

STORAGE NAME: h1843a.ca

DATE: March 30, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1843

RELATING TO: Gulf County/Port St. Joe Port Authority

SPONSOR(S): Representative Kilmer

TIED BILL(S): None

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

(1) COMMUNITY AFFAIRS (PRC) YEAS 7 NAYS 0

(2)

(3)

(4)

(5)

I. SUMMARY:

The bill codifies all prior special acts relating to the Port St. Joe Port Authority in Gulf County into a single act and repeals all prior special acts relating to the Port Authority's charter.

The bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

No fiscal impacts are anticipated for either fiscal year 2000-01 and 2001-02 according to the Economic Impact Statement.

This bill does not make any substantive changes to current law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Port St. Joe Port Authority (Port Authority), whose boundaries are contiguous with Gulf County, has jurisdiction over the port of Port St. Joe, a small northwestern Florida cargo port that once imported chemicals, petroleum products and aggregate while exporting linerboard, naval products, magnesite, and general cargo. One of the major efforts the Port Authority has pursued is the acquisition of the land it needs to resume maritime operations as a deepwater or barge port, so that it can carry out the interchange of cargo from ocean vessels to rail, highway or continued water movement, via barge by the Intracoastal Waterway.

As stated in the "Five Year Plan to Accomplish the Mission of Florida's Seaports" published annually by The Florida Seaport Transportation and Economic Development Council, the mission of the Port Authority is to "return the Port to its historic status, thereby creating jobs and economic development for the Port St. Joe area." With the Gulf County region experiencing a severe economic downturn following the closing of the former St. Joe Paper Mill and several other major industrial enterprises, port development as a catalyst for economic development is more urgently needed than ever before. Consequently, after conducting several studies to explore its development options, the Port Authority has taken the initiative to update its Port Master Plan and pursue harbor dredging to attract new maritime users to the region. The plan update, which will begin in a few months, will encompass both waterfront and inland areas to ensure that a variety of viable maritime and maritime/industrial-related uses are identified for phased development.

The Port Authority's strategic development program includes the following goals and objectives: Acquire land to revitalize the Port; Develop a strategic plan to support development of new deepwater port facilities; and pursue efforts to attract shipping by working with area railroad and truck lines as well as with economic development entities at the local and state levels.

Port Authorities

Port authorities, or port districts, are units of special purpose government created pursuant to the provisions of any general or special law and which are authorized to own or operate any port facilities. A port authority can also refer to any district or board of county commissioners acting as a port authority pursuant to the provisions of any general or

special law. In general, port authorities are given a broad range of powers in the operation of the port and are governed primarily by chapter 315, Florida Statutes.

Codification

Codification is the process of bringing up-to-date a special act. Special acts are not codified and, after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts.

Codification of special districts' charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes. The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of all special districts' charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, Florida Statutes, by (1) extending the deadline to codify to December 1, 2004, (2) allowing for the adoption of the codification schedule provided for in an October 3, 1997 memorandum issued by the Chair of the Committee on Community Affairs, (3) removing the prohibition of substantive amendments in a district's codification bill, and (4) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

SCHEDULE OF SUBMITTAL OF SPECIAL DISTRICTS' CHARTERS

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9, 10, 11 or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 36 special districts have codified their charters. Following is a list of special districts which have codified

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pursuant to sections 189.429 and 191.015, Florida Statutes, and the corresponding Laws of Florida:

Alachua County Library District	Ch. 98-502
Anastasia Mosquito Control District	Ch. 99-449
Baker County Hospital District	Ch. 99-431
Carrollwood Recreation District	Ch. 98-475, as amended by Ch. 99-418
Cedar Key Water & Sewer District	Ch. 98-473
Central Broward Water Control District	Ch. 98-501
Charlotte County Airport Authority	Ch. 98-508
Citrus County Hospital Board	Ch. 99-442
Citrus County Mosquito Control District	Ch. 99-432
County Line Drainage District	Ch. 99-417
East Charlotte Drainage District	Ch. 99-439
Flagler Estates Road & Water District	Ch. 98-529
Florosa Fire Control District	Ch. 99-479
Hillsboro Inlet District	Ch. 99-433
Immokalee Water & Sewer District	Ch. 98-495
Joshua Water Control District	Ch. 99-460
Lake Apopka Natural Gas District	Ch. 99-454
Lake Worth Drainage District	Ch. 98-525, as amended by Ch. 99-422
Lee County Bonita Springs Fire Control District	Ch. 98-464
Lee County Hyacinth Control District	Ch. 98-462
Lee County Mosquito Control District	Ch. 98-461
Loxahatchee Groves Water Control District	Ch. 99-425
North Bay Fire Control District	Ch. 98-470
North Naples Fire District	Ch. 99-450

Ocean City-Wright District	Ch. 99-478
Old Plantation Water Control District	Ch. 99-435
Orange County Library District	Ch. 99-486
Panama City-Bay Co. Airport	Ch. 98-527
Ranger Drainage District	Ch. 99-453
South Broward Drainage District	Ch. 98-524
Tindall Hammock Irrigation District	Ch. 98-523
Twelve Oaks Special District	Ch. 99-452
West Coast Inland Navigation District	Ch. 98-526

In 1998, the Environmental Protection Commission in Hillsborough County unsuccessfully attempted to codify its charter. The District is scheduled to codify in 2002. In 1999, there were two unsuccessful codifications. Mid-Bay Bridge Authority's codification bill passed the Legislature, but was vetoed by the Governor. The Authority was scheduled to codify its charter in 1999. The South Walton Fire District's codification bill died on the House calendar on April 30, 1999.

According to the Schedule of Submissions of Special District Charters and information relating to charters previously codified, there are 94 special districts that should have been codified during the 1999 session but which were not. There are 56 special districts that are scheduled for codification during the 2000 Legislative Session.

C. EFFECT OF PROPOSED CHANGES:

This bill codifies chapters 55-30787 and 78-514, Laws of Florida, relating to Port St. Joe Port Authority in Gulf County into a single act.

The bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

The bill states that the geographic boundaries limitations are the same as those of Gulf County.

The bill adds new language stating the minimum charter requirements.

Finally, the bill declares that if there is a conflict with a provision of this act and a provision of another act, then this act controls.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the Port St. Joe Port Authority (Port Authority) charter codification required under section 189.429, Florida Statutes; Provides a single, comprehensive special act charter for the Port Authority; Provides legislative intent and preserves the authority granted to the Port Authority by

this act and its legislative enactments; Grants preservation of the Port Authority's authority.

Section 2: Codifies, reenacts, amends, and repeals special acts relating to the Port Authority's charter.

Section 3: Recreates and reenacts the Port St. Joe Port Authority as follows:

Section 1: Creation. -- Establishes a charter for Port St. Joe Port Authority and provides the Port Authority's purpose.

Section 2: Governing Body. -- Provides that the Port Authority governing board consists of five commissioners who are appointed by the Governor; Provides for assumption of office; Provides that vacancies are filled by appointment by the Governor; Provides for the terms of the appointments; Provides for Board officers; Prohibits compensation to commissioners; Allows commissioners to be reimbursed for travel and other expenses; Provides that three commissioners shall constitute a quorum.

Section 3: Employees. -- Grants Port Authority power to employ an executive director; Provides compensation by resolution of the commissioners for the executive director; Grants the Port Authority authority to employ personnel; Grants Port Authority the power to determine the qualifications, duties, and compensation of such employees; Provides that none of the said employees shall be covered by any civil service laws;

Section 4: Powers. -- Authorizes and empowers the Port Authority to own and acquire property or facilities by purchase, lease, easement, eminent domain, gift, or transfer; Grants the authority to acquire, construct, maintain, and operate all harbor, port, commercial, and industrial improvements and facilities; Grants authority to enter into contracts or leases to operate facilities owned or leased by said Port Authority; Grants authority to enter into contracts for furthering the business, operation, and maintenance of shipping facilities and harbor and port improvements.

Section 5: Finance. -- Grants the power to borrow money and issue bonds, notes, and evidences of indebtedness; Authorizes the Port Authority to acquire, operate, maintain, pay for, and improve property or facilities; Allows Port Authority to raise monies by the issuance and sale of revenue bonds or certificates of indebtedness and payable solely from and secured by pledge of all or any part of the income, rents, and revenues of any property or facilities now or hereafter owned, leased, or operated by said authority, or by the levying of non-ad valorem assessments or fees against benefited property; Allows Port Authority to validate its revenue bonds or certificates of indebtedness and its other obligations by law.

Section 6: Limitation of Powers. -- Provides for limitation of power or authority to bind or commit the City of Port St. Joe, a municipal corporation, or County, directly or indirectly and the City of Port St. Joe or County shall not be liable or responsible for debts, liabilities, obligations, acts, or omissions of the Port Authority, commissioners or employees; Provides for full notice of this limitation.

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Section 7: Appropriations from City of Port St. Joe and Gulf County. -- Empowers Port Authority and County to appropriate and contribute to the Port Authority sums of money for operation expenses; Provides for payment of contributions; Provides the County Commission of Gulf County to pledge the second gas tax or may levy a millage and the City may levy a millage to finance said Port Authority.

Section 8: Minimum Charter Requirements. -- Provides the Port Authority is organized and exists for all purposes set forth in this Act; Provides that powers, functions, and duties under chapters 189 or 197, Florida Statutes, are applicable; Provides for creation of Port Authority; Provides that the charter may be amended only by special acts; Provides for the governance of the Port Authority; Provides for compensation by this Act and general law; Sets forth administrative duties of the Board; Sets forth the requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees; Provides for the financing of the Port Authority; Provides for the methods for collecting non-ad valorem assessments, fees, or service charges as set forth in chapter 197, F.S., and other general laws; Provides for the Port Authority's planning requirements as set forth in this Act; Provides for the geographic boundary limitations.

Section 4: Repeals all prior special acts relating to the Port St. Joe Port Authority.

Section 5: Provides for the validity of remaining sections or provisions of this act should any part of the act be determined invalid or unenforceable.

Section 6: Provides for the control of this Act in the event of conflict of provisions.

Section 7: Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 27, 2000

WHERE? The Star in Port St. Joe, Florida

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

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IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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