

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensures lower taxes: Although this bill This bill does not appear to impact the House principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Port Everglades

In 1991¹, the Legislature transferred Port Everglades to Broward County. In 1994², the Legislature clarified the operational powers, rights, and privileges transferred to Broward County and, to assure an orderly transition of the business operations of the port, specified certain operational powers, duties, and obligations of the county. The county was provided full power and authority:

(1) To operate, maintain, and manage port and harbor facilities located within the port jurisdictional area or a foreign trade zone established by the county, with full power to establish and determine such policies as may be necessary or convenient for the best interests of the operation and promotion of the port and harbor facilities within the geographic boundaries of Broward County.

(2) To create and promote commerce and industry within the county. (Emphasis added.)

(3) To participate in the establishment and operation of a transportation system associated with the port jurisdictional area.

(4) To adopt regulations necessary and proper for the protection of property within the port jurisdictional area and for the safety, health, convenience, and general welfare of persons employed by, or using, facilities under the jurisdiction of the county, or otherwise found within the port jurisdictional area.

(5) To plan, construct, maintain, operate, manage, improve, and regulate harbor and port facilities, which the county may determine to be necessary or convenient for its purposes; to perform all customary services, including handling, weighing, measuring, regulating, inspecting, and reconditioning all commodities and cargo received or shipped through the harbor and port facilities under the jurisdiction of the county; and to acquire any personal property, or any interest therein, necessary or convenient for the operation of any or all facilities under the jurisdiction of the county.

(6) To do all things necessary or convenient to establish, regulate, operate, and maintain foreign trade zones, authorized pursuant to state or federal law.

(7) To do all things necessary or convenient to regulate, maintain, and improve all navigable and nonnavigable waters within the port jurisdictional area necessary for the operation, improvement, and maintenance of port and harbor facilities within the port jurisdictional area; to enforce within the port jurisdictional area the provisions of ch. 327,

¹ Ch. 91-356, L.O.F

² Ch. 94-429, L.O.F.

F.S., relating to the operation and equipment of vessels; and to adopt and enforce regulations not in conflict with ch. 327, F.S.

(8) To establish and enforce uniform rates for wharfage, dockage, warehousing, storage, port and terminal charges, and any other use of harbor and port facilities provided by the county and for all other services provided by the county.

(9) To grant permits to do business and exclusive or nonexclusive franchises, as hereinafter provided.

(10) To develop, advertise, and promote through all forms of advertising media, both within and without the United States, the business activities, projects, and facilities of Port Everglades, and to incur all necessary travel expenses in connection therewith; however, such expenditures must be reasonably incurred and paid only upon approval of the county. This provision shall be a specific exception to the provisions of s. 112.061, F.S.

(11) Within the geographic boundaries of Broward County, to acquire, construct, lease, establish, improve, maintain, and operate a railroad and all necessary or convenient appurtenances for the use of passengers, freight, and railroads, including, but not limited to, tracks, yards, terminals, stations, and warehouses; to extend or connect with the lines and facilities of any common carrier; to acquire by purchase, gift, eminent domain, lease, exchange, or otherwise, any real or personal property, or any interest therein, for such purpose; to use for such purpose any real or personal property owned or leased by the county, whether or not originally acquired for another purpose; to regulate the use of such railroads, to employ staff to operate such railroads; to impose fees or charges for the use of such railroads or railroad facilities; and to lease to private persons portions of any railroad station for concessions or other uses.

(12) To adopt and enforce regulations controlling the movement of persons and vehicles over walkways, roads, parking areas, docks, piers, and elsewhere within the port jurisdictional area.

(13) To employ and train staff and maintain offices within the geographic boundaries of Broward County, and to maintain offices and employ agents or representatives outside the geographic boundaries of Broward County at any place in the world deemed expedient and proper by the county.

(14) To take any other action which is necessary or convenient to carry out its authorized purposes.

Promotional Activities

In 2003, ch. 2003-335, L.O.F., authorized the Port Manager of Port Canaveral to perform promotional functions and receive reimbursement as follows:

The Port Manager shall have such duties and authority in the administration, maintenance, expansion, and operation of Port Canaveral as the Port Authority shall assign to him or her, including the promotion of the business and affairs of Port Canaveral including, but not limited to, travel to and from meetings of industrialists in convention or by industry, necessary subsistence, entertainment of business guests at Port Canaveral or elsewhere, within or without the state, and meals for staff members at regular or special meetings of the Port Authority, and shall ratify past such expenditures. The Port Manager shall keep and maintain an account of the expenses involved in the performance of his or her duties and submit the same to the Port Authority for approval at any regular meeting.

In addition, s. 331.20, F.S., addresses promotional activities for airports and related facilities as follows:

The board of county commissioners of every county owning and operating an airport shall have the right, power, and authority to publicize, advertise, and promote the activities of its airport; to make known the advantages, facilities, resources, products, attractions, and attributes of its airport; to create a favorable climate of opinion concerning its airport; to cooperate with other agencies, public and private, to accomplish these purposes; and, in furtherance thereof, to authorize expenditures for the purposes here enumerated, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its airport.

Effect of Proposed Changes

Although Broward County is currently allowed to “create and promote commerce and industry within the county,” this bill expressly authorizes the county, without limitation, to:

- Promote the activities of its seaport;
- Make known the advantages, facilities, resources, and attributes of its seaport; and
- Make expenditures for the above-listed purposes, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its port jurisdictional area.

The bill also specifies that the jurisdictional area is known as “Port Everglades”, and provides for severability of the act.

C. SECTION DIRECTORY:

Section 1. Amends the powers and duties of Broward County with respect to promotional activities related to Port Everglades.

Section 2. Provides for severability.

Section 3. Provides that the act takes effect July 1, 2005.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 3, 2004

WHERE? Sun-Sentinel, Fort Lauderdale, Broward 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: This bill does not address rule-making authority.
- C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.