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 HB 1329, Engrossed 1

2005 Legislature

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.

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

11
 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

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29 | legal services and of all investigations and audits; financing
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

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57 | project as are deemed necessary to place such project in proper
 58 | condition for the safe, efficient, and economic operation
 59 | thereof, when such project is undertaken by or owned,
 60 | controlled, or operated by the port authority.

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

69 | (g) "Members" means the governing body of the port
 70 | authority, and "member" means one of the individuals
 71 | constituting such governing body.

72 | (h) "Nominating committee" means a committee of six
 73 | persons, three of whom shall be appointed by each of the
 74 | following groups: the Port of Tampa Maritime Industries
 75 | Association, Inc. (Department of State, Division of Corporations
 76 | Document Number N03000005439), and the Propeller Club of the
 77 | United States Port of Tampa, Inc. (Department of State, Division
 78 | of Corporations Document number N03973), so long as each
 79 | maintains an active status with the Department of State,
 80 | Division of Corporations, or any successor agency and who may
 81 | make nominations to fill Port Authority Seats 4 and 5 as
 82 | provided by this act.

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

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84 (j)~~(g)~~ "Port district" means the Hillsborough County Port
 85 District.

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

102 (l)~~(i)~~ "Revenue bonds" means obligations of the port
 103 authority which are payable from revenues derived from sources
 104 other than ad valorem taxes on real or tangible personal
 105 property and which do not pledge the property, credit, or
 106 general tax revenue of the port authority.

107 Section 4. TAMPA PORT AUTHORITY.--There is created the
 108 Tampa Port Authority, which shall be the governing body and port
 109 authority of the Hillsborough County Port District. The port
 110 authority constitutes a body politic and a body corporate; it
 111 shall have perpetual existence; its operation shall be deemed a

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112 proper governmental function; it shall adopt and use an official
113 seal and may alter the same; it may contract and be contracted
114 with; in its corporate name it may sue in any of the courts in
115 the various states and the courts of the United States; and it
116 may be sued in the courts of the State of Florida and in the
117 courts of the United States for the Middle District of the State
118 of Florida, except as may be limited by the provisions of
119 section 768.28, Florida Statutes, or any succeeding enactment.

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

122 (1) Members occupying Seats 1 through 5 ~~five members,~~
123 ~~three of whom~~ shall be appointed by the Governor subject to
124 Senate confirmation. The numerical assignment of Seats 1, 2, and
125 3 shall be designated by the port authority, and members shall
126 be appointed to these seats through the standard application
127 process established by the Office of the Governor. Members
128 occupying Seats 4 and 5 shall be appointed from a list of
129 persons who have maritime industry backgrounds, notwithstanding
130 any provision of general law to the contrary, nominated for that
131 purpose by a nominating committee and as otherwise provided by
132 this act.

133 (2) Seat 6, ~~one of whom~~ shall be occupied by a member of
134 the board of county commissioners, appointed by that board, ex
135 officio.

136 (3) Seat 7, ~~and one of whom~~ shall be occupied by the Mayor
137 of the City of Tampa, ex officio.

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139 Each appointed member of the port authority must be a qualified
 140 elector of the county. If no nominations for Seat 4 or Seat 5
 141 are received by the Office of the Governor from the nominating
 142 committee as prescribed by this act, the Governor shall make any
 143 such appointment through the standard application process while
 144 ensuring that each such seat is occupied by a member who has a
 145 maritime industry background in accordance with the provisions
 146 of this act.

147 (b) At least 30 days prior to the expiration of the term
 148 of the any member occupying Seat 1, Seat 2, or Seat 3 of the
 149 port authority appointed by the Governor through the routinely
 150 established application process, or within 10 days after the
 151 occurrence of a any vacancy in any such seat ~~the term of any~~
 152 ~~member of the port authority appointed by the Governor~~, a
 153 successor shall be appointed by the Governor. The Governor may
 154 appoint a member to Seat 1, Seat 2, or Seat 3 who has a maritime
 155 industry background, notwithstanding any general law to the
 156 contrary and without taking nominations from the nominating
 157 committee.

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

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

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

186 (f) Any member of the port authority appointed by the
 187 Governor is shall be eligible for reappointment. Each member
 188 appointed by the Governor shall hold office for a term of 4
 189 years from the date of the expiration of the term of his or her
 190 predecessor, except as otherwise provided by this act and
 191 provided further that any person appointed to fill a vacancy for
 192 an unexpired portion of a term shall be appointed for the
 193 unexpired portion of the term only. Each member of the port

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194 authority may continue to serve until his or her successor is
 195 duly appointed and qualified.

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

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

215 (i)~~(e)~~ Four ~~Three~~ members ~~of the port authority~~ shall
 216 constitute a quorum. An affirmative vote of four ~~three~~ members
 217 is required ~~necessary~~ for any action to be taken by the port
 218 authority involving the incurring of any indebtedness or the
 219 expenditure of any funds or money in excess of the monetary
 220 amount specified in section 15 and for the establishment of
 221 policy governing the expenditure of any funds by the port

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222 director and his or her staff. These requirements are ~~shall~~ not
 223 ~~be~~ affected by any vacancy in the port authority.

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

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

238 (k)(h) The port authority may ~~shall have the power to~~
 239 employ such additional persons ~~in addition to the port director~~
 240 as the business of the port authority may require and may
 241 designate which, if any, require the approval of the members for
 242 employment or dismissal.

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