

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1329 CS Tampa Port Authority  
**SPONSOR(S):** Homan and others  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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| <b>REFERENCE</b>                   | <b>ACTION</b>         | <b>ANALYST</b>   | <b>STAFF DIRECTOR</b> |
|------------------------------------|-----------------------|------------------|-----------------------|
| 1) <u>Local Government Council</u> | <u>7 Y, 0 N, w/CS</u> | <u>Dominguez</u> | <u>Hamby</u>          |
| 2) _____                           | _____                 | _____            | _____                 |
| 3) _____                           | _____                 | _____            | _____                 |
| 4) _____                           | _____                 | _____            | _____                 |
| 5) _____                           | _____                 | _____            | _____                 |

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**SUMMARY ANALYSIS**

The Tampa Port Authority (TPA) is an independent special district. Originally known as the Hillsborough County Port District, this port district was created pursuant to ch. 23338, L.O.F., 1945. In 1963, the Hillsborough County Port District changed its name to the Tampa Port Authority.

The bill adds a definition for “maritime industry background”.

This bill makes several changes to the membership structure of the TPA. It increases the number of members from 5 to 7 and makes various guideline adjustments to properly address the nomination and the appointment of members by the Governor.

The bill adds and defines a nomination committee that is tasked with providing nominations for consideration the Governor. The bill requires that two of the Governor’s appointees have a background in maritime business.

The bill also clarifies provisions for selection of a port director.

The Economic Impact Statement indicates that there will be not an economic impact associated with the bill.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government** – The bill increases the number of members on the Tampa Port Authority from 5 to 7.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

The Tampa Port Authority (TPA) is an independent special district. Originally known as the Hillsborough County Port District, this port district was created pursuant to ch. 23338, L.O.F., 1945. Chapter 63-1400, L.O.F., changed the name of the TPA. The Charter of the district was codified with ch. 84-447, L.O.F. The charter was recodified by ch. 95-488, L.O.F.

The operation of the port district is governed by the TPA, the district includes all of the territory within Hillsborough County. Among other things, the TPA has the specific responsibility of planning and carrying out plans for the long-range development of district facilities; has eminent domain power; may issue bonds; establishes rates and charges for use of all port facilities; constructs, repairs, and operates projects; enters into contracts as well as franchising and licensing agreements; keeps track of vessels; exercises police powers; and establishes safety regulations.

The TPA derives its statutory power from s. 315, F.S., pertaining to Port Facilities Financing.

##### Proposed Changes

This bill makes various changes to the TPA charter as it pertains to the composition of the Authority, the member selection process, and definitions. The changes contained in the bill are as follows:

##### Definitions

- Defines “Members” as the governing body of the port authority. Further clarifies that “member” means one of the individuals that is part of the governing board;
- Defines and adds a “nominating committee” to be composed of the Maritime Industries Association Inc., and the Propeller Club of the United States Port of Tampa, Inc. The nominating committee is tasked with making nominations to fill port authority seats 4 and 5.

##### Composition of the Authority/Member Selection

- Changes the number of members on the port authority from 5 members to 7 members;
- Establishes that 5 members (seats 1-5) of the port authority must be appointed by the Governor;
- Seats 1, 2, and 3 will follow the established standard appointment procedure;
- Members of seats 4 and 5 must have a background in maritime business and will be appointed by the Governor from the list of nominations provided by the nominating committee;
- Seat 6 must be a Hillsborough County Commissioner, appointed by the Hillsborough County Board of County Commissioners (ex officio);

- Seat 7 is reserved for the Mayor of the City of Tampa (ex officio);
- The bill allows the Governor to appoint qualified members to seats 4 and 5 when no applications have been received by the Office of the Governor. Both appointments, however, must have experience in maritime business;
- Provides a time frame for the Governor to appoint members to seats 1, 2, and 3 after a vacancy or expiration of term has occurred;
- Provides initial terms for occupants of seats 4 and 5 of 2 years and 3 years respectively;
- Provides for the nomination committee to be notified when a vacancy has occurred in seats 4 and 5. The bill directs the nominating committee to provide at least 3 nominees to the Office of the Governor;
- Provides for any member appointed by the Governor to hold office for a term of 4 years, except for those appointed to fill a vacancy for an unexpired portion of a term – these individuals will serve only the unexpired portion of the term;
- Clarifies a provision of the charter that requires authority members, whether appointed or ex officio, to take an oath of office;
- Clarifies that port authority members will not be compensated for their services but may be reimbursed for travel;
- Provides for the annual election of the authority's officers, which include a chair, vice chair, secretary, and treasurer. The positions of secretary and treasurer may be held by a single member;
- Amends voting procedures for authority meetings to reflect the change in the number of board members;
- Clarifies hiring guidelines and duties of the port director;
- Authorizes the TPA to designate which employees, if any, will be subject to approval or dismissal by the authority.

C. SECTION DIRECTORY:

Section 1: Amends sections 3 and 4 of ch. 95-488, L.O.F.

Section 2: Provides an effective date of October 1, 2005.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 26, 2005

WHERE? The Tampa Tribune, Tampa, Hillsborough County, 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

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

An analysis of this bill provided by the Hillsborough County Legislative Delegation included the following information:

- There is no definition of a person who “is or has been engaged primarily in the maritime business” which could lead to disputes as to the qualifications of a potential authority member.
- The bill provides that any of the additional three appointed members (designated seats 1, 2, and 3) could be from the maritime community which has the potential of omitting any representation from the community as large.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At the March 30, 2005, meeting of the Local Government Council, an amendment was introduced which added a definition of “maritime industry background”. The definition clarifies the qualifications for the 2 members of the board who are to be appointed by the Governor on the basis of experience in the maritime industry. The amendment also makes additional conforming changes throughout the bill based on this added definition.