

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1201 Ocean Highway and Port Authority, Nassau County

SPONSOR(S): Adkins

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	10 Y, 3 N	Darden	Miller
2) Government Operations Subcommittee	9 Y, 3 N	Toliver	Williamson
3) Local & Federal Affairs Committee	14 Y, 3 N	Darden	Kiner

SUMMARY ANALYSIS

The Ocean Highway and Port Authority (Authority) is an independent special district in Nassau County responsible for managing operations at the Port of Fernandina. The charter for the Authority currently authorizes the five members of its board of Port Commissioners to be elected by the qualified electors of Nassau County, but does not specify whether the election is to be held on a partisan or nonpartisan basis. However, the Authority has held partisan elections since the creation of its charter in 1941. Section 189.04(2)(c), F.S., requires special districts to conduct nonpartisan elections, unless specified elsewhere in the district's charter.

The bill authorizes the Authority to conduct partisan elections. The elections would be conducted by the Nassau County Supervisor of Elections using the procedures provided in the Florida Election Code.

This bill shall take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Ocean Highway and Port Authority

The Ocean Highway and Port Authority (Authority) is an independent special district¹ created by special act of the Florida Legislature in 1941.² The Authority operates the Port of Fernandina in Nassau County.³ The Authority's charter, including the initial 1941 charter and all subsequent special laws concerning the district, were codified in 2005.⁴ The Authority has a long-term contract with Nassau Terminals, LLC, a subsidiary of Kinder Morgan, to handle certain day-to-day operations of the port such as marketing, terminal handling, and stevedoring.⁵ Over 225 vessels a year are serviced by the port.⁶

To operate the port effectively, the Authority is authorized, in part, to:

- Purchase, construct, and maintain port facilities, including docks, warehouses, shipyards, and railways;⁷
- Improve and develop Fernandina Harbor and other waterways in Nassau County;⁸
- Fix rates for use of port facilities;⁹
- Construct and maintain infrastructure necessary to operate the port;¹⁰ and
- Issue bonds.¹¹

Authority operations are financed by a combination of port revenues, federal and state grants, port security revenue, rental income, and annual fees.¹²

Current Election Procedure

The Board of Port Commissioners of the Authority consists of five members.¹³ Commissioners are elected to four-year terms serving districts corresponding to the district boundaries for the Nassau County Board of County Commissioners.¹⁴ Each commissioner must reside in the boundaries of the district he or she represents.¹⁵

Chapter 189, F.S., the Uniform Special District Accountability Act, requires that members of the governing boards for single-county special districts be elected in nonpartisan elections unless the

¹ S. 189.012(3), F.S. (defining independent special district as any special district that is not a dependent special district under s. 189.012(2), F.S.)

² Ch. 41-21418, Laws of Fla.

³ See ss. 3, 7(5), and 9, Charter of the Ocean Highway and Port Authority, as codified in s. 3, Ch. 2005-293, Laws of Fla. (herein Port Authority Charter) (board members elected by voters, power to set rates for use of port facilities, and power to apply for loans and grants from federal and state governments, respectively).

⁴ Ch. 2005-293, Laws of Fla.

⁵ Ocean and Highway Port Authority, *The Port of Fernandina Beach*, <http://portoffernandina.org/about-us/> (last visited March 2, 2015).

⁶ *Id.*

⁷ S. 7(2), Port Authority Charter.

⁸ S. 7(3), Port Authority Charter.

⁹ S. 7(4), Port Authority Charter.

¹⁰ S. 7(6), Port Authority Charter.

¹¹ S. 7(9), Port Authority Charter.

¹² Ocean and Highway Port Authority, *Budget*, <http://portoffernandina.org/budget/> (last visited March 2, 2015).

¹³ S. 3, Port Authority Charter.

¹⁴ *Id.*

¹⁵ *Id.*

district's charter provides otherwise.¹⁶ While the current charter for the Authority does not provide for partisan elections,¹⁷ the Authority's board has traditionally been elected in partisan contests.¹⁸

Effect of Proposed Changes

The bill amends Section 3 of the Ocean Highway and Port Authority Charter, codified as Ch. 2005-293, Laws of Florida, to require partisan elections for members of the Board of Port Commissioners for the Authority. The elections would be conducted by the Nassau County Supervisor of Elections using the procedures provided in the Florida Election Code.¹⁹

B. SECTION DIRECTORY:

Section 1: Amends Ch. 2005-293, Laws of Florida, to allow for partisan elections for the Board of Port Commissioners for the Authority.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 28, 2015

WHERE? Fernandina Beach News-Leader, a weekly newspaper published in Nassau 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:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

¹⁶ S. 189.04(2)(c), F.S.

¹⁷ S. 3, Port Authority Charter

¹⁸ Resolution 2014-5, Ocean and Highway Port Authority, adopted Dec. 10, 2014.

¹⁹ See generally s. 97.011, F.S. ("Chapters 97-106 inclusive shall be known and may be cited as 'The Florida Election Code.'")