

House Bill No. 1843

An act relating to Port St. Joe Port Authority, Gulf County; providing for the codification of special acts relating to the Port St. Joe Port Authority; providing legislative intent; codifying, reenacting, amending, and repealing chapter 30787 (1955) and chapter 78-514, Laws of Florida; providing for governance, employees, powers, and finance of the Port St. Joe Port Authority; providing for repeal of prior special acts related to the Port St. Joe Port Authority; providing for severability; providing for control in the event of conflict of provisions; providing minimum charter requirements; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Port St. Joe Port Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted by its several legislative enactments and any additional authority granted by this act. It is further the intent of this act to preserve all district authority.

Section 2. Chapter 30787, Laws of Florida, 1955; and chapter 78-514, Laws of Florida, relating to Port St. Joe Port Authority, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Port St. Joe Port Authority is re-created and the charter is re-created and reenacted to read:

Section 1. Creation.—There is hereby created a body corporate to be known as the Port St. Joe Port Authority with the corporate powers to sue and be sued and with the additional powers specified herein. Said authority shall be a public agency for the development of commerce and the port.

Section 2. Governing Body.—The Port St. Joe Port Authority shall consist of five (5) commissioners who shall constitute said authority. The said five (5) members shall be appointed by the Governor, from the date this act becomes a law, the first appointments shall be three (3) for four (4) years and two (2) for two (2) years. Thereafter all appointments shall be for a term of four (4) years from the expiration of the previous term and all vacancies shall be filled by the Governor for the unexpired term. No commissioner shall be an officer or employee of the City of Port St. Joe, Florida, the County of Gulf, or the State of Florida, excepting members of the militia or notaries public. No more than two (2) of the commissioners shall be persons who are primarily engaged in the maritime business, and no person shall be eligible for appointment as commissioner except freeholders of the City of Port St. Joe or Gulf County, Florida. The commissioners constituting the Port St. Joe Port Authority shall select one (1) of their members as chair and the term of office of the chair shall be two (2) years from the date of his or her

selection. The commissioners shall receive no compensation for their services but the authority is hereby allowed travel and other expenses which shall be paid as other expenses. Three (3) commissioners shall constitute a quorum for the purpose of conducting business, exercising its powers, and for all other purposes.

Section 3. Employees.—The Port St. Joe Port Authority is hereby empowered to employ an executive director of the authority whose compensation shall be fixed by resolution of the commissioners of said authority. And the said authority is empowered to employ its own counsel, secretary, technical experts, and such other employees, permanent and temporary, as it may require, and it is empowered to determine the qualifications, duties, and compensation of such employees. None of the said employees shall be covered by any civil service laws now or hereafter in effect with respect to employees of the City of Port St. Joe or Gulf County.

Section 4. Powers.—The Port St. Joe Port Authority, as hereby created, is hereby authorized and empowered:

(1) To own and acquire property or facilities by purchase, lease, easement, eminent domain, gift, or transfer from the City of Port St. Joe or from Gulf County, the United States of America, the State of Florida, any agencies thereof, corporations, or individuals,

(2) To acquire, construct, maintain, and operate: port terminal facilities; warehouses; wharves; docks; drydocks; quays; yacht basins; bridges; ship basins; breakwaters; foundation for shipways; fitting out docks; shipyards; marine railways; railroads; repair shops; loading and unloading, packaging and refrigeration facilities; and all other harbor, port, commercial, and industrial improvements and facilities,

(3) To enter into contracts or leases with individuals, corporations, any municipality, the State of Florida, and the United States of America, or any other public body to operate facilities owned or leased by said port authority,

(4) To enter into contracts for furthering the business, operation, and maintenance of shipping facilities and harbor and port improvements within Gulf County.

Section 5. Finance.—Within the limits of its budget from time to time, made, the Port St. Joe Port Authority is hereby authorized to borrow money and issue bonds, notes, and evidences of indebtedness therefor. Said Authority is hereby authorized for the purpose of acquiring, operating, maintaining, paying for, and improving property or facilities, to raise monies by the issuance and sale of revenue bonds or certificates of indebtedness in such amounts and forms and with such provisions, in such denominations and having such maturities and bearing such rates of interest as said authority deems advisable and payable solely from and secured by pledge of all or any part of the income, rents, and revenues of any property or facilities now or hereafter owned, leased, or operated by said authority, or by the levying of non-ad valorem assessments or fees against benefited property. Said authority may validate its revenue bonds or certificates of indebtedness and its other obligations in the same manner as is now provided by law for the

validation of the obligations of counties, municipalities, and other public agencies.

Section 6. Limitation of Powers.—The Port St. Joe Port Authority, as hereby created, shall have no power or authority to bind or commit the City of Port St. Joe, a municipal corporation, or Gulf County, in any manner, directly or indirectly; and the said City of Port St. Joe or Gulf County shall not be liable or responsible in any manner for any of the debts, liabilities, obligations, acts, or omissions of the Port St. Joe Port Authority or any of its officers or employees. All persons dealing with the said authority are hereby charged with full notice of this limitation and its powers.

Section 7. Appropriations from City of Port St. Joe and Gulf County.—The City of Port St. Joe and also Gulf County are empowered to appropriate and contribute to the Port St. Joe Port Authority such sums of money for the operation expenses of the said authority as the commission of the said city and the county commission may from year to year determine through the city's and county's budgets. Such sums of money as are so appropriated and contributed by the City of Port St. Joe and Gulf County shall be paid to the Port St. Joe Port Authority upon its requisition signed by the chair and any two (2) other members thereof. The County Commission of Gulf County may pledge the second gas tax or may levy a millage and the City of Port St. Joe may levy a millage to finance said Port St. Joe Port Authority.

Section 8. Minimum Charter Requirements.—

(1) The Authority is organized and exists for all purposes set forth in this Act and applicable general laws as they may be amended from time to time.

(2) The powers, functions, and duties of the Authority regarding bond issuance, other revenue-raising capabilities, budget preparation and approval, and contractual agreements shall be as set forth in this Act, chapters 189 or 197, Florida Statutes, or any other applicable general laws, as they may be amended from time to time.

(3) The Authority was created by special act of the Florida Legislature by chapter 30787, Laws of Florida, 1955, as amended.

(4) The Authority's charter may be amended only by special act of the Legislature.

(5) In accordance with this Act, the Authority is governed by a five-member board, appointed by the Governor.

(6) The compensation of board members shall be governed by this Act and applicable general law as amended from time to time.

(7) The administrative duties of the Board of Supervisors shall be as set forth in this Act.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per-diem expenses for officers and employees shall be as set forth in chapters 112, 189, and 286, Florida Statutes, as they may be amended from time to time.

(9) The District may be financed by any method established in this Act, and applicable general laws, as they may be amended from time to time.

(10) The methods for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapter 197, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

(11) The District's planning requirements shall be as set forth in this Act.

(12) The District's geographic boundary limitations shall be the same as those of Gulf County.

Section 4. Chapter 30787, Laws of Florida, 1955, and chapter 78-514, Laws of Florida, are repealed 10 days after the effective date of this act.

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 6. In the event of a conflict of the provisions of this act with the provisions of any other act the provisions of this act shall control to the extent of such conflict.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.