

STORAGE NAME: h3767z.ca
DATE: June 24, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 3767

RELATING TO: Hillsborough County/ Tampa Port Authority

SPONSOR(S): Representative Culp and others

COMPANION BILL(S): SB 1532 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 3767 was introduced March 3, 1998 and referred to the Committee on Community Affairs on March 10, 1998. The committee approved the bill March 24, 1998 and placed it on the House Local Calendar April 1, 1998. The Houes approved the bill 114 YEAS 0 NAYS. The bill was received by the Senate April 15, 1998 and placed on the Senate Local Calendar May 1, 1998. the bill was approved by the Senate 40 YEAS 0 NAYS. On May 28, 1998, the bill became law without the Governor's signature and is chapter 98-471, Laws of Florida.

II. SUMMARY:

This bill provides additional authorization to the Tampa Port Authority so that the authority/district may grant or convey to a municipality within the district or an agency of the state, submerged lands owned by the authority/district. The bill provides that fee simple title to submerged lands previously granted and conveyed by the authority are ratified and confirmed.

The bill allows the authority/district to use current provisions of law providing for local bids and contracts for public construction.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Tampa Port Authority is listed in the **1997 Official List of Special Districts** as an independent special district. The Tampa Port Authority (authority/district) special acts were codified in 1995 by chapter 95-488, Laws of Florida, and subsequently amended by chapter 96-518, Laws of Florida. The Tampa Port Authority is the governing body for the Hillsborough County Port District.

The authority/district specifically plans and carries out the long-range development of the facilities of and traffic through the port. The authority's/district's five governing board members are appointed and are residents and qualified electors of the county.

Current law provides that the authority/district currently may convey to the City of Tampa, the county, the state, or the United States of America, for public purposes, under terms negotiated by the authority, easements for rights-of-way or fee simple title to rights-of-way. Spoil islands owned by the authority/district may be conveyed by the authority to the City of Tampa, the county, the state or the United States of America. Fee simple titles to spoil islands previously granted and conveyed by the authority/district are ratified and approved as provided in the special acts relating to the Tampa Port Authority.

The "Certificate of Territorial Designation and Of Requirement Under Section Six, Chapter 23338, Laws of Florida," numbered 25215, dated November, 1970, conveys submerged lands within the boundaries of the Hillsborough County Port District from the Internal Improvement Trust Fund to the District. The Certificate is filed in Official Record Book 2319, Page 194 of the Hillsborough County Circuit Court, June 4, 1971. This Certificate is part of the records of deeds and papers pertaining to public lands on file with the Board of Trustees of the Internal Improvement Trust Fund.

Section 255.20, F. S., provides that projects sought by counties, municipalities, special districts or other political subdivisions of the state, costing more than \$200,000 must be competitively bid. There are certain restrictions in this section relating to a project costing over \$200,000 and being performed by employees of the local government. Also, the \$200,000 threshold is adjusted by the percentage change in the Consumer Price Index from January 1, 1994 to January 1 of the year in which the project is scheduled to begin.

Section 255.20(3), F.S., provides that, when available and when certain statutorily prescribed circumstances allow, lumber, timber and other forest products native to, produced or manufactured in this state, must be used.

B. EFFECT OF PROPOSED CHANGES:

This bill amends the special acts of the Tampa Port Authority to provide additional authorization that the authority/district may grant or convey to a municipality within the district or an agency of the state, submerged lands owned by the authority/district. The bill provides that fee simple title to submerged lands previously granted and conveyed by the authority are ratified and confirmed.

The bill allows the authority/district to use the provisions of section 255.20, F. S., to satisfy the competitive-bidding requirements for construction projects as authorized in section 15 of its special act.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Section 27 of chapter 95-488 as amended by section 1 of chapter 96-518, Laws of Florida. Chapter 97-341, Laws of Florida, amended Section 7 of chapter 95-488, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1 -- Amends section 7 of chapter 95-488, Laws of Florida, as amended, to provide additional authorization that the authority/district may grant or convey to a municipality within the district or an agency of the state, submerged lands owned by the authority/district; provides that fee simple title to submerged lands previously granted and conveyed by the authority are ratified and confirmed.

Section 2 -- Amends section 15 of chapter 95-488, Laws of Florida, as amended, to allow the authority/district to use the provisions of section 255.20, F. S., to satisfy the competitive-bidding requirements of this section of its special act.

Section 3 -- Provides for an effective date of upon becoming a law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 16, 1998

WHERE? Tampa, Fl, The Tampa Tribune

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

V. COMMENTS:

The Hillsborough County Home Rule Charter took effect May 1985. The charter provides for local self-determination and grants all powers of a chartered county under Section I, Article VIII, Florida Constitution, 1968, as amended. One of the features of the Hillsborough County charter as described in "Home Rule Charter for Hillsborough County Florida, Approved by Hillsborough County Voters, September, 1983," is:

Special laws enacted by the Florida Legislature may be effective in Hillsborough County without approval by County electors if they relate to the following: civil service, aviation, **the port**, sports, transportation, hospitals, planning, environment, solid waste management, consumer affairs, resource recovery, criminal justice, historic preservation, and the arts. [Emphasis added.]

Special District Status Statement

Section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting

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special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

An examination of this charter reveals that this statement is not contained in the district's charter.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Joan E. Highsmith-Smith

FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:

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