

By Representative Kilmer

1 A bill to be entitled
 2 An act relating to Port St. Joe Port Authority,
 3 Gulf County; providing for the codification of
 4 special acts relating to the Port St. Joe Port
 5 Authority; providing legislative intent;
 6 codifying, reenacting, amending, and repealing
 7 chapter 30787 (1955) and chapter 78-514, Laws
 8 of Florida; providing for governance,
 9 employees, powers, and finance of the Port St.
 10 Joe Port Authority; providing for repeal of
 11 prior special acts related to the Port St. Joe
 12 Port Authority; providing for severability;
 13 providing for control in the event of conflict
 14 of provisions; providing minimum charter
 15 requirements; providing an effective date.

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

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 19 Section 1. Pursuant to section 189.429, Florida
 20 Statutes, this act constitutes the codification of all special
 21 acts relating to the Port St. Joe Port Authority. It is the
 22 intent of the Legislature in enacting this law to provide a
 23 single, comprehensive special act charter for the district,
 24 including all current legislative authority granted by its
 25 several legislative enactments and any additional authority
 26 granted by this act. It is further the intent of this act to
 27 preserve all district authority.

28 Section 2. Chapter 30787, Laws of Florida, 1955; and
 29 chapter 78-514, Laws of Florida, relating to Port St. Joe Port
 30 Authority, are codified, reenacted, amended, and repealed as
 31 herein provided.

1 Section 3. The Port St. Joe Port Authority is
2 re-created and the charter is re-created and reenacted to
3 read:

4 Section 1. Creation.--There is hereby created a body
5 corporate to be known as the Port St. Joe Port Authority with
6 the corporate powers to sue and be sued and with the
7 additional powers specified herein. Said authority shall be a
8 public agency for the development of commerce and the port.

9 Section 2. Governing Body.--The Port St. Joe Port
10 Authority shall consist of five (5) commissioners who shall
11 constitute said authority. The said five (5) members shall be
12 appointed by the Governor, from the date this act becomes a
13 law, the first appointments shall be three (3) for four (4)
14 years and two (2) for two (2) years. Thereafter all
15 appointments shall be for a term of four (4) years from the
16 expiration of the previous term and all vacancies shall be
17 filled by the Governor for the unexpired term. No commissioner
18 shall be an officer or employee of the City of Port St. Joe,
19 Florida, the County of Gulf, or the State of Florida,
20 excepting members of the militia or notaries public. No more
21 than two (2) of the commissioners shall be persons who are
22 primarily engaged in the maritime business, and no person
23 shall be eligible for appointment as commissioner except
24 freeholders of the City of Port St. Joe or Gulf County,
25 Florida. The commissioners constituting the Port St. Joe Port
26 Authority shall select one (1) of their members as chair and
27 the term of office of the chair shall be two (2) years from
28 the date of his or her selection. The commissioners shall
29 receive no compensation for their services but the authority
30 is hereby allowed travel and other expenses which shall be
31 paid as other expenses. Three (3) commissioners shall

1 constitute a quorum for the purpose of conducting business,
2 exercising its powers, and for all other purposes.

3 Section 3. Employees.--The Port St. Joe Port Authority
4 is hereby empowered to employ an executive director of the
5 authority whose compensation shall be fixed by resolution of
6 the commissioners of said authority. And the said authority is
7 empowered to employ its own counsel, secretary, technical
8 experts, and such other employees, permanent and temporary, as
9 it may require, and it is empowered to determine the
10 qualifications, duties, and compensation of such employees.
11 None of the said employees shall be covered by any civil
12 service laws now or hereafter in effect with respect to
13 employees of the City of Port St. Joe or Gulf County.

14 Section 4. Powers.--The Port St. Joe Port Authority,
15 as hereby created, is hereby authorized and empowered:

16 (1) To own and acquire property or facilities by
17 purchase, lease, easement, eminent domain, gift, or transfer
18 from the City of Port St. Joe or from Gulf County, the United
19 States of America, the State of Florida, any agencies thereof,
20 corporations, or individuals,

21 (2) To acquire, construct, maintain, and operate: port
22 terminal facilities; warehouses; wharves; docks; drydocks;
23 quays; yacht basins; bridges; ship basins; breakwaters;
24 foundation for shipways; fitting out docks; shipyards; marine
25 railways; railroads; repair shops; loading and unloading,
26 packaging and refrigeration facilities; and all other harbor,
27 port, commercial, and industrial improvements and facilities,

28 (3) To enter into contracts or leases with
29 individuals, corporations, any municipality, the State of
30 Florida, and the United States of America, or any other public
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1 body to operate facilities owned or leased by said port
2 authority,

3 (4) To enter into contracts for furthering the
4 business, operation, and maintenance of shipping facilities
5 and harbor and port improvements within Gulf County.

6 Section 5. Finance.--Within the limits of its budget
7 from time to time, made, the Port St. Joe Port Authority is
8 hereby authorized to borrow money and issue bonds, notes, and
9 evidences of indebtedness therefor. Said Authority is hereby
10 authorized for the purpose of acquiring, operating,
11 maintaining, paying for, and improving property or facilities,
12 to raise monies by the issuance and sale of revenue bonds or
13 certificates of indebtedness in such amounts and forms and
14 with such provisions, in such denominations and having such
15 maturities and bearing such rates of interest as said
16 authority deems advisable and payable solely from and secured
17 by pledge of all or any part of the income, rents, and
18 revenues of any property or facilities now or hereafter owned,
19 leased, or operated by said authority, or by the levying of
20 non-ad valorem assessments or fees against benefited property.
21 Said authority may validate its revenue bonds or certificates
22 of indebtedness and its other obligations in the same manner
23 as is now provided by law for the validation of the
24 obligations of counties, municipalities, and other public
25 agencies.

26 Section 6. Limitation of Powers.--The Port St. Joe
27 Port Authority, as hereby created, shall have no power or
28 authority to bind or commit the City of Port St. Joe, a
29 municipal corporation, or Gulf County, in any manner, directly
30 or indirectly; and the said City of Port St. Joe or Gulf
31 County shall not be liable or responsible in any manner for

1 any of the debts, liabilities, obligations, acts, or omissions
2 of the Port St. Joe Port Authority or any of its officers or
3 employees. All persons dealing with the said authority are
4 hereby charged with full notice of this limitation and its
5 powers.

6 Section 7. Appropriations from City of Port St. Joe
7 and Gulf County.--The City of Port St. Joe and also Gulf
8 County are empowered to appropriate and contribute to the Port
9 St. Joe Port Authority such sums of money for the operation
10 expenses of the said authority as the commission of the said
11 city and the county commission may from year to year determine
12 through the city's and county's budgets. Such sums of money as
13 are so appropriated and contributed by the City of Port St.
14 Joe and Gulf County shall be paid to the Port St. Joe Port
15 Authority upon its requisition signed by the chair and any two
16 (2) other members thereof. The County Commission of Gulf
17 County may pledge the second gas tax or may levy a millage and
18 the City of Port St. Joe may levy a millage to finance said
19 Port St. Joe Port Authority.

20 Section 8. Minimum Charter Requirements.--

21 (1) The Authority is organized and exists for all
22 purposes set forth in this Act and applicable general laws as
23 they may be amended from time to time.

24 (2) The powers, functions, and duties of the Authority
25 regarding bond issuance, other revenue-raising capabilities,
26 budget preparation and approval, and contractual agreements
27 shall be as set forth in this Act, chapters 189 or 197,
28 Florida Statutes, or any other applicable general laws, as
29 they may be amended from time to time.

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1 (3) The Authority was created by special act of the
2 Florida Legislature by chapter 30787, Laws of Florida, 1955,
3 as amended.

4 (4) The Authority's charter may be amended only by
5 special act of the Legislature.

6 (5) In accordance with this Act, the Authority is
7 governed by a five-member board, appointed by the Governor.

8 (6) The compensation of board members shall be
9 governed by this Act and applicable general law as amended
10 from time to time.

11 (7) The administrative duties of the Board of
12 Supervisors shall be as set forth in this Act.

13 (8) Requirements for financial disclosure, meeting
14 notices, reporting, public records maintenance, and per-diem
15 expenses for officers and employees shall be as set forth in
16 chapters 112, 189, and 286, Florida Statutes, as they may be
17 amended from time to time.

18 (9) The District may be financed by any method
19 established in this Act, and applicable general laws, as they
20 may be amended from time to time.

21 (10) The methods for collecting non-ad valorem
22 assessments, fees, or service charges shall be as set forth in
23 chapter 197, Florida Statutes, and other applicable general
24 laws, as they may be amended from time to time.

25 (11) The District's planning requirements shall be as
26 set forth in this Act.

27 (12) The District's geographic boundary limitations
28 shall be the same as those of Gulf County.

29 Section 4. Chapter 30787, Laws of Florida, 1955, and
30 chapter 78-514, Laws of Florida, are repealed 10 days after
31 the effective date of this act.

1 Section 5. In the event any section or provision of
2 this act is determined to be invalid or unenforceable, such
3 determination shall not affect the validity of or
4 enforceability of each other section and provision of this
5 act.
6 Section 6. In the event of a conflict of the
7 provisions of this act with the provisions of any other act
8 the provisions of this act shall control to the extent of such
9 conflict.
10 Section 7. This act shall take effect upon becoming a
11 law.
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