

House Bill No. 1857

An act relating to the Panama City Port Authority, Bay County; providing for codification of the district's charter; codifying, amending, and reenacting the district's special acts; providing for severability; repealing chapters 17643 (1935), 23466 (1945), 57-1704, 69-1442, 79-545, 84-389, and 85-380, Laws of Florida; providing for liberal construction; 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 Panama City Port Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the Authority, including all current legislative authority granted to the Authority by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 17643 (1935), 23466 (1945), 57-1704, 69-1442, 79-545, 84-389, and 85-380, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.

Section 3. The charter for the Panama City Port Authority is re-created and reenacted to read:

Section 1. There is hereby created a body corporate to be known as the Panama City Port Authority ("Authority"), a dependent special district, with the usual corporate powers to sue and be sued and the additional powers specified herein. Said Authority shall be an agency of Panama City ("City"). All property now owned or hereafter acquired by the Authority shall be held by it for the benefit of the City. The Authority shall not lease, own, or acquire any real estate except in Bay County, or within 10 miles of the City, whichever is greater.

Section 2. The Authority shall consist of five members. The five members shall be appointed by the Panama City Commissioners. The City Commission shall appoint or reappoint the five members of the Authority and shall designate the term of each member from 1 to 5 years. Thereafter, all appointments shall be for a term of 4 years from the expiration of the previous term. All vacancies for any unexpired terms shall be filled by the City Commission. All members shall serve at the pleasure of the City Commission. No member shall be an officer or employee of the City, Bay County, or the state. Only individuals residing in Bay County shall be eligible for appointment to the Authority and no more than two members shall be primarily engaged in the maritime industry. "Maritime industry" means an activity relating to waterborne commerce and navigation. The members constituting the Authority shall select one of their number as chairperson. The term of office of the chairperson shall be 2 years from the date of his or her selection. The members shall receive no compensation for their services. Three members shall constitute a quorum of the Authority for all purposes.

Section 3. The Authority is authorized to hire an executive director, attorney, secretary, and such other employees or personnel, whether permanent or temporary, as it may in its judgment so require. None of the employees of the Authority shall be covered by the Employee Civil Service Laws of the City.

Section 4. The Authority is hereby authorized to own and acquire property by purchase, lease, eminent domain, gift, or transfer from others, including governmental agencies, and to acquire, construct, maintain, equip, operate, and manage port terminal facilities, including associated marine structures and facilities, industrial parks, manufacturing plants, and any other structures or improvements deemed convenient or appropriate for its purposes. The Authority shall not have the right to exercise the power of eminent domain without first obtaining the approval of the City Commission.

Section 5. The Authority is hereby authorized to enter into contracts with individuals, corporations, and governmental agencies regarding all properties and structures owned, operated, or leased by the Authority as deemed convenient or appropriate in the management of its affairs or in the furtherance thereof.

Section 6. Within the limits of its budget, the Authority is authorized to borrow money and give its notes and evidences of indebtedness therefor. Notwithstanding the limitation of any budget, when authorized by the City, the Authority is hereby authorized to raise moneys by the issuance and sale of revenue bonds or certificates of indebtedness in such form, amounts, conditions, denominations, maturities, and rates of interest as the Authority deems advisable, which shall be payable solely from all or any part of the income, rents, and revenues of any property or facilities now or hereafter owned, leased, or operated by the Authority.

Section 7. The Authority shall have no power or authority to bind or obligate the City in any manner whatsoever, directly or indirectly. The City shall not be liable or responsible for any debts, obligations, or liabilities of the Authority or its officers or employees. All persons dealing with the Authority are hereby charged with notice of this limitation on the powers of the Authority.

Section 8. The Authority shall submit on or before August 1 of each year to the City Commission its proposed annual budget for approval by the City Commission, together with a copy of an audit of its affairs for the preceding year prepared by a certified public accountant. The audit shall be in such form as dictated by the laws of the state. No moneys shall be spent or obligations incurred by the Authority except in accordance with its budget.

Section 9. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect provisions or applications of the Act which can be given effect without the invalid provision or application and, to this end, the provisions of this Act are declared to be severable.

Section 10. This Act shall be construed as a remedial act and shall be liberally construed to promote the purposes for which it is intended.

Section 4. Chapters 17643 (1935), 23466 (1945), 57-1704, 69-1442, 79-545, 84-389, and 85-380, Laws of Florida, are repealed.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor July 16, 2003.

Filed in Office Secretary of State July 16, 2003.