates or revenue bonds may be validated and confirmed in the way and manner contemplated and provided by the general laws and statutes of the state. This act constitutes an irrepealable contract between the Port Authority and the holders of any such revenue certificates or revenue bonds and of the coupons thereof issued pursuant to the provisions hereof. Any holder of any of said revenue certificates or revenue bonds or coupons may, either at law or in equity, by suit, action, or mandamus, enforce and compel the performance of any of the duties required by this act of any of the officers or persons mentioned herein relating to said revenue certificates or revenue bonds, or the levying, assessing, and collection of the taxes provided for the payment thereof.

(e) Sections 193.321 through 193.327, Florida Statutes, 1967, do not apply, and are void with respect to the power and authority of the Port Authority to levy, assess, collect, and enforce ad valorem taxes as set forth in this act.

**Section 22. (a)** The authority has the power to offer and make available life, health, accident, hospitalization, or all or any part of such insurance for Port Authority officers and employees, upon a group insurance plan. The Port Authority shall advertise for bids and shall award said group insurance to the most responsive and responsible bidder providing the best value to the Port Authority. If no bids are received, the Port Authority shall have the discretion to contract for such insurance on such terms and conditions as it may deem desirable.

(b) The Port Authority is authorized to pay all or any portion of the premiums for such group insurance as an operating expense. The Port Authority is further authorized to deduct periodically from the wages of any officer or employee, upon the written request of such officer or employee, any premium or portion of premium for any such insurance.

**Section 23. (a)** Section 253.126, Florida Statutes, is specifically void with respect to the Port Authority.

(b) The Port Authority is granted the power and authority to establish bulkhead lines, authorize dredging and filling, and have jurisdiction under chapter 253, Florida Statutes, as to the lands and waters under the jurisdiction of the Port Authority in lieu of the Board of County Commissioners.

(c) In the exercise of this grant of authority, the Port Authority shall comply with all applicable provisions of chapter 253, Florida Statutes, to the same extent as a Board of County Commissioners would comply with such provisions under the same circumstances.

**Section 24.** The authority has the power to comprehensively plan for urban and rural transportation needs and to comprehensively plan for the use of the lands, resources, and waters under its jurisdiction; to participate in such planning with other public agencies as defined in chapter 163, Florida Statutes; and to enter into interlocal governmental agreements (including, without limitation by this specific reference, Metropolitan Planning Organizations contemplated under 23 U.S.C. s. 134 and the Urban Mass Transportation Act of 1964) in such transportation and real property fields.

**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, the Port Authority shall provide Public Notice regarding the intention to sell or dispose of the land. The notice 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 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.

## **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. 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 shall expire upon the commencement of their respective successor's term on the first Port Authority meeting after the general election.

**(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 Clerk of the Brevard County Supervisor of Elections; 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 3.** Any vacancy occurring on or in the said Board of Commissioners of the Port Authority, whether caused by resignation, refusal, death, or the unconstitutionality of any part of this act, or for or on account of any other reason whatsoever, shall be filled for the unexpired portion of the corresponding term, or until the first Port

Authority meeting after the next ensuing general election, whichever may come sooner, by appointment by the Governor.

**Section 4.** Every Port Commissioner, before he or she assumes office, shall be required to make oath that he or she will faithfully discharge the duties of his or her office and uphold and defend the laws and the Constitution of the State of Florida and shall give good and sufficient surety bond payable to the Governor for the use and benefit of the Port Authority in the sum of \$2,000, conditioned for the faithful performance of the duties of his or her office, said bond to be approved by the Port Authority and filed with the Secretary of State. Any and all premiums of the surety bonds shall be paid by the Port Authority as a necessary expense of said district.

**Section 5.** As soon as practicable after the newly appointed or elected Port Commissioners shall have qualified, they shall meet and organize by the selection from among themselves of a chair and a vice chair and shall also elect a secretary and a treasurer. The latter two offices may be held by one person and such person may or may not be a member of said authority. A majority of the duly qualified members shall constitute a quorum. The chair and the secretary, if the latter is a member of said Port Authority, shall be entitled to vote at all meetings.

**Section 6.** The Port Commissioners shall be entitled to an annual salary allowance. The salary allowance shall be payable monthly and apply to all services rendered by each Port Commissioner under this act. The salary allowance may be adjusted annually by the Board of Commissioners of the Port Authority, to be effective October 1 of each year; however, any increase in the annual salary allowance shall not exceed the average percentage increase in the salaries of state career service employees as determined pursuant to s. 145.19, Florida Statutes, for the fiscal year just concluded.

**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 power to prescribe by resolution rules for the conduct of its meetings not inconsistent herewith.

**Section 8.** The expense accounts of Port Commissioners and employees shall be itemized in writing and submitted to the Port Authority at a duly noticed public meeting.

## **ARTICLE VI. Additional Powers**

**Section 1.** The Port Authority shall have the power to impose a franchise or excise tax upon businesses and occupations carried on or operated under and by virtue of any franchise or franchises granted by the Port Authority in a sum equal to 0.5 percent of the gross receipts of such businesses or occupations. The administration of this section and the collection of this franchise tax are vested in the Port Authority, and said Port Authority is authorized to make, promulgate, and enforce such reasonable rules and regulations relating to the administration and enforcement of this law and the collection of said franchise tax as may be deemed expedient, independently of all other remedies and proceedings authorized by law for the enforcement and collection of said franchise tax. A right of action, by suit in the name of the Port Authority, is hereby created, and such suit may be maintained and prosecuted, and all proceedings taken, to the same effect and extent as for the enforcement of a right of action for debt or assumpsit, or substitute forms of action therefor, and any and all remedies available in such actions including attachment and garnishment shall be and are hereby made available to the Port Authority in the enforcement of the payment of any franchise tax accruing hereunder. The Port Authority is not required to post bond in any such actions or proceedings.

**Section 2.** In the further interest of the advancement, promotion, regulation, and control of the Port, and in the interest of safety, order, convenience, and the general welfare of the public, the Port Authority is authorized and empowered to adopt a plan or plans, and amend the same from time to time, for the zoning of the Harbor area for the purpose of regulating the location and establishment of trades, industries, and manufacturing establishments and other use of the property within the Port.

**Section 3. (a)** The Port Authority shall have the power and authority to establish a direct-support organization to

receive, hold, invest, and administer property; to make expenditures to or for the benefit of the Port District; and to promote the development and expansion of the economic, historical, and cultural contributions of the maritime industry of the Port District.

**(b)** A direct-support organization established pursuant to this section shall be approved by the Port Authority and be a corporation not for profit, incorporated under chapter 617, Florida Statutes, and approved by the Department of State.

**(c)** The direct-support organization shall be organized and operated exclusively to carry out the purposes set forth in subsection (a).

**(d)** The direct-support organization is authorized and permitted to use property, facilities, and employee services of the Port Authority subject to the conditions prescribed by the Port Authority. The conditions shall provide for budget and audit review and oversight by the Port Authority.

**(e)** The direct-support organization shall provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

**(f)** The board of directors of the direct-support organization shall be appointed by the Port Authority and shall include the chair of the Port Authority, or his or her designee, and the Chief Executive Officer as members. The Port Authority shall approve the articles of incorporation and bylaws of the direct-support organization and any amendments thereto.

**(g)** The annual budget of the direct-support organization shall be presented to and approved by the Port Authority on or before the beginning of the fiscal year adopted by the direct-support organization.

**(h)** In any fiscal year in which the direct-support organization has more than \$100,000 in expenditures or expenses, the direct-support organization shall provide an annual financial audit of its accounts and records, to be conducted by an independent certified public accountant in accordance with the rules adopted by the Auditor General pursuant to s. 11.45(8), Florida Statutes. The annual audit report shall be submitted within 9 months after the end of the fiscal year to the Port Authority. The Auditor General and Office of Program Policy Analysis and Government Accountability have the authority to

require and receive from the direct-support organization any records relative to the operation of the organization.

**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 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 VII. Personnel**

**Section 1.** The Port Authority may appoint a Chief Executive Officer (CEO) to serve at the pleasure of the Port Authority. The Port Authority shall be responsible for all policies and operation at the Port Authority; however, the Port Authority may delegate authority to the CEO for the operations, management, and oversight of the implementation of the policy decisions set forth by the Port Authority. The powers delegated by the Authority to the CEO shall be clearly established to ensure accountability of both the CEO and the Port Authority and shall be reviewed at a public meeting at least once every 2 years.

**Section 2.** The Chief Executive Officer shall have such duties and authority in the administration, maintenance, expansion, and operation of the Port as the Port Authority shall assign to him or her, including the promotion of the business and affairs of the Port, including, but not limited to, travel to and from meetings of contemporaries in convention or by industry, necessary subsistence, entertainment of business guests at the Port or elsewhere, within or without the state, and meals for staff members at regular or special meetings of the Port Authority, and shall ratify such past expenditures. The Chief Executive Officer shall keep and maintain an account of the expenses involved in the performance of his or her duties and submit the same to the Port Authority for approval at any regular meeting.

**Section 3.** The Chief Executive Officer shall receive such compensation as may be agreed.



**Section 4.** Official travel authorized by the Port Authority shall be reimbursed by the Authority as provided in a resolution adopted by the authority.

**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 million in principal, as the same severally mature in accordance with their tenure.

**Section 2.** At the time of the adoption of the tax resolution as provided herein, the Port Authority shall prepare and adopt a financial budget for the ensuing fiscal year. Said budget shall contain an estimate of all items of expenditure contemplated or anticipated for the ensuing fiscal year and an estimate of all sources of revenue. Said budget shall be spread upon the permanent records of the Port Authority.

**Section 3.** All revenues received by the Port Authority from the operation of the Port, other than specifically pledged, shall be paid into the administration fund and be used for operation, expansion, maintenance, and general administration purposes and expenses and for the purchase of rights-of-way. Any part of the administration fund remaining unused or unpledged at the close of each fiscal year may, in the discretion of the Port Authority, be transferred to the sinking fund maintained for bonds, or be used to purchase obligations of the Port Authority at the lowest market price.

**ARTICLE IX. Prohibitions**

**Section 1.** No member of the Port Authority or other officer or employee shall purchase supplies, goods, or materials for use by the Port District or Port Authority from himself or herself or from any firm or corporation in which he or she is interested, directly or indirectly, or in

any manner share in the proceeds of such purchases. The Port Authority is not obligated for the purchase price of such supplies, goods, or materials so purchased. No Port Commissioner or other officer or employee shall bid or enter into or be in any manner interested in any contract for public work to which the Port Authority may be a party. Any Port Commissioner who shall violate the provisions hereof shall be deemed guilty of malfeasance in office, provided that no Port Commissioner who shall have recorded his or her vote against the letting of such contract or against such illegal purchase or who shall have been absent at the taking of the vote thereon shall be deemed guilty of a violation of this provision. All moneys or things of value paid or delivered pursuant to such contract or purchase may be recovered by the Port Authority. Notwithstanding anything contained in this section, if any provision of this section shall contradict with the exemptions listed in s. 112.313, Florida Statutes, the exemptions contained in statute shall govern.

**ARTICLE X. Notification of Claims**

**Section 1.** Every claim, whether ex contractu or ex delicto, whether liquidated or unliquidated, whether vested or contingent, against the Port Authority or Port District shall be signed by the claimant or his or her duly authorized agent, shall be filed with the Port Authority within 3 months after the claim becomes due or arises, and shall be barred if not so filed. Said writing representing said claim shall, as particularly as is known to the claimant, set out the details of said claim and specify the names of the witnesses, if any, whom the claimant relies upon to support his or her claim.

**ARTICLE XI. Statute of Limitations**

No statute heretofore or hereafter enacted by the Legislature, prescribing and fixing the time in which action shall be brought, commonly known as the "Statute of Limitations," shall apply to any action, suit, or proceeding instituted and prosecuted by the Port Authority or the Port District.

**ARTICLE XII. Exemption From Taxation**

All property, real and personal, tangible and intangible, now owned or hereinafter acquired and held by the Port Authority, the governing authority of the Port District, shall be exempt from all taxation levied and assessed pursuant to the Constitution and laws of the State of Florida by any taxing unit.

### **ARTICLE XIII. Exemption From Judgement Liens**

No judgment or decree, writ of execution, or any other writ issued or tendered against the said Port Authority shall be a lien upon the real or personal property now owned or hereafter acquired and held by the said Port Authority. All property, both real and personal, tangible and intangible, now owned or hereafter acquired and held by the said Port Authority shall be exempt from sale under writ of execution and any other judicial sale.

### **Article XIV. Appeals Bond**

The Port Authority and Port District is not required to execute, give, or file any bond required by law to be filed in an attachment, injunction, receivership, garnishment, or replevin proceedings, or in the prosecution of an appeal or writ of error. The Port District and Port Authority may supersede any appealable judgment, decree, or order rendered in any of the courts within the state, of which it feels aggrieved by prosecuting an appeal or writ of error therefrom, pursuant to law, without giving or filing a supersedeas bond as otherwise required by law.

### **ARTICLE XV. Removal of Port Commissioners by Governor**

No court shall have the power or jurisdiction to appoint any officer of the court to exercise the duties and powers of the Port Authority or any Port Commissioner. In the event any Port Commissioner shall be guilty of intentional and willful malfeasance, nonfeasance, or misfeasance in office, or commission of a felony, he or she shall be subject to be removed by the Governor in the manner provided for the removal of county officers.

### **ARTICLE XVI. Inspection of Books and Records**

**Section 1.** The books, audits, and records of the Port Authority shall at all reasonable hours on regular business days be open to inspection as provided by law. All moneys of the Port Authority shall be at all times kept fully and adequately secured.

**Section 2.** The books and public records of the Port Authority shall be audited by an independent auditor annually and be available for audit by an appropriate state auditing department at the time the books of the county officials of Brevard County are audited.

**Section 3.** The fiscal year of the Port Authority shall begin October 1 of each year and end September 30 of each year.

### **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 \$100,000.00 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, on the 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 but less than \$100,000, the Chief Executive Officer or his or her designee shall do the following:

- (a)** Request 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.** The 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.

### **ARTICLE XVIII. Periodic Review of Port District Special Act**

**Section 1.** There shall be a Charter Review Committee appointed by the Port Authority at the first meeting in January 2023, and every 10 years thereafter. The Charter Review Committee is created for the purpose of conducting a comprehensive study of any or all phases of the Port District in conformance with this Article.

**Section 2.** The Charter Review Committee shall consist of ten members. Each Port Commissioner shall nominate two members to the Charter Review Committee. Each member shall reside within the Port District.

**Section 3.** The term of each member of the Charter Review Committee shall expire on December 31 of the year in which he or she was appointed. The term of each member of the Charter Review Committee may be extended by the Port Authority upon a majority vote of the Port Authority. Any vacancy shall be filled by the Port Authority in the same manner as the original appointment for the remainder of the member's unexpired term.

**Section 4.** All members of the Charter Review Committee shall be electors of Brevard County. Florida legislators, county commissioners, municipal elected officials, Port Commissioners, constitutional officers, the Port District CEO, and Port District employees may not serve on the Charter Review Committee.

**Section 5.** The Port District shall maintain copies of all written, recorded, and electronic records of the Charter Review Committee in conformance with the laws of the state.

**Section 6.** The Charter Review Committee must submit to the Port Authority any proposed amendments to the Port Authority Charter no later than October 31 of the year in which the Charter Review Committee was established.

**Section 7.** The Port Authority shall include in its general budget for each fiscal year in which the Charter Review

Committee is in existence such sums as are necessary to carry out the duties of the Charter Review Committee.

**Section 8.** In exercising its powers, the Charter Review Committee shall perform the following: elect a chair and vice chair, adopt such internal procedures and rules as may be necessary to carry out its duties, and employ legal counsel as may be necessary to carry out its duties.

**Section 9.** Before the consideration of any recommendations to amend the Port District Charter, the Port Authority shall provide public notice of the date, time, and location of the public hearing at which the amendments to the Port District Charter will be considered. Such recommendations to amend the Port District Charter may only be made upon a majority vote of the Port Authority after a public hearing held to consider such recommendations.

#### **ARTICLE XIX. Commercial Fishing**

**Section 1.** The Port Authority shall take reasonable measures to provide sufficient usable bulkhead space to support commercial fish dealing operations at Port Canaveral. The usable bulkhead space shall be an amount no less than that used by commercial fish dealing operations as of January 1, 2013.

**(a)** “Commercial fish dealing operations” means any company or business substantially concerned with processing, receiving, preserving, storing, transporting, marketing, or selling seafood or seafood products for human consumption or as input factors in other industrial processes. Ancillary restaurant and retail uses operating in conjunction with a commercial fish dealing operation does not exclude that business from being considered a commercial fish dealing operation.

**(b)** “Usable bulkhead space” means bulkhead and adjacent improved property, including infrastructure, located east of the locks, that is able to contain the necessary infrastructure for vehicles and equipment related to commercial fish dealing operations, such as delivery vehicles, freight vehicles, other vehicles, and equipment related to commercial fish dealing operations. It shall be preferred to place the usable bulkhead space on the south side of the port.

**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 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 non-renewal of a lease, or the involuntary relocation of a lessee engaged in commercial fish dealing operations, the Port Authority shall provide 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 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.

**ARTICLE XXII. Severability Clause**

If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional or invalid, such holding does not affect the validity of the remaining portions of this act, the Legislature hereby declaring that it would have enacted this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, and phrase

thereof, irrespective of the fact that any one or more of the sections, subsections, paragraphs, subparagraphs, sentences, clauses, or phrases thereof may be declared to be unconstitutional or otherwise ineffective.

**ARTICLE XXIII. Declaration of Public Purposes**

It is determined and declared by the Legislature that all of the powers conferred upon the Port District by this act and the exercise of such powers constitute and are proper public purposes and are for the welfare and benefit of the Port District and its inhabitants.



Chapter 2014-241,  
as amended by Chapter 2024-283,  
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