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

Section 1. The board of public instruction of Putnam county is authorized to construct, repair, alter and improve any school facility in Putnam county, up to an amount of thirty-five thousand dollars ($35,000.00), on a day labor basis whenever funds are available; provided, however, that plans for such work are first approved by the state superintendent of public instruction.

Section 2. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

CHAPTER 67-1961

House Bill No. 2200

AN ACT relating to Putnam county; creating, establishing and organizing a port district in the county of Putnam, to be known and designated as the Putnam county port district; defining its territorial boundaries and providing for its government, jurisdiction, powers, franchises and privileges; creating a port authority; designating the board of county commissioners as the membership of the port authority; providing that the administrative expenses of the authority shall be defrayed by the port district and authorizing and empowering said port district to make appropriations to defray said expenses; empowering and authorizing the board of county commissioners of said county to levy and collect taxes within said port district; providing for the deposit of moneys of said authority and for an annual budget of the authority; authorizing and providing for the issuance and sale of bonds by Putnam county port district; authorizing and providing for the levying and collection of taxes for the payment of said bonds and the interest thereon; providing for a referendum.

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

Section 1. Port district established.—There is hereby estab-

lished a port district in Putnam county, to be known as the "Putnam county port district," which shall comprise and include all the territory within said Putnam county.

Section 2. Definitions.—As used in this act the following words and terms shall have the following meanings:

(1) The term "port district" means the Putnam county port district.

(2) The word "county" means the county of Putnam, in the state of Florida.

(3) The term "county commissioners" means the board of county commissioners, the governing body of the county of Putnam.

(4) The term "port authority" or the word "authority" means the Putnam county port authority hereinafter created.

(5) The word "project" means any one (1) or any combination of two (2) or more of the following, when undertaken by or owned, controlled or operated by the port authority: Channels, anchorage areas, jetties, breakwaters, harbors, canals, airports, locks, waterways, tidal and turning basins, wharves, docks, piers, quays, slips, bulkheads, public landings, terminal storage and sheddage facilities, warehouses, refrigeration, cold storage and quick freezing plants, stockyards, elevators, shipyards, marine railways, drydocks, oil tanks, pipe lines, terminal railway facilities, including rolling stock, belt line railroad, ferries and car ferries, police boats, bridges, causeways, tunnels, facilities for the loading, unloading and handling of passengers, mail, express, freight and other cargo and any and all other facilities, including all property rights, easements and franchises relating to any such project or projects which by resolution the authority may deem necessary and convenient.

(6) The word "improvements" means such replacements, repairs, extensions, additions, enlargements and betterments of and to a project as are deemed necessary to place such project in proper condition for the safe, efficient and economic operation thereof, when such project shall be undertaken by or owned, controlled or operated by the port authority.

(7) The term "cost" as applied to improvements means the

cost of acquiring or constructing improvements as hereinabove defined and includes the cost of all labor and materials, of all machinery and equipment, cost of engineering and legal expense, plans, specifications, financing charges and such other expenses as may be necessary or incident to such acquisition or construction.

(8) The term "cost" as applied to a project acquired, constructed, extended or enlarged includes the purchase price of any project acquired, the cost of such construction, extension or enlargement, the cost of improvements, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, the cost of engineering and legal services, all investigations and audits, financing charges and all other expenses necessary or incident to determining the practicability or feasibility of such acquisition or construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to the construction or acquisition of a project and the placing of the same in operation. Any obligation or expense incurred by the port authority prior to the issuance of revenue bonds under the provisions of this act for engineering studies and for estimates of cost and of revenues and for other technical, financial or legal services in connection with the acquisition or construction of any project may be regarded as part of the cost of such project.

(9) The word "bonds" means and includes ad valorem bonds, revenue bonds, refunding bonds or other evidence of indebtedness or obligations in either temporary or definitive form, which the district is authorized to issue pursuant to this act.

(10) The term "ad valorem bonds" means bonds and the interest thereon which are payable from the proceeds of ad valorem taxes.

(11) The words "revenue bonds" mean revenue certificates of other obligations and the interest thereon which are payable from revenues derived from the operation of the facilities of the port district or from other non ad valorem tax sources.

Section 3. Putnam county port authority.—There is hereby created the Putnam county port authority which shall be the governing body and authority of the area defined in section 2 hereof; said authority shall constitute a body politic and body

corporate, including the power to sue and be sued, under the name of Putnam county port authority, to contract and be contracted with; to adopt and use a common seal and convey such real and personal property as the authority may deem proper or expedient to carry out the purposes of this act; to employ such employees, persons and agents as the authority may deem advisable and to fix the compensation thereof, and to remove any appointees or employees, agents or servants; to insure the improvements, fixtures and equipment against loss by fire, windstorm or other coverage in such amounts as may be determined reasonable and proper; to purchase equipment and pay for same by use of retain title contracts or lease purchase contracts or such other method agreeable to the authority; to borrow and issue evidence of indebtedness of the district to carry out the provisions of this act in the manner herein provided.

(1) The Putnam county port authority shall consist of the duly elected members of the board of county commissioners of Putnam county. The chairman and other officers of the board of county commissioners shall serve in the same capacity on the authority.

(2) A port manager may be employed by the authority, but no member of the authority shall be employed as such port manager.

(3) Three (3) members of the authority shall constitute a quorum. The vote of three (3) members shall be necessary for any action taken by the authority involving the incurring of any indebtedness or expenditures of authority funds or moneys.

(4) The members of the authority shall not receive compensation for their services, but shall be reimbursed for travel and per diem the same as that provided for county officials; provided, however, that such member of the authority shall submit a signed statement requesting the allowable expenses within six (6) months from the date of the incurring of such expenses. The port manager shall receive such salary as the authority may set.

(5) The port manager shall be a full-time employee for the port authority and shall devote his time and attention to the discharge of his duties.

(6) The port authority shall have power to employ such persons in addition to the port manager as the business of the port authority may require.

(7) The authority shall have the power to contract with similar authorities in carrying out common projects and the purposes of this act.

Section 4. Construction of new projects.—It shall be the duty of the port authority to make or cause to be made such investigations, studies, surveys, plans, drawings, borings, maps and estimates of costs and of revenues as it may deem necessary and thereafter prepare and adopt a comprehensive plan for the development and improvement of the harbor and shipping facilities of the port district. Such comprehensive plan may be extended, modified, changed or enlarged by the authority from time to time. The authority is authorized and empowered, whenever it shall deem such action feasible and practicable, to acquire, construct, extend or enlarge any project, as hereinabove defined.

Section 5. Powers of port authority.—The port authority shall have all of the powers necessary and proper, including the responsibility of formulating and carrying out plans for the long-range development of the facilities of ports within the district and traffic through the said ports. Preference shall be given in every instance to attaining the objects hereof through encouraging the investment of private capital and the location of private business on lands of the district. The authority shall have the following powers:

(1) The right and power of eminent domain over real and personal property and the right to maintain eminent domain proceedings in the form and in the manner as prescribed by the general laws of the state.

(2) To acquire, by purchase, condemnation through power of eminent domain, gift, grant, franchise or lease, property, either real or personal and to grant easements of right of way over or through any lands owned by the authority.

(3) To construct, acquire, establish, extend, enlarge, improve, reconstruct, maintain, equip, repair and operate any project, as hereinabove defined, within the boundaries of said port district.

(4) To borrow money and to incur indebtedness, to issue revenue certificates as the authority may from time to time determine; but such indebtedness of the authority for certificates issued shall not be considered a debt of Putnam county.

(5) To apply to the proper authorities of the United States for the right to establish, operate and maintain foreign and domestic trade zones within the limits of said port district and to establish, operate and maintain such foreign and domestic trade zones.

(6) To fix uniform rates and charges for wharfage, dockage, transit, storage, sheddage and handling to and from vessels, where such facilities are owned by said authority or otherwise, insofar as it may be permissible for said authority to do so under the constitution of Florida and the constitution and laws of the United States.

(7) To make rules and regulations for its own government and to hold regular meetings at least once a month, said meetings to be open to the public.

(8) To operate, manage and control all projects as hereinabove defined, hereafter acquired or constructed under the provisions of this act.

(9) To enter into joint agreements and arrangements with steamship lines, railroads or other transportation lines or any common carrier as the authority shall deem to its advantage to do so.

(10) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers and to appoint and employ such engineers, architects, attorneys, agents and other employees as may be necessary in its judgment and to fix their compensation; provided, however, that such compensation must be within the amount appointed for such purpose in the annual budget of the authority.

(11) To exercise such powers as may be reasonably necessary to effectively control and regulate facilities under its jurisdiction.

(12) To appoint, regulate, control and prescribe the rights, duties, functions and compensation of harbor masters.

(13) To appoint a manager of the port authority and to determine his duties and his compensation in accordance with the provisions elsewhere contained in this act.

(14) To receive and accept from the federal government or any agency thereof grants for or in aid of the construction of any project.

(15) Subject to the jurisdiction of the United States and the state of Florida, to improve and develop the harbor and all navigable and non-navigable waters connected therewith.

(16) To perform all customary port services as may be required, including lighterage, stevedoring, handling, inspecting, conditioning and reconditioning of all commodities and cargo handled, received or shipped through the facilities and district of the authority.

(17) To make such rules and regulations governing the operation, docking, movement and staging of crafts plying the waterways in the district which are under the jurisdiction of the authority.

(18) To impose a franchise or license tax upon businesses and occupations carried on or operated under and by virtue of any franchises, licenses or privileges granted by the authority with respect to any project owned, controlled or operated by the port authority.

(19) To advertise the ports of such district in such manner as the authority deems advisable; to negotiate and contract with shippng companies and other such institutions as the authority may deem necessary for development and expansion of the port district.

(20) To make leases to persons or corporations of property, land and facilities of the authority.

Section 6. Port district authorized to defray administrative expenses of the authority.—The administrative expenses of the authority shall be defrayed by the port district and said port district is hereby authorized and empowered to make appropria-

tions for and to defray such expenses. The board of county commissioners of Putnam county is hereby empowered and authorized to levy and collect taxes on all property within said port district to meet the appropriations provided for in this act; provided, however, the same shall not exceed one half (½) mill per year.

Section 7. Deposit of moneys of the authority.—All moneys of the authority, whether derived from taxes or levied and collected within the port district or from other sources, shall be paid into the treasury of the authority. Such moneys shall be used exclusively by the authority and shall be disbursed by the authority with the approved budgetary practice and accounting methods. No funds or moneys shall be withdrawn from the treasury of the authority except upon action by the port authority and upon vouchers therefor signed by the chairman and the clerk. The clerk shall execute a faithful performance bond in such sum as the authority shall from time to time determine, the premium thereon to be paid by the authority. Said authority may require such other officers or members of the authority or employees thereof to execute faithful performance bonds in such sum as the authority shall from time to time determine, the premium thereon to be paid by the authority.

Section 8. Annual budget of the authority.—The port authority shall prepare, annually, a detailed estimate of the financial requirements of the authority, including all administrative and operating expenses for the ensuing year.

Section 9. Issuance of bonds.—

(1) The authority is hereby authorized to provide by resolution at one time or from time to time for the issuance of bonds of the port district for the purpose of paying all or a part of the cost of any project or improvement of the district or any combination thereof. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per cent (6%) per annum, shall mature at such time or times, not exceeding thirty (30) years from their date or dates, as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority

shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and coupons and shall fix the denomination or denominations of the bonds and coupons and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are declared to have all the qualities and incidents of negotiable instruments under the laws of the state. The bonds may be issued in coupon or in registered form or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law, and the authority may sell such bonds in such manner and for such price, as it may determine to be for the best interest of the district, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per cent (6%) per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity. Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall be mutilated or be destroyed or lost.

(2) Bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau or agency of the state or county and without any other proceedings or the happening of any other condition or thing than those proceedings, conditions or things which are specifically re-

quired by this act. The bonds may be validated in accordance with the constitution and the laws of Florida.

(3) The proceeds of the bonds shall be used solely for the payment of the cost of the project for which such bonds shall have been authorized and shall be disbursed in the manner provided in the resolution or in the trust agreement authorizing the issuance of such bonds. In the event that the actual cost of the project exceeds the estimated cost, the authority may issue additional bonds to cover the deficiency, subject to the same restrictions as required for the original issue.

Section 10. Ad valorem bonds.—Ad valorem bonds of the district may be issued by the authority for the purposes provided herein in an amount not exceeding seven hundred fifty thousand dollars ($750,000.00) provided the issuance of such ad valorem bonds shall have been approved by a majority of the votes cast in a freeholder election pursuant to the requirements of the constitution of Florida. For the prompt payment of the principal of and interest on such ad valorem bonds, the authority is authorized to provide annually for the levy of a special tax, without limitation as to rate or amount, upon all taxable property within the district over and above all other taxes authorized by law, sufficient to pay such principal and interest as the same respectively become due and payable. The proceeds of all such taxes levied to pay such principal and interest shall be deposited as received to the credit of a sinking fund and used for no other purposes than the payment of such principal and interest; provided, however, that the revenues derived from the operation of any facility or any combination of the facilities of the district shall, if so authorized by the resolution providing for the issuance of such ad valorem bonds, be deposited to the credit of the sinking fund for such ad valorem bonds and in that event the amount of the annual levy herein required may be reduced in any year by the amount of such revenues actually received in the preceding year, excluding any depreciation fund, and then remaining on deposit to the credit of the sinking fund for the payment of such principal and interest.

Section 11. Revenue bonds; payment, security.—

(1) Revenue bonds of the district may be issued under the provisions of this act and shall be payable from the revenues

derived from the operation of any facility or combination of facilities of the district under the supervision, operation and control of the authority and from any other funds legally available therefor; except ad valorem taxes. The issuance of such revenue bonds shall not directly, indirectly or contingently obligate the state, the authority, the district or the county to levy any ad valorem taxes or to make any appropriations for their payment or for the operation and maintenance of the facilities of the district.

(2) The district shall not convey or mortgage any facility or any part thereof as security for the payment of the revenue bonds.

(3) In the discretion of the authority, each or any issue of such revenue bonds may be secured by a trust agreement by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust agreement may pledge or assign the revenues to be received by the authority. The resolution providing for the issuance of revenue bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable, proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition, construction, improvement, maintenance, operation, repair, equipping and insurance of the facilities, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such resolution or such trust agreement may restrict the individual right of action by bondholders as is customary in trust agreements securing bonds or debentures of corporations. In addition to the foregoing, such resolution or such trust agreement may contain such other provisions as the authority may deem reasonable and proper for the security of bondholders. Except as in this act otherwise provided, the authority may provide, by resolution or by trust agreement, for the payment of the proceeds of the sale of the revenue bonds and the revenues of the facilities to such officer, board or depository as

it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust agreement may be treated as a part of the cost of operation of the facilities affected by such trust agreement.

(4) The resolution or trust agreement providing for the issuance of the revenue bonds may also contain such limitations upon the issuance of additional revenue bonds as the authority may deem proper, and such additional bonds shall be issued under such restrictions or limitations as may be prescribed by such resolution or trust agreement.

Section 12. Refunding bonds.—The authority is authorized to provide by resolution for the issuance of refunding bonds or refunding revenue bonds of the district for the purpose of refunding any bonds or revenue bonds, respectively, then outstanding and issued under the provisions of this act. The authority is further authorized to provide by resolution for the issuance of refunding revenue bonds for the combined purpose of paying the cost of any project of the district and refunding bonds or revenue bonds of the district which shall theretofore have been issued under the provisions of this act and shall then be outstanding. The issuance of such bonds, the maturities and other details thereof, the right and remedies of the holders thereof, the rights, powers, privileges, duties and obligations of the authority with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Section 13. Determining amount to be raised by taxation. —Prior to the issuance of such bonds, the Putnam county port authority shall, by resolution, determine the amount which will be necessary to be raised annually by taxation for an interest and sinking fund with which to pay the principal and interest on said bonds, and said authority is hereby authorized, empowered and required to provide for the levy and collection annually of a sufficient tax upon all the taxable property in Putnam county, not exempt by law, to pay such interest, and to provide and maintain a sinking fund for the payment of the principal and interest of said bonds.

Section 14. Audit.—The books and records of the authority

shall be audited in the same manner as the offices and boards of the county officials are audited.

Section 15. Further bond requirements.—No resolution or proceeding in respect to the issuance of said bonds hereunder shall be necessary, except such as is required by this act. No publication of any resolution or proceeding relating to the issuance of the said bonds shall be required, except such as required by this act or the election code of the state. Any publication prescribed hereby may be made in any newspaper conforming to the terms of this act, without regard to the designation thereof as the official organ of the authority. Bonds issueed hereunder have all the qualities of negotiable paper under the law merchant, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof and shall be incontestable in the hands of bona fide purchasers or holders thereof for value.

Section 16. Warrant for payment of funds.—The funds of the authority shall be paid out only upon warrant signed by the chairman and the clerk of the authority, having thereto affixed the corporate seal of the authority, and no warrant shall be drawn or issued against funds of the authority except for a purpose authorized by this act, and no such warrant against funds of the authority shall be drawn or issued until after the account or expenditure for which the same is to be given in payment has been ordered and approved by the authority.

Section 17. Levy of taxes.—The levy by the authority of the taxes authorized by this act, which shall be in lieu of all other ad valorem taxes that may be levied by the authority by virtue of this or any special or general law for the annual debt service requirements on its outstanding bonds and for administrative expenses shall be by resolution of said authority duly entered upon the minutes of the authority. Certified copies of such resolution executed in the name of the authority by its chairman, under its corporate seal, shall be made and delivered to the board of county commissioners of Putnam county, and to the comptroller of the state, not later than June 15 of each and every year. It shall be the duty of the board of county commissioners to order and require the county tax assessor to assess and the county tax collector to collect the

amount of taxes so assessed or levied by the authority upon the taxable property in said county, not exempt by law, at the rate of taxation adopted by said authority for said year. The tax collector shall collect such tax so levied by said authority in the same manner as other taxes are collected and shall pay the same over to the authority within the time and in the manner prescribed by law for the payment by the tax collector of county taxes to the county depository. It shall be the duty of the state comptroller to assess and levy on all the railroad lines and railroad property and telegraph lines and telegraph property situated or located in said county, including as well all telephone lines. The said taxes shall be assessed by the same officer as are county taxes upon such property, and such taxes shall be remitted by the collecting officer to the Putnam county port authority. All such taxes shall be held by said authority and paid out by them as provided in this act. The authority is authorized to pay necessary expenses to the aforenamed officers for the assessment and collection of taxes on a reasonable fee basis.

Section 18. Referendum.—This act shall take effect only upon the affirmative vote of a majority of the votes cast in a special election as herein provided for. Only freeholders who are qualified electors residing in Putnam county shall be entitled to vote at said election. The question submitted at said election, which shall be recited on the ballots shall be substantially in the following form:

Shall the act providing the Board of County Commissioners be empowered to establish, equip, construct and maintain a Barge Port in Putnam County and to act as a Barge Port Authority; and authorizing the issuance of not more than $750,000 of bonds of the Putnam County Port Authority for the purpose of establishing said Port be approved?

If a majority of the votes cast at said election on the above question shall be for the approval of the act and if a majority of such freeholders shall participate in said election, this act shall immediately be in full force and effect. Said election shall be called by the board of county commissioners of Putnam county and held within fifteen (15) months after the passage of this act and may be held at the same time that any general or primary election is held in the county, anything or any law

to the contrary notwithstanding. The special election shall be conducted, notice thereof shall be published and the returns thereof shall be canvassed in the manner provided by the election code of the state for the holding of bond elections insofar as the same may be applicable.

Section 19. Payment of election expenses.—The authority is authorized to pay from its funds all expenses of the election authorized herein, including costs of voter registration and all expenses necessarily incurred with the issuance of the bonds herein authorized and all other reasonable and necessary expenses incident thereto, including the fees and expenses of an attorney and fiscal agent.

Section 20. It is intended that the provisions of this act shall be liberally construed for accomplishing the work authorized and provided for or intended to be provided for in this act, and where strict construction would result in the defeat of the accomplishment of any part of the work authorized by this act, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Section 21. Any clause or section of this act which for any reason may be held or declared invalid, may be eliminated and the remaining portion or portions thereof shall be and remain in full force and be valid, as if such invalid clause or section has not been incorporated therein.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 4, 1967.

CHAPTER 67-1962

House Bill No. 2202

AN ACT relating to Putnam county; authorizing the board of county commissioners to consolidate all of the operating funds under its supervision into one (1) general fund; providing an effective date.