

By Representative Wiles

1 A bill to be entitled
2 An act relating to the St. Augustine Port,
3 Waterway and Beach District; codifying the
4 district's charter; providing for the levy of
5 ad valorem taxes in a manner consistent with
6 general law; eliminating provisions for special
7 taxes for paying judgments and debts of the
8 district; eliminating provisions in conflict
9 with general law pertaining to the budget and
10 taxes; replacing provisions on borrowing of
11 money and issuance of bonds with the power to
12 borrow money and issue bonds as a port district
13 pursuant to chapter 315, Florida Statutes;
14 providing for the exercise by the district of
15 all powers allowed to a port district pursuant
16 to chapter 315, Florida Statutes; eliminating a
17 provision relating to bridges; recognizing the
18 right of other governmental authorities to
19 regulate the waters within the district as
20 allowed by general or special law; providing
21 for investment of district funds; replacing
22 provisions relating to commissioners and
23 employees doing business with the district with
24 the Code of Ethics for Public Officers and
25 Employees as provided in chapter 112, Florida
26 Statutes; eliminating provisions in conflict
27 with general law relating to the interest rate
28 on judgments and judicial procedure in cases
29 involving the district; eliminating conditions
30 precedent to lawsuits and statute of
31 limitations; eliminating the requirement that

1 voters be freeholders; allowing members of the
2 commission to hold the offices of secretary and
3 treasurer and eliminating requirement of a bond
4 for said offices; repealing chapter 17660, Laws
5 of Florida, 1935, chapter 18879, Laws of
6 Florida, 1937, chapter 70-922, Laws of Florida,
7 and chapter 93-368, Laws of Florida; providing
8 an effective date.
9

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

11
12 Section 1. Pursuant to chapter 98-320, Laws of
13 Florida, this act constitutes the codification of all special
14 acts relating to the St. Augustine Port, Waterway and Beach
15 District. It is the intent of the Legislature in enacting this
16 law to provide a single, comprehensive special act charter for
17 the district, including all current legislative authority
18 granted to the district by its several legislative enactments
19 and any additional authority granted by this act. It is
20 further the intent of this act to preserve all district
21 authority, including the authority to annually assess and levy
22 a tax against the taxable property in the district. The St.
23 Augustine Port, Waterway and Beach District is declared to be
24 an independent special district.

25 Section 2. Chapter 18879, Laws of Florida, 1937, as
26 amended, relating to the St. Augustine Port, Waterway and
27 Beach District is codified, reenacted, amended, and repealed
28 as herein provided.

29 Section 3. The St. Augustine Port, Waterway and Beach
30 District is re-created and reenacted to read:
31

1 Section 1. District formation ratified, restated, and
2 approved.--The St. Augustine Port, Waterway and Beach District
3 established pursuant to chapter 18879, Laws of Florida, 1937,
4 approved by referendum on May 3, 1938, is ratified, confirmed,
5 and approved.

6 Section 2. District boundaries.--The St. Augustine
7 Port, Waterway and Beach District shall comprise and include
8 all the territory contained within the following described
9 boundaries, to wit:

10
11 Commencing at the Atlantic Ocean on the
12 township line between townships five (5) and
13 six (6), South, Range Thirty (30), East, in St.
14 Johns County, Florida; thence running west
15 along said township line to the northwest
16 corner of township six (6), South, Range
17 twenty-nine (29) East; thence running south
18 along the range line between Ranges
19 twenty-eight (28) and twenty-nine (29) to the
20 southwest corner of Section thirty (30),
21 township seven (7) South, Range twenty-nine
22 (29) East; thence run easterly along the south
23 line of said section thirty (30), township
24 seven (7), South, Range twenty-nine (29) to the
25 southeast corner of said section thirty (30);
26 thence run south along the west line of Section
27 thirty-two (32), township seven (7), South
28 Range twenty-nine (29) East to the southwest
29 corner of said Section thirty-two, township
30 seven (7), South, Range twenty-nine (29) East;
31 thence run east along the township line between

1 townships seven (7) and eight (8) to the
2 channel of the Matanzas River; thence southerly
3 following the channel of the said Matanzas
4 River and continuing in the channel of the
5 intracoastal waterway canal to the south
6 boundary of St. Johns County; thence East along
7 said south boundary line of St. Johns County to
8 the Atlantic Ocean; thence running northerly
9 along the Atlantic Ocean to the point of
10 beginning.

11
12 Section 3. Governing board.--The governing authority
13 of the district shall be known as the St. Augustine Port,
14 Waterway and Beach Commission. Said commission shall
15 constitute a body politic and a body corporate, shall have
16 perpetual existence, may adopt and use a common seal and alter
17 the same, may contract and be contracted with, may sue in its
18 corporate name and be sued in its corporate name, may sue and
19 be sued in all the courts of the state and the courts of the
20 United States having jurisdiction over it.

21 Section 4. District powers.--The St. Augustine Port,
22 Waterway and Beach Commission, as the governing body of the
23 district, shall have the following powers:

24 (a) To acquire by grant, purchase, gift, devise,
25 condemnation, exchange, or in any other manner all property
26 real or personal or any estate or interest therein, within or
27 without the district which by resolution the commission shall
28 determine to be necessary for the purposes of the district.
29 Said determination shall be deemed conclusive, except in case
30 of fraud or gross abuse of discretion, and to improve,
31 maintain, sell, lease, convey, exchange, or otherwise dispose

1 of the same, or any part thereof, or interest or estate
2 therein, upon such terms and conditions as the commission
3 shall by resolution fix and determine, and said determination
4 shall be deemed conclusive, except in case of fraud or gross
5 abuse of discretion.

6 (b) To lay out, construct, condemn, purchase, own,
7 acquire, add to, maintain, conduct, operate, build, equip,
8 manage, replace, enlarge, improve, regulate, control, repair,
9 and establish jetties, piers, quays, wharves, docks,
10 warehouses, storehouses, breakwaters, bulkheads, public
11 landings, slips, seawalls, turning basins, harbors, ports,
12 waterways, channels, moles, dry docks, terminal facilities,
13 canals, cold storage plants, terminal icing plants,
14 refrigerating plants, precooling plants, bunkers, oil tanks,
15 pipe lines, ferries, locks, tidal basins, tramways, cableways,
16 anchorage areas, depots, areas for abandoned or derelict
17 ships, barges or crafts, airways, landing fields, conveyors,
18 modern appliances for economical handling of storage and
19 transportation of freight and the handling of passenger
20 traffic, and all other harbor improvements and facilities
21 which by resolution the commission may determine to be
22 necessary, and in connection with the operation or improvement
23 of the district, to perform all customary services, including
24 the handling, weighing, measuring, regulation, control,
25 inspection, and reconditioning of all commodities and cargoes
26 received or shipped through said harbor.

27 (c) To improve all navigable and nonnavigable waters
28 situated within the district, to create and improve for harbor
29 purposes any waterways within the district, to regulate and
30 control all such waters and all natural or artificial
31 waterways within the limits of the district, subject to

1 regulatory authority given to other governmental authorities
2 pursuant to general or special law and insofar as the state
3 can grant the same, subordinate, however, to the jurisdiction
4 of the United States of America, to straighten, widen, deepen,
5 and otherwise improve any and all waters, water courses,
6 inlets, bays, lakes, or streams, whether navigable or
7 otherwise, located within the district, to construct inlets
8 and turning basins, and to dredge and deepen any natural or
9 artificial waterway within the district, to apply for and
10 obtain permission from the Federal Government to create,
11 improve, regulate, and control all such waters and natural or
12 artificial waterways within said district, and to construct
13 and maintain such inlets, slips, turning basins, and channels,
14 and to make and give to the Federal Government its bond or
15 bonds upon such terms and conditions as may be required, to
16 enact, adopt, and establish by resolution rules and
17 regulations for the exercise of jurisdiction and control over
18 all of said waters and said port within the district.

19 (d) To fix absolutely, without the right of appeal,
20 the rates of wharfage, dockage, warehousing, storage, and port
21 and terminal charges and upon all improvements and harbor
22 facilities located within the district and owned by the
23 commission and to fix and determine the rates, tolls, and
24 other charges for the use of harbor improvements and harbor
25 facilities located within the district and owned by the
26 commission insofar as it may be convenient for the commission
27 to do so under the Constitution and laws of Florida, and the
28 Constitution and laws of the United States.

29 (e) To exercise such police powers as by resolution
30 the commission shall determine to be necessary for the
31 effective and complete control, regulation, and protection of

1 the district, and all harbor improvements and facilities, and
2 for the effective exercise of jurisdiction over said waters
3 and said harbor improvements and facilities.

4 (f) To employ such legal and clerical aid and
5 assistance and such engineers, agents, and employees as in
6 their judgment may be necessary for the efficient
7 administration of their duties and to fix their compensation
8 and make such rules, regulations, and orders for the
9 administration of their duties as may be deemed necessary.

10 (g) To designate and create such offices, departments,
11 or divisions, other than those herein specifically provided
12 for, as by resolution the commission may determine necessary
13 and, in said resolution, to provide the duties and powers,
14 term of office, compensation, or salary of such offices,
15 positions, and departments; to employ such other persons as
16 may be necessary and to fix and determine the compensations,
17 term of office, and duties of said employees, provided the
18 terms of office of all appointees and employees shall be at
19 the pleasure of the commission, and shall automatically
20 terminate with the termination of the term of office of the
21 members of the commission so employing or appointing them.

22 (h) To make rules and regulations consistent with the
23 Constitution and laws of Florida and the Constitution and laws
24 of the United States for the promotion and conduct of
25 navigation, commerce, and industry in the district. Said rules
26 and regulations shall be reasonable and shall operate
27 uniformly as to all similarly situated.

28 (i) To enter into any contract with the Federal
29 Government, or any agency thereof, which may be necessary in
30 order to procure assistance, appropriations, and aid for the
31 deepening, widening, and extending of channels and turning

1 basins, the building and construction of slips, wharves,
2 breakwaters, jetties, bulkheads, and any and all other harbor
3 improvements and facilities.

4 (j) To exercise the right of eminent domain and to
5 condemn, appropriate, and acquire any property, both real and
6 personal, and any interest therein which by resolution the
7 commission shall determine to be necessary, and said
8 determination shall be conclusive, except in the case of fraud
9 or gross abuse of discretion. Such condemnation proceedings
10 shall be exercised in the manner provided for in general law
11 and pursuant to the following additional provisions, to wit:

12 1. In any case where the commission shall not have
13 acquired title to any property, real or personal, which it is
14 using, or, if at any time it shall be found that the title of
15 the commission to property, both real and personal, is
16 defective, the said commission may proceed to acquire, cure,
17 and perfect such title, and to acquire and condemn any
18 outstanding right, title, lien, mortgage, judgment, or
19 interest in and to said property pursuant to the provisions of
20 general law.

21 2. Upon the filing of a petition in any condemnation
22 proceeding, the commission shall have the right to take
23 immediate possession of said lands, easements, or rights of
24 way to the extent of the interest sought to be acquired
25 whenever the commission shall by resolution determine that
26 immediate possession is necessary, provided, however, this
27 power shall be exercised in the manner provided for in general
28 law.

29 (k) To execute and deliver all contracts, deeds,
30 leases, franchises, assignments, releases, and all other
31 instruments necessary to carry out the powers herein expressly

1 and impliedly conferred, all of which shall be executed in the
2 name of the commission, and shall be signed by the chair and
3 secretary thereof, and its corporate seal thereto affixed. All
4 checks and vouchers for the disbursement of funds of the
5 commission shall be executed in the manner prescribed by
6 resolution adopted by the commission.

7 (l) To advertise Port St. Augustine in such manner as
8 the commission deems advisable, to negotiate and contract with
9 shipping companies, and such other institutions, associations,
10 and companies as the commission may deem necessary for the
11 purpose of advancing and promoting Port St. Augustine.

12 (m) To pay out of any funds raised or obtained under
13 or pursuant to this act the expenses of holding, conducting,
14 and canvassing and declaring the result of any and all
15 elections required or authorized to be called or held by the
16 commission under this act and of all matters incidental
17 thereto, and the expense of the organization of the
18 commission.

19 (n) To pay from the funds of the district all expenses
20 incidental to its organization and all other reasonable and
21 necessary expenses in carrying out and accomplishing the
22 purpose of this act.

23 (o) To exercise any power or perform any act allowed
24 to be performed by a port district as provided in chapter 315,
25 Florida Statutes, or any successor statute, including, but not
26 limited to, borrowing money and issuing bonds.

27 (p) All of the foregoing powers shall be construed as
28 powers of the commission, and the same shall not be deemed to
29 limit or restrict or to be exclusive. In addition to the
30 enumerated powers hereby conferred upon said commission, it
31 shall have all other powers and can do any and all other

1 things necessary to carry out the objects, purposes, and
2 powers herein specifically conferred and to promote, advance,
3 and maintain the district. However, the commission shall have
4 no power to borrow money except as provided in paragraph (o)
5 of this section.

6 Section 5. Election of commissioners.--

7 (a) The governing authority of the district shall be
8 known and designated as the St. Augustine Port, Waterway and
9 Beach Commission, and shall be composed of five members. No
10 person shall be appointed or elected as a member of the
11 commission of the district unless he or she resides within the
12 boundaries of the district and is a registered voter within
13 the boundaries of the district. Members of the commission
14 shall be designated and elected by Groups numbered 1 to 5.

15 (b) The provisions of this act shall in no manner
16 affect the present term of office of any of the five members
17 of the commission. The terms of the commissioners shall be
18 staggered. Two persons shall be elected to serve 4 years in
19 the general election in 2000. Three persons shall be elected
20 to serve 4 years in the general election in 2002. Thereafter,
21 each commissioner shall be elected to a 4-year term of office.
22 Each commissioner's term of office shall begin on the 10th day
23 following the general election and continue until his or her
24 successor is elected and qualified. Only registered voters
25 residing within the district shall be permitted to vote. Each
26 registered voter may vote for one candidate in each Group. The
27 candidate who receives the highest number of votes in his or
28 her Group shall win the election in said Group.

29 (c) The County Commissioners of St. Johns County or
30 the supervisor of elections shall cause the names of
31 candidates for the office of commissioner to be printed upon

1 the ballot to be used in the voting precincts within the
2 district, to be voted on in said precincts at the general
3 election to be held in November 2000, and each general
4 election to be held in every even-numbered year thereafter.
5 Every commissioner, before he or she assumes the duties of
6 such office, shall be required to give a bond in the sum of
7 \$5,000, payable to the Governor, which bond shall be
8 conditioned upon the faithful performance of the duties of his
9 or her office and the due, faithful, and proper accounting of
10 all moneys of the district which shall come into his or her
11 hands. The bond so given by the commissioner shall be approved
12 in the same manner as is provided by general law for the
13 approval of bonds of county officers. The failure of any
14 person so appointed or elected as commissioner within 60 days
15 after his or her appointment or election to give bond shall
16 create a vacancy as to such commissioner and such vacancy
17 shall be filled by appointment by the Governor for the
18 unexpired term of a person duly qualified to hold the office,
19 which manner of filling the office shall also apply in the
20 case of resignation, death, or removal from the district of
21 any commissioner or a vacancy in office arising from any other
22 reason. Any and all premiums on official bonds required by
23 this act shall be paid from funds of the district.

24 Section 6. Compensation of commissioners.--The
25 commissioners under the provisions of this act shall receive
26 as compensation the sum of \$5 per day for each day's service,
27 provided that the total per diem compensation for any 1 year
28 for any one commissioner shall not exceed \$300.

29 Section 7. Officers; conduct of meetings.--As soon as
30 practicable after said commissioners shall have been elected
31 or appointed and have qualified, they shall meet and organize

1 and shall elect one of their number as chair who shall hold
2 office at the pleasure of the commission. The commissioners
3 shall appoint a secretary and a treasurer who may be a member
4 of said commission. The offices of secretary and treasurer may
5 be held by one person. A majority of the commission shall
6 constitute a quorum. The commission shall have the power to
7 prescribe rules and regulations for the government and conduct
8 of their meetings and business. The commission shall meet at
9 such times and places as may be determined by said commission.
10 All meetings of the commission shall be open to the public. A
11 record of all business transacted by the commission shall be
12 preserved in substantial minute books and safely kept by the
13 secretary.

14 Section 8. Ad valorem taxation.--The commission shall
15 have the power to levy ad valorem taxes upon all taxable
16 property situated within the district for the purposes
17 authorized and prescribed by this act, subject to the
18 limitations and restrictions herein provided. The commission
19 shall determine annually by resolution the total amount to be
20 raised by taxation upon the taxable property located within
21 the district, and the rate of taxation. The commission shall
22 not during any 1 year levy ad valorem taxes on real and
23 tangible personal property within the district in an amount
24 exceeding 3 mills. No tax shall be levied until a resolution
25 has been approved by the commission according to the
26 procedures provided by general law. The collection of ad
27 valorem taxes shall be performed by the appropriate officer as
28 prescribed by general law.

29 Section 9. Conduct of commissioners and
30 employees.--Each commissioner, official, and employee of the
31 district shall comply with the Code of Ethics for Public

1 Officers and Employees as contained in chapter 112, Florida
2 Statutes, or any successor statute.

3 Section 10. Judgments.--No money judgment or decree
4 rendered against the commission or the district shall be a
5 lien on the property, either real or personal, of the
6 commission or the district. All property, both real and
7 personal, tangible and intangible, owned by the commission and
8 the district shall be exempt from sale under execution, and no
9 writ of execution shall be issued or levied.

10 Section 11. Exemption from taxation.--All property,
11 real and personal, tangible and intangible, owned and held by
12 the district shall be exempt from all taxation levied and
13 assessed pursuant to the Constitution and laws of the state.

14 Section 12. Removal by Governor.--In the event any
15 commissioner shall be found guilty of intentional and willful
16 misfeasance, nonfeasance, or malfeasance in office, he or she
17 shall be subject to removal by the Governor in the manner
18 provided by law for the removal of county officers.

19 Section 13. Records.--The books and records of the
20 district shall at all reasonable hours be open to public
21 inspection. All moneys of the district shall be kept in
22 depositories designated by resolution of the commission, and
23 shall at all times be kept in the manner required by general
24 law. At least once a year the books of account of the district
25 shall be audited, and such audit filed in the office of the
26 district, and at all reasonable hours be open to inspection to
27 any person. The fiscal year of the district shall begin on
28 October 1 of each year and end on September 30 of each year.

29 Section 14. Investment of funds.--The commission may,
30 by resolution to be adopted from time to time, invest and

31

1 reinvest any funds in its control or possession in the same
2 investments allowed for counties under general law.

3 Section 15. Severability.--If any provision of this
4 act is declared unconstitutional or the applicability thereof
5 to any person or circumstances is held invalid, the validity
6 of the remainder of the act and the applicability of said
7 provision to other persons and circumstances shall not be
8 affected thereby.

9 Section 16. Liberal construction.--This act shall be
10 liberally construed.

11 Section 4. Chapter 17660, Laws of Florida, 1935,
12 chapter 18879, Laws of Florida, 1937, chapter 70-922, Laws of
13 Florida, and chapter 93-368, Laws of Florida, are hereby
14 repealed 10 days after the effective date of this act,
15 provided the authority to levy and assess an ad valorem tax as
16 provided in this act shall not be repealed.

17 Section 5. This act shall take effect upon becoming a
18 law.

19
20
21
22
23
24
25
26
27
28
29
30
31