

1
2 A bill entitled

3 An act relating to the Port of Palm Beach District, Palm Beach
4 County; amending chapters 74-570, 75-468, 81-459, 87-523, 90-462,
5 95-467, and 99-457, Laws of Florida; codifying, amending, reenacting
6 and repealing as herein provided; providing an effective date.

7
8 Be it enacted by the Legislature of the State of Florida:

9
10 Section 1.

11 Pursuant to s. 189.429, Florida Statutes, this act constitutes the codification of all special acts and court
12 decrees relating to the Port of Palm Beach District. It is the intent of the Legislature in enacting this act to
13 provide a single, comprehensive special act charter for the district, including all current legislative
14 authority granted to the district by its several legislative enactments and any additional authority granted
15 by this act. It is further the intent of the Legislature that this act preserve all district authority in addition
16 to any authority contained in chapter 298, Florida Statutes.

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18 codified, reenacted, and repealed as herein provided.

19
20 Section 2.

21 ARTICLE I. PURPOSE. –

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

23 Section 2. Purpose. – The purposes of the changes as contained in this act are to provide an integrated
24 charter of the powers and safeguards necessary for the desired promotion, development of the facilities
25 and services of the Port of Palm Beach, and to provide for the liberal construction of this act so as to

26 effectuate the purposes thereof for the welfare and convenience of the citizens and taxpayers of the Port
27 of Palm Beach District and of the Port of Palm Beach District and the County of Palm Beach.

28
29 ARTICLE II. GENERAL PROVISIONS. – No obligations or contracts of the Port of Palm Beach
30 District, including revenue certificates heretofore issued, the issuance of tax anticipation notes, and any
31 and all proceedings heretofore begun for any improvement or for the borrowing of money, or for the
32 issuing of revenue certificates, shall be impaired or voided by this act and such debts, obligations,
33 contracts and revenue certificates shall pass to and shall be binding upon the Port of Palm Beach District.
34 All such proceedings heretofore begun for the construction of any improvements or for the borrowing of
35 money, and issuing of revenue certificates, may be continued and completed and binding upon the Port of
36 Palm Beach District, as said district shall continue to exist with provisions relating to jurisdiction, powers,
37 and duties being supplemented, amended and repealed by this act.

38
39 ARTICLE III. BOUNDARIES. – The following shall continue to be the territory known as the "Port of
40 Palm Beach District" and shall consist of so much of Palm Beach County, State of Florida, as is described
41 and embraced in the following boundaries:

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

51 the Township Line between Townships 43 and 44 South; thence run East along the Township
52 Line between Townships 43 and 44 South; to the Atlantic Ocean; thence run North along the
53 West Shore of the Atlantic Ocean to the point of beginning; all being in Palm Beach County,
54 Florida.

55
56 ARTICLE IV. GOVERNING BODY. –

57 Section 1. Commissioners. – The governing body of the Port of Palm Beach District shall be known as
58 and designated the "Port of Palm Beach District Board of Commissioners" and shall be composed of five
59 (5) members who shall be elected as provided for in Article V. The Port of Palm Beach District shall
60 constitute a body politic and a body corporate and is deemed to be a political subdivision of the state
61 within the meaning of sovereign immunity from taxation, with proprietary and regulatory authority in the
62 same manner as counties and other political subdivisions of the state.

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

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

75

76 ARTICLE V. ELECTION OF BOARD OF COMMISSIONERS. –

77 Section 1. Conduct of Affairs. – The Port of Palm Beach District Board of Commissioners shall consist
78 of five (5) commissioners, each elected by districtwide vote of the qualified electors within the Port of
79 Palm Beach District for a term of four (4) years. Each candidate for commissioner shall file and qualify in
80 one (1) of five (5) groups, designated one (1), two (2), three (3), four (4), and five (5).

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

86 Section 3. Election laws. – All existing and future general laws of the state which regulate and control
87 primaries and elections in connection with county offices are hereby adopted for and made applicable to
88 the Port of Palm Beach District.

89 Section 4. Present commissioners. – All of the present Port of Palm Beach District Commissioners
90 shall hold office for the term for which they were elected. Nothing herein shall be construed to adversely
91 affect their tenure as Commissioners of the Port of Palm Beach District for the term for which they have
92 been duly elected and qualified, and they shall continue to serve as such Commissioners until their
93 successors have become duly qualified after the general election of 1976, or until such time as they shall
94 become previously disqualified by reason of death, change of residence or by removal from office by the
95 Governor, pursuant to applicable law.

96 Section 5. Term of office. – At the general election to be held in 1976, commissioners elected for
97 groups 1, 2 and 3 shall be elected for a term of four (4) years. At said election in 1976, commissioners for
98 groups 4 and 5 shall be elected for a term of two (2) years. Thereafter, each commissioner elected for all
99 said five (5) groups shall be elected for a term of four (4) years.

100 Section 6. Bond of commissioners. – Within thirty (30) days after assuming the duties of the office of
101 Commissioner of the Port of Palm Beach District, the commissioner shall execute and deliver to the Port

102 of Palm Beach District a good and sufficient bond, executed by himself or herself as principal and a
103 surety company licensed to do business in the state as surety, in the principal sum of twenty-five thousand
104 dollars (\$25,000.00) conditioned upon his or her faithful performance as such Commissioner of the Port
105 of Palm Beach District of the duties thereof. Each bond so given shall be approved by and filed with the
106 board of commissioners of said district. The failure of any person who is elected or who is appointed as
107 commissioner to give such bond within thirty (30) days after he or she has assumed such office shall
108 create a vacancy in such office.

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

118

119 *ARTICLE VI. ORGANIZATION AND COMPENSATION OF BOARD OF COMMISSIONERS. –*

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

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

126 Section 3. Salary of commissioners – The salary of each commissioner, regardless of the office that he
127 or she shall hold, shall be nine thousand five hundred dollars (\$9,500) per annum, payable in monthly
128 installments.

129 Section 4. Secretary-treasurer bond. – The secretary-treasurer of the Port of Palm Beach District shall
130 execute and deliver to said district a good and sufficient bond, executed by himself or herself as principal
131 with a surety company licensed to do business in the State of Florida as surety, in the principal sum of
132 twenty-five thousand dollars (\$25,000.00), conditioned upon his or her faithful performance as secretary-
133 treasurer of the Port of Palm Beach District and his or her duties thereof, with said bond to be in addition
134 to the bond given by each of the commissioners as herein provided in section 5 of Article V. Said bond
135 shall be approved by and filed with the board of commissioners of said district, and if the secretary-
136 treasurer should fail to give such bond within thirty (30) days after he or she has assumed the office of
137 secretary-treasurer, said misfeasance shall create a vacancy in such office and a vacancy on the board of
138 commissioners.

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

142
143 ARTICLE VII. DEFINITIONS. – As used in this charter, the following words and terms shall be taken
144 to include the following meanings, when the context shall require or permit:

145 (1) "And" shall also mean "or" and the word "or" shall also mean "and," whenever the context shall so
146 require.

147 (2) "Board of commissioners" or "board" or "commissioners" means the Port of Palm Beach District
148 Board of Commissioners.

149 (3)(a) "Cost" as applied to improvements means the cost of constructing or acquiring improvements as
150 defined or referred to in the definition of "project" and shall embrace the cost of all labor and materials,

151 the cost of all machinery and equipment, financing charges including capitalized interest, and the cost of
152 engineering, legal expenses, plans, specifications and such other expenses as may be necessary or incident
153 to such construction or acquisition.

154 (b) "Cost" as applied to a project acquired, constructed, extended, or enlarged, shall include the
155 purchase price of any project acquired; the cost of improvements; the cost of such construction, extension
156 or enlargement; the cost of all lands, properties, rights, easements, and franchises acquired; the cost of all
157 machinery and equipment; financing charges including capitalized interest; cost of investigations, audits,
158 and engineering and legal services; and all other expenses necessary or incident to determining the
159 feasibility or practicability of such acquisition or construction, administrative expense or expenses, and all
160 such other necessary expenses as may be necessary or incident to the financing herein authorized and to
161 the acquisition and construction of a project and the placing of the same in operation. Any obligation or
162 expense lawfully incurred by the district or the board of commissioners of said district before the issuance
163 of revenue bonds under this charter, including, but not limited to, engineering studies, estimates of cost
164 and of revenues, and such other technical, financial, or legal services in connection with the acquisition,
165 construction, or feasibility of any project, may be regarded as a part of the cost of such project.

166 (4) "Federal agency" means and includes the United States of America and any department, agency, or
167 instrumentality thereof, heretofore or hereafter created, designated, or established by the United States of
168 America.

169 (5) "Fiscal year" or any term referring to the twelve (12) month period of operation of the district
170 means that period of time beginning at 12:01 a.m. on October 1 of each and every calendar year and
171 expiring at 12:00 midnight on September 30 of each and every calendar year.

172 (6) "Governing body" means the board of commissioners of the district or any board, agency, or other
173 body that shall hereafter be empowered to exercise the general legislative and governing powers in said
174 district.

175 (7) "Outstanding obligations" means any outstanding revenue bonds or certificates or general
176 obligation bonds of 261 said district.

177 (8) "Port district" or "district" means the Port of Palm Beach District, a political subdivision and
178 independent special district as defined by chapter 189, Florida Statutes.

179 (9) "Port facilities" means all structures, terminals, warehouses, docks, approaches, berths, slips,
180 roadways, parkways, quaywalls, jetties, lifts, turning basins, machinery, fixtures, equipment, and all
181 property whatsoever, real or personal, tangible or intangible, now or hereafter acquired or constructed by
182 said district pursuant to law, or any facilities of any nature hereafter or at any time acquired or constructed
183 pursuant to law by said district.

184 (10) "Port improvements" means additions, extensions, or improvements to the existing port facilities
185 of the district of every type and kind now or hereafter authorized by law, or the acquisition or
186 construction of any new port facilities of any type or kind now or hereafter authorized by law.

187 (11) "Port manager" means the person managing the operation of the port marine facilities as
188 designated by the Port of Palm Beach District Board of Commissioners.

189 (12) "Project" means one or any combination of two (2) or more of the following: harbor, port,
190 shipping, and oceanographic facilities of all kinds, including, but not limited to, harbors, channels, turning
191 basins, anchorage areas, jetties, breakwaters, waterways, canals, locks, tidal basins, wharves, docks, piers,
192 slips, bulkheads, public landings, warehouses, terminals, refrigerating and cold storage plants, railroads
193 and motor terminals for passengers or freight, rolling stock, car ferries, boats, and conveyors and
194 appliances of all kinds for the handling of storage, inspection, and transportation of freight and the
195 handling of passenger traffic, administration buildings, service buildings, tunnels, other than subaqueous
196 highway tunnels, and may include all property (real and personal), structures, facilities, rights, easements,
197 the franchises relating to any such project deemed necessary or convenient for the acquisition,
198 construction, purchase, or operation thereof, and any other project or facility defined or authorized
199 pursuant to chapter 315, Florida Statutes, or other general law.

200 (13) "Resolution" and "motion" shall be interchangeable, and wherever an action is required by
201 resolution, the same may be made by motion, and if required by motion, the same may be made by
202 resolution.

203 (14) "Revenue bonds" means revenue certificates, notes and other forms of revenue debt obligations.

204 (15) "Terminal facilities" means all property owned or leased by the Port of Palm Beach District and is
205 not restricted to the terminal facilities that are waterfront facilities.

206

207 ARTICLE VIII. GRANT OF POWERS TO BOARD OF COMMISSIONERS. –

208 Section 1. General Powers. – The Port of Palm Beach District by and through its Board of
209 Commissioners, in addition to powers set forth elsewhere herein, shall have full and complete power and
210 authority:

211 (1) General. – To act as the governing body for the operation, maintenance and management of projects
212 and facilities as herein defined located within the district, with full power to establish and determine such
213 policies as may be deemed necessary in the opinion of the Board of Commissioners of said district for the
214 operation and promotion of the projects within the district.

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

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

227 (4) Acquisition of harbor and Port facilities. —To lay out, construct, condemn, purchase, own,
228 acquire, add to, maintain, conduct, operate, build, equip, manage, replace, enlarge, improve, regulate,
229 control, repair, and establish jetties, piers, quays, wharves, docks, warehouses, storehouses, breakwaters,
230 bulkheads, public landings, slips, seawalls, turning basins, harbors, ports, waterways, channels, moles,
231 terminal facilities, canals, elevators, grain bins, cold storage plants, terminal icing plants, refrigerating
232 plants, precooling plants, bunkers or oil tanks, pipelines, ferries, locks, tidal basins, tramways, cableways,
233 railroads, anchorage areas, depots, conveyors, modern appliances for economic handling, storage, and
234 transportation of freight and handling of passenger traffic, and all other harbor improvements and
235 facilities that the board of commissioners may determine to be necessary for the port district, any project,
236 or the operation of the port facilities, or in connection with the operation or improvement of the Port of
237 Palm Beach District; to perform all customary services, including the handling, weighing, measuring,
238 regulating, controlling, inspecting, and reconditioning of all commodities and cargo received or shipped
239 through the facilities within the port district under the jurisdiction of the Port of Palm Beach District.

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

246 (6) Improvement of water facilities. — To improve all navigable and non-navigable waters situated
247 within the port district necessary to the operation, improvement and maintenance of the port and harbor
248 facilities within the port district; to apply for and obtain permission from the United States of America to
249 create, improve, regulate and control all water and natural or artificial waterways within the port district
250 necessary to the operation and maintenance of the harbor and port facilities within said district; to
251 construct and maintain such inlets, slips, wharfs, piers, turning basins and channels; and to enact, adopt

252 and establish rules and regulations for the complete and exclusive exercise of jurisdiction and control over
253 all of the waters and harbors within the port district.

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

260 (8) Establishment and control of schedule of charges by stevedoring and longshoremen’s companies. –
261 To provide a procedure whereby the board of commissioners establishes rules and regulations concerning
262 the publication of a schedule of charges made by all private stevedoring and longshoremen's companies
263 operating within the harbor and waterfront facilities or within the terminal facilities in the port district; to
264 provide reasonable rules and regulations requiring stevedoring and longshoremen's companies to publish
265 charges made for services furnished within the terminal facilities; and to provide rules and regulations
266 establishing a procedure whereby sufficient notice shall be given to the board of commissioners of any
267 proposed changes in rates or charges made by stevedoring or longshoremen's companies operating within
268 the terminal facilities for their services.

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

273 (10) Expenditure of moneys. – To expend the money of the Port of Palm Beach District for any and all
274 purposes as provided for in this charter and for any other lawful purpose.

275 (11) Borrowing of money. – To provide, by resolution adopted by a majority of the five members of
276 the Board of Commissioners, for the borrowing of money and to issue notes for any purpose or purposes
277 for which bonds may be issued under this charter and to refund the same; to issue notes in anticipation of

278 the receipt of the proceeds of the sale of any bonds; to secure an advance of credit for any such purpose or
279 purposes under a credit agreement or other agreement with any bank or trust company or any person,
280 firm, or corporation within or without the state; and to secure any such borrowing, notes or agreement by
281 pledge of all or any part of the available income or revenues to be received by the district under this
282 charter or by an agreement to exercise any of the powers conferred by this charter.

283 (12) Taxes and assessments. – To raise annually by taxes and assessments in the port district such
284 sums of money as the board of commissioners shall deem necessary for the purposes and needs of said
285 district within the limitations as hereinafter provided.

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

304 (14) Operation of railroad transportation facilities as a separate department. – To provide for the
305 operation, maintenance and regulation of railroad transportation facilities within the port district as a
306 separate department of the port district, with the right to maintain separate records and accounting
307 procedures for such department. The Board of Commissioners may by resolution authorize the creation of
308 a separate department that shall have the authority, under the port district, to operate railroad
309 transportation facilities within the district that are owned or leased by the district.

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

318 (16) Development of port facilities or projects. – To guide, stimulate, and promote the coordinated,
319 efficient and beneficial development of facilities under the jurisdiction of the port district in accordance
320 with present and future needs and requirements of the prosperity and welfare of the people served by the
321 facilities of the port district, the Port of Palm Beach District Board of Commissioners shall have the
322 power and authority to promote and encourage the development of business, agriculture, industry,
323 commerce, and employment within the district; to establish, directly or indirectly, oceanographic facilities
324 of all kinds, including, but not limited to, the encouragement of oceanographic research, development,
325 commerce and the encouragement of all businesses related to oceanographic purposes; to conduct a
326 campaign of information, advertising and publicity relating to the facilities under the jurisdiction of the
327 district and to disseminate any and all such information; to encourage and cooperate (including the
328 granting of port funds) with public and private organizations or groups in their efforts to publicize
329 facilities under the jurisdiction of the port district; to plan and carry out programs designed to enlarge and

330 improve trade within the state, with other states, and with foreign countries through the use and facilities
331 under the jurisdiction of the district; and to advise, assist and cooperate (including the granting of funds)
332 with municipal, county, regional and governmental planning and development agencies in preparing and
333 putting into effect plans and programs for economic development of areas which will benefit through or
334 by the development of the facilities under the jurisdiction of the district, or will encourage the
335 development of the district and its facilities.

336 (17) Appointment of harbormaster and other necessary persons. – To appoint a harbormaster and all
337 persons necessary to properly transact the shipping business in the Port of Palm Beach terminals and to
338 fix their powers and duties and compensation. All such appointees shall serve at the pleasure of the Palm
339 Beach District Board of Commissioners; provided, however, that in any event, their term of office shall
340 terminate with the term of office of the Board of Commissioners so appointing them. This provision shall
341 repeal chapter 313, Florida Statutes, insofar as said statute applies to the Port of Palm Beach District.

342 Section 2. Special powers. – The Port of Palm Beach District shall have the following specific powers
343 in addition to the other powers hereinbefore or hereinafter conferred:

344 (1) Pensions, insurance coverage and state retirement. – To provide for life, hospitalization, medical
345 and surgical insurance, including disability insurance, for its employees, agents and officers, their
346 immediate dependents, on a group insurance plan or plans approved by the Board of Commissioners; to
347 pay all or such portions of the premium or premiums thereon as the Board of Commissioners, by
348 resolution, may determine; and to assist each and every employee, agent and officer to come under the
349 State of Florida Retirement System as provided by Florida Statutes. The Commissioners of the Port of
350 Palm Beach District may participate in any insurance plan on the same basis as any employee.

351 (2) Tax anticipation loans. – To borrow money from time to time and to issue notes in anticipation of
352 the taxes levied in any year, not in excess of the amount of the tax levied in such year by the Board of
353 Commissioners, and to evidence the loan or loans incurred in anticipation of the collection of taxes, the
354 Board of Commissioners is hereby authorized to issue negotiable tax anticipation notes, as said board

355 may determine, said note or notes to mature no later than one (1) year after the date thereof and to bear
356 interest at a rate not exceeding the legal limit as set by the state.

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

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

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

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

377 (7) Dredging. – To dredge or deepen harbors, channels, and turning basins; to cooperate with the
378 United States of America or any agency thereof in the dredging or deepening of any harbor, channel, or
379 turning basin; to enter into contracts with the United States of America or with any agency thereof
380 concerning any such dredging or deepening project; to pay such amounts to the United States of America

381 or any agency thereof, as required by the terms of such contract, and in addition thereto to likewise
382 contract with any private person, firm or corporation in connection with any of the aforesaid dredging or
383 deepening, and to pay such amounts as shall be required by the terms of any such contract entered into.

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

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

393 (10) Sale or lease of projects. – To sell at public or private sale or lease for public or private purposes
394 in accordance with Florida law, all or any portion of any project now or hereafter owned by the port
395 district, including any such project as extended, enlarged, or improved, and all or any portion of any
396 property of the district, created, extended or enlarged under the authority of the district, deemed
397 necessary, in the opinion of the Board of Commissioners of said district, on such terms and subject to
398 such conditions as the Board of Commissioners shall determine to be in the best interests of the port
399 district.

400 (11) Contracts for projects or facilities. – To contract for the purchase by the port district of any port
401 facilities or a port project, to be constructed, enlarged, extended or improved by any public body, agency
402 or instrumentality or by any private person, firm or corporation, and to provide for payment of the
403 purchase price thereof in such manner as may be deemed by the governing body to be in the best interests
404 of the port district, including, but without limitation, the sale or exchange of any property of the port
405 district thereof or the issuance of bonds or other obligations of the port district.

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

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

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

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

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

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

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

432 (19) Contracts in general. – To make and enter into all contracts and agreements and to do and perform
433 all acts and deeds necessary and incidental to the performance of the duties of the board of commissioners
434 and of the district, and of the exercise of its powers, as provided in this charter.

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

438 (21) Rates and charges. – To fix the rates of wharfage, dockage, warehousing, storage and port and
439 terminal charges for the use of the port, port terminal, and harbor facilities located within said district, and
440 to fix and determine the rates, tolls, and other charges for the use of harbor facilities within said district,
441 over which the district has established jurisdiction insofar as it may do so under this charter, the State
442 Constitution, federal law, and the United States Constitution.

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

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

447 (24) Publicize, advertise and promote. – To publicize, advertise, and promote the activities and
448 objectives authorized by this charter, and to promote the projects of said district, in the manner set forth
449 by resolution of the board of commissioners of said district; to make known to the users, potential users,
450 and public in general the advantages, facilities, resources, products, attractions, and attributes of the
451 activities and projects authorized by this charter; to further create a favorable climate of opinion
452 concerning the activities and projects authorized and indicated by this charter; to cooperate, including the
453 grant or expenditure of funds, to and with other agencies, both public and private, in accomplishing the
454 purposes enumerated and indicated by this charter; and in furtherance thereof, to authorize reasonable
455 expenditures by supporting voucher to be filed for audit for the purposes herein enumerated, including,
456 but not limited to, meals, hospitality and entertainment of persons in the interest of promoting and
457 engendering good will towards the activities and projects herein authorized.

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

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

472

473 ARTICLE IX. GENERAL OBLIGATION BONDS. –

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

480 Section 2. Restrictions on Issuance. - Said bonds may be in such form, denomination and bearing such
481 rate of interest not exceeding the legal limit under Florida law, and becoming due at such time, but not
482 exceeding forty (40) years from the date of issuance, and upon such conditions as may be determined by

483 the Board of Commissioners of said district; further the amount thereof shall not exceed in the aggregate,
484 fifteen percent (15%) of the assessed valuation of the taxable property of the district, as certified by the
485 tax assessor of Palm Beach County at the time of issue.

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

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

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

498 Section 6. Use of Palm Beach County registration system. – In determining the persons who are
499 qualified registered electors within the port district, the registration system of Palm Beach County shall be
500 used, and the supervisor of elections in and for Palm Beach County shall conduct the necessary election
501 on behalf of the Port of Palm Beach District.

502 Section 7. Form and Content of Bonds. – All bonds issued under the provisions of this act shall bear
503 interest as provided hereinabove, payable annually or semiannually, and both principal and interest shall
504 be payable at such place or places as the Board of Commissioners of the district may determine. The form
505 of such bonds shall be fixed by resolution of the Board of Commissioners and said bonds shall be signed
506 by the manual or facsimile signature of the chairman or vice-chairman or any other authorized member of
507 the Board, its corporate seal to be affixed thereto, or reproduced or imprinted thereon, attested by the
508 manual or facsimile signature of the secretary-treasurer of the said district. The delivery at any subsequent

509 date of any bond so executed shall be valid, although before the date of delivery the person or persons
510 signing the bond shall cease to hold office.

511 Section 8. Registered Bonds and Notes. – Bonds issued hereunder shall be registered bonds as to
512 principal and interest. The district shall keep or cause there to be kept registration books regarding its
513 bonds and notes.

514 Section 9. More than one improvement may be included. – In issuing bonds under this charter, it shall
515 be lawful for the board of commissioners to include more than one (1) improvement or purpose in any
516 bond issue.

517 Section 10. Advertising for Sale of General Obligation Bonds. – All general obligation bonds issued
518 under this act shall be sold in the manner required under Florida law. No general obligation bonds issued
519 hereunder shall be sold for less than ninety- five percent (95%) of the par value and accrued interest.

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

529 Section 12. Terms of Refunding General Obligation Bonds. – Unless otherwise required under Florida
530 law, the resolution of the Board of Commissioners for the Port of Palm Beach District authorizing the
531 issuance of general obligation and general obligation refunding bonds, may provide that such bonds may
532 be issued in one (1) or more series as the Board of Commissioners may determine, not to exceed forty
533 (40) years from their respective date; may bear interest at such rates, not exceeding the maximum rate of
534 interest permitted under Florida law may carry such registration privileges as desired; may be executed in

535 such manner and may be payable in such medium of payment, at such place, as desired; may be subject to
536 such terms of redemption, with or without a premium; may provide for the replacement of mutilated,
537 destroyed, stolen or lost bonds; may be authenticated in such manner and upon compliance with such
538 conditions as desired; and may contain such other terms and covenants as may be desired.

539 Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that
540 the bond is not negotiable, all general obligation bonds, including general obligation refunding bonds,
541 shall at all times be, and shall be treated as, negotiable instruments for all purposes.

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

550 Section 14. Expense to be Included in Cost. – The cost of any works, projects, properties,
551 improvements or other purposes financed by the issuance of general obligation bonds under this article
552 may include, construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and
553 specifications, interest during construction or acquisition and for one (1) year thereafter, initial reserve
554 funds, discount, if any, on the sale or exchange of bonds, acquisition of real or personal property, and
555 such other costs as are necessary and incidental to the construction or acquisition of such works, projects,
556 properties, improvements or other purposes and financing thereof. The district shall have the power to
557 retain and enter into agreements with engineers, fiscal agents, financial advisors, attorneys, architects or
558 other consultants or advisors for the planning, supervision and financing of such works, projects,
559 properties, improvements or other purposes upon which terms and conditions as shall be deemed
560 advisable to the Board of Commissioners of said district.

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

564

565 ARTICLE X. REVENUE BONDS OR CERTIFICATES. –

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

572 Section 2. Definitions. – The following words or terms shall have the following terms shall have the
573 following meanings when used in this charter:

574 (1) "Revenue bonds" shall mean revenue bonds, certificates or other obligations payable from the gross
575 or net revenues derived from the port facilities of the district, as provided in the resolution which
576 authorized their issuance, and shall include both revenue bonds issued to finance port improvements or to
577 refund outstanding obligations, or for both of said purposes.

578 (2) "Port facilities" shall mean all structures, terminals, warehouses, docks, approaches, berths, slips,
579 roadways, parkways, quaywalls, jetties, lifts, turning basins, machinery, fixtures, equipment and all
580 property whatsoever, real or personal, tangible or intangible, now or hereafter acquired or constructed by
581 said district pursuant to law, or any facilities of any nature hereafter or at any time acquired or constructed
582 pursuant to law by said district.

583 (3) "Port improvements" shall mean additions, extensions or improvements to the existing port
584 facilities of the district of every type and kind now or hereafter authorized by law, or the acquisition or
585 construction of any new port facilities of any type or kind now or hereafter authorized by law.

586 (4) "Outstanding obligations" shall mean any outstanding revenue bonds or certificates or general
587 obligation bonds of said district.

588 (5) "Governing body" shall mean the Board of Commissioners of the district.

589 Section 3. Refunding revenue bonds.— In addition to the revenue bonds provided for in Section 1
590 above, said district shall also have power and is hereby authorized to issue its revenue bonds for the
591 purpose of:

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

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

606 Section 4. Payment provisions for revenue bonds. —The revenue bonds issued pursuant to this charter
607 shall be payable from the revenues derived from the port facilities of the district and the full faith and
608 credit of said district shall not be pledged for such revenue bonds. A holder of revenue bonds does not
609 have the right to require ad valorem taxes on real estate to be levied for the payment of the principal of or
610 interest on such revenue bonds, and such revenue bonds are not an indebtedness of said district within the
611 meaning of any constitutional charter or statutory limitation or for any purpose. A referendum or election

612 is not required for the issuance of such revenue bonds unless such a referendum or election is required by
613 the State Constitution.

614 Section 5. Partial pledging of revenues. – In providing for the payment of revenue certificates or
615 revenue bonds issued pursuant to this charter, the Board of Commissioners may, by resolution, limit the
616 revenues pledged for the payment thereof to a specific project or projects so that not all of the revenues of
617 the district, at that time, or in the future are encumbered, or, in the alternative, may specifically omit the
618 pledging of certain revenues or potential revenues.

619 Section 6. Approval, Interest and Term. – Such revenue bonds or such refunding bonds as the case may
620 be, may be authorized to be issued under this charter to provide funds for the purpose or purposes
621 prescribed in this article, by resolution or resolutions of the Board of Commissioners of said district, and
622 shall take effect immediately upon adoption. Said revenue bonds shall bear interest at such rate or rates,
623 not exceeding the legal limit set forth under Florida law, payable semiannually, maybe in one (1) or more
624 series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from
625 their respective dates, may be payable in such medium of payment, at such place or places within or
626 without the state, may be subject to such terms or redemption, with or without premium, may be executed
627 in such a manner and may contain such terms, covenants or conditions, as such resolutions or subsequent
628 resolutions may provide. Said revenue bonds may be sold, all at one time, or in blocks from time to time,
629 at public or private sale, or if issued to refund outstanding obligations to be refunded thereby, in such
630 manner as the governing body shall determine by resolution, and at such price or prices as determined by
631 the governing body. Pending the preparation of the definitive revenue bonds, interim certificates or
632 receipts or temporary revenue bonds in such form and with such provisions as the governing body may
633 determine may be issued to the purchaser or purchasers of revenue bonds issued pursuant to this charter.
634 Said revenue bonds, and such interim certificates or receipts or temporary revenue bonds, shall be and
635 constitute negotiable instruments within the meaning of and for all purposes of the law merchant and the
636 Uniform Commercial Code-Investment Securities Law of the State of Florida. Revenue bonds issued
637 pursuant to this act may also be delivered to the contractor or contractors constructing any port

638 improvements in the district to be financed by the issuance of such revenue bonds, in payment for such
639 construction.

640 Section 7. Covenants in resolutions. – Any resolution authorizing the issuance of revenue bonds under
641 this charter may contain covenants as to:

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

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

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

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

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

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

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

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

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

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

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

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

684 Section 8. Validity of Revenue Bonds. – Any revenue bonds issued pursuant to this act bearing the
685 signatures of any officer or officers in office on the date of the signing thereof shall be valid and legally
686 binding obligations, notwithstanding that before the delivery thereof and payment therefore any or all of
687 the persons whose signatures appear thereon, shall have ceased to be officers of the district. The validity
688 of said revenue bonds, shall not be dependent on, nor affected by, the validity or regularity of any

689 proceedings relating to the construction or acquisition of such port improvements for which said revenue
690 bonds are issued, or the validity or regularity of any proceedings relating to the establishment and
691 collection of fees, rates, rentals or other charges for the use of the port facilities of said district.

692 Section 9. Lien of revenue bonds. – All revenue bonds issued pursuant to this charter shall have a lien
693 upon the revenues derived from said port facilities to the extent and in the manner provided in the
694 resolution authorizing the issuance of such revenue bonds, which lien shall be prior and paramount to any
695 other lien or obligation of any nature against said revenues subsequently arising or subsequently incurred,
696 except as may be provided in the resolution or resolutions authorizing such revenue bonds. The rank and
697 priority of different issues of revenue bonds issued pursuant to this charter shall be provided in the
698 resolution or resolutions authorizing such revenue bonds; however, nothing herein shall be construed to
699 impair in any manner any of the rights of the holders of any outstanding obligations heretofore issued by
700 the district and not outstanding, and the rights of the holders of revenue bonds pursuant to this charter
701 shall be subject to any of the valid and legal rights of the holders of such outstanding obligations.

702 Section 10. Duty to fix and collect charges. – The governing body of the district shall prescribe and
703 collect fees, rates, rentals or other charges for the port facilities of said district and shall revise such rates,
704 fees, rentals or other charges from time to time whenever necessary, and it shall be the mandatory duty of
705 the district at all times to fix, establish and maintain such fees, rates, rentals or other charges as will
706 produce sufficient revenues to pay when due the principal of and interest on all revenue bonds or other
707 obligations for the payment of which such revenues are or shall have been pledged or encumbered,
708 including reserves therefore, and to provide for any other funds that may be required pursuant to the
709 resolution authorizing the issuance of such revenue bonds and to provide for all expenses of operation and
710 maintenance of such port facilities, to the full extent that such cost of operation and maintenance is not
711 paid from other legally available funds.

712 Section 11. Default provisions. – The resolution authorizing the issuance of such revenue bonds may
713 provide that in the event of a default in the payment of the principal of or interest on the revenue bonds
714 issued pursuant to this charter, or in the performance by the district of any duties imposed upon the

715 district by this charter, or by any covenants or agreements theretofore entered into between the district
716 and the holders of such revenue bonds, any holder or holders of such revenue bonds (unless the resolution
717 authorizing the issuance of such revenue bonds shall limit the right of the appointment of a receiver to a
718 specified number of the percentage of bondholders), acting for himself or herself or themselves alone or
719 also acting for all other holders of such revenue bonds, shall be entitled as of right to the appointment of a
720 receiver of the port facilities, including all parts thereof heretofore or hereafter constructed or acquired, by
721 any court of competent jurisdiction of the state. Jurisdiction shall be that prescribed by general law in any
722 action or proceeding for the appointment of such receiver and such receiver is authorized and empowered
723 in the event of such default or defaults to take over, operate, manage and control such port facilities and to
724 collect the revenues derived from the use of such port facilities to the same extent and in the same manner
725 as the district is authorized to do. Such receiver shall so operate, manage and control such port facilities
726 only under the supervision and direction of the appropriate circuit court and such operation, management,
727 and control shall be in the name of the district. Notwithstanding any provision of any other law to the
728 contrary, such port facilities shall be deemed to be in the district's control and management through such
729 court and its duly appointed receiver for the joint protection of the district and such bondholders.

730 Section 12. Exemption of property and revenues from taxation. – All property of and all revenues
731 derived from such port facilities, including such parts thereof heretofore or hereafter constructed or
732 acquired, shall be exempt from all taxation by the state or by any county, municipality or other political
733 subdivision thereof.

734 Section 13. Power to contract. – The district shall have power to contract with any person, any private
735 or public corporation, the state or any agency, instrumentality, county, municipality or political
736 subdivision thereof, or any agency, instrumentality or corporation of or created by the United States of
737 America, with respect to such port facilities or any port improvements or any parts thereof and shall also
738 have power to accept and receive grants or loans from the same and in connection with any such contract,
739 grant or loan. The district may stipulate and agree to such covenants, terms and conditions as the
740 governing body of the district shall deem appropriate.

741 Section 14. Waiver of other control. – The fees, rates, rentals or other charges for the port facilities of
742 said district, when constructed, acquired or improved as provided in this charter, shall not be subject to
743 supervision, regulation or control of any bureau, board, commission or other like instrumentality of the
744 state.

745 Section 15. Covenants of State of Florida – The State of Florida covenants with the holders of any
746 revenue bonds issue pursuant to this act, that it will not in any manner limit or alter the powers and
747 obligations vested by this act in the district to fix, establish and collect, in the manner provided in this act,
748 fees, rates, rentals or other charges for the port facilities of the district and to revise the same from time to
749 time whenever necessary, which will always be sufficient to comply with and fully perform the terms of
750 all the covenants and agreements made by the district with the holders of such revenue bonds until all
751 principal of and interest on said revenue bonds and all the costs and expenses in connection with any
752 action or proceedings by and on behalf of the holders of such revenue bonds are fully paid and discharged
753 or adequate provisions made for the payment or discharge thereof.

754 Section 16. Covenants of District. – The board of commissioners covenants and agrees with any holder
755 or holders of said revenue certificates or revenue bonds, that the governing body of said district will
756 cause, to the best of its judgment, the facilities of the district to be made known to all potential shippers
757 and users of said district, by the active promotion or advertising of the facilities of the district, so as to
758 attempt to increase the potential revenues to be derived by the district.

759 Section 17. Waiver of limitations in any other law. – Any and all port improvements authorized herein
760 may be constructed, acquired or improved and revenue bonds or certificates issued pursuant to this charter
761 without regard to, or necessity for, compliance with the limitations or restrictions contained in any other
762 law, general, special or local.

763 Section 18. Power to issue. – The district, by and through its board of commissioners, shall have the
764 power and authority to issue revenue certificates and refunding revenue certificates to finance the cost or
765 part of the cost of the construction, acquisition, reconstruction, extension, repair, or improvement of any

766 works, projects, properties, improvements or other purposes, including any lawful purpose, which the
767 district is authorized by this charter or any other law to construct, acquire, or undertake.

768 Section 19. Expenses to be included in cost. – The cost of any works, projects, properties,
769 improvements or other purposes financed by the issuance of either revenue certificates or refunding
770 revenue certificates under this article shall include, but is not limited to, construction costs, engineering,
771 fiscal or financial and legal expenses, surveys, plans and specifications, interest during construction or
772 acquisition and for one (1) year thereafter, initial reserve funds, discount, if any, on the sale or exchange
773 of certificates, acquisition of real or personal property and such other costs as are necessary and incidental
774 to the construction or acquisition of such works, projects, properties, improvements or other purposes and
775 the financing thereof. The district shall have the power to retain and enter into agreements with engineers,
776 fiscal agents, financial advisors, attorneys, architects or other consultants or advisors for the planning,
777 supervision and financing of such works, projects, properties, improvements or other purposes upon such
778 terms and conditions as shall be deemed advisable to the board of commissioners of said district.

779 Section 20. Passage of resolutions. – Any resolution required to be passed under this article may be
780 adopted at a regular or a special meeting, and at the same meeting in which it is introduced, by a majority
781 of all of the members of the Port of Palm Beach District Board of Commissioners then in office.

782

783 ARTICLE XI. AD VALOREM TAXES. –

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

790 Section 2. Authorization to levy ad valorem tax. – The Board is authorized to levy an Ad Valorem tax
791 not exceeding two (2) mills on the dollar of the assessed valuation of taxable property in the district or
792 two hundred thousand (\$200,000.00) dollars, whichever is smaller, in each year to pay the costs of
793 operation, maintenance and other purposes of the district authorized and prescribed by this charter. Said
794 levy shall be made each year not later than July 1 of each year by resolution of said board of a majority
795 thereof duly entered at large upon its minutes. Certified copies of such resolution executed in the name of
796 said board by its chairperson and secretary-treasurer under its corporate seal shall be made and delivered
797 to the Board of County Commissioners of Palm Beach County, and to the Chief Financial Officer of the
798 state, not later than July 15 of each and every year thereafter. It shall be the duty of the Commissioners of
799 Palm Beach County to order the assessor of said county to assess and the collector of said county to
800 collect the amount of taxes so assessed by the Board of Commissioners of the district upon all the taxable
801 real and personal property in the district at the rate of taxation adopted by the said board for the said year
802 and included in said resolution, and said levy shall be included in the warrant of the tax assessor and
803 attached to the assessment roll of taxes for said county each year. The tax collector shall collect such
804 taxes so levied by said board in the same manner as other taxes are collected, except as otherwise
805 provided in this charter, and shall pay the same to the secretary-treasurer of said board on or before the 1st
806 and 15th of each month. The said tax assessor and the said tax collector shall be paid for such services by
807 the Board of Commissioners of the district as shall be prescribed by the laws of the state. It shall be the
808 duty of said Chief Financial Officer to assess and levy upon all the railroad lines, railroad property,
809 telegraph lines and telegraphs situated in said district the amount of each such levy as in case of other
810 state and county taxes and collect said taxes thereon in the same manner as is required by law to assess
811 and collect taxes for state and county purposes, and to remit the same to the secretary-treasurer of said
812 board. All such taxes shall be held by said secretary-treasurer for the credit of said board and paid out by
813 him or her as provided herein.

814

815 ARTICLE XII. EMPLOYMENT OF PORT MANAGER, EMPLOYEES AND CONSULTANTS. –

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

824 Section 2. Consultants. – The Board of Commissioners shall have full power to employ such
825 consultants and professional persons as said board shall deem fit and necessary and to prescribe the
826 compensation to be paid to said consultants or professional persons. Any such contracts shall be reduced
827 to writing and shall be signed by the consultant or professional person and by the board of
828 commissioners, with an executed copy to be filed by the secretary-treasurer of the board.

829
830 ARTICLE XIII. PUBLICIZING OF PORT FACILITIES. –

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

837 Section 2. Payment of Vouchers. – All obligations, expenses and costs incurred under this article shall
838 be paid when vouchers thereof, approved by the Board of Commissioners, are exhibited.

839

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

849
850 ARTICLE XV. AUDIT. – At least once each year, the Port of Palm Beach District Board of
851 Commissioners shall employ a certified public accountant for the purpose of auditing the books of said
852 Port of Palm Beach District and pay him or her a reasonable compensation therefore. Such audit shall be
853 made public by publication in the community. An audit by the state auditor should also be performed at
854 least once every two (2) years. At least once each year, the Board of Commissioners shall name a
855 committee of three (3) representative businesspersons of said district for the purpose of auditing the books
856 of said board. Such committee shall have the power to audit or to employ a competent accountant or
857 auditor to audit the books, accounts, and records of said Board of Commissioners and of the secretary-
858 treasurer thereof. No person acting on such committee within the last preceding twelve (12) months shall
859 be appointed to such committee. The compensation of such committee shall not exceed that of the
860 commissioners under this charter. Such compensation of the committee shall, together with a reasonable
861 compensation for a competent auditor or accountant, be paid by the Board of Commissioners as other
862 bills are paid by said board.

863

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

879
880 ARTICLE XVII. DISBURSEMENT OF FUNDS. – All funds of the district shall be disbursed upon
881 the order of said board signed by any two (2) officers thereof; however, the board may disburse funds of
882 the district into an impress account and, when establishing said account, may authorize and designate the
883 port manager or other employee of the district to disburse funds from said particular impress account,
884 upon such directions as the board of commissioners shall give, all in keeping with good business
885 practices. The port manager or employee of the district who has the authority to disburse funds of the
886 district from any account indicated hereinabove shall at all times be bonded with a fidelity bond in at least
887 an amount equal to the maximum amount of funds that would be held in said account at any one time and
888 be subject to withdrawal by the manager or employee.

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

894

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

901

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

904

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

909

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

912

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

917

918 Section 3. Effective date. – This act shall take effect upon becoming law.