Florida Job Growth Grant Fund
Public Infrastructure Grant Proposal

Proposal Instructions: The Florida Job Growth Grant Fund Proposal (this document) must be completed by the governmental entity applying for the grant and signed by either the chief elected official, the administrator for the governmental entity or their designee. Please read the proposal carefully as some questions may require a separate narrative to be completed.

Governmental Entity Information

Name of Governmental Entity: Canaveral Port Authority

Government Federal Employer Identification Number: [Redacted]

Contact Information:
Primary Contact Name: Connie Taylor
Title: Assistant Director, Grants
Mailing Address: 445 Challenger Road, Suite 301; Cape Canaveral, FL 32920-4100
Phone Number: 321-394-3246
Email: ctaylor@portcanaveral.com

Public Infrastructure Grant Eligibility

Pursuant to section 288.101, F.S., the Florida Job Growth Grant Fund was created to promote economic opportunity by improving public infrastructure and enhancing workforce training. Eligible governmental entities that wish to access this grant fund must submit public infrastructure proposals that:

- Promote economic recovery in specific regions of the state, economic diversification or economic enhancement in a targeted industry. (View Florida’s Targeted Industries here.)
- Are not for the exclusive benefit of any single company, corporation or business entity.
- Are for infrastructure that is owned by the public and is for public use or predominately benefits the public.
1. Program Requirements:

Each proposal must include the following information describing how the project satisfies eligibility requirements listed on page 1.

A. Provide the title and a detailed description of the public infrastructure improvements.
   See attached document.

B. Is this infrastructure owned by the public?
   ✔ Yes   ☐ No

C. Is this infrastructure for public use or does it predominately benefit the public?
   ✔ Yes   ☐ No

D. Will the public infrastructure improvements be for the exclusive benefit of any single company, corporation or business entity?
   ☐ Yes   ✔ No

E. Provide a detailed explanation of how the public infrastructure improvements will connect to a broader economic development vision for the community and benefit additional current or future businesses.

   See attached document.
F. Provide a detailed description of, and quantitative evidence demonstrating, how the proposed public infrastructure project will promote:

- Economic recovery in specific regions of the state;
- Economic diversification; or
- Economic enhancement of a Targeted Industry (View Florida’s Targeted Industries here.)

  o As part of this response, describe how the project will promote specific job growth. Include a description of the number of jobs that will be retained or created, the average wages of such jobs, and in which industry(ies) the jobs will be created using the North American Industry Classification System (NAICS) codes. Where applicable, you may list specific businesses that will retain or grow jobs or make capital investment.
  
  o Further, include the economic impact on the community, region, or state and the associated metrics used to measure the success of the proposed project.

See attached document.
2. Additional Information:

A. Is this project an expansion of an existing infrastructure project?
   ☐ Yes       ☑ No

B. Provide the proposed commencement date and number of days required to complete construction of the public infrastructure project.
   October 25, 2017, Final completion will require 545 days (18 months)

C. What is the location of the public infrastructure? (Provide the road number, if applicable.)
   Portions of SR-528 and SR-401 along with on-port roadways such as Charles Rowland.

D. Who is responsible for maintenance and upkeep? (Indicate if more than one are applicable.)
   ☐ Federal       ☑ State       ☐ County       ☐ City       ☑ Other PortCanaveral

E. What permits are necessary for the public infrastructure project?
   The projects are design/build and will require final FDOT and FDEP (stormwater) permit.

F. Detail whether required permits have been secured, and if not, detail the timeline for securing these permits. Additionally, if any required permits are local permits, will these permits be prioritized?
   Conceptual permitting discussions have been held with the agencies. Final permits from FDOT and FDEP (stormwater only) are anticipated to be issued within the next few months.

G. What is the future land use and zoning designation on the proposed site of the infrastructure improvements, and will the improvements conform to those uses?
   There are currently no zoning designations for these areas, uses are compatible with the future land use plans at Port Canaveral.
H. Will an amendment to the local comprehensive plan or a development order be required on the site of the proposed project or on adjacent property to accommodate the infrastructure and potential current or future job creation opportunities? If yes, please detail the timeline.

☐ Yes  ✔ No

N/A

I. Is the project ready to commence upon grant fund approval and contract execution? If no, please explain.

✔ Yes  ☐ No

N/A

J. Does this project have a local match amount?

✔ Yes  ☐ No

If yes, please describe the entity providing the match and the amount.

From Port Canaveral's operating revenues, the Port will match 25 percent of the total project cost.

_________________________________________________________________

K. Provide any additional information or attachments to be considered for this proposal.

See attached exhibits of the proposed improvements.

_________________________________________________________________
3. Program Budget

Estimated Costs and Sources of Funding: Include all applicable public infrastructure costs and other funding sources available to support the proposal.

A. Public Infrastructure Project Costs:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>$9,399,335</td>
</tr>
<tr>
<td>Reconstruction</td>
<td>$</td>
</tr>
<tr>
<td>Design &amp; Engineering</td>
<td>$1,594,000</td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>$</td>
</tr>
<tr>
<td>Land Improvement</td>
<td>$</td>
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</table>

Other $1,006,665

Total Project Costs $12,000,000

B. Other Public Infrastructure Project Funding Sources:

<table>
<thead>
<tr>
<th>Source</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>City/County</td>
<td>$</td>
</tr>
<tr>
<td>Private Sources</td>
<td>$</td>
</tr>
</tbody>
</table>

Other (grants, etc.) $3,755,000

Total Other Funding $3,755,000

Total Amount Requested $8,245,000

Note: The total amount requested must equal the difference between the public infrastructure project costs in 3.A. and the other public infrastructure project funding sources in 3.B.

C. Provide a detailed budget narrative, including the timing and steps necessary to obtain the funding and any other pertinent budget-related information.

See attached document.
4. Approvals and Authority

A. If the governmental entity is awarded grant funds based on this proposal, what approvals must be obtained before it can execute a grant agreement with the Florida Department of Economic Opportunity (e.g., approval of a board, commission or council)?

The Port will need a board resolution prior to executing the grant agreement. Both the resolution and grant agreement will be signed by the Commission Chairman or the Vice Chairman.

B. If approval of a board, commission, council or other group is needed prior to execution of an agreement between the governmental entity and the Florida Department of Economic Opportunity:

i. Provide the schedule of upcoming meetings for the group for a period of at least six months.
   See attached document.

ii. State whether that group can hold special meetings, and if so, upon how many days’ notice.
   See attached document.

C. Attach evidence that the undersigned has all necessary authority to execute this proposal on behalf of the governmental entity. This evidence may take a variety of forms, including but not limited to: a delegation of authority, citation to relevant laws or codes, policy documents, etc.
I, the undersigned, do hereby certify that I have express authority to sign this proposal on behalf of the above-described governmental entity.

Name of Governmental Entity: ______________________________________________  Canaveral Port Authority

Name and Title of Authorized Representative: ________________________________  Captain John W. Murray, CEO

Representative Signature: ________________________________________________  Please see attached.

Signature Date: ___________________  Please see attached.
**FL Job Growth Grant Canaveral Port Authority**

**Section 1.A.** Provide the title and a detailed description of the public infrastructure improvements.

The proposed Port Canaveral Road Access to Cruise and Cargo Terminals is a $12 million project estimated to have a total overall economic impact of $101 million and will create 1,146 jobs. The total funding requested by this application is $8.245 million. Florida Department of Transportation (FDOT) is very aware of the importance of SR 401 for the Cape Canaveral Air Force Station and Port Canaveral operations that include the new container/multipurpose terminal, major cruise terminals and the substantial tanker and cargo truck traffic related to the petroleum terminal. These infrastructure improvements will economically help businesses in adjacent and surrounding areas, including all of Greater Orlando/Central Florida region, and promote increased trade and tourism between Port Canaveral and major cities such as Tampa, Jacksonville, and Miami -- all within a less than four-hour drive of Port Canaveral. This project ties in with recent FDOT studies and review of SR528 and SR401, as meeting the Governor's mission to make Florida the best destination for businesses. This project will specifically include:

1) Increase in roadway capacity for Northside Cargo roads.

2) Revisions to the North Side Cruise Roadway Network are ready for design/build release.

3) New signalization at the existing intersection of Payne Way and SR401 will improve public safety and access with better control of turning movements by fuel tanker and other cargo truck traffic from the Port's main north side cargo entrance.

4) A port-wide Way-Finding and Signage project is in pre-construction services under design completion and ready to go to construction this fall.

**Section 1.E.** Provide a detailed explanation of how the public infrastructure improvements will connect to a broader economic development vision for the community and benefit additional current or future businesses.

There are on average 90,000 people per day visiting, cruising, working and accessing facilities in Port Canaveral. A recent traffic study (Signal Warrant Analysis) of the SR401 and Payne Way intersection at Port Canaveral revealed the total number of vehicles in that area alone on one day was 7,425. The day chosen to study did not reflect typical cruise ship traffic activity in the Port. On an average basis, the number of vehicles passing that location is 12,800. These numbers are only averages, based on studies and statistics, and are extremely conservative. The average number of people transiting Port Proper is estimate at 20,000,000 annually. The current and projected growth at Port Canaveral -- cruise ship passenger movements, cargo loads/offloads, commercial space increased tempo, recreation visitors -- is a documented economic boost for the entire area, county, and
Central Florida region. It supports the need for improved roadway and signage, not only for the continued economic growth in this region, but for the public's safety and security. Port Canaveral's road infrastructure project for cruise and cargo will facilitate job growth in the community and improve the following:

1) The north side cargo road improvements are expected to significantly increase import and export cargo volumes to the region, which translate into increased truck trips using these local terminal roadways. These roads support public and private entities engaged in petroleum, aerospace and other industries and businesses located at the Port.

2) The Port is supporting the newest generation of mega-cruise ships with 6,000 passengers and 2,000 crew. Roadway network improvements are required to support the heavy passenger vehicle volumes, as well as increased ground transportation and ship support traffic.

3) The Port shares SR 401 with military and civilian entities including, Seaport Canaveral, SpaceX, U.S. Air Force, Kennedy Space Center, Space Florida, U.S. Navy's Naval Ordinance Test Unit (NOTU), U.S. Coast Guard, U.S. Customs & Border Patrol, Brevard County Law Enforcement (BCSO) and Cape Canaveral Fire and Rescue Department emergency vehicles. Improved signaling at SR401 & Payne Way is necessary to better control traffic, facilitate safe turning movements of fuel tankers and cargo trucks and will aid in alleviating congestion on SR401. Florida Department of Transportation (FDOT) is very aware of the importance of SR401 for the Cape Canaveral Air Force Station and Port Canaveral operations that include the new container/multipurpose terminal, major cruise terminals and the substantial tanker and cargo truck traffic related to the petroleum terminal.

4) The Wayfinding Project is essential to safely move vehicle traffic by orienting drivers and emergency response vehicles to help navigate between port destinations and ensure driver understanding of roadways for safety purposes. These infrastructure improvements will relieve congestion, improve safety, expand the efficiency and capacity of existing roads and will economically help businesses in adjacent and surrounding areas of Port Canaveral, including all of Greater Orlando/Central Florida region.

**Section 1.F.** Provide a detailed description of, and quantitative evidence demonstrating, how the proposed public infrastructure project will promote:

- Economic recovery in specific regions of the state;
- Economic diversification; or
- Economic enhancement of a Targeted Industry (View Florida's Targeted Industries here.)

- As part of this response, describe how the project will promote specific job growth. Include a description of the number of jobs that will be retained or created, the
average wages of such jobs, and in which industry(ies) the jobs will be created using the North American Industry Classification System (NAICS) codes. Where applicable, you may list specific businesses that will retain or grow jobs or make capital investment.

- Further, include the economic impact on the community, region, or state and the associated metrics used to measure the success of the proposed project.

Total overall economic impact of $101 million and have a creation of 1,146 jobs.

Detail Employment/Job Creation Annual Impact:

Direct and Induced (New): 999
Direct and Induced (Retained): 838
Indirect: 147
Construction: 186

Estimated Annualized Average Wages (excluding benefits) of new jobs: $44,418

Direct Income resulted in personal & wage salary earnings: $25,318,000

Economic Impact of Project (beyond jobs and wages)
In-state Impact/Total Impact: $100,884,000

The above job numbers and economic impact are based on the methodological approach used by Martin Associates.

Based on the NAICS codes, among the industries where jobs will be created are the following: 1) 488310 - Port and Harbor Operations; 2) 488320 - Navigational Services to Shipping; 3) 488320 - Marine Cargo Handling; 4) 237310 - Highway, Street & Bridge Construction; 5) 334511 - Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing

The proposed project will promote economic enhancement throughout multi-industries such as: aerospace, energy distribution, tourism, cargo and military. Specific businesses at the Port that will retain and grow jobs or will make capital investments namely:

1) Seaport Canaveral - Distributes 40% of the transportation fuels for entire Central Florida; 100% of jet fuel for international flights into/out of Orlando International Airport; recently invested $2 million to expand their truck loading facility.

2) SpaceX Corporation- East Coast operations facility located at the north side of Port Canaveral, along SR401. Operations process, refurbish and store rocket boosters for commercial launches from Kennedy Space Center. SpaceX will build an adjacent hangar on an additional 4-acre parcel leased from Port. In addition to SpaceX, the Port is also in discussions with other commercial space companies with similar operational needs.
3) Military - U.S. Coast Guard (located inside the Port), and all the military facilities located outside of the Port, all require access and daily use of SR401 to travel to and from their facilities.

4) Cargo operations and commercial facilities including, Morton Salt, Gulftainer, Hanson Slag, Ambassador Services, etc.

5) Tourism drivers such as, Disney Cruise Line, Norwegian Cruise Line, Royal Caribbean Cruise Lines, Carnival Cruises, local hotels, restaurants and retail shops within the Port or immediately adjacent to the Port area.

Section 2.B. Provide the proposed commencement date and number of days required to complete construction of the public infrastructure project.
October 25, 2017, Final completion will require 545 days (18 months)

Section 2.C. What is the location of the public infrastructure? (Provide the road number, if applicable.)
Portions of SR-528 and SR-401 along with on-port roadways such as Charles Rowland.

Section 2.E. What permits are necessary for the public infrastructure project? 
The projects are design/build and will require final FDOT and FDEP (stormwater) permit.

Section 3.A. Public Infrastructure Project Costs:
Please Specify: Design costs incurred to date.

Section 3.B. Public Infrastructure Project Costs:
Please Specify: Amount includes:
1) $2,748,335 - 25% match based on $10,993,335 which is net of total project cost less Other (Design cost incurred to date).
2) $1,006,665 - Other - Design costs incurred to date.
Section 3.C. Provide a detailed budget narrative, including the timing and steps necessary to obtain the funding and any other pertinent budget-related information.

There are 4 components to this project and costs which totals to $12M:

1) North side Cargo road improvements - $1.5M
2) North side Cruise Roadway Network - $8M
3) Signalization at SR401 and Payne Way - $500K
4) Port-wide Wayfinding - $2M

For this project, the Port has already invested $1,006,665 for design costs. The design and permitting is still in progress and should be completed by the end of this year. In addition to the $1M design costs, the Port plans to match 25% of the remaining $10,995,030 which amounts to $2,748,758. This $2.7M match will be derived from the Port's operating revenues. This project is part of the Port's 5-year planned capital budget. In addition, the Port has already expended $1.4M for repairs and preventive maintenance to the SR401 Overpass Bridge and other traffic improvements, such as message boards, additional pavement and pavement markings which is part of the Cruise Roadway Network.

Section 4.B.i. Provide the schedule of upcoming meetings for the group for a period of at least six months.


Section 4.B.ii. State whether that group can hold special meetings, and if so, upon how many days' notice.

Yes, the commission can hold special meeting with at least 14 days’ notice prior to the special meeting day.
BUILDING ROADWAYS

BUILDING JOBS
# Table of Contents

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OVERVIEW

The Canaveral Port Authority (CPA) recognizes the special opportunity presented by the Florida Job Growth Fund Public Infrastructure Grant. The proposed project - Port Canaveral Road Access to Cruise and Cargo Terminals – is a $12 million project which is estimated to have a total overall economic impact of $101 million and have a creation of 1,146 jobs. The total funding requested is $8.245 million.

Port Canaveral continues to grow as an economic engine for not only Brevard County, Central Florida, but even beyond its boundaries. The newest addition to the growing cargo development at Port Canaveral includes the aerospace industry. Business partners have begun operations here with commitments to invest millions in buildings and equipment on CPA property. With the cruise industry growing daily due to larger mega ships now calling Port Canaveral home, the capacity of these megaships is up to 6,000 passengers. More ships, passengers and visitors equate to the need for more support businesses such as ground transportation, shore excursions and ship supply vehicles. Increases in cargo volumes and activities coupled with the growing cruise and tourism activity all emphasize the need roadway, signage and directional improvements. The internal roadway network with Canaveral Port Authority's jurisdictional boundaries has been constructed over several decades. Over time these roads have been developed and constructed along with an adjacent major cargo or cruise development project. The CPA roadway network directly intersects with SR401 which is a crucial pathway for not only Port related cruise and cargo, but military, security and emergency first responders as well. The Port shares SR401 with the U.S. Air Force, Kennedy Space Center, U.S. Navy Ordinance Training Unit, the U.S. Coast Guard, U.S. Customs, Brevard County Sheriff Office and Cape Canaveral Volunteer Fire Department.

PROJECT

The proposed roadway project has four components which include:
1) North side Cargo road improvements - $1.5M
2) North side Cruise Roadway Network - $8M
3) Signalization at SR401 and Payne Way - $500K
4) Port-wide Wayfinding system - $2M

JOBS

The project will create 1,146 new permanent jobs, temporary construction, and sustainment of existing positions. These include Economic enhancement in targeted industries such as Aerospace industry, space technologies, launch/recovery operations and Homeland Security/Defense.

INDUSTRY

Enhance and support the growth of Aerospace industry-new jobs will include highly technical market.

Energy distribution-enable a 57% growth in truck trips distributing petroleum to Orlando International Airport and central Florida.
Facilitate further growth and expansion in cruise and tourism by the development of Wayfinding system of signage and improved traffic flow to handle the increased volume of travelers.

Port Canaveral is seeking to add new and expanded cargo lines, including Roll On/Roll Off (RO/RO), containers, break-bulk, autos and heavy construction equipment. Many of these new lines of cargo require infrastructure build to support much heavier loading requirements; in will result in expansion of cargo traffic.

**BY THE NUMBERS**

Based on the most recent traffic study, a Signal Warrant Analysis, of Port Canaveral’s SR401 and Payne Way, the total number of vehicles in just that area on one day was 7,425. The day chosen reflected only one small cruise ship in Port. On an average basis, the number of vehicles passing just that location is 12,800. A snapshot in time of just one day in the Port Proper Area would average 90,000. There are 90,000 people in one day that are visiting, cruising, driving trucks, working and playing in Port Canaveral. These numbers are averages, based on studies and statistics, and are extremely conservative.

In one year, the average is 20,000,000. The sheer number of people and vehicles is growing and an economic boost for the entire area, county, and state. It does support the need for improved roadway and signage, not only for the continued growth in the area, but for the safety and security of all.

**SAFETY**

Wider roads, improved traffic signals and new Wayfinding system will increase safety for the growing number of travelers. Supporting the planned 57% increase in fuel trucks daily, which provide jet fuel to Orlando International Airport and Central Florida, road improvements and new signalization at SR401 is crucial. The new traffic signal at SR401 & Payne Way will better control traffic and facilitate turning movements of fuel tankers & cargo trucks and aerospace vehicles.

**INVESTMENT**

The total project cost is an estimated $12 million. CPA has already invested $1.01 million in design and permitting costs, and is prepared to additionally support matching funds for 25% of the remaining costs, or $2.74 million. For an investment of the requested $8.245 million, the State of Florida can expect in return of a $12 million road, Wayfinding and signage project which will produce 1,146 new jobs and an economic impact of $101 million.
b. ECONOMIC IMPACT AND JOBS

<table>
<thead>
<tr>
<th>PERMANENT ANNUAL IMPACTS</th>
<th>CONSTRUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>JOBS</strong></td>
<td><strong>JOBS</strong></td>
</tr>
<tr>
<td>Direct</td>
<td>473</td>
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<tr>
<td>Induced</td>
<td>365</td>
</tr>
<tr>
<td>Indirect</td>
<td>122</td>
</tr>
<tr>
<td><strong>TOTAL JOBS</strong></td>
<td><strong>186</strong></td>
</tr>
<tr>
<td><strong>INCOME</strong></td>
<td><strong>INCOME</strong></td>
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<tr>
<td>Direct</td>
<td>$21,875,000</td>
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<tr>
<td>RE-SPENDING/LOCAL CONSUMPTION</td>
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<tr>
<td>Indirect</td>
<td>$5,532,000</td>
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<tr>
<td><strong>TOTAL INCOME AND CONSUMPTION</strong></td>
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<tr>
<td>Revenue</td>
<td>$59,392,000</td>
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<tr>
<td>Local Purchases</td>
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<td>State and Local Taxes</td>
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<tr>
<td>Revenue</td>
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<tr>
<td>Local Purchases</td>
<td>$1,971,000</td>
</tr>
<tr>
<td>State and Local Taxes</td>
<td>$1,221,000</td>
</tr>
</tbody>
</table>

The methodological approach used by Martin & Associates is one that the organization has employed repetitively over the past 25 years, providing estimates of economic impact to cargo and passenger activity at more than 250 seaports. The job numbers generated for this project are specific to only the development of the plan completed by the selected consultant and do not include other Port employees. The income impact was estimated by multiplying the average annual earnings (excluding benefits) of each master plan participant by the corresponding number of direct jobs in each category. The individual annual earnings in each category multiplied by the corresponding job impact resulted in $25,318,000 in personal wage and salary earnings. The average annual earnings of a port dependent job is about $44,418.

c. MAPS - Appendix A

Please see Appendix A – Project maps/renderings and the Port Canaveral Development Map.

d. PORT CANAVERAL CHARTER – Appendix B

Appendix B - In response to Part 4 Approvals and Authority, Section C of the grant application, please see the attached Canaveral Port Authority Charter, page 17, Article VII, Personnel. This section describes the Chief Executive Director’s (CEO) responsibilities and authority.
Appendix A
MAPS
SAMPLE DESIGN - DENOTES ONE AREA ONLY

# 6 OR # 8 OR # 9
Appendix B
CHARTER
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 deep water 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 agency, the Canaveral Port Authority can 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. Current facilities construction will enable the port to continue to grow with the demand for services.

The future of Port Canaveral is being planned and executed with expert attention and research in all areas of consideration. The new millennium will continue to see the success of Port Canaveral.
The 1953 Charter 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.

1941-1942 A. Fortenberry (County Commissioner), John Witter, W. B. Lewis, A. A. Dunn (County Commissioner), R. L. Geiger (Mayor of Rockledge), W. G. Akridge, W. C. Klingensmith

1943-1944 Fortenberry (County Commissioner), Dunn (County Commissioner), E. H. MacFarland, Geiger (Mayor of Rockledge), Witter, Lewis, Noah B. Butt (Mayor of Cocoa)

1945 Fortenberry (County Commissioner), Dunn (County Commissioner), Geiger (Mayor of Rockledge), S. L. Knutson, Klingensmith, Lewis, MacFarland

1946 Fortenberry (County Commissioner), Geiger (Mayor of Rockledge), H. E. Griggs (Mayor of Cocoa), Dunn (County Commissioner), Witter, Lewis, Knutson

1947 Fortenberry (County Commissioner), Geiger (Mayor of Rockledge), L. M. Carpenter (County Commissioner), Griggs (Mayor of Cocoa), Dunn (County Commissioner), Lewis, Knutson

1948 Fortenberry (County Commissioner), Geiger (Mayor of Rockledge), Carpenter, Griggs (Mayor of Cocoa), Dunn (County Commissioner), Lewis, Knutson

1949 Fortenberry (County Commissioner), Geiger (Mayor of Rockledge), Carpenter (County Commissioner), Butt (Mayor of Cocoa), Dunn (County Commissioner), Lewis, Knutson

1950 Fortenberry (County Commissioner), Butt (Mayor of Cocoa), Lewis, Geiger (Mayor of Rockledge), Knutson, Carpenter (County Commissioner), Dunn (County Commissioner)

1951 D. S. "Dave" Nisbet (County Commissioner), R. C. Burns, N. Argabrite, Carpenter (County Commissioner), Dunn (County Commissioner), Geiger (Mayor of Rockledge), Butt (Mayor of Cocoa)

1952 Nisbet (County Commissioner), Burns, Argabrite, Carpenter (County Commissioner), Dunn (County Commissioner), Geiger (Mayor of Rockledge), Butt (Mayor of Cocoa)

June 1953 Butt, Carpenter, Dunn, G. W. Laycock, Nisbet (All appointed by Governor to constitute the new Board in accordance with new law, Chapter 28922 Laws of Florida, Special Acts of 1953)

1954 Butt, Carpenter, Dunn, Laycock, Nisbet

1955-1956 Kelly L. Brinson, Mayo Hill, Dunn, W. O. B. Chittenden, Laycock

1957-1958 Brinson, Chittenden, Dunn, Hill, Laycock

1959 Brinson, Chittenden, John V. D'Albora, Dunn, Laycock (Commissioner Chittenden resigned April 22, 1959, and Sion A. "Gus" Faulk, who had been appointed by Gov. Collins, was sworn in as a Port Commissioner. Mr. Dunn was elected Chairman.)

1960 Brinson, Faulk, D'Albora, Dunn, Laycock (Roy Estridge appointed September 1960 to unexpired term of Laycock, deceased.)

1961-1964 Brinson, Dunn, D'Albora, R. A. Cutter, Roderick S. McIver

1965 Brinson, Cutter, D'Albora, Dunn, McIver

1966 Brinson, Cutter, D'Albora, Dunn, McIver (W. S. "Pappy" Austin appointed June, 1966 to unexpired term of A. A. Dunn, deceased.)

1967-1968 W. S. Austin, Cutter, James H. Clendinen, McIver, Malcolm E. McLouth

1969-1972 Austin, William H. Clark, Clendinen, McIver, McLouth

1973 Austin, Clark, Clendinen, McIver, McLouth (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.)

1974-1976 Austin, Clendinen, Cowlin, McIver, McLouth

1977 Austin, Clendinen, Wesley H. "Wes" Houser, McLouth, Nisbet

1978 Austin, Clendinen, Houser, McLouth, Nisbet

1979 Clendinen, Gilbert S. Goshorn, Houser, McLouth, Nisbet

1980 Clendinen, Goshorn, Houser, McLouth, Nisbet (Commissioner Goshorn resigned September 24, 1980, to assume office as Circuit Judge for the 18th Judicial Circuit Court of Florida.)

1981-1982 M. M. "Buck" Buchanan, Clendinen, R. A. Cutter, Houser, McLouth

1983-1984 Jerry W. Allender, Buchanan, McLouth, Thomas L. Newbern, Nisbet

1985-1989 Allender, Buchanan, Sue Ford, McLouth, Newbern

1990 Allender, Buchanan, Ford, McLouth, Newbern (Ralph J. Kennedy appointed November and December to unexpired term of Ford who resigned to seek another public office.)

1991-1994 Allender, Buchanan, Kennedy, McLouth, Newbern

1995-1996 Raymond P. Sharkey, Buchanan, Donald N. Molitor, Kennedy, McLouth (Rodney S. Ketcham appointed August 21, 1996 to complete McLouth's term.)

1997-2002 Sharkey, Joe D. Matheny, Molitor, Kennedy, Ketcham

2003-2005 Sharkey, Matheny, Tom Goodson, Kennedy, Ketcham

2006-2008 Sharkey, Matheny, Goodson, Kennedy, Ketcham

2006-2008 Sharkey, Matheny, Goodson, Kennedy, Ketcham (Charles Ragland appointed May 7, 2008 to unexpired term of Ketcham, deceased.)

2009 Sharkey, Matheny, Goodson, Malcolm "Mac" McLouth, Kennedy (Commissioner Kennedy resigned effective October 30, 2009)

2010 Sharkey, Matheny, Goodson, Robert "Bruce" Deardoff, McLouth (Commissioner Goodson resigned effective November 2, 2010 to assume office as Florida State Representative for District 50)

2011-2012 Deardoff, Weinberg, Allender, Matheny, Sullivan


2015-2016 Allender, Evans, Weinberg, Deardoff, Wayne E. Justice

2016 - Present Weinberg, Justice, Allender, Bob Harvey, Micah Loyd
An act relating to the Canaveral Port District, Brevard County; providing legislative intent; codifying, amending, repealing and reenacting special acts relating to the district; providing severability; providing purpose and construction; providing an effective date.

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

Section 1. Pursuant to s. 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Canaveral Port District, Brevard County. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.


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

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.
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) Once a week for 2 consecutive weeks in a newspaper of general circulation published in Brevard County;
(b) On the Port Authority Website;
(c) In a manner no less than may be required by Florida law.
Additional requirements for Public Notice may be provided for herein.

ARTICLE III. Governing Authority

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

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, substations, 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 within the limits of Brevard County and to establish, operate, and maintain such Foreign Trade Zone; to apply for and obtain permission from the United States Government to create, improve, regulate, and control all waters, and natural or artificial waterways within said Port Canaveral; to improve all navigable and nonnavigable waters situated within the Port District necessary or useful to the operation, improvement, and maintenance of Port Canaveral; to construct, improve, and maintain such inlets, slips, turning basins, and channels; to make and give to the United States Government such guarantees upon such terms and conditions as may be required; and to enact, adopt, and establish rules and regulations for the complete exercise of jurisdiction and control over all of said lands and waters of Port Canaveral within the Port District.
Section 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 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 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 employ an attorney for the Port Authority; and fix and determine the compensation and duties of said attorney. The term of office of said attorney 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, 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; 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 50 years may be approved by a majority vote at a public meeting. Before considering such a lease, in addition to providing Public Notice regarding the intent to enter into such a lease, the Port Authority shall advertise, in a newspaper of general circulation in Brevard County, the Port Authority's intent to enter into such a lease no less than 30 days prior to the consideration of such lease at a duly noticed regular meeting of the Port Authority. The notice requirement contained in this Section shall run concurrently with the Public Notice requirements contained in Article II.

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

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

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

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

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

Section 1. (a) The governing authority of the Port District is hereby created and shall be designated as the Port Authority, and shall consist of five Port Commissioners, one Port Commissioner from each Commissioner Port District, who shall be a qualified elector and reside within the Commissioner Port District from which he or she is appointed or nominated and elected. All Port Commissioners shall be elected for 4-year terms, and said terms shall be arranged so that three Port Commissioners are elected at one general election and two Port Commissioners elected at the next ensuing general election. For the general election in 2014, the term of office of each Port Commissioner shall commence on the Tuesday after the first Monday in January after his or her election. Commencing with the election in November 2016 and each general election thereafter, the term of office of each Port Commissioner shall commence on the first Port Authority meeting after his or her election at the general election. The terms of office for those Commissioners which would expire in January, 2017, shall expire upon the commencement of their respective successor's term on the first Port Authority meeting after the general election in 2016, and each general election thereafter.

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

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

(b) Nomination of candidates shall be made by residency districts at the primary elections, by the various political parties, as 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 Board of County Commissioners; file in the same manner the like oaths, sworn statements, and receipts for party assessments; be governed by the same restrictions; be subject to like party assessments by the County Executive Committees of the respective political parties; and in all respects comply with the general laws of Florida governing candidates for Board of County Commissioners in primaries.

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

Section 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. 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 hereby 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 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 $7.5 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

Section 1. 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

Section 1. 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 Judgment Liens

Section 1. 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

Section 1. 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 once a week for 3 consecutive weeks in a newspaper of general circulation in the Port District and Brevard County, and for no less than 3 consecutive weeks on the 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 $10,000 but less than $100,000, the Chief Executive Officer or his or her designee shall do the following:

(a) Obtain at least three written bid offers to perform such work or furnish such property from at least three independent persons or business entities responsible in the subject business endeavor under consideration.

(b) Make a record of the offers.

(c) After obtaining and recording such offers, award the contract to the most responsive responsible bidder of those solicited as provided in this article.

Section 3. In lieu of the competitive bid requirements set forth in Sections 1 and 2, the Port Authority may use purchase agreements or contracts of any state agency, county, school board, or municipality, or of the Federal Government or its agencies, which agreements or contracts have been competitively bid for the purchase of goods, supplies, or materials for Port District purposes.

ARTICLE 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 as may be amended.

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. Prior to 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. Severability Clause

Section 1. 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 XXII. 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.

Section 4. This act shall be liberally construed to effectuate the purposes set forth herein.


Section 6. This act shall take effect upon becoming a law.
AUGUST 15, 2016

The Honorable Rick Scott  
Executive Office of the Governor  
400 S. Monroe Street  
Tallahassee, FL 32399

Dear Governor Scott:

We strongly support the Canaveral Port Authority’s efforts to obtain a Florida Job Growth grant. The goal of their proposed project, Port Canaveral Road Access to Cruise and Cargo Terminals, is to expand the efficiency and capacity of existing roads, building new roads needed to relieve congestion, install traffic signal at SR401 and Payne Way, and establish brand new port-wide way finding signage to improve safety and adaptability for all population in the area.

This project’s estimated job creation of 1,146 is vital to the Space Coast and Central Florida.

These infrastructure improvements will economically help businesses in adjacent and surrounding areas, including all of Greater Orlando/Central Florida region, and promote increased trade and tourism between Port Canaveral and major cities such as Tampa, Jacksonville, and Miami – all within a less than four-hour drive of Port Canaveral. This project ties in with recent FDOT studies and review of SR528 and SR401, as meeting the Governor’s mission to make Florida the best destination for businesses.

Again, I encourage your consideration of this worthy cause. We fully support this application and respectfully request the funding of this important project for our region.

If I can be of further assistance in this matter, please do not hesitate to contact me at the address below.

Sincerely,

John Walsh  
Chief Operating Officer
August 7, 2017

Director Cissy Proctor  
Florida Department of Economic Opportunity  
107 E Madison St,  
Tallahassee, FL 32399

Dear Director Proctor,

We strongly support the Canaveral Port Authority’s efforts to obtain a Florida Job Growth grant. The goal of their proposed project, **Port Canaveral Road Access to Cruise and Cargo Terminals**, is to expand the efficiency and capacity of existing roads, building new roads needed to relieve congestion, install a traffic signal at SR401 and Payne Way, and establish new port-wide way finding signage to improve safety and adaptability for all populations in the area.

These infrastructure improvements will economically support businesses in adjacent and surrounding areas, including the Greater Orlando/Central Florida region. The projects will also facilitate increased trade and tourism between Port Canaveral and major cities such as Tampa, Jacksonville and Miami – all less than four hours from Port Canaveral. This project corresponds with recent Florida Department of Transportation studies and a review of SR528 and SR401, as meeting the Governor's mission to make Florida the best destination for businesses. Its estimated return on investment will produce 1,146 new jobs and an economic impact of $101 million.

I strongly encourage your consideration of this important venture supporting the growing commerce at Port Canaveral and we fully support the application and respectfully request funding for this much-needed project.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Doug Wheeler  
President and CEO  
Florida Ports Council
8-12-17

The Honorable Rick Scott
Executive Office of the Governor
400 S. Monroe Street
Tallahassee, FL 32399

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Sincerely,

[Signature]

John Slaydon
General Manager – Port Canaveral
Morton Salt, Inc. | A K+S Group Company
The Honorable Rick Scott  
Executive Office of the Governor  
400 S. Monroe Street  
Tallahassee, FL 32399  

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Again, I encourage your consideration of this worthy cause. We fully support this application and respectfully request the funding of this important project for our region.

If I can be of further assistance in this matter, please do not hesitate to contact me at the address below.

Respectfully yours,

Representative Rene “Coach P” Plasencia
August 15, 2017

The Honorable Rick Scott
Executive Office of the Governor
400 S. Monroe Street
Tallahassee, FL 32399

Dear Governor Scott:

It is with pleasure that I write in support of the Canaveral Port Authority’s efforts to obtain a Florida Job Growth grant. This proposed project will add road access to cruise and cargo terminals, expand the efficiency and capacity of existing roads, and build new roads to relieve congestion, install a traffic signal at SR401. It will also establish a brand new port-wide wayfinding signage to improve safety and adaptability for all population in the area. The project has estimated 1,146 in job creation, which is vital to the Space Coast and Central Florida.

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Thank you for your consideration.

Respectfully submitted,

Dorothy L. Hukill
State Senator, District 14
AUGUST 15, 2016

The Honorable Rick Scott
Executive Office of the Governor
400 S. Monroe Street
Tallahassee, FL 32399

Dear Governor Scott:

We strongly support the Canaveral Port Authority’s efforts to obtain a Florida Job Growth grant. The goal of their proposed project, Port Canaveral Road Access to Cruise and Cargo Terminals, is to expand the efficiency and capacity of existing roads, building new roads needed to relieve congestion, install traffic signal at SR401 and Payne Way, and establish brand new port-wide way finding signage to improve safety and adaptability for all population in the area.

This project’s estimated job creation of 1,146 is vital to the Space Coast and Central Florida.

These infrastructure improvements will economically help businesses in adjacent and surrounding areas, including all of Greater Orlando/Central Florida region, and promote increased trade and tourism between Port Canaveral and major cities such as Tampa, Jacksonville, and Miami – all within a less than four-hour drive of Port Canaveral. This project ties in with recent FDOT studies and review of SR528 and SR401, as meeting the Governor’s mission to make Florida the best destination for businesses.

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Sincerely,

John Walsh
John Walsh
Chief Operating Officer
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[Signature]

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August 15, 2017

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Tallahassee, FL 32399

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Thank you for your consideration.

Respectfully submitted,

Dorothy L. Hukill
State Senator, District 14
August 17, 2017

The Honorable Rick Scott  
Executive Office of the Governor  
400 S. Monroe Street  
Tallahassee, FL 32399

Dear Governor Scott:

We strongly support the Canaveral Port Authority’s efforts to obtain a Florida Job Growth grant. The goal of their proposed project, Port Canaveral Road Access to Cruise and Cargo Terminals, is to expand the efficiency and capacity of existing roads, building new roads needed to relieve congestion, install traffic signal at SR401 and Payne Way, and establish brand new port-wide way finding signage to improve safety and adaptability for all population in the area.

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Sincerely,

Janne Meinertz  
President
August 17, 2017

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Executive Office of the Governor
400 S. Monroe Street
Tallahassee, FL 32399

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Sincerely,

[Signature]

Jose L Machado
Commercial Manager