

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 1201

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Adkins

116 Y's

1 N's

**COMPANION
BILLS:** N/A

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 1201 passed the House on April 24, 2015, and subsequently passed the Senate on April 29, 2015.

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.

The bill was approved by the Governor on June 10, 2015, ch. 2015-196, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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 May 4, 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 May 4, 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 Bill

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

II. FISCAL ANALYSIS, ECONOMIC IMPACT STATEMENT, & NOTICE/REFERENDUM

FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

A. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

B. ECONOMIC IMPACT STATEMENT FILED? Yes No

C. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 28, 2015

WHERE? *Fernandina Beach News-Leader*, a weekly newspaper published in Nassau County, Florida.

D. REFERENDUM(S) REQUIRED? Yes No

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.'")