

1 A bill to be entitled

2 An act relating to the Manatee County Port Authority,
3 Manatee County; amending chapter 2003-351, Laws of
4 Florida, as amended; providing that the district is an
5 independent special district, rather than a dependent
6 special district; revising and providing definitions;
7 providing for the operation of the port authority;
8 providing powers, functions, and duties of the port
9 authority; providing for construction and effect;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 **Section 1. Section 3 of chapter 2003-351, Laws of Florida,**
15 **as amended by chapter 2011-253, Laws of Florida, is amended to**
16 **read:**

17 Section 1. District formation ratified, restated, and
18 approved.—The Manatee County Port Authority (Port Authority) as
19 initially established pursuant to chapter 67-1681, Laws of
20 Florida, and thereafter amended as provided by special acts of
21 the Legislature, is ratified, confirmed, and approved.

22 Section 2. Establishment.—The Port Authority, an
23 independent ~~a dependent~~ special district, is established for all
24 purposes set forth in this act and chapters 189 and 315, Florida
25 Statutes, as the same may be amended from time to time. This

26 charter may be amended only by special act of the Legislature.

27 Section 3. Popular name.—This charter shall be known and
28 may be cited as the Manatee County Port Authority Act.

29 Section 4. Definitions.—As used in this charter, the
30 following words and terms shall have the following meanings:

31 (1) "Port Authority" shall mean the governing board of the
32 ~~County Commissioners of Manatee County, Florida, acting as a~~
33 ~~Manatee County Port Authority. When conducting business as a~~
34 ~~Port Authority, the board of county commissioners shall use the~~
35 ~~name of~~ Manatee County Port Authority.

36 (2) "Port facilities" shall mean and shall include harbor,
37 shipping, and port facilities and improvements of every kind,
38 nature, and description, including, but not limited to,
39 channels, turning basins, jetties, breakwaters, public landings,
40 wharves, waterways, ferries, slips, quays, terminals, sidings,
41 shipyards, moles, canals, cold storage plants, locks, tidal
42 basin, trainways, cable ways, depots, warehouses, industrial
43 parks, industrial and manufacturing plans, icing plants,
44 refrigeration plants, precooling plants, commercial, business
45 mercantile, markets, parks, recreational facilities, structures,
46 buildings, piers, storage facilities, public buildings,
47 anchorage, utilities, bridges, tunnels, roads, railroads,
48 causeways, port-related aviation facilities such as helipads,
49 and any and all property and facilities necessary or useful in
50 connection with the foregoing, and any one or more of any

51 combination thereof and any extension, addition, betterment, or
52 improvement of any thereof and other related projects,
53 conveyors, appliances for economical handling, storage, and
54 transportation of freight and handling passenger traffic, or in
55 connection with the operation, improvement, and maintenance of
56 the Port and all other harbor improvements and facilities which
57 the Port Authority may determine to be necessary and to perform
58 customary services, including handling, weighing, measuring,
59 regulation, control, inspections and reconditioning of all
60 commodities and cargoes received or shipped throughout any port
61 or harbor within the jurisdiction of the Port Authority ~~docks,~~
62 ~~markets, parks, recreational facilities, structures, buildings,~~
63 ~~piers, storage facilities, public buildings and plazas,~~
64 ~~anchorage, utilities, bridges, tunnels, roads, railroads,~~
65 ~~causeways, port-related aviation facilities such as helipads,~~
66 ~~and any and all property and facilities necessary or useful in~~
67 ~~connection with the foregoing, and any one or more of any~~
68 ~~combination thereof and any extension, addition, betterment, or~~
69 ~~improvement of any thereof.~~

70 (3) "Cost" as applied to any port facilities shall mean
71 and shall include the cost of acquisition or construction, the
72 cost of all labor, materials, machinery, and equipment, the cost
73 of all lands, property, rights, easements, and franchises
74 acquired, financing charges, interest prior to and during
75 construction and for 1 year after completion of construction,

76 cost of plans and specifications, surveys and estimates of cost
77 and of revenues, cost of engineering and legal services, all
78 other expenses necessary or incident to determining the
79 feasibility or practicability of such construction, the cost of
80 acquiring or improving, enlarging, and extending existing port
81 facilities and preparing the same for sale or lease to provide
82 funds for financing port facilities under the provisions of this
83 charter, if in the determination of the Port Authority governing
84 ~~body~~, such acquisition, such improvement, enlargement, and
85 extension, or such preparation for sale or lease are necessary
86 to such financing, administrative expenses, and such other
87 expenses as may be necessary or incident to any financing herein
88 authorized. Any obligation or expense heretofore or hereafter
89 incurred by ~~Manatee County and/or~~ the Manatee County Port
90 Authority in connection with any of the foregoing items of cost
91 may be regarded as a part of such cost and reimbursed to the
92 ~~Manatee County and/or the Manatee County~~ Port Authority out of
93 the proceeds of port facilities bonds issued under the
94 provisions of this charter or previously issued prior to the
95 enactment of this act.

96 (4) "Bonds" shall mean any bonds, debentures, notes,
97 warrants, bond anticipation notes, tax anticipation notes,
98 commercial paper, or other evidence of indebtedness or lease,
99 installment purchase contracts, or other agreements or
100 certificates of participation therein issued by or on behalf of

101 the Port Authority.

102 Section 5. Public purpose declared.—It is hereby
103 determined and declared that each and all of the powers
104 conferred by this charter and the exercise thereof are proper
105 public and proprietary ~~county~~ purposes and benefit to the
106 citizens of Manatee County and the state.

107 Section 6. Governing authority.—The Port Authority shall
108 constitute a body politic and a body corporate and is deemed a
109 political subdivision of the state within the meaning of
110 sovereign immunity from taxation and for all other purposes; it
111 shall have perpetual existence; its operation shall be deemed a
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 or implead in any of the
115 courts in the various states and the courts of the United
116 States; and it may be sued or impleaded in the courts of the
117 State of Florida and in the courts of the United States for the
118 Middle District of the State of Florida, except as may be
119 limited by the provisions of s. 768.28, Florida Statutes, or any
120 succeeding enactment.

121 (1) The Port Authority shall consist of five member seats
122 to be appointed as follows:

123 (a) Members occupying Seats 1 through 4 shall be appointed
124 by the Governor.

125 (b) Seat 5 shall be occupied by a member of the Board of

County Commissioners of Manatee County, appointed by that board.

(2) At least 30 days prior to the expiration of the term of the member occupying Seat 1, Seat 2, Seat 3, or Seat 4 of the Port Authority appointed by the Governor through the routinely established application process, or within 10 days after the occurrence of a vacancy in any such seat, a successor shall be appointed by the Governor.

(3) The first appointments by the Governor shall be for a 2-year term for Seats 1 and 3 and a 4-year term for seats 2 and 4. Terms shall commence on October 1 of the year of the first appointment. Thereafter all appointments shall be for a 4-year term from the expiration of the previous term, and all vacancies shall be filled by the Governor for the unexpired term. No more than two of the board members shall be persons who are primarily engaged in the maritime business and no person shall be eligible for appointment as a commissioner except residents of Manatee County or Sarasota County. Members serve at the pleasure of who appointed the member, the Governor or the Board of County Commissioners of Manatee County. Any member appointed is eligible for reappointment. Each member shall continue to serve until his or her death, resignation, removal, or until his or her respective successor is duly appointed.

(4) Before assuming office, each member shall take an oath that he or she will faithfully discharge the duties of his or her office and that he or she will uphold and defend the

151 constitutions and laws of the United States and of the State of
152 Florida.

153 (5) The appointed members of the Port Authority shall
154 receive no compensation for their services. Each member will
155 receive reimbursement for per diem and travel expenses incurred
156 in connection with their official duties as provided in chapter
157 112, Florida Statutes, and will be provided with the option to
158 participate in health insurance program. Reimbursement of said
159 per diem and expenses to members of the Port Authority shall
160 only be made pursuant to approval of the Port Authority and
161 proper travel expense vouchers.

162 (6) Three of the officers of the Port Authority shall be
163 elected annually by and from among the members and shall consist
164 of a vice chair, a secretary, and a treasurer, the latter two of
165 which offices may be held by a single member at the discretion
166 of the members. The chair of the Port Authority shall be elected
167 for a 2-year term by and from among the members.

168 (7) Three members shall constitute a quorum. An
169 affirmative vote of at least three of the members is required
170 for any action to be taken by the Port Authority involving the
171 establishment of policy. The provisions of s. 286.012, Florida
172 Statutes, require any member of the Port Authority physically
173 present at a meeting to vote unless there is a possible conflict
174 of interest. All Port Authority members are subject to the
175 Florida Ethics Code.

176 (8) No court shall have the power or jurisdiction to
177 appoint any officer of the court to exercise the duties and
178 powers of the Port Authority or any Port Authority member. In
179 the event any Port Authority member shall be guilty of
180 intentional and willful malfeasance, nonfeasance, or misfeasance
181 in office, or commission of a felony, he or she shall be subject
182 to be removed by the Governor in the manner provided for the
183 removal of county officers.

184 (9) The members shall appoint by resolution a Port
185 Director who shall be chosen for his or her executive,
186 administrative, and technical qualifications, shall be a full-
187 time employee of the Port Authority, shall receive such salary
188 as may be approved by the members, and shall devote his or her
189 time and attention to the discharge of his or her duties. The
190 Port Director's office shall be kept open during such hours as
191 the members fix, the minimum of which shall be the ordinary
192 business hours upon all business days. The Port Authority shall
193 be responsible for all policies. The Port Director shall be
194 responsible for policy implementation.

195 (10) The Port Authority may employ such additional persons
196 as the business of the Port Authority may require and may
197 designate which, if any, require the approval of the members for
198 employment or dismissal.

199 (11) All meetings of the Port Authority shall be open to
200 the public, shall be governed by chapters 189 and 286, Florida

201 Statutes, and shall be held at a duly noticed location within
202 Manatee County. The Port Authority shall have the power to
203 prescribe rules for the conduct of its meeting not inconsistent
204 herewith.

205 Section 7. Grant of powers.~~Subject to the jurisdiction~~
206 of, and the rights and powers granted under applicable laws to,
207 the State of Florida or the United States Government, the Port
208 Authority, in addition to any and all powers granted to it by
209 section 315.03, Florida Statutes, other laws, general, local or
210 special, is hereby authorized and empowered:

211 (1) To acquire by purchase, grant, gift, or lease, or by
212 the exercise of the right of eminent domain, and to hold and
213 dispose of any property, real or personal, tangible or
214 intangible, or any right or interest in any such property, for
215 or in connection with any port facilities, whether or not
216 subject to mortgage, liens, charges, or other encumbrances.

217 (2) To construct within Manatee County any bridge, tunnel,
218 road, or railroad lines, or any combination thereof, to, from,
219 or between any port facilities.

220 (3) To exercise control over the Port Authority and any
221 and all parts thereof; to apply to property authorities of the
222 United State Government as a condition precedent to the
223 establishment of a free port, foreign trade zone, or area for
224 the reception of foreign countries of articles of commerce and
225 to expedite and encourage foreign commerce, and the handling,

226 processing, and delivery thereof into foreign commerce free from
227 the payment of custom duties and, provided there is an economic
228 benefit to the Port Authority or Manatee County, to enter into
229 any agreements required by such departments or agencies in
230 connection therewith and to make like applications and
231 agreements with respect to the establishment within and without
232 the county of one or more bonded warehouses.

233 (4) To obtain permission from the United States Government
234 to create, improve, regulate, and control all water and natural
235 or artificial waterways within the Port Authority; to improve
236 all navigable and non-navigable waters situated within the Port
237 Authority necessary and useful to the operation, improvement,
238 and maintenance of port facilities; to construct, improve, and
239 maintain such inlets, slips, turning basins, and channels; to
240 make and give to the United States Government such guarantees
241 upon such terms and conditions as may be required; and to enact,
242 adopt, and establish rules and regulations for the exercise of
243 jurisdiction and control over all said lands and waters of the
244 Port Authority and all port facilities within the Port Authority
245 and all projects and matters under the control of the Port
246 Authority.

247 (5) To exercise such police powers as the Port Authority
248 shall determine to be necessary for the effective control,
249 regulation, and protection of port facilities.

250 (6) To enact, adopt, and establish rules and regulations
251 consistent with the Constitution and laws of the State of
252 Florida and the laws of the United States of America for the
253 promotions and conduct of navigation, commerce, and industry in
254 the Port Authority. The rules and regulations shall be
255 reasonable and shall apply uniformly to all similarly situated.

256 (7) To enact, adopt, and establish rules and regulations
257 governing the fueling, refueling, loading and unloading,
258 reloading, and related matters within the Port Authority and the
259 navigable waters over which the Port Authority has jurisdiction.

260 (8) To prescribe, fix, and establish fines, penalties, and
261 punishment for the violation of the rules and regulation of the
262 Port Authority and to enforce such fines, penalties, and
263 punishments in such a manner as the Port Authority may
264 determine. All fines and penalties so imposed or levied shall be
265 recoverable in the name of the Port Authority and in any court
266 of the state having jurisdiction over the amount involved.

267 (9) To exercise the right of eminent domain and to
268 condemn, appropriate, and acquire any property, both real and
269 personal, and any interest or estate therein which by resolution
270 the Port Authority shall determine to be necessary for
271 deepening, widening, and extending of channels, turning basins,
272 roads, and railroads, and the buildings and construction of
273 slips, wharves, sheds, warehouse, breakwaters, jetties,
274 bulkheads, and any and all other port improvements and port

275 facilities. Such determination of necessity shall be conclusive,
276 except in cases of fraud or gross abuse of discretion. Such
277 eminent domain or condemnation proceedings shall be exercised in
278 a manner consistent with Florida law.

279 (10) To license stevedores as independent contractors for
280 hire, to fix terms and conditions of such licenses, and to
281 determine the fees to be charged. Such stevedores serve at the
282 pleasure of the Port Director, unless terminated sooner by the
283 licenses.

284 (11) To offer and make available life, health, accident,
285 hospitalization, or all or any part of such insurance for Port
286 Authority officers and employees upon a group insurance plan; to
287 pay all or any portion of the premiums for such group insurance
288 as an operating expense; and to contract with another
289 governmental entity for such services.

290 (12) To grant exclusive and non-exclusive franchises to
291 any person, firm, or corporation to construct, establish,
292 operate, replace, repair, fix, enlarge, maintain, improve,
293 equip, manage, and control port facilities and, should passenger
294 service occur for the operation of restaurants, cafeterias,
295 bars, cigar and cigarette stands, newsstands, buses, taxicabs,
296 vending machines, hotels, motels, service stations, real estate
297 developments, and other concessions in, on, and in connection
298 with any property or project owned and operated by the Port
299 Authority. In granting such franchises it shall be the duty of

300 the Port Authority to investigate and consider the
301 qualifications and ability of the lessee or concessionaires to
302 provide or perform the contemplated services and the revenues
303 which will be derived therefrom by the Port Authority and to
304 exercise sound prudent business judgment on behalf of the Port
305 Authority with respect thereto, calling for bids when
306 practicable and when the interests of the public will best be
307 served by such action. The Port Authority shall have the power
308 to impose a franchise or excise tax upon businesses and
309 occupations carried on or operated under and by virtue of any
310 franchise or franchises granted by the Port Authority. The
311 administration of this section and the collection of this
312 franchise tax are hereby vested in the Port Authority, and the
313 Port Authority is authorized to make, promulgate, and enforce
314 such reasonable rules and regulations relating to the
315 administration and enforcement of this law and the collection of
316 said franchise tax as may be deemed expedient, independently of
317 all other remedies and proceedings authorized by law for the
318 enforcement and collection of said franchise tax, a right of
319 action, by suit in the name of Port Authority, is hereby
320 created; and such suit may be maintained and prosecuted, and all
321 proceedings taken, to the same effect and extent as for the
322 enforcement of a right of action for debt or assumpsit, or
323 substitute forms of action therefor, and any and all remedies
324 available in such actions including attachment and garnishment

shall be and are hereby made available to the Port Authority in the enforcement of the payment of any franchise tax accruing hereunder. The Port Authority is not required to post bond in any such actions or proceedings.

(13) To solicit and enter into arrangements with shipping lines, railroad, any intermodal or common carrier or any other commercial enterprise related to the Port Authority's purpose and to do all things necessary to promote commerce, passenger traffic, and freight tonnage through the Port Authority operated by the Port Authority, as the Port Authority determines it advantageous to do so.

(14) Except as otherwise provided in subsection (31), to sell at public or private sale or lease for public or private purposes all or any portion of any port facilities now or hereafter owned, including any such facilities as extended, enlarged, or improved, and all or any portion of any property improved, created, extended, or enlarged under the authority of this law, on such terms and subject to such conditions as the Port Authority shall determine to be in the best interests of the Port Authority and said determination shall be deemed conclusive, except in cases of fraud or malfeasance, nonfeasance, or misfeasance. For the sale of Port Authority property or the entry into a lease of 30 or more years, the Port Authority must approve such sale or lease by a four-fifths affirmative vote. To execute and deliver all contracts, deeds,

350 leases, franchise, assignments, releases and other instruments
351 necessary and convenient to carry out the powers expressed or
352 implied in this section.

353 ~~(15)(4)~~ To accept and apply for loans or grants of money,
354 appropriations, gifts, aid, or materials or property at any time
355 from the United States or the State of Florida or any agency,
356 instrumentality, or subdivision thereof, upon such terms and
357 conditions as the United States, the State of Florida, or such
358 agency, instrumentality, or subdivision may impose.

359 ~~(16)(5)~~ To operate and maintain, and to fix and collect
360 rates, rentals, fees, including, but not limited to, uniform
361 rates of wharfage, dockage, warehousing, storage, port and
362 terminal charges, and other charges for any of the services and
363 facilities now or hereafter acquired, owned, or constructed by
364 the Port Authority.

365 ~~(17)(6)~~ To lease or rent or contract with others for the
366 operation of all or any part of any port facilities now or
367 hereafter acquired, owned, or constructed by the Port Authority,
368 on such terms and for such period or periods and subject to such
369 conditions as the Port Authority shall determine to be in the
370 best interests of the Port Authority and said determination
371 shall be deemed conclusive, except in cases of fraud or
372 malfeasance, nonfeasance, or misfeasance.

373 ~~(18)(7)~~ To contract debts for the acquisition or
374 construction of any port facilities or for any other purposes of

375 | this law, to borrow money, to make advances, and to issue bonds
376 | or other obligations to finance all or any part of such
377 | acquisition or construction or in the carrying out of any other
378 | purposes of this charter.

379 | (19)~~(8)~~ To contract with the United States or the State of
380 | Florida or any agency or instrumentality thereof or with any
381 | public body or political subdivision or with any private person,
382 | firm, or corporation with reference to any of the powers ~~hereby~~
383 | granted in this section.

384 | ~~(9) To have and to exercise all of the powers, rights, and~~
385 | ~~authority now vested by the Statutes of the State of Florida in~~
386 | ~~the office of the Board of Pilot Commissioners.~~

387 | (20)~~(10)~~ To appoint, regulate, control, and prescribe the
388 | powers, duties, and compensation of harbor masters.

389 | ~~(11) To appoint and license such number of pilots as the~~
390 | ~~Port Authority shall, in its sole discretion, determine to be~~
391 | ~~necessary to properly conduct the business of the port. Provided~~
392 | ~~that nothing contained herein shall be construed as prohibiting~~
393 | ~~the Port Authority from appointing and licensing pilots who at~~
394 | ~~the time of appointment are also serving any other port on Tampa~~
395 | ~~Bay.~~

396 | (21)~~(12)~~ To publicize, advertise, and promote the
397 | beneficial activities, and projects, and port facilities
398 | authorized by this act, to make known to users, potential users,
399 | and public in general, the advantages, facilities, resources,

400 products, attractions, and attributes of the activities and
401 projects authorized by this charter; to further create a
402 favorable climate of opinion concerning the activities, ~~and~~
403 projects, and port facilities authorized and indicated by this
404 charter in accordance with present and future needs and
405 requirements of prosperity and welfare of the people served by
406 the port facilities, including, but not limited to, promoting
407 and encouraging the development of business, agriculture,
408 industry, commerce, and employment within the Port Authority; to
409 establish, directly or indirectly, oceanographic facilities of
410 all kinds, including, but not limited to, the encouragement of
411 oceanographic research, development, commerce, and the
412 encouragement of all businesses related to oceanographic
413 purposes; to plan and carry out programs designed to enlarge and
414 improve trade within the state, with other states, and with
415 foreign countries through the use and port facilities of Port
416 Authority; to advise, assist, and cooperate, including the
417 granting of funds, with municipal, county, regional, and
418 governmental planning and development agencies in preparing and
419 putting into effect plans and programs for economic development
420 of areas which will benefit through or by the development of the
421 facilities under the Port Authority, or will encourage the
422 development of the Port Authority and its port facilities; to
423 cooperate, including the grant or expenditure of funds, to and
424 with other agencies, both public and private, in accomplishing

the purposes enumerated and indicted by this charter; and in furtherance thereof, to authorize reasonable expenditures by supporting voucher to be filed for audit for the purposes herein enumerated, including, but not limited to, meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will towards the activities and projects herein authorized, provided however, that funds obtained under chapter 315, Florida Statutes, may not be used for such purposes.

Whenever an expenditure of funds for any of the foregoing purposes is made by a member of the Port Authority or employee of the Port Authority, the Port Authority may reimburse such members or employees only in the manner duly authorized by the Port Authority.

(22) To add to or extend, or cause or permit to be added to or extended, any existing land, including submerged land, or islands, now or hereafter owned by the district, bordering on or being in any waters within the Port Authority, by the pumping of sand or earth from any land, under or above water, or by any other means of construction, as a part of or for the purpose of providing any project or facility, or for the purpose of improving, creating, or extending any property of the Port Authority, for the use of or disposal by the Port Authority. To construct, or cause or permit to be constructed, any island or islands in any waters within the Port Authority by the pumping of sand or earth from any land above or under water or by any

450 other means of construction as a part of or for the purpose of
451 providing any port project or facility herein, including, but
452 not limited to, the creation of any recreational area to be
453 maintained or supervised by the Port Authority or to be turned
454 over to any governing body, public or private, as a public
455 recreational area.

456 (23) To dredge or deepen harbors, channels, and turning
457 basins; to cooperate with the United States of America or any
458 agency thereof in the dredging or deepening of any harbor,
459 channel, or turning basin; to enter into contracts with the
460 United States of America or with any agency thereof concerning
461 any such dredging or deepening project; to pay such amounts to
462 the United States of America or any agency thereof, as required
463 by the terms of such contract, and in addition thereto to
464 likewise contract with any private person, firm, or corporation
465 in connection with any of the aforesaid dredging or deepening;
466 and to pay such amounts as shall be required by the terms of any
467 such contract entered into.

468 (24) To enter on any lands, waters, or premises, within or
469 without the Port Authority, or within the corporate limits of
470 any county, port district, port authority, or municipality, for
471 the purpose of making surveys, soundings, and examinations with
472 relation to any existing or proposed port facilities or port
473 projects.

474 (25) To develop and adopt all policies necessary to carry
475 out the purposes of this law, including, but not limited to,
476 personnel, procurement, investment, and other policies.

477 (26) To cause available funds to be invested in accordance
478 with chapter 218, Florida Statutes, and sell such investments
479 when deemed advisable.

480 (27)~~(13)~~ To perform any of the acts hereby authorized
481 through or by means of its own officers, agents, or employees or
482 by contract.

483 (28)~~(14)~~ To do all acts and things and to enter into all
484 contracts and agreements necessary or convenient to carry out
485 the purposes of this law.

486 (29)~~(15)~~ To receive title to, right of entry upon, and to
487 regulate the improvement of any and all submerged lands
488 belonging to the Board of Trustees of the Internal Improvement
489 Trust Fund contained within the area described in this
490 subsection. The submerged lands were conveyed to the Port
491 Authority, for consideration of \$1 from the Port Authority to
492 the Board of Trustees of the Internal Improvement Trust Fund,
493 subject to the riparian rights of the respective owners of the
494 uplands adjacent thereto. Such titles and rights shall
495 effectually and fully vest in the Port Authority. No such
496 submerged lands owned by the Port Authority shall be sold or
497 otherwise disposed of by the Port Authority to any party or
498 parties and shall only be used for proper public and Port

499 Authority purposes. The submerged lands conveyed and granted to
500 the Port Authority shall comprise and include the territory
501 described as follows:

502
503 Commence at the northeast corner sec. 1, township 33
504 south, range 17, east thence N 89° 30' 22" W along the
505 common line between Manatee and Hillsborough counties
506 a distance of 1642.84 for a point of beginning, thence
507 continue for 89° 30' 22" W along said line a distance
508 of 162.63 to a point lying +/- 100 westerly of shore
509 line, thence S 68° 00' 00" W a distance of 7680.0' to
510 a point northwest of shore line of spoil island,
511 thence continue of said line a distance of 1315.0'
512 thence S 26'00' 00" E a distance of 2500.0', thence S
513 51° 00' 00" E a distance of 4776.0' to the
514 intersection of the shore line, said point lying +/-
515 100.0 southerly of Red Fish Creek, thence continue
516 along +/- MHWL N 76' 03' 53" E a distance of 81.92'
517 thence N 54° 37' 19" W distance of 79.60 thence S 66°
518 09' 45" E a distance of 51.92' thence S 68° 45' 58" E
519 distance of 57.69, thence N 14° 29' 51" E distance or
520 101.11', thence N 06° 24' 26" W a distance of 195.98,
521 thence N 48° 04' 53" W distance of 166.06 thence N 28°
522 20' 57" W distance 194.77' thence N 66° 34' 24" W
523 distance of 265.74 thence continue at MHWL entering

site 7 N 34° 17' 49" W a distance of 50.72' thence N
01° 08' 23" W a distance of 50.70' thence N 45° 10'
56" E a distance of 67.70' thence N 08° 24' 59" E a
distance of 132.72' thence N 80° 06' 31" E a distance
of 81.43 thence con't. around site 7 at MHWL N 88° 25'
22" E a distance of 64.00' thence S 78° 56' 03" E a
distance of 70.58' thence N 83° 46' 11" E a distance
of 57.51 thence S 87° 22' 25" E a distance of 297.08
thence S 56° 16' 40" E a distance of 43.65 thence
along easterly side of site 7 N 59° 11' 15" E a
distance of 51.17, thence N 52° 01' 16" E a distance
of 49.53 thence N 58° 31' 03" E a distance of 83.27',
thence N 51 53' 44" E a distance of 45.91 thence N 39°
56' 18"E a distance of 59.62' thence con't. along
easterly side of site 7 N 13° 58' 29" E a distance of
185.39' thence N 08° 06' 21"E a distance of 56.47'
thence N 06° 45' 56" E a distance of 121.48 to the
point of curve thence N 40° 48' 46" W on a chord
bearing to the point of tangent having chord distance
of 312.39' and having radius of 195.0' thence continue
along the northerly side of site 7 at the MHWL S 85°
57' 43" W a distance of 144.95' thence S 88° 44' 05" W
a distance of 83.76' thence N 82° 56' 37" W a distance
of 52.85' thence N 53° 59' 27" W a distance of 169.86'
thence S 74° 09' 29" W a distance of 38.95' thence S

42° 24' 26" W a distance of 200.54' thence N 89° 54' 24" W a distance of 37.22' thence N 32° 32' 32" W a distance of 185.15' thence S 71° 34' 35" W a distance of 201.21' thence S 47° 24' 18" W a distance of 38.59' thence S 84° 04' 21" W a distance of 103.95' thence N 25° 10' 43" E a distance of 344.7' thence S 67° 41' 13" E a distance of 200.79' thence N 47° 03' 32" E a distance of 269.39' thence N 49° 21' 58" E a distance of 107.11' thence N 11° 16' 37" E a distance of 174.34' thence N 14° 07' 20" E a distance of 283.42' thence N 25° 20' 31" E a distance of 176.78' thence N 45° 17' 17" E a distance of 194.89' thence N36°45'42"E a distance of 89.68' thence N 08°12'15"W a distance of 401.86' thence S 30°59'55"W a distance of 29.34' thence N 89°30'00"W a distance of 87.98' thence N 06°15'00"E a distance of 653.29' thence S 89°29'57"E a distance of 405.26' thence N31° 00'19"E a distance of 928.40' thence N 89°30'00"W a distance of 795.99' thence N 06°15'00"E a distance of 1306.57' thence S 89°30'00"E a distance of 245.24' thence S 41°39'46"E a distance of 85.02' thence along MHWL N 84° 12' 36" E a distance of 75.70' thence N 84° 48' 41" E a distance of 60.12' thence N 85° 46' 08" E a distance of 31.01' thence N 81° 34' 07" E a distance of 124.11' thence N 71° 34' 19" E a distance of 125.95' thence N 69° 34' 04" E a

distance of 71.70' thence con't along said MHWL S 83°
58' 50" E a distance of 91.76' thence S 77° 25' 10" E a
distance of 66.90' thence S 89° 35' 54" E a distance
of 65.91' thence N 74° 03' 21" E a distance of 85.96'
thence cont along MHWL on northerly side of Port
Manatee S 87° 49' 54" E a distance of 256.55' thence N
64° 08' 51" E a distance of 118.68' thence N 58° 51'
27" E a distance of 106.97' thence N 90° 00' 00" E a
distance of 32.45' thence N 44° 26' 47" E a distance
of 64.36' thence cont along said MHWL between Port
Manatee and Piney Point N 22° 59' 12" E distance of
122.33' thence N 32° 49' 10" E a distance of 129.72'
thence N 12° 31' 40" E a distance of 38.19' thence N
24° 48' 58" E a distance of 118.12' thence N 16° 25'
47" E a distance of 107.89' thence N 23° 40' 54" E a
distance of 85.84' thence N 20° 16' 13" E a distance
of 77.45' thence N 06° 36' 22" E a distance of 81.77'
thence N 18° 56' 55" E a distance of 212.48' thence N
40° 41' 40" E a distance of 109.25' thence N 42° 46'
34" W a distance 71.88' thence N 61° 43' 42" W a
distance of 365.29' thence cont along said MHWL S 09°
23' 40" W a distance of 84.26' thence S 12° 07' 20" E
a distance of 55.20' thence S 38° 44' 27" E a distance
of 119.03' thence S 32° 18' 23" E a distance of 32.76'
thence S 46° 26' 41" E a distance of 58.05' thence

599 cont along said MHWL S 33° 22' 22" E a distance of
600 28.20' thence S 11° 08' 57" E a distance of 55.95'
601 thence S 04° 05' 31" W a distance of 47.24' thence S
602 81° 21' 03"W a distance of 25.28' thence N 50° 01' 51"
603 W a distance of 21.98' thence N 03° 04' 16" E a
604 distance of 30.46' thence N 40° 52' 58" W a distance
605 of 24.28' thence N 73° 46' 50" E a distance of 20.59'
606 thence N 01° 23' 18" W a distance of 28.79' thence N
607 44° 20' 10" W a distance of 106.02' thence N 52° 53'
608 48" W a distance of 63.82' thence N 42° 13' 45" W a
609 distance of 61.71' thence N 14° 03' 11" W a distance
610 of 58.45' thence continued along said MHWL N 53° 00'
611 29" W a distance of 28.33' thence N 05° 52' 34" W a
612 distance of 25.83' thence N 23° 39' 27" E distance of
613 15.75' thence N 00° 42' 19" W a distance of 62.69'
614 thence N 21° 33' 24" W a distance of 51.13' thence cont
615 along MHWL said point lying on the southerly side of
616 Piney Point N 61° 44' 16" W a distance of 40.30' thence
617 N 80° 09' 19" W a distance of 37.06' thence S 80° 27'
618 42" W a distance of 31.65' thence N 67° 45' 37" W a
619 distance of 23.24' thence N 02° 11' 39" W a distance
620 of 13.62' thence S 61° 27' 37" E a distance of 22.30'
621 thence cont along MHWL thence N 70° 09' 07" E a
622 distance of 25.52' thence N 54° 29' 37" E a distance
623 of 134.04' thence cont along said MHWL point being

most northerly side of Piney Point N 88° 28' 44"E a
distance of 48.18' thence S 80° 19' 03" E a distance
of 80.55' thence N 65° 09' 03" E a distance of 35.10'
thence S 58° 23' 58" E a distance of 48.51' thence N
70° 36' 00" E a distance of 41.20' thence S 57° 37'
44" E a distance of 51.59' thence N 85° 40' 16" E a
distance of 42.39' thence N 63° 49' 06" E a distance
of 36.41' thence S 79° 53' 46" E a distance of 23.46'
thence S 67° 11' 50" E a distance of 65.33' thence S
87° 49' 35" E a distance of 78.78' thence N 87° 44'
29" E a distance of 66.56' thence N 69° 02' 32" E a
distance of 47.64' thence cont along said MHWL N 77°
48' 22" E a distance of 57.21' thence N 72° 35' 46" E
a distance of 57.61' thence N 67° 51' 14" E a distance
of 51.28' hence N 01° 58' 56" E a distance of 48.64'
thence N 38° 40' 23" E a distance of 39.12' thence N
90° 00' 00" E a distance of 22.22' thence S 49° 14'
59" E a distance of 21.27' thence S 37° 59' 05" E a
distance of 28.88' thence S 00° 39' 05" W a distance
of 48.87' thence cont on said MHWL N 59° 13' 40" E a
distance of 30.39' thence N 70° 30' 22" E for a
distance of 28.29' thence N 14° 47' 20" E for a
distance of 31.24' thence N 28° 41' 51" E a distance
of 42.12' thence N 10° 00' 00" W a distance of 41.84'
thence N 56° 13' 32" E a distance of 29.03' thence N

90° 00' 00" E a distance of 30.69' thence S 01° 08' 47" E a distance of 34.86' thence N 47° 30' 11" E a distance of 56.76' thence N 33° 53' 58" E a distance of 56.27' thence N 70° 21' 17" E a distance of 31.10' thence cont along said MHWL N 29° 48' 31" E a distance of 255.11 thence N 27°27'03"E a distance of 208.93 thence N 33° 23' 54" E a distance of 214.28' thence N 33° 17' 14" E a distance of 136.49" thence N 76° 02' 27" E a distance of 135.64' to the point of beginning.

Nothing in this charter, including this section, relating to the granting of powers, shall grant the Port Authority any rights or authority related to piloting, including, but not limited to, the examination, appointment, or licensing of pilots, performing any acts or activities of pilots or pilotage, or fixing the rates of pilots, all of which shall be governed by the laws of the State of Florida and chapter 310.

Section ~~8.7~~. Contracts for borrowing of money.—Pursuant to chapter 315, Florida Statutes, and this charter, the Port Authority may contract with any person, firm, corporation, or public body or with the United States or any agency or instrumentality thereof for the borrowing of money for paying all or any part of the cost of any one or more port facilities, and any such contract may contain such terms, conditions, or provisions as the Port Authority may determine not in conflict

with the provisions of this charter or chapter 315, Florida Statutes. The provisions of section 14 ~~13~~ of this charter applicable to bonds shall be applicable also to contracts entered into under the above provisions of this section. Any such contract may be hypothecated by the Port Authority and the Port Authority may borrow money under such terms and conditions as it shall determine in anticipation of the receipt of funds under such contract.

Section 9.8. Taxation and judgment liens ~~Exemption from taxation.~~—As adequate port facilities are essential for the welfare of the inhabitants and the industrial and commercial development of the area within or served by the Port Authority, and as the exercise of the powers conferred by this charter to effect such purposes constitute the performance of proper public and governmental functions, and as such port facilities constitute public property and are used for public purposes, property, real and personal, tangible and intangible, now owned or hereinafter acquired and held by the Port Authority, the Port Authority shall not be required to pay any state, county, municipal, or other taxes or assessments thereof, or upon the income therefrom, and any bonds issued under the provisions of this charter, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state. No judgment or decree, writ of execution, or any other writ issued or tendered against the Port

699 Authority shall be a lien upon the real or personal property now
700 owned or hereafter acquired and held by the Port Authority. All
701 property, both real and personal, tangible and intangible, now
702 owned or hereafter acquired and held by the Port Authority shall
703 be exempt from sale, under writ of execution and any other
704 judicial sale.

705 Section ~~10.9.~~ Resolutions authorized.—All action required
706 or authorized to be taken under the provisions of this charter
707 or chapter 315, Florida Statutes, by the Port Authority may be
708 by resolution, which resolution may be adopted at the meeting of
709 the Port Authority at which such resolution is introduced and
710 shall take effect immediately upon such adoption. Except as
711 otherwise provided in this charter, no resolution under this
712 charter need be published or posted, nor shall any such
713 resolution require for its passage more than a majority of all
714 the members of the Port Authority then in office.

715 Section ~~11.10.~~ Liberal construction.—This charter, being
716 necessary for the welfare of the inhabitants of the state, shall
717 be liberally construed to effect the purposes thereof.

718 Section ~~12.11.~~ Chapter cumulative.—This charter shall be
719 deemed to provide an additional and alternative method for the
720 doing of the things authorized hereby and shall be regarded as
721 supplemental and additional to the powers conferred by any other
722 law, and shall not be regarded as in derogation of any powers
723 now existing. Bonds may be issued and any other action may be

724 taken hereunder notwithstanding that any other law may provide
725 for the issuance of bonds for like purposes or the taking of
726 like action and without regard to the requirements,
727 restrictions, or procedural provisions contained in any other
728 law.

729 Section ~~13.12.~~ Bonds.—Pursuant to chapter 315, Florida
730 Statutes, and this charter, the Port Authority is hereby
731 authorized to provide by resolution, at one time or from time to
732 time, for the issuance of bonds for the purpose of paying all or
733 a part of the cost of any one or more port facilities, including
734 the cost of enlargement, expansion, or development of the Port
735 Authority whether the property used there has previously been
736 acquired or not and the cost of removing therefrom or relocating
737 or reconstructing at another location any buildings, structures,
738 or facilities, which in the opinion of the Port Authority
739 constitute obstructions or hazards to the safe or efficient
740 operation of any such project or for the purposes of paying off
741 and retiring any bonds issued or assumed under the provisions of
742 this act. The bonds of each issue or series shall be dated,
743 shall bear interest, and shall mature at such time or times not
744 exceeding 40 years from their date or dates, as may be
745 determined by the Port Authority, and may be made redeemable
746 before maturity, at the option of the Port Authority, at such
747 price or prices and under such terms and conditions as may be
748 fixed by the Port Authority prior to the issuance of the bonds.

749 The Port Authority shall determine the form of the bonds,
750 including any interest coupons to be attached thereto, and the
751 manner or execution of the bonds, and shall fix the denomination
752 or denominations of the bonds, and the place or places of
753 payment of principal and interest, which may be at any bank or
754 trust company within or without the state. The resolution
755 authorizing the issuance of the bonds shall contain such
756 provisions relating to the use of the proceeds from the sale of
757 the bonds and for the protection and security of holders of the
758 bonds, including their rights and remedies, and the rights,
759 powers, privileges, duties, and obligations of the Port
760 Authority with respect to the same, as shall be determined by
761 the Port Authority. In case any officer whose signature or a
762 facsimile of whose signature shall appear on the bonds or
763 coupons shall cease to be such officer before the delivery of
764 such bonds, such signature or such facsimile shall nevertheless
765 be valid and sufficient for all purposes the same as if he or
766 she had remained in office until such delivery, and any bond may
767 bear the facsimile signature of, or may be signed by, such
768 persons as at the actual time of the execution of such bond
769 shall be the proper officers to sign such bond, although at the
770 date of such bond such persons may not have been such officers.
771 Notwithstanding any other provisions of this charter or any
772 recitals in any bonds issued under the provisions of this
773 charter, all such bonds shall be deemed to be negotiable

774 instruments under the laws of Florida. The bonds shall ~~may~~ be
775 issued ~~in coupon or~~ in registered form, ~~or both,~~ as the Port
776 Authority may determine, ~~and provision may be made for the~~
777 ~~registration of any coupon bonds as to principal alone and also~~
778 ~~as to both principal and interest, for the reconversion into~~
779 ~~couponed bonds of any bonds registered as to both principal and~~
780 ~~interest, and for the interchange of coupon and registered~~
781 ~~bonds.~~ The issuance of such bonds shall not be subject to any
782 limitation or conditions contained in any other law, and any
783 bonds issued under this charter shall not be considered in
784 computing the amount of indebtedness which ~~Manatee County or~~ the
785 Port Authority may incur under any other law. The Port Authority
786 may sell such bonds in such manner, either at public or private
787 sale and for such price, as it may determine to be for the best
788 interest of the Port Authority. Prior to the delivery of
789 definitive bonds, the Port Authority may, under like
790 restrictions, issue interim receipts or temporary bonds, ~~with or~~
791 ~~without coupons,~~ exchangeable for definitive bonds when such
792 bonds have been executed and are available for delivery. The
793 Port Authority may also provide for the replacement of any bonds
794 which have become mutilated or destroyed or lost. Bonds may be
795 issued under the provisions of this charter without obtaining
796 the consent of any commission, board, bureau, or agency of the
797 state, and without any other proceeding or the happening of any

798 other condition or thing than those proceedings, conditions, or
799 things which are specifically required by this charter.

800 Section 14.13. Source of payment and security for bonds.—
801 The Port Authority may provide that bonds issued under the
802 provisions of this charter or chapter 315, Florida Statutes,
803 shall be payable from and secured by a pledge of any one or more
804 of the following sources:

805 (1) Revenues of any one or more port facilities now owned
806 or hereafter acquired or constructed by the Port Authority.

807 (2) Proceeds of the sale or lease of all or any part of
808 any port facilities now or hereafter owned by the Port Authority
809 as such facilities may be extended, enlarged, or improved, or of
810 any property improved, created, extended, or enlarged or
811 prepared for sale or lease under the authority of this charter.

812 (3) Any money received by the Port Authority from the
813 United States or any agency or instrumentality thereof in
814 connection with any port facilities or in repayment of any
815 advances made by the Port Authority for all or any part of the
816 cost of any port facilities.

817 (4) Any funds received or to be received from the State of
818 Florida under authority of chapter 315, Florida Statutes. The
819 Legislature does hereby covenant with the holders of bonds
820 issued pursuant to the provisions of this law that it will not
821 enact any law which will repeal, impair or amend, in any manner,
822 the rights of such holders or the security of the taxes received

823 pursuant to s. 212.20, Florida Statutes, which may be pledged to
824 the payment of the principal or of interest on such bonds and
825 the redemption premium, if any.

826
827 The Board of County Commissioners of Manatee County may provide
828 that such bonds shall be additionally secured by the full faith
829 credit and taxing power of said Manatee County and that the
830 county shall be irrevocably and unconditionally obligated to
831 levy ad valorem taxes upon all taxable property within said
832 county without limit as to rate or amount for the payment of the
833 principal of and interest on said bonds to the full extent that
834 the revenues or other funds pledged for such principal and
835 interest on said bonds by the authority are insufficient
836 therefor. No pledge of the full faith and credit of said county
837 for the payment of the principal of and interest on said bonds
838 shall be made, however, until the same shall have been approved
839 by the qualified electors who are freeholders residing in said
840 county in the manner provided in the constitution and statutes
841 of the State of Florida. The Port Authority may ~~additionally~~
842 secure any such bonds by ~~a mortgage or~~ other encumbrance,
843 subject to such terms and conditions as it shall provide, upon
844 all or any part of any port facilities now or hereafter owned by
845 the Port Authority, as such facilities may be extended,
846 enlarged, or improved, or of any property of the Port Authority
847 improved, created, extended, or enlarged or prepared for sale or

848 | lease under the authority of this charter, and the Port
849 | Authority is hereby authorized to sell at public or private
850 | sale, or lease any such port facilities or property, subject to
851 | such terms and conditions and for such price, payable at one
852 | time or from time to time in installments as the Port Authority
853 | may provide, and to apply the proceeds of any such sale or
854 | lease, after paying all costs in connection therewith, to
855 | payment of the cost of any port facilities financed under the
856 | provisions of this law or to the payment of the principal or of
857 | the interest or redemption premiums on any bonds issued
858 | hereunder or to the payment of any other obligation or
859 | obligations herein authorized.

860 | Section 15.14. Refunding bonds.—Pursuant to chapter 315,
861 | Florida Statutes, and this charter, the Port Authority is hereby
862 | authorized by resolution to provide for the issuance of
863 | refunding bonds of the Port Authority for the purpose of
864 | refunding any bonds then outstanding which shall have been
865 | issued under the provisions of this charter or which shall have
866 | been issued to provide funds for the payment of the cost of any
867 | port facilities under the provision of any other charter,
868 | including the payment of any redemption premium thereof and any
869 | interest accrued or to accrue to the date of redemption of such
870 | bonds, and, if deemed advisable by the Port Authority, for the
871 | additional purpose of acquiring or constructing additional port
872 | facilities. The issuance of such bonds, the maturities and other

873 details thereof, the rights of the holders thereof, and the
874 rights, duties, and obligations of the Port Authority in respect
875 of the same, shall be governed by the provisions of this charter
876 insofar as the same may be applicable.

877 Section ~~16.15.~~ Trust agreement or resolution.—In the
878 discretion of the Port Authority, any bonds issued under the
879 provisions of chapter 315, Florida Statutes, or this charter may
880 be secured by a resolution or a trust agreement by and between
881 the Port Authority and a corporate trustee, which may be any
882 trust company or bank having the powers of a trust company
883 within or without the state. Such trust agreement or the
884 resolution providing for the issuance of such bonds may contain
885 such provisions for protecting and enforcing the rights and
886 remedies of the bondholders as may be reasonable and proper and
887 not in violation of law, including covenants setting forth the
888 use of bond proceeds and the duties of the Port Authority in
889 relation to the acquisition of property and the acquisition,
890 construction, improvement, maintenance, repair, lease,
891 operating, and insurance of any port facilities in connection
892 with which such bonds shall have been authorized, the custody,
893 safeguarding, or application of all moneys, and conditions or
894 limitations with respect to the issuance of additional bonds. It
895 shall be lawful for any bank or trust company incorporated under
896 the laws of Florida which may act as depository of the proceeds
897 of bonds or of revenue or other funds to furnish such

indemnifying bonds or to pledge such securities as may be required by the Port Authority. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee under any such trust agreement or resolution, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Port Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution shall be treated as a part of the cost of the operation of the port facilities.

Section 17.16. Status as legal investments.—Bonds issued under the provisions of chapter 315, Florida Statutes, or this charter are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or county officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the Port Authority ~~Manatee County~~ is now or may hereafter be authorized

923 by law.

924 Section ~~18.17~~. Remedies of bondholders.—Any holder of
925 bonds issued under the provisions of this charter ~~or any of the~~
926 ~~coupons appertaining thereto~~, and the trustee under any trust
927 agreement or resolution, except to the extent the rights herein
928 given may be restricted by such trust agreement or the
929 resolution authorizing the issuance of such bonds may, either at
930 law or in equity, by suit, action, mandamus, or other
931 proceedings, protect and enforce any and all rights under the
932 laws of the state or granted hereunder or under such trust
933 agreement or resolution, and may enforce and compel the
934 performance of all duties required by this charter or by bank
935 trust agreement or resolution to be performed by the Port
936 Authority or by any officer thereof, including the fixing,
937 charging, and collecting of rates, rentals, and other charges.

938 Section 19. Budget and finance.—The books, audits, and
939 records of the Port Authority shall at all reasonable hours on
940 regular business days be open to inspection as provided by law.
941 All money of the Port Authority shall be kept fully and
942 adequately secured at all times. The books and public records of
943 the Port Authority shall be audited by an independent auditor
944 annually. The fiscal year of the Port Authority shall begin
945 October 1 of each year and end September 30 of each year, unless
946 otherwise determined by the Port Authority.

947 Section 20. Rights of bondholders.—All bonds issued by the

948 former Port Authority, a dependent district, are the liability,
949 responsibility, and obligation of the Port Authority, an
950 independent special district, and continue to be secured as
951 provided in such bonds. The rights of the holders of existing
952 outstanding bonds shall be unimpaired. Rights, duties, and
953 obligations of the Port Authority are ratified and remain
954 unchanged.

955 Section 21. Transfer of assets and liabilities.—Effective
956 October 1, 2026, the former Port Authority, a dependent
957 district, shall become the Port Authority, an independent
958 special district, with all contracts, assets, obligations, and
959 liabilities of the former Port Authority becoming the contracts,
960 assets, obligations, and liabilities of the Port Authority as an
961 independent special district. The former Port Authority shall
962 take all actions necessary to convey, assign or transfer, and
963 setover:

964 (1) All of the rights, titles, and interests of the former
965 Port Authority in and to its marine port facilities, including,
966 without limitation, its real and personal property and any
967 interests therein, books, records, contracts, leases, and all
968 other property of any kind or nature related to the operation of
969 the marine port, by operation of this act, and without further
970 act, to the Port Authority.

971 (2) All contracts and leases relating to the former Port
972 Authority's marine port operations shall, by this and without

973 further act, become contracts and leases of the Port Authority.
974 All accounts receivable, accounts payable, and cash on hand
975 relating to the former Port Authority's marine port operations
976 shall, by operation of this act, and without further act, be
977 transferred or delivered to the Port Authority.

978 (3) All operating expenses, including taxes of all kinds
979 and all revenue and expense accruals of the former Port
980 Authority's marine operations shall be transferred to the Port
981 Authority, on the effective date at transfer.

982 (4) The conveyances specified in this section shall be
983 effective as of October 1, 2026.

984 Section 22. Rights of employees.—Effective October 1,
985 2026, in order to preserve the rights of employees of the former
986 Port Authority to continue participation in the Florida
987 Retirement System pursuant to chapter 121, Florida Statutes, the
988 Port Authority created by this act shall be a county agency and
989 employees of the Port Authority who are currently participating
990 the Florida Retirement System and all employees after October 1,
991 2026, shall participate in the Florida Retirement System,
992 notwithstanding any law to the contrary. It is expressly
993 provided that none of the employees of the former Port Authority
994 shall lose any rights or benefits of whatsoever kind or nature
995 afforded to them by any law or existing policy, or plan,
996 including, but not limited to, pension benefits by virtue of the
997 change in corporate structure. All employment rights and

998 employee benefits that existed on with the former Port Authority
999 on September 30, 2026, are hereby confirmed, ratified, and
1000 continued, effective October 1, 2026, with the Port Authority as
1001 an independent special district.

1002 Section 23. Direct-support organization.—The Port
1003 Authority shall have the power and authority to establish a
1004 direct-support organization to receive, hold, invest, and
1005 administer property; to make expenditures to or for the benefit
1006 of the Port Authority; and to promote the development and
1007 expansion of the economic, historical, and cultural
1008 contributions of the maritime industry of the Port Authority. A
1009 direct-support organization established pursuant to this section
1010 shall be approved by the Port Authority and be a corporation not
1011 for profit, incorporated under chapter 617, Florida Statutes,
1012 and approved by the Department of State. The direct-support
1013 organization shall be organized and operated exclusively to
1014 carry out the purposes set forth in this charter.

1015 (1) The direct-support organization is authorized and
1016 permitted to use property, facilities, and employee services of
1017 the Port Authority subject to the conditions prescribed by the
1018 Port Authority. The conditions shall provide for budget and
1019 audit review and oversight by the Port Authority.

1020 (2) The direct-support organization shall provide equal
1021 employment opportunities to all persons, regardless of race,
1022 color, religion, sex, age, or national origin.

1023 (3) The board of directors of the direct-support
1024 organization shall be appointed by the Port Authority and shall
1025 include the chair of the Port Authority, or his or her designee,
1026 and the chief executive officer as members. The Port Authority
1027 shall approve the articles of incorporation and bylaws of the
1028 direct-support organization and any amendments thereto.

1029 (4) The annual budget of the direct-support organization
1030 shall be presented to and approved by the Port Authority on or
1031 before the beginning of the fiscal year adopted by the direct-
1032 support organization. In any fiscal year in which the direct-
1033 support organization has more than \$100,000 in expenditures or
1034 expenses, the direct-support organization shall provide an
1035 annual financial audit of its accounts and records, to be
1036 conducted by an independent certified public accountant in
1037 accordance with the rules adopted by the Auditor General
1038 pursuant to s. 11.45(8), Florida Statutes. The annual audit
1039 report shall be submitted within 9 months after the end of the
1040 fiscal year to the Port Authority. The Auditor General and
1041 Office of Program Policy Analysis and Government Accountability
1042 have the authority to require and receive from the direct-
1043 support organization any records relative to the operation of
1044 the organization.

1045 Section 24. Control or jurisdiction over authority.—The
1046 rates, rentals, tolls, and other revenues and income of the Port
1047 Authority and its contracts, agreements, and acts shall not be

1048 subject to the regulation by the state or any board, lobby,
1049 body, agency, or political subdivision thereof, except as
1050 otherwise set forth in the charter or as required by applicable
1051 law.

1052 **Section 2.** This act shall be construed as remedial and
1053 shall be liberally construed to promote the purpose for which it
1054 is intended.

1055 **Section 3.** In the event that any part of this act should
1056 be held void for any reason, such holding shall not affect any
1057 other part thereof.

1058 **Section 4.** This act shall take effect upon becoming a law.