

COUNTY OF FRANKLIN

ORDINANCE NO. 86-6

An Ordinance relating to the Carrabelle Port Authority; creating the Carrabelle Port and Airport Authority; providing definitions; establishing boundaries and providing for purpose; providing for officers and duties; providing for a budget; providing for expenditures; providing for powers of authority; providing for bonding power and rights; providing that obligations constitute legal investment; granting power to fix rate, tolls, etc., for use of facilities owned or controlled by authority; granting same powers as Boards of Pilot Commissioners and power to appoint pilots and a harbor master and prescribe their duties; granting power to grant and revoke Stevedore licenses; declaring port and airport facilities and income therefrom nontaxable public property; providing for severability; providing an effective date.

WHEREAS, the citizens of the Carrabelle area desire to improve the protection of their natural environment, improve their standard of living, and preserve their historic way of life based on maritime and seafood activities and desire an Authority dedicated to these purposes,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN:

Section 1. Creation and establishment of Port and Airport Authority.--There is hereby created and established within Franklin County, Florida, a port and airport authority as a body corporate and politic, to be known as the Carrabelle Port and Airport Authority.

Section 2. Definitions.--As used in this Ordinance:

(1)(a) "Authority" means the Carrabelle Port and Airport Authority.

(b) "Member" means one of the individuals constituting such authority.

(2) "District" means those properties, facilities, and waters under the ownership or control of the authority.

(3) "Project" means any one or any combination of two or more of the following, when undertaken by or owned, controlled, or operated by the authority: port facilities, channels, anchorage areas, jetties, breakwaters, harbors, canals, 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, pipelines, terminal railway facilities, including rolling stock, beltline railroads, ferries or car ferries, police boats, bridges, causeways, tunnels, facilities for the loading, unloading, and handling of passengers, mail, express, freight, and other cargo, fishing piers, overlooks, industrial parks, industrial and manufacturing plants, parking, restrooms, bathhouses, fishing tackle shops, boat ramps, boat rental facilities, lunchrooms, walkways, camp and trailer grounds or parks, fireplaces and all other recreational facilities, landing fields, hangars, shops, terminals, buildings and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing and parking of aircraft, and the unloading and handling of passengers, mail, express, and freight, together with all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority in connection therewith, 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 deems necessary and convenient.

(4) "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, if such project is undertaken by or owned, controlled, or operated by the authority.

(5) "Cost" as applied to improvements means the cost of acquiring or constructing improvements and includes the cost of all labor, materials, machinery and equipment, engineering and legal expense, plans, specifications, financing charges, and such other expenses as may be necessary or incident to such acquisition or construction.

(6) "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 and 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 authority prior to the issuance of bonds under the provisions of this ordinance for engineering studies and for estimates of the 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.

(7)(a) "Revenue bonds" and "industrial revenue bonds" mean revenue certificates or 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.

(b) "Refunding bonds" means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and payable in the same manner as the refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution.

(c) "Bond" includes bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidences of indebtedness of any type or character.

(8) "Revenue" means all rates, fees, rentals, or other charges derived from the facilities of the district or from other non-ad valorem tax sources.

(9) "Aid" means any federal or state agency grants for or in aid of the construction of any project, and contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

Section 3. Authority; creation and purpose.--

(1) There is created a dependent special district to be known as the Carrabelle Port and Airport Authority. The exercise by the Authority of the powers conferred upon it by

this Ordinance will be deemed to be for an essential and proper purpose.

(2) The Carrabelle Port and Airport Authority shall be the governing body and authority of the Carrabelle Airport and any project undertaken within the City of Carrabelle, the portion of Timber Island described as follows:

A tract of land lying in Sections 19 and 20, Township 7 South, Range 4 West, Franklin County, Florida, and more particularly described as follows:

Commence at the point of intersection of the South line of Section 19, Township 7 South, Range 4 West, Franklin County, Florida, with the center line of State Road No. S-376, from said point run North 46 degrees 23 minutes East along the centerline of said State Road No. S-376 826.93 feet to a point, thence North 37 degrees 48 minutes 23 seconds West 50.26 feet to a point on the Westerly right-of-way of said State Road No. S-376, said point also being the POINT OF BEGINNING. From said POINT OF BEGINNING, leave said right of way and run along the edge of a grass marsh the following thirteen (13) courses:

North 37 degrees 48 minutes 23 seconds West 293.30 feet, North 05 degrees 55 minutes 12 seconds East 315.47 feet, North 52 degrees 02 minutes 39 seconds West 184.09 feet, North 44

degrees 05 minutes 53 seconds West 125.12 feet,  
North 25 degrees 03 minutes 25 seconds West  
200.24 feet, North 72 degrees 40 minutes 24  
seconds West 145.30 feet, North 71 degrees 06  
minutes 45 seconds West 184.44 feet, North 43  
degrees 53 minutes 24 seconds West 193.54 feet,  
South 71 degrees 24 minutes 39 seconds West  
93.09 feet, North 74 degrees 31 minutes 06  
seconds West 104.32 feet, North 52 degrees 41  
minutes 11 seconds West 89.43 feet, North 36  
degrees 29 minutes 33 seconds West 89.30 feet,  
North 07 degrees 23 minutes 03 seconds East  
133.08 feet,

to a point on the South bank of the Carrabelle  
River, thence run along said bank the following  
ten (10) courses:

North 47 degrees 14 minutes 31 seconds East  
145.66 feet, North 64 degrees 01 minutes 20  
seconds East 397.54 feet, North 88 degrees 54  
minutes 36 seconds East 566.55 feet, North 85  
degrees 15 minutes 01 seconds East 224.73 feet,  
North 80 degrees 45 minutes 47 seconds East  
120.87 feet, South 85 degrees 54 minutes 13  
seconds East 108.15 feet, South 74 degrees 58  
minutes 41 seconds East 446.13 feet, South 70  
degrees 06 minutes 27 seconds East 206.55 feet,  
South 53 degrees 48 minutes 45 seconds East  
146.74 feet, South 32 degrees 28 minutes 16  
seconds East 160.58 feet,

to an old iron pipe, thence leaving said South bank of the Carrabelle River run South 42 degrees 39 minutes 48 seconds West 600.80 feet to a concrete filled terra cotta monument, thence South 05 degrees 02 minutes 00 seconds West 447.42 feet to a point, thence South 81 degrees 53 minutes 00 seconds East 48.28 feet to a point on a curve on the right of way of the aforementioned State Road No. S-376, thence along the right of way and said curve concave to the South, having a central angle of 33 degrees 35 minutes 15 seconds and a radius of 1005.37 feet, an arc distance of 589.37 feet to a point, thence continue along said right of way South 46 degrees 23 minutes 00 seconds West 258.32 feet to the POINT OF BEGINNING.

all waters of the Carrabelle River south of the intersection of New River and Crooked River, and all waters within three hundred (300) feet of the centerline of the maintained channel approved by the Congress of the United States, at Carrabelle, continuing from the Carrabelle River seaward to the maximum extension of said channel, and all properties and facilities which come under its ownership or control in the future and which lie and are situated within six (6) miles of the Carrabelle City Limits.

(3) The Carrabelle Port and Airport Authority shall consist of seven (7) members. The Carrabelle City Commission shall appoint four (4) members. These four (4) members shall be primarily appointed from the local area. The governor of the State of Florida shall appoint three (3) members who shall

represent regional interests. These three (3) members shall be selected from lists furnished to the Governor by a Nominating Committee. The Nominating Committee shall consist of three (3) members. The Carrabelle Area Chamber of Commerce shall appoint one (1) member to the Nominating Committee; the Tallahassee/Leon County Chamber of Commerce shall appoint one (1) member; and the Associated Industries of Florida shall appoint one (1) member to the Nominating Committee. The Nominating Committee shall recommend at least two (2) names for each opening to the Governor. In the event that any of the above names organizations should become inactive or defunct, then the City Commission of Carrabelle shall designate another similar type organization to make appointments to the Nominating Committee. With the exception of the original members of the authority, the term of office shall be for four (4) years. The City Commission of Carrabelle shall originally appoint one (1) member for a four-year term, one (1) member for a three-year term, one (1) member for a two-year term, and one (1) member for a one-year term. Likewise, the Governor shall originally appoint one (1) member for a four-year period, one (1) member for a three-year period, and one (1) member for a two-year period. Each such member shall hold office until his successor has been appointed and qualified. A Vacancy occurring during a term shall be filled by a person chosen by the remaining members of the authority for the balance of the unexpired term except in the case of involuntary removal. The members of the authority shall not be entitled to compensation as officers, employees, agents, or attorneys of the authority or for serving the authority in any capacity, but shall be entitled to reimbursement for their expenses in conformance with the

prevailing rates and policies of the state, including those provided under s. 112.061, F.S., in performance of their official duties. No members shall hold a publicly elected office or be employed by the city, county, state, or federal governments.

(4) Four (4) members of the authority shall constitute a quorum for regular or special meetings. Ordinances or resolutions of the authority shall be enacted or adopted by at least three (3) members of the authority and only after not less than ten (10) days notice of the intention to so adopt or enact has been published in a newspaper of general circulation in Franklin County, and after adoption the same shall become effective without further publication or posting or any further action by the authority, except that the sale or other disposition of the property of the authority or the purchase of materials or equipment for the authority which shall be disposed of or purchased as hereinafter set forth shall be by a simple majority vote of the entire authority, that is, four (4) members. Public notice shall be given of at least three (3) days of special or regular meetings of the authority. This notice shall be construed to include announcements in a newspaper in general circulation in the county or posting on the bulletin board of City Hall of Carrabelle and the bulletin board of the U.S. Post Office in Carrabelle, Florida.

(5) Each member of the authority shall have one (1) vote. The yeas and nays shall be called and entered upon the minutes of each meeting upon the passage of every resolution or other action of the authority. The authority may meet at such times and places designated by it, but shall hold regular meetings at least once each month. Special meetings may be

called upon the call of its chairman or any three (3) members of the authority.

(6) A member of the authority may be expelled and removed from office for misfeasance, neglect of duties, incompetence, permanent inability to perform official duties, or commission of a felony. In addition, an authority member may be expelled for absence from two (2) consecutive regular meetings of the authority, unless such absence is excused by the authority members who shall be the sole judges as to whether or not a valid excuse is given for the absence. If the removal of an authority member becomes necessary, the Chairman of the authority shall notify the member of the proposed removal and the reasons therefor. The removal is to be placed on the agenda at the next regular meeting at which time the member to be removed shall be heard if he so desires. A vote by the members of the authority shall be taken at this meeting as to whether or not the member shall be removed. If the vote is for removal of that member, the authority shall make a written recommendation to the Carrabelle City Commission that the member be removed and the reasons therefor. In addition, the port authority shall recommend that a new member be appointed. The Carrabelle City Commission shall vote at their next regular meeting as to whether or not the member shall be removed. If that member is removed, then a new member shall be appointed by the City Commission for the unexpired term as soon as appropriate.

#### Section 4. Officers.--

(1) Immediately after the appointment of the members of the authority, the authority shall meet and qualify by taking the oath of office regularly prescribed for state and county officials in Florida. They shall maintain a place

within Franklin County for the principal office of the authority. All regular and special meetings shall be open to the public and press. No authority business shall be conducted except at a regular meeting or at a special meeting after notice as above set forth. The members shall annually elect from among their number a chairman, one or more vice-chairmen, and a secretary-treasurer. The officers of the authority shall give a bond by a reputable bonding company authorized to do business in the State of Florida, in the amount of \$20,000.00 for each individual, except that the secretary-treasurer or other person designated to sign the checks and drafts of the authority shall post a bond in the amount of \$50,000.00, conditioned upon the faithful performance of his duties, which bond shall be kept by the authority. The premiums of said bonds shall be paid as part of the expenses of the authority.

(2) Whenever the authority members believe that a Managing Director of the authority is necessary, the authority shall employ a director. The authority shall fix the compensation of the Managing Director who shall manage the affairs of the authority under the supervision and control of the authority. The Managing Director should have demonstrated an ability to research and analyze the economic development requirements of the area and shall have such other duties, responsibilities and qualifications that the authority deems necessary.

Section 5. Duties of Secretary-Treasurer.--It shall be the duty of the Secretary-Treasurer to keep full and correct minutes of all proceedings and meetings of the authority, and it shall be the duty of the Treasurer to keep separate accounts of all receipts and disbursements of the authority.

Immediately after the first of January of each year, the books and records of the authority shall be audited by a State Auditor or by an independent certified public accountant and the audit shall be published at least two (2) times within thirty (30) days after the audit has been received by the authority in a newspaper of general circulation published in Franklin County.

Section 6. Budget.--

(1) The authority shall operate under the budget for the Carrabelle Airport until the end of the 1985-1986 fiscal year. By August 15, 1986, the authority shall prepare an annual budget for the 1986-1987 fiscal year, pursuant to subsection (2) and shall submit by that date such budget to the board of city commissioners for approval as provided in subsection (2). A public hearing shall be held on such budget prior to its submission to the board of city commissioners. For all fiscal years thereafter, the procedure and time limits in subsection (2) shall apply.

(2)(a) Prior to preparation of the annual budget as provided in paragraph (b), the authority shall develop an annual proposed budget according to the provisions set forth in this section by May of each year, for a public hearing before the citizens of Franklin County.

(b) The authority, in each fiscal year, shall prepare an annual budget for operating revenue accounts and operating expense accounts and such other accounts as the board of city commissioners shall prescribe, for its operations in the ensuing fiscal year and, on or before the first day of June of each year, the chairman of the authority shall submit such budget to the board of city commissioners. The fiscal year for the authority shall be concurrent with the fiscal year of

the City of Carrabelle. At the time the authority prepares its annual budget, it shall adopt a resolution determining and finding the estimated amounts to be expended by the authority in the ensuing year, exclusive of any bonds or other obligations of the authority, for acquiring, establishing, constructing, enlarging, operating and maintaining the airport and airport facilities and other projects undertaken, or for any other corporate purpose of the authority. A certified copy of the resolution shall be submitted to the board of city commissioners at the same time tht it submits its annual budget referred to above.

(c) The board of city commissioners shall examine the budget and the certified copy of the resolution, and may increase or reduce the total amount requested under the provisions in the budget and resolution for the expenditures in such an amount as the board of city commissioners deems advisable in its sole discretion. Thereafter, the board of city commissioners shall approve the budget of the authority, either as submitted or as increased or reduced, as aforesaid. The City need not fund any budget deficits of the authority and any indebtedness of the authority shall not be considered a debt of Carrabelle, Franklin County, or the State of Florida.

(d) Any budget amendment adopted by the authority that increases the total budget shall be approved by the board of city commissioners prior to becoming effective.

(e) All anticipated revenues to be derived from the operation of the airport and airport facilities shall be included in the budget of the authority; provided, however, that any amounts of money, including funds in the authority's budget for the preceding fiscal year that remain unexpended

from the revenue derived under the budget for the preceding fiscal year may, by resolution duly adopted by the authority and approved by the board of city commissioners, be set aside in a separate fund, to be known and described as a "Renewal and Replacement Fund," and accumulated in said fund from year to year for the purpose of purchasing real and personal property, and building and constructing permanent improvements, replacements, alterations, buildings and other structures, including, but not limited to, runways, taxi strips and aprons and such funds may be disbursed from time to time out of the Renewal and Replacement Fund, upon proper resolution of the authority and approval by the board of city commissioners, and solely for the payment of the cost of purchasing real and tangible personal property, and building and constructing permanent improvements, replacements, alterations, buildings and other structures, including, but not limited to, runways, taxi strips and aprons, as provided herein.

(f) The authority shall adopt budget procedures to establish the direct and indirect costs of operating and maintaining the airport and airport facilities, as well as the direct income derived therefrom.

(g) The remaining balance in the airport operations budget adopted by the City of Carrabelle for the 1985-1986 fiscal year shall be transferred from the city to the authority upon the effective date of this act.

Section 7. Expenditures.--For all expenditures for equipment or materials in excess of \$5,000.00 and the sale, lease, or other disposition of property of the value of \$5,000.00 or over, the chairman or executive director shall solicit not less than three (3) bids and the lowest or best

bid in the case of purchases and the highest or best bid in the case of sale or other disposition of property shall be accepted. The authority shall have the right to reject any and all bids. The chairman or executive director shall maintain all required accounting records, negotiate all purchases, sales and leases, and perform all billings and collections, shall be responsible for the total operation of the district, including the application for grants, loans, and donations, solicit new facility users and lessees, hire additional personnel to fill the positions authorized by the authority, and develop recommendations for the operation of all of the properties of or under the control of the authority, including regulation of safety and environment protection.

Section 8. Powers of Authority.--The authority shall have all necessary and proper powers, including the responsibility of formulating and carrying out plans for the long-range development of the facilities of ports, recreational facilities and airports facilities within the district and traffic through such facilities. 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 within the district. The authority shall have the following powers:

- (1) To sue and be sued, under the name of "Carrabelle Port and Airport Authority";
- (2) To contract and be contracted with;
- (3) To adopt and use a common seal;
- (4) To convey such real and personal property owned by the authority as the authority may deem proper or expedient to carry out the purposes of this ordinance;

(5) To employ such employees, persons, and agents as the authority may deem advisable, fix the compensation thereof, and remove any appointees or employees, agents, or servants;

(6) To insure the improvements, fixtures, and equipment against loss by fire, windstorm, or other risk in such amounts as may be determined reasonable and proper. Any tort liability shall be the liability and responsibility of the authority and shall not be considered a responsibility, liability, or debt of Carrabelle, Franklin County, or the State of Florida;

(7) To purchase contracts;

(8) To borrow and issue evidence of indebtedness of the authority;

(9) To implement the Seafood Industrial Park created and approved by the City of Carrabelle, appoint a manager or managerial staff, employ additional personnel appropriate to the proper management and administration of the park, and perform any and all chores necessary and convenient to fully effectuate the purposes of the park;

(10) To acquire by purchase, 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;

(11) To construct, acquire, establish, extend, enlarge, improve, reconstruct, maintain, equip, repair and operate any project within the boundaries of the port district;

(12) To borrow money and to incur indebtedness, to issue revenue certificates and port facilities and industrial and manufacturing plant revenue bonds pursuant to section 9 as

the authority may from time to time determine; but such indebtedness of the authority for certificates issued or port facilities and industrial and manufacturing revenue bonds shall not be considered a debt of Carrabelle or Franklin County or the state;

(13) 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 the authority district, and to establish, operate, and maintain such foreign and domestic trade zones;

(14) To fix uniform rates and charges for airfield, wharfage, dockage, transit, storage, processing, freezing, sheddage, and handling to and from vessels, and to fix rates, fees, and charges for fishing or sightseeing from piers, using camp or trailer grounds, parking area, and such other facilities where such facilities are owned by the authority or otherwise, insofar as it may be permissible for the authority to do so under the State Constitution and the Constitution and Laws of the United States of America;

(15) To add to or extend, or cause or permit to be added to or extended, any existing lands or islands now or hereafter owned by a unit bordering on or being in any waters by pumping of sand or earth from any land under water or by any other means of construction, as part of or for the purpose of providing any port facilities or for the purpose of improving, creating, or extending any property of the unit for use of or disposal by the unit;

(16) To construct, or cause or permit to be constructed, an island or islands in any waters by the pumping of sand or earth from any land under water or by any other

means of construction, as a part of or for the purpose of providing any port facilities;

(17) To dredge or deepen harbors, channels, and turning basins, to cooperate with the United States or any agency thereof in the dredging or deepening of any harbor, channel, or turning basin, to enter into contracts with the United States or with any agency thereof concerning any such dredging or deepening project, and to pay such amounts to the United States or any agency thereof or to others as shall be required by the terms of any such contract;

(18) To fill in, extend, and enlarge, or cause or permit to be filled in, extended, and enlarged, any existing port facilities, to demolish and remove any and all structures thereon or constituting a part thereof, and otherwise to prepare the same for sale or lease to provide funds for financing port facilities under the provisions of this Ordinance;

(19) To operate, manage, and control all projects hereafter acquired or constructed under the provisions of this Ordinance;

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

(21) 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;

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

(23) To appoint, regulate, control, and prescribe the rights, duties, functions, and compensation of harbor masters and harbor pilots;

(24) To appoint an executive director of the authority and to determine his duties and his compensation;

(25) To receive and accept from the federal government or any agency thereof, from the state, county, city or any other source grants, loans, or donations for or in aid of the construction of any project or for any purpose permitted by this Ordinance;

(26) Subject to the jurisdiction of the United States and the state, to improve and develop the harbor and all navigable and non-navigable waters connected therewith, and the Carrabelle Airport;

(27) 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;

(28) To make 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, and to make rules and regulations governing the operation of recreational areas, camp trailer grounds, fishing piers, and any other facilities which come under the jurisdiction of the authority;

(29) To use the revenues generated by 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 authority if such tax is imposed by the City of Carrabelle or Franklin County;

(30) To advertise the ports of the district in such manner as the authority deems advisable, and to negotiate and contract with shipping companies and other such entities as the authority may deem necessary for development and expansion of the port districts;

(31) To enter on any lands, waters, or premises, within or without the district or within the corporate limits of any other district, for the purpose of making surveys, soundings and examinations with relation to any existing or proposed port facilities;

(32) To contract with the United States or the state or any agency or instrumentality thereof, with any public body or political subdivision, or with any private person, firm, or corporation with reference to any of the powers hereby granted;

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

(34) Without limitation of the foregoing, to borrow money and accept grants, contributions, or loans from and to enter into contracts, leases, or other transactions with, any person, any firm, the federal government, or any other public body;

(35) To spend revenues derived from the port operation or any other income from the port operation for the expenses

of the port and district such as operation, maintenance, and port improvements, and other public purposes; and

(36) To do all acts and things necessary or convenient in and carrying out of the powers granted herein and to do anything and everything necessary for the furtherance of the authority objectives.

Section 9. Bonding power.--

(1) The authority is empowered and authorized to issue revenue or refunding bonds. The purpose of the bonds shall be to pay all or any part of the cost for the acquisition and development of property by the authority for the design and construction or reconstruction of any authorized project, for equipment, or for refunding of bonds for the same purpose.

(2) Bonds issued under this section shall be authorized by resolution of the authority. Such bonds may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, be in such denomination or denominations, be in such form, registered or not, with or without coupon, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or trust indenture or mortgage issued pursuant thereto. Such bonds shall bear interest at such rate or rates allowed by s. 215.84, Florida Statutes.

(3) The authority shall determine the terms and manner of sale and distribution or other disposition of any and all

bonds it may issue and shall have any and all powers necessary or convenient to such disposition.

(4) The authority may establish and administer such sinking funds as it deems necessary or convenient for the payment, purchase, or redemption of any outstanding bonded indebtedness of the authority.

Section 10. Bonding rights.--The County of Franklin does pledge to, and agree with, the Federal government and any person, firm or corporation, subscribing to, or acquiring the bonds to be issued by the authority for the construction, acquisition, extension, improvement or enlargement of projects, or any part thereof, that the county will not limit or alter the rights hereby vested in the authority until all bonds at any time issued, together with the interest therein, are fully paid and discharged or until provision is made therefor. The County of Franklin does further pledge to, and agree with, the Federal Government that in the event that the Federal Government shall construct or contribute any funds for the construction, acquisition, extension, improvement or enlargement of said projects, or any part thereof, the County will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the projects, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the authority and the Federal Government, and the authority shall continue to have and may exercise all powers herein granted, so long as the same may be necessary or desirable for the carrying out of the purposes of this Ordinance and the purposes of the Federal Government in the construction, or

acquisition or improvement or enlargement of said projects, or any part thereof.

Section 11. Obligations to Constitute Legal Investment.--Any bonds, revenue certificates, or other obligations issued pursuant to this Ordinance shall constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries for all state, municipal, and public funds, and shall also constitute securities eligible for deposit as security for all state, municipal, or other public funds notwithstanding the provisions of any other law to the contrary. All contributions or donations from sources taxable by the federal government shall be considered as tax-free.

Section 12. Power to fix rates, tolls, etc., for use of facilities owned or controlled by authority.--The authority shall have the power to fix and determine the rates, tolls, or charges for the use of any of the works or facilities owned and controlled by the authority; the rates shall be levied and collected at the direction of the chairman or executive director. All funds collected shall be used by the authority to pay interest on outstanding obligations, to pay the necessary and regular expenses of the authority, to form a fund from which the authority may purchase outstanding bonds and obligations of the authority and to pay the necessary and regular operational expenses of the district.

Section 13. Granted same powers as Boards of Pilot Commissioners, power to appoint pilots, harbor master and prescribe his duties.--The authority shall have the power to appoint pilots for the authority and shall have all the power of Boards of Pilot Commissioners under the laws of Florida.

The authority shall also have the power to appoint a harbor master, and prescribe his powers and duties.

Section 14. Power to grant and revoke Stevedore licenses.--The authority shall have the power to grant licenses to competent and trustworthy persons to act as stevedores for the authority. Such licenses shall be held during good behavior, but any license may be revoked by the authority after due notice and hearing if in the opinion of the authority it should be revoked.

Section 15. Port and Airport facilities, and income therefrom declared nontaxable public property.--As port and airport facilities are essential to the economic welfare of the inhabitants of the Carrabelle area and will promote the economic, commercial, industrial, and residential development of the area, and as the exercise of the powers conferred by this Ordinance to effect such purposes constitutes the performance of essential public functions, and as such port and airport facilities acquired or constructed under the provisions of this Ordinance will constitute public property used for public purposes, no taxes or assessments shall be levied upon any such airport or port facilities or upon the income therefrom, and any bonds or revenue certificates issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.


Section 16. Severability.--If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end the provisions of this Ordinance are declared severable.

SECTION 17. Any Power granted herein, is granted only insofar as the Franklin County Board of County Commissioners is able to do so. County ordinances shall apply to the district outside the City of Carrabelle, except as modified hereby.

SECTION 18: Effective Date. This Ordinance shall take effect upon becoming an ordinance. This Ordinance was adopted in open session the 1st day of July, 1986, after notice of intent to consider such an ordinance has been made and kept in the ordinance book of the Clerk of this Board for at least 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in the Apalachicola/Carrabelle Times, a newspaper of general circulation within the County.

THE BOARD OF COUNTY COMMISSIONERS OF  
FRANKLIN COUNTY, FLORIDA.

BY:

  
Chairman

ATTEST:

  
Clerk

(SEAL)