



1 A bill to be entitled

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

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Pursuant to section 189.429, Florida Statutes,
13 this act constitutes the codification of all special acts
14 relating to the Manatee County Port Authority. It is the intent
15 of the Legislature to provide a single, comprehensive special
16 act charter for the district including all current legislative
17 authority granted to the district by its several legislative
18 enactments as herein provided, and any additional authority
19 granted by this act and chapters 189 and 315, Florida Statutes,
20 as the same may be amended from time to time. It is further the
21 intent of this act to preserve all district authority.

22 Section 2. Chapters 67-1681, 69-1277, 69-1279, 74-532, and
23 75-428, Laws of Florida, relating to the Manatee County Port
24 Authority, are codified, reenacted, amended, and repealed as
25 provided herein.

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



28 Section 1. District formation ratified, restated, and
29 approved.--The Manatee County Port Authority (Port Authority) as
30 initially established pursuant to chapter 67-1681, Laws of
31 Florida, and thereafter amended as provided by special acts of
32 the Legislature, is ratified, confirmed, and approved.

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

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

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

42 (1) "Port Authority" shall mean the Board of County
43 Commissioners of Manatee County, Florida, acting as a Manatee
44 County Port Authority. When conducting business as a Port
45 Authority, the board of county commissioners shall use the name
46 of Manatee County Port Authority.

47 (2) "Port facilities" shall mean and shall include harbor,
48 shipping, and port facilities and improvements of every kind,
49 nature, and description, including, but not limited to,
50 channels, turning basins, jetties, breakwaters, public landings,
51 wharves, docks, markets, parks, recreational facilities,
52 structures, buildings, piers, storage facilities, public
53 buildings and plazas, anchorages, utilities, bridges, tunnels,
54 roads, railroads, causeways, port-related aviation facilities
55 such as helipads, and any and all property and facilities



56 necessary or useful in connection with the foregoing, and any
57 one or more of any combination thereof and any extension,
58 addition, betterment, or improvement of any thereof.

59 (3) "Cost" as applied to any port facilities shall mean
60 and shall include the cost of acquisition or construction, the
61 cost of all labor, materials, machinery, and equipment, the cost
62 of all lands, property, rights, easements, and franchises
63 acquired, financing charges, interest prior to and during
64 construction and for 1 year after completion of construction,
65 cost of plans and specifications, surveys and estimates of cost
66 and of revenues, cost of engineering and legal services, all
67 other expenses necessary or incident to determining the
68 feasibility or practicability of such construction, the cost of
69 acquiring or improving, enlarging, and extending existing port
70 facilities and preparing the same for sale or lease to provide
71 funds for financing port facilities under the provisions of this
72 charter, if in the determination of the governing body, such
73 acquisition, such improvement, enlargement, and extension, or
74 such preparation for sale or lease are necessary to such
75 financing, administrative expenses, and such other expenses as
76 may be necessary or incident to any financing herein authorized.
77 Any obligation or expense heretofore or hereafter incurred by
78 Manatee County and/or the Manatee County Port Authority in
79 connection with any of the foregoing items of cost may be
80 regarded as a part of such cost and reimbursed to Manatee County
81 and/or the Manatee County Port Authority out of the proceeds of
82 port facilities bonds issued under the provisions of this
83 charter.



84 Section 5. Public purpose declared.--It is hereby
85 determined and declared that each and all of the powers
86 conferred by this charter and the exercise thereof are proper
87 public and county purposes.

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

92 (1) To acquire by purchase, grant, gift, or lease, or by
93 the exercise of the right of eminent domain, and to hold and
94 dispose of any property, real or personal, tangible or
95 intangible, or any right or interest in any such property, for
96 or in connection with any port facilities, whether or not
97 subject to mortgage, liens, charges, or other encumbrances.

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

101 (3) To sell at public or private sale or lease for public
102 or private purposes all or any portion of any port facilities
103 now or hereafter owned, including any such facilities as
104 extended, enlarged, or improved, and all or any portion of any
105 property improved, created, extended, or enlarged under the
106 authority of this law, on such terms and subject to such
107 conditions as the Port Authority shall determine to be in the
108 best interests of the Port Authority.

109 (4) To accept loans or grants of money or materials or
110 property at any time from the United States or the State of
111 Florida or any agency, instrumentality, or subdivision thereof,



112 upon such terms and conditions as the United States, the State
113 of Florida, or such agency, instrumentality, or subdivision may
114 impose.

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

119 (6) To lease or rent or contract with others for the
120 operation of all or any part of any port facilities now or
121 hereafter acquired, owned, or constructed by the Port Authority,
122 on such terms and for such period or periods and subject to such
123 conditions as the Port Authority shall determine to be in the
124 best interests of the Port Authority.

125 (7) To contract debts for the acquisition or construction
126 of any port facilities or for any other purposes of this law, to
127 borrow money, to make advances, and to issue bonds or other
128 obligations to finance all or any part of such acquisition or
129 construction or in the carrying out of any other purposes of
130 this charter.

131 (8) To contract with the United States or the State of
132 Florida or any agency or instrumentality thereof or with any
133 public body or political subdivision or with any private person,
134 firm, or corporation with reference to any of the powers hereby
135 granted.

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



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

141 (11) To appoint and license such number of pilots as the
142 Port Authority shall, in its sole discretion, determine to be
143 necessary to properly conduct the business of the port. Provided
144 that nothing contained herein shall be construed as prohibiting
145 the Port Authority from appointing and licensing pilots who at
146 the time of appointment are also serving any other port on Tampa
147 Bay.

148 (12) To publicize, advertise, and promote the activities
149 and projects authorized by this act, to make known to users,
150 potential users, and public in general, the advantages,
151 facilities, resources, products, attractions, and attributes of
152 the activities and projects authorized by this charter; to
153 further create a favorable climate of opinion concerning the
154 activities and projects authorized and indicated by this
155 charter; to cooperate, including the grant or expenditure of
156 funds, to and with other agencies, both public and private, in
157 accomplishing the purposes enumerated and indicted by this
158 charter; and in furtherance thereof, to authorize reasonable
159 expenditures by supporting voucher to be filed for audit for the
160 purposes herein enumerated, including, but not limited to,
161 meals, hospitality, and entertainment of persons in the interest
162 of promoting and engendering good will towards the activities
163 and projects herein authorized.

164 (13) To perform any of the acts hereby authorized through
165 or by means of its own officers, agents, or employees or by
166 contract.



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

170 Section 7. Contracts for borrowing of money.--Pursuant to
 171 chapter 315, Florida Statutes, and this charter, the Port
 172 Authority may contract with any person, firm, corporation, or
 173 public body or with the United States or any agency or
 174 instrumentality thereof for the borrowing of money for paying
 175 all or any part of the cost of any one or more port facilities,
 176 and any such contract may contain such terms, conditions, or
 177 provisions as the Port Authority may determine not in conflict
 178 with the provisions of this charter or chapter 315, Florida
 179 Statutes. The provisions of section 13 of this charter
 180 applicable to bonds shall be applicable also to contracts
 181 entered into under the above provisions of this section. Any
 182 such contract may be hypothecated by the Port Authority and the
 183 Port Authority may borrow money under such terms and conditions
 184 as it shall determine in anticipation of the receipt of funds
 185 under such contract.

186 Section 8. Exemption from taxation.--As adequate port
 187 facilities are essential for the welfare of the inhabitants and
 188 the industrial and commercial development of the area within or
 189 served by the Port Authority, and as the exercise of the powers
 190 conferred by this charter to effect such purposes constitute the
 191 performance of proper public and governmental functions, and as
 192 such port facilities constitute public property and are used for
 193 public purposes, the Port Authority shall not be required to pay
 194 any state, county, municipal, or other taxes or assessments



195 thereof, or upon the income therefrom, and any bonds issued
196 under the provisions of this charter, their transfer and the
197 income therefrom, including any profit made on the sale thereof,
198 shall at all times be free from taxation within the state.

199 Section 9. Resolutions authorized.--All action required or
200 authorized to be taken under the provisions of this charter or
201 chapter 315, Florida Statutes, by the Port Authority may be by
202 resolution, which resolution may be adopted at the meeting of
203 the Port Authority at which such resolution is introduced and
204 shall take effect immediately upon such adoption. Except as
205 otherwise provided in this charter, no resolution under this
206 charter need be published or posted, nor shall any such
207 resolution require for its passage more than a majority of all
208 the members of the Port Authority then in office.

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

212 Section 11. Chapter cumulative.--This charter shall be
213 deemed to provide an additional and alternative method for the
214 doing of the things authorized hereby and shall be regarded as
215 supplemental and additional to the powers conferred by any other
216 law, and shall not be regarded as in derogation of any powers
217 now existing. Bonds may be issued and any other action may be
218 taken hereunder notwithstanding that any other law may provide
219 for the issuance of bonds for like purposes or the taking of
220 like action and without regard to the requirements,
221 restrictions, or procedural provisions contained in any other
222 law.



223 Section 12. Bonds.--Pursuant to chapter 315, Florida
 224 Statutes, and this charter, the Port Authority is hereby
 225 authorized to provide by resolution, at one time or from time to
 226 time, for the issuance of bonds for the purpose of paying all or
 227 a part of the cost of any one or more port facilities. The bonds
 228 of each issue or series shall be dated, shall bear interest, and
 229 shall mature at such time or times not exceeding 40 years from
 230 their date or dates, as may be determined by the Port Authority,
 231 and may be made redeemable before maturity, at the option of the
 232 Port Authority, at such price or prices and under such terms and
 233 conditions as may be fixed by the Port Authority prior to the
 234 issuance of the bonds. The Port Authority shall determine the
 235 form of the bonds, including any interest coupons to be attached
 236 thereto, and the manner or execution of the bonds, and shall fix
 237 the denomination or denominations of the bonds, and the place or
 238 places of payment of principal and interest, which may be at any
 239 bank or trust company within or without the state. In case any
 240 officer whose signature or a facsimile of whose signature shall
 241 appear on the bonds or coupons shall cease to be such officer
 242 before the delivery of such bonds, such signature or such
 243 facsimile shall nevertheless be valid and sufficient for all
 244 purposes the same as if he or she had remained in office until
 245 such delivery, and any bond may bear the facsimile signature of,
 246 or may be signed by, such persons as at the actual time of the
 247 execution of such bond shall be the proper officers to sign such
 248 bond, although at the date of such bond such persons may not
 249 have been such officers. Notwithstanding any other provisions of
 250 this charter or any recitals in any bonds issued under the



251 provisions of this charter, all such bonds shall be deemed to be
252 negotiable instruments under the laws of Florida. The bonds may
253 be issued in coupon or in registered form, or both, as the Port
254 Authority may determine, and provision may be made for the
255 registration of any coupon bonds as to principal alone and also
256 as to both principal and interest, for the reconversion into
257 couponed bonds of any bonds registered as to both principal and
258 interest, and for the interchange of coupon and registered
259 bonds. The issuance of such bonds shall not be subject to any
260 limitation or conditions contained in any other law, and any
261 bonds issued under this charter shall not be considered in
262 computing the amount of indebtedness which Manatee County or the
263 Port Authority may incur under any other law. The Port Authority
264 may sell such bonds in such manner, either at public or private
265 sale and for such price, as it may determine to be for the best
266 interest of the Port Authority. Prior to the delivery of
267 definitive bonds, the Port Authority may, under like
268 restrictions, issue interim receipts or temporary bonds, with or
269 without coupons, exchangeable for definitive bonds when such
270 bonds have been executed and are available for delivery. The
271 Port Authority may also provide for the replacement of any bonds
272 which have become mutilated or destroyed or lost. Bonds may be
273 issued under the provisions of this charter without obtaining
274 the consent of any commission, board, bureau, or agency of the
275 state, and without any other proceeding or the happening of any
276 other condition or thing than those proceedings, conditions, or
277 things which are specifically required by this charter.



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

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

285 (2) Proceeds of the sale or lease of all or any part of
286 any port facilities now or hereafter owned by the Port Authority
287 as such facilities may be extended, enlarged, or improved, or of
288 any property improved, created, extended, or enlarged or
289 prepared for sale or lease under the authority of this charter.

290 (3) Any money received by the Port Authority from the
291 United States or any agency or instrumentality thereof in
292 connection with any port facilities or in repayment of any
293 advances made by the Port Authority for all or any part of the
294 cost of any port facilities.

295 (4) Any funds received or to be received from the State of
296 Florida under authority of chapter 315, Florida Statutes. The
297 Legislature does hereby covenant with the holders of bonds
298 issued pursuant to the provisions of this law that it will not
299 enact any law which will repeal, impair or amend, in any manner,
300 the rights of such holders or the security of the taxes received
301 pursuant to s. 212.20, Florida Statutes, which may be pledged to
302 the payment of the principal or of interest on such bonds and
303 the redemption premium, if any.

304 The board of county commissioners may provide that such
305 bonds shall be additionally secured by the full faith credit and



306 taxing power of said Manatee County and that the county shall be
307 irrevocably and unconditionally obligated to levy ad valorem
308 taxes upon all taxable property within said county without limit
309 as to rate or amount for the payment of the principal of and
310 interest on said bonds to the full extent that the revenues or
311 other funds pledged for such principal and interest on said
312 bonds by the authority are insufficient therefor. No pledge of
313 the full faith and credit of said county for the payment of the
314 principal of and interest on said bonds shall be made, however,
315 until the same shall have been approved by the qualified
316 electors who are freeholders residing in said county in the
317 manner provided in the constitution and statutes of the State of
318 Florida. The Port Authority may additionally secure any such
319 bonds by a mortgage or other encumbrance, subject to such terms
320 and conditions as it shall provide, upon all or any part of any
321 port facilities now or hereafter owned by the Port Authority, as
322 such facilities may be extended, enlarged, or improved, or of
323 any property of the Port Authority improved, created, extended,
324 or enlarged or prepared for sale or lease under the authority of
325 this charter, and the Port Authority is hereby authorized to
326 sell at public or private sale, or lease any such port
327 facilities or property, subject to such terms and conditions and
328 for such price, payable at one time or from time to time in
329 installments as the Port Authority may provide, and to apply the
330 proceeds of any such sale or lease, after paying all costs in
331 connection therewith, to payment of the cost of any port
332 facilities financed under the provisions of this law or to the
333 payment of the principal or of the interest or redemption



334 premiums on any bonds issued hereunder or to the payment of any
335 other obligation or obligations herein authorized.

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

353 Section 15. Trust agreement or resolution.--In the
354 discretion of the Port Authority, any bonds issued under the
355 provisions of chapter 315, Florida Statutes, or this charter may
356 be secured by a trust agreement by and between the Port
357 Authority and a corporate trustee, which may be any trust
358 company or bank having the powers of a trust company within or
359 without the state. Such trust agreement or the resolution
360 providing for the issuance of such bonds may contain such
361 provisions for protecting and enforcing the rights and remedies



362 of the bondholders as may be reasonable and proper and not in
363 violation of law, including covenants setting forth the duties
364 of the Port Authority in relation to the acquisition of property
365 and the acquisition, construction, improvement, maintenance,
366 repair, lease, operating, and insurance of any port facilities
367 in connection with which such bonds shall have been authorized,
368 the custody, safeguarding, or application of all moneys, and
369 conditions or limitations with respect to the issuance of
370 additional bonds. It shall be lawful for any bank or trust
371 company incorporated under the laws of Florida which may act as
372 depository of the proceeds of bonds or of revenue or other funds
373 to furnish such indemnifying bonds or to pledge such securities
374 as may be required by the Port Authority. Any such trust
375 agreement or resolution may set forth the rights and remedies of
376 the bondholders and of the trustee under any such trust
377 agreement, and may restrict the individual right of action by
378 bondholders. In addition to the foregoing, any such trust
379 agreement or resolution may contain such other provisions as the
380 Port Authority may deem reasonable and proper for the security
381 of the bondholders. All expenses incurred in carrying out the
382 provisions of such trust agreement or resolution shall be
383 treated as a part of the cost of the operation of the port
384 facilities.

385 Section 16. Status as legal investments.--Bonds issued
386 under the provisions of chapter 315, Florida Statutes, or this
387 charter are hereby made securities in which all public officers
388 and public bodies of the state and its political subdivisions,
389 all insurance companies, trust companies, banking associations,



390 investment companies, executors, administrators, trustees, and
391 other fiduciaries may properly and legally invest funds,
392 including capital in their control or belonging to them. Such
393 bonds are hereby made securities which may properly and legally
394 be deposited with and received by any state or county officer or
395 any agency or political subdivision of the state for any purpose
396 for which the deposit of bonds or obligations of Manatee County
397 is now or may hereafter be authorized by law.

398 Section 17. Remedies of bondholders.--Any holder of bonds
399 issued under the provisions of this charter or any of the
400 coupons appertaining thereto, and the trustee under any trust
401 agreement, except to the extent the rights herein given may be
402 restricted by such trust agreement or the resolution authorizing
403 the issuance of such bonds may, either at law or in equity, by
404 suit, action, mandamus, or other proceedings, protect and
405 enforce any and all rights under the laws of the state or
406 granted hereunder or under such trust agreement or resolution,
407 and may enforce and compel the performance of all duties
408 required by this charter or by bank trust agreement or
409 resolution to be performed by the Port Authority or by any
410 officer thereof, including the fixing, charging, and collecting
411 of rates, rentals, and other charges.

412 Section 4. This act shall be construed as remedial and
413 shall be liberally construed to promote the purpose for which it
414 is intended.

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



418 Section 6. Chapters 67-1681, 69-1277, 69-1279, 74-532, and
419 75-428, Laws of Florida, are repealed.

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

421