

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Tampa Port Authority, Hillsborough
7 County; amending chapter 95-488, Laws of Florida;
8 providing definitions; revising provisions relating to
9 membership of and appointment to the port authority;
10 revising provisions relating to appointment of the port
11 director and employment of other persons; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Sections 3 and 4 of chapter 95-488, Laws of
17 Florida, are amended to read:

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

19 (a) "Board of county commissioners" means the Board of
20 County Commissioners of Hillsborough County.

21 (b)(1) "Cost," as applied to improvements, means the cost
22 of acquiring or constructing improvements and includes the cost
23 of all labor and materials and of all machinery and equipment,

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24 | the cost of engineering, legal expenses, plans, specifications,
25 | financing charges, and such other expenses as may be necessary
26 | or incident to such acquisition or construction.

27 | (2) "Cost," as applied to a project acquired, constructed,
28 | extended, or enlarged, includes the purchase price of any
29 | project acquired; the cost of such construction, extension, or
30 | enlargement; the cost of improvements; the cost of all lands,
31 | properties, rights, easements, and franchises acquired; the cost
32 | of all machinery and equipment; the cost of engineering and
33 | legal services and of all investigations and audits; financing
34 | charges; interest prior to and during construction and for 1
35 | year after completion of construction; all other expenses
36 | necessary or incident to determining the practicability or
37 | feasibility of such acquisition or construction; administrative
38 | expenses; and such other expenses as may be necessary or
39 | incident to the financing herein authorized and to the
40 | construction or acquisition of a project and the placing of same
41 | in operation. Any obligation or expense incurred by the port
42 | authority, prior to the issuance of revenue bonds under the
43 | provisions of this act, for engineering studies and for
44 | estimates of cost and of revenues, and for other technical,
45 | financial, or legal services in connection with the acquisition
46 | or construction of any project, may be regarded as part of the
47 | cost of such project and are reimbursable to the port authority
48 | out of the proceeds of revenue bonds issued under this act.

49 | (c) "County" means Hillsborough County.

50 | (d) "General obligation bonds" means bonds that are
51 | secured by, or provide for their payment by, the pledge, in

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52 | addition to those special taxes levied for their discharge and
 53 | such other sources as may be provided for their payment or
 54 | pledged as security under the ordinance or resolution
 55 | authorizing their issuance, of the full faith and credit and
 56 | taxing power of the port district or county and for payment of
 57 | which recourse may be had against the general fund of the port
 58 | district or county.

59 | (e) "Improvements" means such replacements, repairs,
 60 | extensions, additions, enlargements, or betterments of and to a
 61 | project as are deemed necessary to place such project in proper
 62 | condition for the safe, efficient, and economic operation
 63 | thereof, when such project is undertaken by or owned,
 64 | controlled, or operated by the port authority.

65 | (f) "Maritime industry background" means that a person by
 66 | training or experience is or has been engaged in, for a
 67 | significant portion of his or her career, a business involving
 68 | maritime commerce, port management, terminal management, ship
 69 | agency business, shipbuilding, ship management, ship operations,
 70 | ship repair, admiralty law, international trade law, importing
 71 | or exporting water-borne cargo, or other maritime-related
 72 | business that is similar to the aforementioned specialties.

73 | (g) "Members" means the governing body of the port
 74 | authority, and "member" means one of the individuals
 75 | constituting such governing body.

76 | (h) "Nominating committee" means a committee of six
 77 | persons, three of whom shall be appointed by each of the
 78 | following groups: the Port of Tampa Maritime Industries
 79 | Association, Inc. (Department of State, Division of Corporations

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80 Document Number N03000005439), and the Propeller Club of the
 81 United States Port of Tampa, Inc. (Department of State, Division
 82 of Corporations Document number N03973), so long as each
 83 maintains an active status with the Department of State,
 84 Division of Corporations, or any successor agency and who may
 85 make nominations to fill Port Authority Seats 4 and 5 as
 86 provided by this act.

87 (i)~~(f)~~ "Port authority" means the Tampa Port Authority.

88 (j)~~(g)~~ "Port district" means the Hillsborough County Port
 89 District.

90 (k)~~(h)~~ "Project" means any one or any combination of two
 91 or more of the following, when undertaken by or owned,
 92 controlled, or operated by the port authority: channels;
 93 anchorage areas; jetties; breakwaters; harbors; canals; locks;
 94 waterways; tidal and turning basins; wharves; docks; piers;
 95 quays; slips; bulkheads; public landings; terminal storage and
 96 sheddage facilities; warehouses; refrigeration, cold-storage and
 97 quick-freezing plants; stockyards; elevators; shipyards; marine
 98 railways; drydocks; oil tanks; pipe lines; terminal railway
 99 facilities, including rolling stock, belt-line railroad ferries,
 100 and car ferries; police boats; bridges; causeways; tunnels;
 101 facilities for the loading and handling of passengers, mail,
 102 express, freight, and other cargo; and any and all other
 103 facilities, including all property, rights, easements, and
 104 franchises relating to any such project or projects which by
 105 resolution the port authority may deem necessary and convenient.

106 (l)~~(i)~~ "Revenue bonds" means obligations of the port
 107 authority which are payable from revenues derived from sources

108 other than ad valorem taxes on real or tangible personal
 109 property and which do not pledge the property, credit, or
 110 general tax revenue of the port authority.

111 Section 4. TAMPA PORT AUTHORITY.--There is created the
 112 Tampa Port Authority, which shall be the governing body and port
 113 authority of the Hillsborough County Port District. The port
 114 authority constitutes a body politic and a body corporate; it
 115 shall have perpetual existence; its operation shall be deemed a
 116 proper governmental function; it shall adopt and use an official
 117 seal and may alter the same; it may contract and be contracted
 118 with; in its corporate name it may sue in any of the courts in
 119 the various states and the courts of the United States; and it
 120 may be sued in the courts of the State of Florida and in the
 121 courts of the United States for the Middle District of the State
 122 of Florida, except as may be limited by the provisions of
 123 section 768.28, Florida Statutes, or any succeeding enactment.

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

126 (1) Members occupying Seats 1 through 5 ~~five members,~~
 127 ~~three of whom~~ shall be appointed by the Governor subject to
 128 Senate confirmation. The numerical assignment of Seats 1, 2, and
 129 3 shall be designated by the port authority, and members shall
 130 be appointed to these seats through the standard application
 131 process established by the Office of the Governor. Members
 132 occupying Seats 4 and 5 shall be appointed from a list of
 133 persons who have maritime industry backgrounds, notwithstanding
 134 any provision of general law to the contrary, nominated for that

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135 purpose by a nominating committee and as otherwise provided by
136 this act.

137 (2) Seat 6; ~~one of whom~~ shall be occupied by a member of

138 the board of county commissioners, appointed by that board, ex

139 officio.

140 (3) Seat 7; ~~and one of whom~~ shall be occupied by the Mayor

141 of the City of Tampa, ex officio.

142

143 Each appointed member of the port authority must be a qualified

144 elector of the county. If no nominations for Seat 4 or Seat 5

145 are received by the Office of the Governor from the nominating

146 committee as prescribed by this act, the Governor shall make any

147 such appointment through the standard application process while

148 ensuring that each such seat is occupied by a member who has a

149 maritime industry background in accordance with the provisions

150 of this act.

151 (b) At least 30 days prior to the expiration of the term

152 of the any member occupying Seat 1, Seat 2, or Seat 3 of the

153 port authority appointed by the Governor through the routinely

154 established application process, or within 10 days after the

155 occurrence of a any vacancy in any such seat ~~the term of any~~

156 ~~member of the port authority appointed by the Governor~~, a

157 successor shall be appointed by the Governor. The Governor may

158 appoint a member to Seat 1, Seat 2, or Seat 3 who has a maritime

159 industry background, notwithstanding any general law to the

160 contrary and without taking nominations from the nominating

161 committee.

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162 (c) The Governor shall appoint members to Seats 4 and 5
163 within 90 days after the effective date of this act after
164 consideration of nominees selected by the nominating committee,
165 each of which nominations must be received by the Office of the
166 Governor within 60 calendar days after the effective date of
167 this act. The member appointed to Seat 4 shall be appointed for
168 an initial term of 2 years, and the member appointed to Seat 5
169 shall be appointed for an initial term of 4 years.

170 (d) At least 90 calendar days prior to the expiration of
171 the term of any member appointed to Seat 4 or Seat 5, the
172 executive director of the port authority or his or her designee
173 shall notify the nominating committee by certified mail at each
174 of their primary places of business of the pending expiration.
175 The nominating committee shall have 60 calendar days to deliver
176 nominations to the Office of the Governor in the format
177 prescribed by that office, and a successor shall be appointed by
178 the Governor from those nominations.

179 (e) If a vacancy occurs in the term of a member appointed
180 to Seat 4 or Seat 5 through nomination, the nominating committee
181 shall be notified of the vacancy within 3 business days after
182 such occurrence and in the manner described in subsection (d).
183 The nominating committee shall deliver the names of at least
184 three nominees to the Office of the Governor appointments office
185 in the manner prescribed by that office and within 30 calendar
186 days after the date the vacancy occurred. The Governor shall
187 thereafter appoint a replacement for the remaining term in which
188 the vacancy was created and may make the appointment from the
189 list of nominees provided.

190 (f) Any member ~~of the port authority~~ appointed by the
 191 Governor ~~is shall be~~ eligible for reappointment. Each member
 192 appointed by the Governor shall hold office for a term of 4
 193 years from the date of the expiration of the term of his or her
 194 predecessor, except as otherwise provided by this act and
 195 provided further that any person appointed to fill a vacancy for
 196 an unexpired portion of a term shall be appointed for the
 197 unexpired portion of the term only. Each member ~~of the port~~
 198 ~~authority~~ may continue to serve until his or her successor is
 199 duly appointed and qualified.

200 (g)~~(e)~~ Before assuming office, each appointed or ex
 201 officio member ~~of the port authority~~ shall take an oath that he
 202 or she will faithfully discharge the duties of his or her office
 203 and that he or she will uphold and defend the constitutions and
 204 laws of the United States and of the State of Florida. Members
 205 may not be compensated by the port authority for their services
 206 but may be otherwise reimbursed for travel as provided by this
 207 act.

208 (h)~~(d)~~ The officers of the port authority shall be elected
 209 annually by and chosen from among the members and shall consist
 210 of a chair, a vice chair, a membership of the port authority. A
 211 ~~chairman, vice chairman,~~ secretary, and a treasurer, the latter
 212 two of which offices may be held by a single member at the
 213 discretion of the members shall be elected annually by the
 214 ~~members of the port authority from among their membership. The~~
 215 ~~offices of secretary and treasurer may be held by one person. A~~
 216 ~~port director shall be appointed by the port authority by~~

217 ~~resolution and shall be chosen for his executive,~~
218 ~~administrative, and technical qualifications.~~

219 (i)(e) ~~Four~~ Three members of the port authority shall
220 constitute a quorum. An affirmative vote of four ~~three~~ members
221 is required ~~necessary~~ for any action to be taken by the port
222 authority involving the incurring of any indebtedness or the
223 expenditure of any funds or money in excess of the monetary
224 amount specified in section 15 and for the establishment of
225 policy governing the expenditure of any funds by the port
226 director and his or her staff. These requirements are ~~shall~~ not
227 ~~be~~ affected by any vacancy in the port authority.

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

231 (j)(g) The members shall appoint by resolution a port
232 director who shall be chosen for his or her executive,
233 administrative, and technical qualifications, shall be a full-
234 time employee of the port authority, shall receive such salary
235 as may be approved by the members, and shall devote his or her
236 time and attention to the discharge of his or her duties. The
237 port director's ~~His~~ office shall be kept open during such hours
238 as the members ~~port authority shall~~ fix, ~~but~~ the minimum of
239 which hours so fixed by the port authority during which such
240 ~~office shall remain open~~ shall be the ordinary business hours
241 upon all business days.

242 (k)(h) The port authority may ~~shall have the power to~~
243 employ such additional persons ~~in addition to the port director~~
244 as the business of the port authority may require and may

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245 | designate which, if any, require the approval of the members for
246 | employment or dismissal.

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