

House Bill No. 1329

An act relating to the Tampa Port Authority, Hillsborough County; amending chapter 95-488, Laws of Florida; providing definitions; revising provisions relating to membership of and appointment to the port authority; revising provisions relating to appointment of the port director and employment of other persons; providing an effective date.

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

Section 1. Sections 3 and 4 of chapter 95-488, Laws of Florida, are amended to read:

Section 3. DEFINITIONS.—As used in this act, the term:

(a) “Board of county commissioners” means the Board of County Commissioners of Hillsborough County.

(b)(1) “Cost,” as applied to improvements, means the cost of acquiring or constructing improvements and includes the cost of all labor and materials and of all machinery and equipment, the cost of engineering, legal expenses, plans, specifications, financing charges, and such other expenses as may be necessary or incident to such acquisition or construction.

(2) “Cost,” as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired; the cost of such construction, extension, or enlargement; the cost of improvements; the cost of all lands, properties, rights, easements, and franchises acquired; the cost of all machinery and equipment; the cost of engineering and legal services and of all investigations and audits; financing charges; interest prior to and during construction and for 1 year after completion of construction; all other expenses necessary or incident to determining the practicability or feasibility of such acquisition or construction; administrative expenses; and such other expenses as may be necessary or incident to the financing herein authorized and to the construction or acquisition of a project and the placing of same in operation. Any obligation or expense incurred by the port authority, prior to the issuance of revenue bonds under the provisions of this act, for engineering studies and for estimates of cost and of revenues, and for other technical, financial, or legal services in connection with the acquisition or construction of any project, may be regarded as part of the cost of such project and are reimbursable to the port authority out of the proceeds of revenue bonds issued under this act.

(c) “County” means Hillsborough County.

(d) “General obligation bonds” means bonds that are secured by, or provide for their payment by, the pledge, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the ordinance or resolution authorizing their issuance, of the full faith and credit and taxing power of the port

district or county and for payment of which recourse may be had against the general fund of the port district or county.

(e) “Improvements” means such replacements, repairs, extensions, additions, enlargements, or betterments of and to a project as are deemed necessary to place such project in proper condition for the safe, efficient, and economic operation thereof, when such project is undertaken by or owned, controlled, or operated by the port authority.

(f) “Maritime industry background” means that a person by training or experience is or has been engaged in, for a significant portion of his or her career, a business involving maritime commerce, port management, terminal management, ship agency business, shipbuilding, ship management, ship operations, ship repair, admiralty law, international trade law, importing or exporting water-borne cargo, or other maritime-related business that is similar to the aforementioned specialties.

(g) “Members” means the governing body of the port authority, and “member” means one of the individuals constituting such governing body.

(h) “Nominating committee” means a committee of six persons, three of whom shall be appointed by each of the following groups: the Port of Tampa Maritime Industries Association, Inc. (Department of State, Division of Corporations Document Number N03000005439), and the Propeller Club of the United States Port of Tampa, Inc. (Department of State, Division of Corporations Document number N03973), so long as each maintains an active status with the Department of State, Division of Corporations, or any successor agency and who may make nominations to fill Port Authority Seats 4 and 5 as provided by this act.

~~(i)(f)~~ “Port authority” means the Tampa Port Authority.

~~(j)(g)~~ “Port district” means the Hillsborough County Port District.

~~(k)(h)~~ “Project” means any one or any combination of two or more of the following, when undertaken by or owned, controlled, or operated by the port authority: channels; anchorage areas; jetties; breakwaters; harbors; canals; locks; waterways; tidal and turning basins; wharves; docks; piers; quays; slips; bulkheads; public landings; terminal storage and sheddage facilities; warehouses; refrigeration, cold-storage and quick-freezing plants; stock-yards; elevators; shipyards; marine railways; drydocks; oil tanks; pipe lines; terminal railway facilities, including rolling stock, belt-line railroad ferries, and car ferries; police boats; bridges; causeways; tunnels; facilities for the loading and handling of passengers, mail, express, freight, and other cargo; and any and all other facilities, including all property, rights, easements, and franchises relating to any such project or projects which by resolution the port authority may deem necessary and convenient.

~~(l)(i)~~ “Revenue bonds” means obligations of the port authority which are payable from revenues derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of the port authority.

Section 4. TAMPA PORT AUTHORITY.—There is created the Tampa Port Authority, which shall be the governing body and port authority of the Hillsborough County Port District. The port authority constitutes a body politic and a body corporate; it shall have perpetual existence; its operation shall be deemed a proper governmental function; it shall adopt and use an official seal and may alter the same; it may contract and be contracted with; in its corporate name it may sue in any of the courts in the various states and the courts of the United States; and it may be sued in the courts of the State of Florida and in the courts of the United States for the Middle District of the State of Florida, except as may be limited by the provisions of section 768.28, Florida Statutes, or any succeeding enactment.

(a) The port authority shall consist of seven member seats to be appointed as follows:

(1) Members occupying Seats 1 through 5 five members, three of whom shall be appointed by the Governor subject to Senate confirmation. The numerical assignment of Seats 1, 2, and 3 shall be designated by the port authority, and members shall be appointed to these seats through the standard application process established by the Office of the Governor. Members occupying Seats 4 and 5 shall be appointed from a list of persons who have maritime industry backgrounds, notwithstanding any provision of general law to the contrary, nominated for that purpose by a nominating committee and as otherwise provided by this act.

(2) Seat 6; one of whom shall be occupied by a member of the board of county commissioners, appointed by that board, ex officio.

(3) Seat 7; and one of whom shall be occupied by the Mayor of the City of Tampa, ex officio.

Each appointed member of the port authority must be a qualified elector of the county. If no nominations for Seat 4 or Seat 5 are received by the Office of the Governor from the nominating committee as prescribed by this act, the Governor shall make any such appointment through the standard application process while ensuring that each such seat is occupied by a member who has a maritime industry background in accordance with the provisions of this act.

(b) At least 30 days prior to the expiration of the term of ~~the any member occupying Seat 1, Seat 2, or Seat 3~~ of the port authority appointed by the Governor through the routinely established application process, or within 10 days after the occurrence of a any vacancy in any such seat the term of any member of the port authority appointed by the Governor, a successor shall be appointed by the Governor. The Governor may appoint a member to Seat 1, Seat 2, or Seat 3 who has a maritime industry background, notwithstanding any general law to the contrary and without taking nominations from the nominating committee.

(c) The Governor shall appoint members to Seats 4 and 5 within 90 days after the effective date of this act after consideration of nominees selected by the nominating committee, each of which nominations must be received

by the Office of the Governor within 60 calendar days after the effective date of this act. The member appointed to Seat 4 shall be appointed for an initial term of 2 years, and the member appointed to Seat 5 shall be appointed for an initial term of 4 years.

(d) At least 90 calendar days prior to the expiration of the term of any member appointed to Seat 4 or Seat 5, the executive director of the port authority or his or her designee shall notify the nominating committee by certified mail at each of their primary places of business of the pending expiration. The nominating committee shall have 60 calendar days to deliver nominations to the Office of the Governor in the format prescribed by that office, and a successor shall be appointed by the Governor from those nominations.

(e) If a vacancy occurs in the term of a member appointed to Seat 4 or Seat 5 through nomination, the nominating committee shall be notified of the vacancy within 3 business days after such occurrence and in the manner described in subsection (d). The nominating committee shall deliver the names of at least three nominees to the Office of the Governor appointments office in the manner prescribed by that office and within 30 calendar days after the date the vacancy occurred. The Governor shall thereafter appoint a replacement for the remaining term in which the vacancy was created and may make the appointment from the list of nominees provided.

(f) Any member of the port authority appointed by the Governor is shall be eligible for reappointment. Each member appointed by the Governor shall hold office for a term of 4 years from the date of the expiration of the term of his or her predecessor, except as otherwise provided by this act and provided further that any person appointed to fill a vacancy for an unexpired portion of a term shall be appointed for the unexpired portion of the term only. Each member of the port authority may continue to serve until his or her successor is duly appointed and qualified.

(g)(e) Before assuming office, each appointed or ex officio member of the port authority 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 constitutions and laws of the United States and of the State of Florida. Members may not be compensated by the port authority for their services but may be otherwise reimbursed for travel as provided by this act.

(h)(d) The officers of the port authority shall be elected annually by and chosen from among the members and shall consist of a chair, a vice chair, a membership of the port authority. A chairman, vice chairman, secretary, and a treasurer, the latter two of which offices may be held by a single member at the discretion of the members shall be elected annually by the members of the port authority from among their membership. The offices of secretary and treasurer may be held by one person. A port director shall be appointed by the port authority by resolution and shall be chosen for his executive, administrative, and technical qualifications.

(i)(e) Four Three members of the port authority shall constitute a quorum. An affirmative vote of four three members is required necessary for any action to be taken by the port authority involving the incurring of any

indebtedness or the expenditure of any funds or money in excess of the monetary amount specified in section 15 and for the establishment of policy governing the expenditure of any funds by the port director and his or her staff. These requirements ~~are shall~~ not be affected by any vacancy in the port authority.

~~(f) The appointed members of the port authority shall receive no compensation for their services. The port director shall receive such salary as the port authority may approve.~~

~~(j)(g) The members shall appoint by resolution a port director who shall be chosen for his or her executive, administrative, and technical qualifications, shall be a full-time employee of the port authority, shall receive such salary as may be approved by the members, and shall devote his or her time and attention to the discharge of his or her duties. The port director's His office shall be kept open during such hours as the members port authority shall fix, but the minimum of which hours so fixed by the port authority during which such office shall remain open shall be the ordinary business hours upon all business days.~~

~~(k)(h) The port authority may shall have the power to employ such additional persons in addition to the port director as the business of the port authority may require and may designate which, if any, require the approval of the members for employment or dismissal.~~

Section 2. This act shall take effect October 1, 2005.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.