



HB 0829

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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Manatee County Port Authority; codifying, reenacting, amending, and repealing special acts related to the Port Authority; providing a charter; providing for formation as a dependent special district; providing for the operation of the port authority; providing for powers, functions, and duties; providing for construction and effect; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Manatee County Port Authority. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments as herein provided, and any additional authority



29 granted by this act and chapters 189 and 315, Florida Statutes,
 30 as the same may be amended from time to time. It is further the
 31 intent of this act to preserve all district authority.

32 Section 2. Chapters 67-1681, 69-1277, 69-1279, 74-532, and
 33 75-428, Laws of Florida, relating to the Manatee County Port
 34 Authority, are codified, reenacted, amended, and repealed as
 35 provided herein.

36 Section 3. The Manatee County Port Authority is re-created
 37 and reenacted to read:

38 Section 1. District formation ratified, restated, and
 39 approved.--The Manatee County Port Authority (Port Authority) as
 40 initially established pursuant to chapter 67-1681, Laws of
 41 Florida, and thereafter amended as provided by special acts of
 42 the Legislature, is ratified, confirmed, and approved.

43 Section 2. Establishment.--The Port Authority, a dependent
 44 special district, is established for all purposes set forth in
 45 this act and chapters 189 and 315, Florida Statutes, as the same
 46 may be amended from time to time. This charter may be amended
 47 only by special act of the Legislature.

48 Section 3. Popular name.--This charter shall be known and
 49 may be cited as the Manatee County Port Authority Act.

50 Section 4. Definitions.--As used in this charter, the
 51 following words and terms shall have the following meanings:

52 (1) "Port Authority" shall mean the Board of County
 53 Commissioners of Manatee County, Florida, acting as a Manatee
 54 County Port Authority. When conducting business as a Port
 55 Authority, the board of county commissioners shall use the name
 56 of Manatee County Port Authority.



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57 (2) "Port facilities" shall mean and shall include harbor,
58 shipping, and port facilities and improvements of every kind,
59 nature, and description, including, but not limited to,
60 channels, turning basins, jetties, breakwaters, public landings,
61 wharves, docks, markets, parks, recreational facilities,
62 structures, buildings, piers, storage facilities, public
63 buildings and plazas, anchorages, utilities, bridges, tunnels,
64 roads, railroads, causeways, port-related aviation facilities
65 such as helipads, and any and all property and facilities
66 necessary or useful in connection with the foregoing, and any
67 one or more of any combination thereof and any extension,
68 addition, betterment, or improvement of any thereof.

69 (3) "Cost" as applied to any port facilities shall mean
70 and shall include the cost of acquisition or construction, the
71 cost of all labor, materials, machinery, and equipment, the cost
72 of all lands, property, rights, easements, and franchises
73 acquired, financing charges, interest prior to and during
74 construction and for 1 year after completion of construction,
75 cost of plans and specifications, surveys and estimates of cost
76 and of revenues, cost of engineering and legal services, all
77 other expenses necessary or incident to determining the
78 feasibility or practicability of such construction, the cost of
79 acquiring or improving, enlarging, and extending existing port
80 facilities and preparing the same for sale or lease to provide
81 funds for financing port facilities under the provisions of this
82 charter, if in the determination of the governing body, such
83 acquisition, such improvement, enlargement, and extension, or
84 such preparation for sale or lease are necessary to such



85 financing, administrative expenses, and such other expenses as
 86 may be necessary or incident to any financing herein authorized.
 87 Any obligation or expense heretofore or hereafter incurred by
 88 Manatee County and/or the Manatee County Port Authority in
 89 connection with any of the foregoing items of cost may be
 90 regarded as a part of such cost and reimbursed to Manatee County
 91 and/or the Manatee County Port Authority out of the proceeds of
 92 port facilities bonds issued under the provisions of this
 93 charter.

94 Section 5. Public purpose declared.--It is hereby
 95 determined and declared that each and all of the powers
 96 conferred by this charter and the exercise thereof are proper
 97 public and county purposes.

98 Section 6. Grant of powers.--The Port Authority, in
 99 addition to any and all powers granted to it by section 315.03,
 100 Florida Statutes, other laws, general, local or special, is
 101 hereby authorized and empowered:

102 (1) To acquire by purchase, grant, gift, or lease, or by
 103 the exercise of the right of eminent domain, and to hold and
 104 dispose of any property, real or personal, tangible or
 105 intangible, or any right or interest in any such property, for
 106 or in connection with any port facilities, whether or not
 107 subject to mortgage, liens, charges, or other encumbrances.

108 (2) To construct within Manatee County any bridge, tunnel,
 109 road, or railroad lines, or any combination thereof, to, from,
 110 or between any port facilities.

111 (3) To sell at public or private sale or lease for public
 112 or private purposes all or any portion of any port facilities



113 now or hereafter owned, including any such facilities as
 114 extended, enlarged, or improved, and all or any portion of any
 115 property improved, created, extended, or enlarged under the
 116 authority of this law, on such terms and subject to such
 117 conditions as the Port Authority shall determine to be in the
 118 best interests of the Port Authority.

119 (4) To accept loans or grants of money or materials or
 120 property at any time from the United States or the State of
 121 Florida or any agency, instrumentality, or subdivision thereof,
 122 upon such terms and conditions as the United States, the State
 123 of Florida, or such agency, instrumentality, or subdivision may
 124 impose.

125 (5) To operate and maintain, and to fix and collect rates,
 126 rentals, fees, and other charges for any of the services and
 127 facilities now or hereafter acquired, owned, or constructed by
 128 the Port Authority.

129 (6) To lease or rent or contract with others for the
 130 operation of all or any part of any port facilities now or
 131 hereafter acquired, owned, or constructed by the Port Authority,
 132 on such terms and for such period or periods and subject to such
 133 conditions as the Port Authority shall determine to be in the
 134 best interests of the Port Authority.

135 (7) To contract debts for the acquisition or construction
 136 of any port facilities or for any other purposes of this law, to
 137 borrow money, to make advances, and to issue bonds or other
 138 obligations to finance all or any part of such acquisition or
 139 construction or in the carrying out of any other purposes of
 140 this charter.



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141 (8) To contract with the United States or the State of
142 Florida or any agency or instrumentality thereof or with any
143 public body or political subdivision or with any private person,
144 firm, or corporation with reference to any of the powers hereby
145 granted.

146 (9) To have and to exercise all of the powers, rights, and
147 authority now vested by the Statutes of the State of Florida in
148 the office of the Board of Pilot Commissioners.

149 (10) To appoint, regulate, control, and prescribe the
150 powers, duties, and compensation of harbor masters.

151 (11) To appoint and license such number of pilots as the
152 Port Authority shall, in its sole discretion, determine to be
153 necessary to properly conduct the business of the port. Provided
154 that nothing contained herein shall be construed as prohibiting
155 the Port Authority from appointing and licensing pilots who at
156 the time of appointment are also serving any other port on Tampa
157 Bay.

158 (12) To publicize, advertise, and promote the activities
159 and projects authorized by this act, to make known to users,
160 potential users, and public in general, the advantages,
161 facilities, resources, products, attractions, and attributes of
162 the activities and projects authorized by this charter; to
163 further create a favorable climate of opinion concerning the
164 activities and projects authorized and indicated by this
165 charter; to cooperate, including the grant or expenditure of
166 funds, to and with other agencies, both public and private, in
167 accomplishing the purposes enumerated and indicted by this
168 charter; and in furtherance thereof, to authorize reasonable



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169 expenditures by supporting voucher to be filed for audit for the
170 purposes herein enumerated, including, but not limited to,
171 meals, hospitality, and entertainment of persons in the interest
172 of promoting and engendering good will towards the activities
173 and projects herein authorized.

174 (13) To perform any of the acts hereby authorized through
175 or by means of its own officers, agents, or employees or by
176 contract.

177 (14) To do all acts and things and to enter into all
178 contracts and agreements necessary or convenient to carry out
179 the purposes of this law.

180 Section 7. Contracts for borrowing of money.—Pursuant to
181 chapter 315, Florida Statutes, and this charter, the Port
182 Authority may contract with any person, firm, corporation, or
183 public body or with the United States or any agency or
184 instrumentality thereof for the borrowing of money for paying
185 all or any part of the cost of any one or more port facilities,
186 and any such contract may contain such terms, conditions, or
187 provisions as the Port Authority may determine not in conflict
188 with the provisions of this charter or chapter 315, Florida
189 Statutes. The provisions of section 13 of this charter
190 applicable to bonds shall be applicable also to contracts
191 entered into under the above provisions of this section. Any
192 such contract may be hypothecated by the Port Authority and the
193 Port Authority may borrow money under such terms and conditions
194 as it shall determine in anticipation of the receipt of funds
195 under such contract.



196 Section 8. Exemption from taxation.--As adequate port
 197 facilities are essential for the welfare of the inhabitants and
 198 the industrial and commercial development of the area within or
 199 served by the Port Authority, and as the exercise of the powers
 200 conferred by this charter to effect such purposes constitute the
 201 performance of proper public and governmental functions, and as
 202 such port facilities constitute public property and are used for
 203 public purposes, the Port Authority shall not be required to pay
 204 any state, county, municipal, or other taxes or assessments
 205 thereof, or upon the income therefrom, and any bonds issued
 206 under the provisions of this charter, their transfer and the
 207 income therefrom, including any profit made on the sale thereof,
 208 shall at all times be free from taxation within the state.

209 Section 9. Resolutions authorized.--All action required or
 210 authorized to be taken under the provisions of this charter or
 211 chapter 315, Florida Statutes, by the Port Authority may be by
 212 resolution, which resolution may be adopted at the meeting of
 213 the Port Authority at which such resolution is introduced and
 214 shall take effect immediately upon such adoption. Except as
 215 otherwise provided in this charter, no resolution under this
 216 charter need be published or posted, nor shall any such
 217 resolution require for its passage more than a majority of all
 218 the members of the Port Authority then in office.

219 Section 10. Liberal construction.--This charter, being
 220 necessary for the welfare of the inhabitants of the state, shall
 221 be liberally construed to effect the purposes thereof.

222 Section 11. Chapter cumulative.--This charter shall be
 223 deemed to provide an additional and alternative method for the



224 doing of the things authorized hereby and shall be regarded as
 225 supplemental and additional to the powers conferred by any other
 226 law, and shall not be regarded as in derogation of any powers
 227 now existing. Bonds may be issued and any other action may be
 228 taken hereunder notwithstanding that any other law may provide
 229 for the issuance of bonds for like purposes or the taking of
 230 like action and without regard to the requirements,
 231 restrictions, or procedural provisions contained in any other
 232 law.

233 Section 12. Bonds.--Pursuant to chapter 315, Florida
 234 Statutes, and this charter, the Port Authority is hereby
 235 authorized to provide by resolution, at one time or from time to
 236 time, for the issuance of bonds for the purpose of paying all or
 237 a part of the cost of any one or more port facilities. The bonds
 238 of each issue or series shall be dated, shall bear interest, and
 239 shall mature at such time or times not exceeding 40 years from
 240 their date or dates, as may be determined by the Port Authority,
 241 and may be made redeemable before maturity, at the option of the
 242 Port Authority, at such price or prices and under such terms and
 243 conditions as may be fixed by the Port Authority prior to the
 244 issuance of the bonds. The Port Authority shall determine the
 245 form of the bonds, including any interest coupons to be attached
 246 thereto, and the manner or execution of the bonds, and shall fix
 247 the denomination or denominations of the bonds, and the place or
 248 places of payment of principal and interest, which may be at any
 249 bank or trust company within or without the state. In case any
 250 officer whose signature or a facsimile of whose signature shall
 251 appear on the bonds or coupons shall cease to be such officer



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252 before the delivery of such bonds, such signature or such
253 facsimile shall nevertheless be valid and sufficient for all
254 purposes the same as if he or she had remained in office until
255 such delivery, and any bond may bear the facsimile signature of,
256 or may be signed by, such persons as at the actual time of the
257 execution of such bond shall be the proper officers to sign such
258 bond, although at the date of such bond such persons may not
259 have been such officers. Notwithstanding any other provisions of
260 this charter or any recitals in any bonds issued under the
261 provisions of this charter, all such bonds shall be deemed to be
262 negotiable instruments under the laws of Florida. The bonds may
263 be issued in coupon or in registered form, or both, as the Port
264 Authority may determine, and provision may be made for the
265 registration of any coupon bonds as to principal alone and also
266 as to both principal and interest, for the reconversion into
267 couponed bonds of any bonds registered as to both principal and
268 interest, and for the interchange of coupon and registered
269 bonds. The issuance of such bonds shall not be subject to any
270 limitation or conditions contained in any other law, and any
271 bonds issued under this charter shall not be considered in
272 computing the amount of indebtedness which Manatee County or the
273 Port Authority may incur under any other law. The Port Authority
274 may sell such bonds in such manner, either at public or private
275 sale and for such price, as it may determine to be for the best
276 interest of the Port Authority. Prior to the delivery of
277 definitive bonds, the Port Authority may, under like
278 restrictions, issue interim receipts or temporary bonds, with or
279 without coupons, exchangeable for definitive bonds when such



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280 bonds have been executed and are available for delivery. The
281 Port Authority may also provide for the replacement of any bonds
282 which have become mutilated or destroyed or lost. Bonds may be
283 issued under the provisions of this charter without obtaining
284 the consent of any commission, board, bureau, or agency of the
285 state, and without any other proceeding or the happening of any
286 other condition or thing than those proceedings, conditions, or
287 things which are specifically required by this charter.

288 Section 13. Source of payment and security for bonds.--The
289 Port Authority may provide that bonds issued under the
290 provisions of this charter or chapter 315, Florida Statutes,
291 shall be payable from and secured by a pledge of any one or more
292 of the following sources:

293 (1) Revenues of any one or more port facilities now owned
294 or hereafter acquired or constructed by the Port Authority.

295 (2) Proceeds of the sale or lease of all or any part of
296 any port facilities now or hereafter owned by the Port Authority
297 as such facilities may be extended, enlarged, or improved, or of
298 any property improved, created, extended, or enlarged or
299 prepared for sale or lease under the authority of this charter.

300 (3) Any money received by the Port Authority from the
301 United States or any agency or instrumentality thereof in
302 connection with any port facilities or in repayment of any
303 advances made by the Port Authority for all or any part of the
304 cost of any port facilities.

305 (4) Any funds received or to be received from the State of
306 Florida under authority of chapter 315, Florida Statutes. The
307 Legislature does hereby covenant with the holders of bonds



308 issued pursuant to the provisions of this law that it will not
 309 enact any law which will repeal, impair or amend, in any manner,
 310 the rights of such holders or the security of the taxes
 311 collected from the operation of pari-mutuel pools which may be
 312 pledged to the payment of the principal or of interest on such
 313 bonds and the redemption premium, if any.

314 The board of county commissioners may provide that such
 315 bonds shall be additionally secured by the full faith credit and
 316 taxing power of said Manatee County and that the county shall be
 317 irrevocably and unconditionally obligated to levy ad valorem
 318 taxes upon all taxable property within said county without limit
 319 as to rate or amount for the payment of the principal of and
 320 interest on said bonds to the full extent that the revenues or
 321 other funds pledged for such principal and interest on said
 322 bonds by the authority are insufficient therefor. No pledge of
 323 the full faith and credit of said county for the payment of the
 324 principal of and interest on said bonds shall be made, however,
 325 until the same shall have been approved by the qualified
 326 electors who are freeholders residing in said county in the
 327 manner provided in the constitution and statutes of the State of
 328 Florida. The Port Authority may additionally secure any such
 329 bonds by a mortgage or other encumbrance, subject to such terms
 330 and conditions as it shall provide, upon all or any part of any
 331 port facilities now or hereafter owned by the Port Authority, as
 332 such facilities may be extended, enlarged, or improved, or of
 333 any property of the Port Authority improved, created, extended,
 334 or enlarged or prepared for sale or lease under the authority of
 335 this charter, and the Port Authority is hereby authorized to



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336 sell at public or private sale, or lease any such port
337 facilities or property, subject to such terms and conditions and
338 for such price, payable at one time or from time to time in
339 installments as the Port Authority may provide, and to apply the
340 proceeds of any such sale or lease, after paying all costs in
341 connection therewith, to payment of the cost of any port
342 facilities financed under the provisions of this law or to the
343 payment of the principal or of the interest or redemption
344 premiums on any bonds issued hereunder or to the payment of any
345 other obligation or obligations herein authorized.

346 Section 14. Refunding bonds.—Pursuant to chapter 315,
347 Florida Statutes, and this charter, the Port Authority is hereby
348 authorized by resolution to provide for the issuance of
349 refunding bonds of the Port Authority for the purpose of
350 refunding any bonds then outstanding which shall have been
351 issued under the provisions of this charter or which shall have
352 been issued to provide funds for the payment of the cost of any
353 port facilities under the provision of any other charter,
354 including the payment of any redemption premium thereof and any
355 interest accrued or to accrue to the date of redemption of such
356 bonds, and, if deemed advisable by the Port Authority, for the
357 additional purpose of acquiring or constructing additional port
358 facilities. The issuance of such bonds, the maturities and other
359 details thereof, the rights of the holders thereof, and the
360 rights, duties, and obligations of the Port Authority in respect
361 of the same, shall be governed by the provisions of this charter
362 insofar as the same may be applicable.



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363 Section 15. Trust agreement or resolution.--In the
364 discretion of the Port Authority, any bonds issued under the
365 provisions of chapter 315, Florida Statutes, or this charter may
366 be secured by a trust agreement by and between the Port
367 Authority and a corporate trustee, which may be any trust
368 company or bank having the powers of a trust company within or
369 without the state. Such trust agreement or the resolution
370 providing for the issuance of such bonds may contain such
371 provisions for protecting and enforcing the rights and remedies
372 of the bondholders as may be reasonable and proper and not in
373 violation of law, including covenants setting forth the duties
374 of the Port Authority in relation to the acquisition of property
375 and the acquisition, construction, improvement, maintenance,
376 repair, lease, operating, and insurance of any port facilities
377 in connection with which such bonds shall have been authorized,
378 the custody, safeguarding, or application of all moneys, and
379 conditions or limitations with respect to the issuance of
380 additional bonds. It shall be lawful for any bank or trust
381 company incorporated under the laws of Florida which may act as
382 depository of the proceeds of bonds or of revenue or other funds
383 to furnish such indemnifying bonds or to pledge such securities
384 as may be required by the Port Authority. Any such trust
385 agreement or resolution may set forth the rights and remedies of
386 the bondholders and of the trustee under any such trust
387 agreement, and may restrict the individual right of action by
388 bondholders. In addition to the foregoing, any such trust
389 agreement or resolution may contain such other provisions as the
390 Port Authority may deem reasonable and proper for the security



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391 of the bondholders. All expenses incurred in carrying out the
392 provisions of such trust agreement or resolution shall be
393 treated as a part of the cost of the operation of the port
394 facilities.

395 Section 16. Status as legal investments.--Bonds issued
396 under the provisions of chapter 315, Florida Statutes, or this
397 charter are hereby made securities in which all public officers
398 and public bodies of the state and its political subdivisions,
399 all insurance companies, trust companies, banking associations,
400 investment companies, executors, administrators, trustees, and
401 other fiduciaries may properly and legally invest funds,
402 including capital in their control or belonging to them. Such
403 bonds are hereby made securities which may properly and legally
404 be deposited with and received by any state or county officer or
405 any agency or political subdivision of the state for any purpose
406 for which the deposit of bonds or obligations of Manatee County
407 is now or may hereafter be authorized by law.

408 Section 17. Remedies of bondholders.--Any holder of bonds
409 issued under the provisions of this charter or any of the
410 coupons appertaining thereto, and the trustee under any trust
411 agreement, except to the extent the rights herein given may be
412 restricted by such trust agreement or the resolution authorizing
413 the issuance of such bonds may, either at law or in equity, by
414 suit, action, mandamus, or other proceedings, protect and
415 enforce any and all rights under the laws of the state or
416 granted hereunder or under such trust agreement or resolution,
417 and may enforce and compel the performance of all duties
418 required by this charter or by bank trust agreement or



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419 resolution to be performed by the Port Authority or by any
420 officer thereof, including the fixing, charging, and collecting
421 of rates, rentals, and other charges.

422 Section 4. This act shall be construed as remedial and
423 shall be liberally construed to promote the purpose for which it
424 is intended.

425 Section 5. In the event that any part of this act should
426 be held void for any reason, such holding shall not affect any
427 other part thereof.

428 Section 6. Chapters 67-1681, 69-1277, 69-1279, 74-532, and
429 75-428, Laws of Florida, are repealed.

430 Section 7. This act shall take effect upon becoming a law.

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