

1 A bill to be entitled
 2 An act relating to the Tampa Port Authority, Hillsborough
 3 County; amending chapter 95-488, Laws of Florida;
 4 providing definitions; revising provisions relating to
 5 membership of and appointment to the port authority;
 6 revising provisions relating to appointment of the port
 7 director and employment of other persons; providing an
 8 effective date.

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

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12 Section 1. Sections 3 and 4 of chapter 95-488, Laws of
 13 Florida, are amended to read:

14 Section 3. DEFINITIONS.--As used in this act, the term:

15 (a) "Board of county commissioners" means the Board of
 16 County Commissioners of Hillsborough County.

17 (b)(1) "Cost," as applied to improvements, means the cost
 18 of acquiring or constructing improvements and includes the cost
 19 of all labor and materials and of all machinery and equipment,
 20 the cost of engineering, legal expenses, plans, specifications,
 21 financing charges, and such other expenses as may be necessary
 22 or incident to such acquisition or construction.

23 (2) "Cost," as applied to a project acquired, constructed,
 24 extended, or enlarged, includes the purchase price of any
 25 project acquired; the cost of such construction, extension, or
 26 enlargement; the cost of improvements; the cost of all lands,
 27 properties, rights, easements, and franchises acquired; the cost
 28 of all machinery and equipment; the cost of engineering and
 29 legal services and of all investigations and audits; financing

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30 charges; interest prior to and during construction and for 1
 31 year after completion of construction; all other expenses
 32 necessary or incident to determining the practicability or
 33 feasibility of such acquisition or construction; administrative
 34 expenses; and such other expenses as may be necessary or
 35 incident to the financing herein authorized and to the
 36 construction or acquisition of a project and the placing of same
 37 in operation. Any obligation or expense incurred by the port
 38 authority, prior to the issuance of revenue bonds under the
 39 provisions of this act, for engineering studies and for
 40 estimates of cost and of revenues, and for other technical,
 41 financial, or legal services in connection with the acquisition
 42 or construction of any project, may be regarded as part of the
 43 cost of such project and are reimbursable to the port authority
 44 out of the proceeds of revenue bonds issued under this act.

45 (c) "County" means Hillsborough County.

46 (d) "General obligation bonds" means bonds that are
 47 secured by, or provide for their payment by, the pledge, in
 48 addition to those special taxes levied for their discharge and
 49 such other sources as may be provided for their payment or
 50 pledged as security under the ordinance or resolution
 51 authorizing their issuance, of the full faith and credit and
 52 taxing power of the port district or county and for payment of
 53 which recourse may be had against the general fund of the port
 54 district or county.

55 (e) "Improvements" means such replacements, repairs,
 56 extensions, additions, enlargements, or betterments of and to a
 57 project as are deemed necessary to place such project in proper
 58 condition for the safe, efficient, and economic operation

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59 thereof, when such project is undertaken by or owned,
 60 controlled, or operated by the port authority.

61 (f) "Members" means the governing body of the port
 62 authority, and "member" means one of the individuals
 63 constituting such governing body.

64 (g) "Nominating committee" means the Port of Tampa
 65 Maritime Industries Association, Inc. (Department of State,
 66 Division of Corporations Document Number N03000005439), and the
 67 Propeller Club of the United States Port of Tampa, Inc.
 68 (Department of State, Division of Corporations Document number
 69 N03973), so long as each maintains an active status with the
 70 Department of State, Division of Corporations, or any successor
 71 agency and who may make nominations to fill Port Authority Seats
 72 4 and 5 as provided by this act.

73 (h)~~(f)~~ "Port authority" means the Tampa Port Authority.

74 (i)~~(g)~~ "Port district" means the Hillsborough County Port
 75 District.

76 (j)~~(h)~~ "Project" means any one or any combination of two
 77 or more of the following, when undertaken by or owned,
 78 controlled, or operated by the port authority: channels;
 79 anchorage areas; jetties; breakwaters; harbors; canals; locks;
 80 waterways; tidal and turning basins; wharves; docks; piers;
 81 quays; slips; bulkheads; public landings; terminal storage and
 82 sheddage facilities; warehouses; refrigeration, cold-storage and
 83 quick-freezing plants; stockyards; elevators; shipyards; marine
 84 railways; drydocks; oil tanks; pipe lines; terminal railway
 85 facilities, including rolling stock, belt-line railroad ferries,
 86 and car ferries; police boats; bridges; causeways; tunnels;
 87 facilities for the loading and handling of passengers, mail,

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88 express, freight, and other cargo; and any and all other
 89 facilities, including all property, rights, easements, and
 90 franchises relating to any such project or projects which by
 91 resolution the port authority may deem necessary and convenient.

92 (k)(i) "Revenue bonds" means obligations of the port
 93 authority which are payable from revenues derived from sources
 94 other than ad valorem taxes on real or tangible personal
 95 property and which do not pledge the property, credit, or
 96 general tax revenue of the port authority.

97 Section 4. TAMPA PORT AUTHORITY.--There is created the
 98 Tampa Port Authority, which shall be the governing body and port
 99 authority of the Hillsborough County Port District. The port
 100 authority constitutes a body politic and a body corporate; it
 101 shall have perpetual existence; its operation shall be deemed a
 102 proper governmental function; it shall adopt and use an official
 103 seal and may alter the same; it may contract and be contracted
 104 with; in its corporate name it may sue in any of the courts in
 105 the various states and the courts of the United States; and it
 106 may be sued in the courts of the State of Florida and in the
 107 courts of the United States for the Middle District of the State
 108 of Florida, except as may be limited by the provisions of
 109 section 768.28, Florida Statutes, or any succeeding enactment.

110 (a) The port authority shall consist of seven member seats
 111 to be appointed as follows:

112 (1) Members occupying Seats 1 through 5 ~~five members,~~
 113 ~~three of whom~~ shall be appointed by the Governor subject to
 114 Senate confirmation. The numerical assignment of Seats 1, 2, and
 115 3 shall be designated by the port authority, and members shall
 116 be appointed to these seats through the standard application

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117 process established by the Office of the Governor. Members
 118 occupying Seats 4 and 5 shall be appointed from a list of
 119 persons who have backgrounds in the maritime business,
 120 notwithstanding any provision of general law to the contrary,
 121 nominated for that purpose by a nominating committee and as
 122 otherwise provided by this act.

123 (2) Seat 6; one of whom shall be occupied by a member of
 124 the board of county commissioners, appointed by that board, ex
 125 officio.

126 (3) Seat 7; and one of whom shall be occupied by the Mayor
 127 of the City of Tampa, ex officio.

128
 129 Each appointed member of the port authority must be a qualified
 130 elector of the county. If no nominations for Seat 4 or Seat 5
 131 are received by the Office of the Governor from the nominating
 132 committee as prescribed by this act, the Governor shall make any
 133 such appointment through the standard application process while
 134 ensuring that each such seat is occupied by a member who is or
 135 has been primarily engaged in the maritime business in
 136 accordance with the provisions of this act.

137 (b) At least 30 days prior to the expiration of the term
 138 of the any member occupying Seat 1, Seat 2, or Seat 3 of the
 139 port authority appointed by the Governor through the routinely
 140 established application process, or within 10 days after the
 141 occurrence of a any vacancy in any such seat ~~the term of any~~
 142 ~~member of the port authority appointed by the Governor~~, a
 143 successor shall be appointed by the Governor. The Governor may
 144 appoint a member to Seat 1, Seat 2, or Seat 3 who is or has been
 145 primarily engaged in the maritime business, notwithstanding any

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146 general law to the contrary and without taking nominations from
147 the nominating committee.

148 (c) The Governor shall appoint members to Seats 4 and 5
149 through nomination within 90 days after the effective date of
150 this act from nominees selected by the nominating committee,
151 each of which nominations must be received by the Office of the
152 Governor within 60 calendar days after the effective date of
153 this act. The member appointed to Seat 4 shall be appointed for
154 an initial term of 2 years, and the member appointed to Seat 5
155 shall be appointed for an initial term of 4 years.

156 (d) At least 90 calendar days prior to the expiration of
157 the term of any member appointed to Seat 4 or Seat 5, the
158 executive director of the port authority or his or her designee
159 shall notify the nominating committee by certified mail at each
160 of their primary places of business of the pending expiration.
161 The nominating committee shall have 60 calendar days to deliver
162 nominations to the Office of the Governor in the format
163 prescribed by that office, and a successor shall be appointed by
164 the Governor from those nominations.

165 (e) If a vacancy occurs in the term of a member appointed
166 to Seat 4 or Seat 5 through nomination, the nominating committee
167 shall be notified of the vacancy within 3 business days after
168 such occurrence and in the manner described in subsection (d).
169 The nominating committee shall deliver the names of at least
170 three nominees to the Office of the Governor appointments office
171 in the manner prescribed by that office and within 30 calendar
172 days after the date the vacancy occurred. The Governor shall
173 thereafter appoint a replacement for the remaining term in which
174 the vacancy was created.

175 (f) Any member ~~of the port authority~~ appointed by the
 176 Governor is ~~shall be~~ eligible for reappointment. Each member
 177 appointed by the Governor shall hold office for a term of 4
 178 years from the date of the expiration of the term of his or her
 179 predecessor, except as otherwise provided by this act and
 180 provided further that any person appointed to fill a vacancy for
 181 an unexpired portion of a term shall be appointed for the
 182 unexpired portion of the term only. Each member ~~of the port~~
 183 ~~authority~~ may continue to serve until his or her successor is
 184 duly appointed and qualified.

185 (g)(e) Before assuming office, each appointed or ex
 186 officio member ~~of the port authority~~ shall take an oath that he
 187 or she will faithfully discharge the duties of his or her office
 188 and that he or she will uphold and defend the constitutions and
 189 laws of the United States and of the State of Florida. Members
 190 may not be compensated by the port authority for their services
 191 but may be otherwise reimbursed for travel as provided by this
 192 act.

193 (h)(d) The officers of the port authority shall be elected
 194 annually by and chosen from among the members and shall consist
 195 of a chair, a vice chair, a membership of the port authority. A
 196 chairman, vice chairman, secretary, and a treasurer, the latter
 197 two of which offices may be held by a single member at the
 198 discretion of the members shall be elected annually by the
 199 members of the port authority from among their membership. The
 200 offices of secretary and treasurer may be held by one person. A
 201 port director shall be appointed by the port authority by
 202 resolution and shall be chosen for his executive,
 203 administrative, and technical qualifications.

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204 (i)(e) ~~Four~~ Three members of ~~the port authority~~ shall
 205 constitute a quorum. An affirmative vote of four ~~three~~ members
 206 is required ~~necessary~~ for any action to be taken by the port
 207 authority involving the incurring of any indebtedness or the
 208 expenditure of any funds or money in excess of the monetary
 209 amount specified in section 15 and for the establishment of
 210 policy governing the expenditure of any funds by the port
 211 director and his or her staff. These requirements are ~~shall~~ not
 212 ~~be~~ affected by any vacancy in the port authority.

213 ~~(f) The appointed members of the port authority shall~~
 214 ~~receive no compensation for their services. The port director~~
 215 ~~shall receive such salary as the port authority may approve.~~

216 (j)(g) The members shall appoint by resolution a port
 217 director who shall be chosen for his or her executive,
 218 administrative, and technical qualifications, shall be a full-
 219 time employee of the port authority, shall receive such salary
 220 as may be approved by the members, and shall devote his or her
 221 time and attention to the discharge of his or her duties. The
 222 port director's ~~His~~ office shall be kept open during such hours
 223 as the members ~~port authority shall~~ fix, ~~but~~ the minimum of
 224 which hours so fixed by the port authority during which such
 225 ~~office shall remain open~~ shall be the ordinary business hours
 226 upon all business days.

227 (k)(h) The port authority may ~~shall have the power to~~
 228 employ such additional persons ~~in addition to the port director~~
 229 as the business of the port authority may require and may
 230 designate which, if any, require the approval of the members for
 231 employment or dismissal.

232 Section 2. This act shall take effect October 1, 2005.