

CHAPTER 95-488

House Bill No. 1291

An act relating to Hillsborough County Port District; consolidating, compiling, and codifying extant laws pertaining to the district; providing legislative intent; conforming terminology; restoring words deleted through apparent inadvertence in the bond issuance provision; deleting provisions that have had their effect; revising provisions pertaining to public hearings, condemnation proceedings, the power to borrow money and incur indebtedness, the power to enter into joint agreements, withdrawal of moneys from the treasury of the port authority, awarding of contracts, adoption of rates and regulations, promotion and sales, and reimbursement for travel expenses; providing for periodic consolidation, compilation, and recodification of those laws; providing severability; repealing chs. 84-447, 87-426, 91-380, 92-233, 93-312, and 94-409, Laws of Florida, relating to the Hillsborough County Port District; providing a saving clause; providing an effective date.

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

Section 1. LEGISLATIVE INTENT. —

This act supersedes chapter 84-447, Laws of Florida, which establishes and provides for the Hillsborough County Port District, and all acts amendatory or supplementary thereto, and constitutes a consolidation, compilation, revision, and codification of all previously existing laws expressly repealed hereby which pertain to the Hillsborough County Port District. It is the intent of the Legislature to preserve, confirm, and perpetuate the ratification by referendum of the establishment of the Hillsborough County Port District by the electorate of the port district.

Section 2. PORT DISTRICT.—

There is established a port district in Hillsborough County to be known as the Hillsborough County Port District which comprises and includes all of the territory within Hillsborough County.

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 *(sic)* 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) "Port authority" means the Tampa Port Authority.

(j) "Port district" means the Hillsborough County Port District.

(k) "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; stockyards; 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) "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 sections 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 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 shall be occupied by a member of the board of county commissioners, appointed by that board, ex officio.

(3) Seat 7 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 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 vacancy in any such seat, 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 appointed by the Governor is 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 may continue to serve until his or her successor is duly appointed and qualified.

(g) Before assuming office, each appointed or ex officio 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 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) The officers of the port authority shall be elected annually by and from among the members and shall consist of a chair, a vice chair, a secretary, and a treasurer, the latter two of which offices may be held by a single member at the discretion of the members.

(i) Four members shall constitute a quorum. An affirmative vote of four members is required for any action to be taken by the port authority involving the incurring of any indebtedness 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 not affected by any vacancy in the port authority.

(j) 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 office shall be kept open during such hours as the members fix, the minimum of which shall be the ordinary business hours upon all business days.

(k) The port authority may employ such additional persons 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 5. CONSTRUCTION OF NEW PROJECTS.—

It is the duty of the port authority to make or cause to be made such investigations, studies, surveys, plans, drawings, borings, maps, and estimates of costs and of revenues as it may deem necessary and thereafter to prepare and adopt a comprehensive plan for the development and improvement of the harbor and shipping facilities of that port district. Such comprehensive plan may be extended, modified or changed, or enlarged by the port authority from time to time. The port authority is authorized and empowered, whenever it deems such action feasible and practicable, to acquire, construct, extend, or enlarge any project.

Section 6. CONVEYANCE OF SUBMERGED LANDS.—

Title to, right of entry upon, and the right to regulate the improvement of any and all submerged lands belonging to the State of Florida contained within the port district are granted to the port authority, subject to the riparian rights of the respective owners of the uplands adjacent thereto. No such submerged lands owned by the port authority shall be sold or leased or otherwise disposed of by the port authority to any party or parties other than the owner or owners of the uplands adjacent thereof, unless the sale, lease, or other disposition thereto has been first approved by a majority of the qualified electors of the port district voting in an election called and held as provided in section 7(b), except that the election shall be mandatory and not dependent upon a petition of 5 percent of the qualified electors of the port district. Any submerged lands owned by the port authority and adjacent to uplands owned by the port authority may be sold or leased or otherwise disposed of as provided in section 7(b).

Section 7. POWERS. —

The port authority shall have all the powers necessary to carry out the provisions of this act. The port authority shall have the specific responsibility of planning and of carrying out plans for the long-range development of the facilities of and traffic through the port in the port district. The port authority, prior to acquiring ownership, control, or undertaking the operation of any project, shall give 20 days' notice of a public hearing, at which hearing the public's views shall be heard; except that such public hearing is not required if the ownership, control, or undertaking of operation constitutes or is occasioned by the retaking of possession, ownership, or control of the project by the port authority through lease termination, default or eviction proceeding, bankruptcy proceeding, or settlement with a tenant in lieu of such proceeding or if the total cost to the port authority of acquiring, controlling, or undertaking operation of the project does not exceed the amount specified in section 15. Such notice shall be made by advertisement in a newspaper of general circulation published in the port district, with a brief description of the general nature of the project. Without in any manner limiting or restricting the other powers conferred upon it, the port authority shall have the power:

(a) To have and to exercise the power of eminent domain over real and personal property and the right to maintain condemnation proceedings, in form and in manner prescribed by law, with respect to all projects owned, controlled, or operated by it. In any such condemnation proceedings, the burden of the port authority to show reasonable necessity is the same as the burden in other types of eminent domain proceedings. The power of eminent domain, however, may not be exercised over property already devoted to public use.

(b) To acquire by purchase, eminent domain, gift, grant, franchise, lease, or contract any property, real or personal, tangible or intangible, or any estate, right, or interest therein, including franchises and grants of any and all kinds. The port authority may sell, lease, or otherwise dispose of any of the property it owns, provided that no property shall be leased for a period of over 40 years with an option to renew for an additional 40 years. Notice of such proposed sale or lease and of the time and place where objections may be filed shall be advertised in a newspaper published in the port district at least 20 days before the date of a public hearing for the purposes of hearing objections thereto. The public hearing may be before the port authority or a hearing examiner as determined by the port authority. However, advertisement and public hearing shall not be required for leases entered into on a month-to-month basis or for leases entered into for a period of less than 1 year. Such leases, however, shall require approval of the governing board of the port authority. If a petition signed by 5 percent of the qualified electors of the port district is filed, objecting to the proposed sale or lease, an election shall be held to pass upon the same. If a petition is not filed, the port authority may proceed with the sale or lease without the necessity of an election. Such election shall be held under the jurisdiction and direction of the election officials of the county. The expense of such election shall be borne by the port authority. A majority of the votes cast at the election by the qualified electors of the port district participating therein for or against the question voted upon shall be decisive thereof. Easements for rights-of-way for railroads, pipelines, gas pipes, and electric transmission, telephone, and telegraph lines may be granted by the port authority for a period not to exceed 40 years with an option of 40 years without the approval of the electors, but no such easement shall be exclusive, and every easement shall be subject to the right of the port authority or

its successors and assigns to use and occupy the lands over or under the pipe or other line for any legitimate purpose. Notwithstanding the provisions of this section or of section 6, easements for rights-of-way or fee simple title to rights-of-way for channels, roadways, sewers, water lines, and drainage over or through any lands owned by the port authority or port district may be granted and conveyed by the port authority to a municipality within the port district to the county, to the State of Florida or its agencies, or to the United States of America, for public purposes under such terms and conditions as may be negotiated by the port authority with the appropriate governmental body, but all without the approval of the electors. All easements for rights-of-way or fee simple title to rights-of-way heretofore granted and conveyed by the port authority under previous acts are approved, ratified, and confirmed. Notwithstanding the provisions of this section or of section 6, fee simple title to spoil islands and submerged lands owned by the port authority or port district may be granted and conveyed by the port authority to a municipality within the port district, to the county, to the State of Florida or its agencies, or to the United States of America, for public purposes under such terms and conditions as may be negotiated by the port authority with the appropriate governmental body, but without approval of electors. All fee simple titles to spoil islands and submerged lands heretofore granted and conveyed by the authority under previous acts are hereby approved, ratified, and confirmed.

(c) To construct, acquire, establish, extend, enlarge, improve, reconstruct, maintain, equip, repair, and operate any project on land owned by the port district or the port authority or on land leased from or to another by the port district or the port authority or on land being acquired by the port district or the port authority under or subject to a contract to purchase or by condemnation.

(d) To borrow money and incur indebtedness; to issue revenue bonds or revenue certificates with or without security as it may determine. Revenue bonds or revenue certificates of the port authority shall in no way be considered a debt of the county or of the port district; however, the port authority may issue general obligation bonds pledging the full faith and credit of the port district or of the county as provided by law.

(e) To establish and revise from time to time and to collect rates, rentals, fees, and other charges for the use of any project, on such terms and conditions and for such periods of time as it shall determine, without regard to any limitations, conditions, or restrictions contained in any other law.

(f) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, including a trust agreement or trust agreements securing any bonds.

(g) To exercise jurisdiction, control, and supervision over any project owned, operated, or maintained by it and to make and enforce such rules and regulations for the maintenance and operation of any such project as may in its judgment be necessary or desirable for the efficient operation thereof.

(h) Subject to such provisions and restrictions as may be set forth in any resolution or trust agreement authorizing or securing any bonds issued under this act, to enter into contracts with the

government of the United States or of the State of Florida or with any agency, instrumentality, or corporation, or with any copartnership, association, or individual, providing for or relating to any project or the purchase or use of the services or facilities furnished by any project.

(i) To fix uniform rates and charges for wharfage, dockage, transit, storage, sheddage, and handling to and from vessel, if such facilities are owned by the port authority, or otherwise, insofar as it is permissible for the port authority to do so under the constitution and laws of the United States of America and in conformance with section 19 of this act.

(j) To adopt rules and regulations for its own government and to hold regular meetings at least once a month, which meetings shall be open to the public.

(k) To operate, manage, and control all projects acquired or constructed under this act.

(l) To enter into joint agreements, contracts, and arrangements with steamship lines, railroads, common carriers, or any other commercial enterprise related to the port authority's mission if the port authority deems it advantageous to do so.

(m) To make and enter into any contract or agreement necessary or incidental to the performance of its duties and the execution of its powers and to appoint and employ such engineers, architects, attorneys, agents, and other employees as may be necessary in its judgment, and to fix their compensation, provided that such compensation is within the amount allocated for such purpose in the annual budget of the port authority.

(n) To exercise such police powers as it deems necessary for the effective control and regulation of all facilities, areas, and districts under its jurisdiction.

(o) To have and to exercise all of the powers, rights, and authority now vested by the Florida Statutes for the operation of ports and harbors, except the examination, appointment, and licensing of pilots and the fixing of rates of pilotage.

(p) To receive and accept from the Federal Government, or any agency thereof, grants in the aid of construction, reconstruction, enlargement, planning, or improvement of any project and to receive and accept aid or contributions, from any source, of either money, property, labor, or other things of value to be held, used, and applied only for the purposes for which such loans, grants, or contributions may be made.

(q) Subject to the jurisdiction of the United States of America and the State of Florida, to improve and develop the Tampa Harbor and all navigable and nonnavigable waters connected therewith.

(r) To perform all customary port services, including lighterage, stevedoring, handling, inspecting, conditioning, and reconditioning of all commodities and cargo handled, received, or shipped through the facilities and port district of the port authority, subject to the limitation that these

powers shall apply only with reference to facilities owned, controlled, or operated by the port authority, unless, after public hearing, it is determined that such services are not being properly and acceptably performed by private operators.

(s) To adopt rules and regulations governing the speed, operation, docking, movement, and stationing of all watercraft plying waterways in the port district under the jurisdiction of the port authority, subject to the provisions of section 19 of this act.

(t) To impose franchise, license, or other fees upon businesses and occupations carried on or operated under and by virtue of any franchises, licenses, or privileges granted by the port authority.

(u) To advertise the Port of Tampa in such manner as the port authority deems advisable and to promote and publicize the activities, projects, facilities, and advantages of the port, the port district, and surrounding territories. The port authority may employ public relations, promotion, and sales personnel as may be necessary in its judgment to effectuate the promotion, public relations, and sales program.

(v) To own any real or personal property or to acquire any estate therein.

(w) To require steamship agents, freight forwarders, stevedores, steamship companies, barge lines, towing companies, ship operators, and any other person or corporation operating a commercial vessel into or out of the port district to report, within 30 days, the arrival and departure of vessels into and out of the port district; and to adopt rules and regulations concerning the reports.

(x) To require steamship agents, freight forwarders, stevedores, steamship companies, barge lines, towing companies, ship operators, and any other person or corporation operating a vessel into or out of the port district to report, within 30 days, cargoes moving into or out of the port district to the port authority for the purpose of the port authority's compiling detailed statistical material on port traffic; and to adopt rules and regulations concerning the reports.

(y) In accordance with state and federal law, to regulate, control, license, and establish safety regulations for any common carrier of passengers by water which common carrier is operated for compensation in intrastate commerce over a regular route and which embarks from and returns to any portion of the waters within the port district. After a hearing conducted by the port authority in accordance with chapter 120, Florida Statutes, the port authority may impose a fine not to exceed \$1,000 against any person who so operates such a common carrier in violation of any regulation adopted under this subsection or may revoke or suspend the license of any such common carrier that is so operated in violation of any regulation adopted under this subsection. Any person who so operates such a common carrier without obtaining a license, if required by the port authority, or who so operates such a common carrier while the license to do so is suspended by the port authority, is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes. The port authority may not regulate the rates or fares charged by a common carrier of passengers which is operating under this subsection.

(z) To enter into contracts or interlocal agreements adopted pursuant to applicable law with respect to the transfer of responsibility for the control and regulation of submerged lands and the issuance of minor work permits and other permits.

Section 8. ANNUAL BUDGET.—

The port authority shall annually prepare and submit to the board of county commissioners at the time provided by law for the submission of budgets to the board of county commissioners a detailed estimate of the financial requirements of the authority, including its administrative and operating expenses for the ensuing year. The board of county commissioners shall have the right, before the approval of the budget as to administrative expenses, to revise or amend, raise, lower, or alter the estimate of the port authority with respect to the administrative expenses. The board of county commissioners shall have the authority to assess, levy, and collect annually a tax on all the taxable property within the corporate limits of the port district subject to taxation for the purpose of meeting the appropriations given to the port authority.

Section 9. AUTHORITY OF PORT DISTRICT TO DEFRAY ADMINISTRATIVE EXPENSES.—

The port district is authorized to defray administrative and capital improvement expenses of the port authority. The administrative and capital improvement expenditures of the port authority shall be defrayed by the port district, and the port district is authorized and empowered to make appropriations for and to defray such expenses. The board of county commissioners is empowered and authorized to appropriate a sum not to exceed 1/2 mill per year on all the taxable property within the port district as provided in the State Constitution and the laws of the state. Such appropriation is declared a county purpose.

Section 10. DEPOSIT OF MONEYS.—

All moneys of the port authority, whether derived from taxes or levied and collected within the port district or from other sources, shall be paid into the treasury of the port authority. Such moneys shall be used exclusively by the port authority and shall be disbursed by it in accordance with generally accepted budgetary practices and accounting procedures and only for the purposes specified in its budget. No funds or moneys shall be withdrawn, by either check, wire transfer, or other means, from the treasury of the port authority except upon action by the port authority and upon vouchers or written authorizations therefor signed by any two members of the port authority, or by any one member of the port authority and the port director. The port authority may require officers or members of the port authority, or employees thereof, to execute bonds in such sums as the port authority may from time to time determine. The premiums on such bonds shall be paid by the port authority as a proper operating expense.

Section 11. ANNUAL AUDIT. —

The books and records of the port authority shall be audited annually.

Section 12. DISPOSITION OF REVENUES. —

All revenues received by the port authority from the operation of the port district and the facilities thereof, other than those specifically pledged as otherwise provided, shall be used for operating and maintenance expenses, costs of new facilities, costs of expansion and improvements to existing facilities, retirement of outstanding obligations, or any other lawful purpose. All financial records of the port authority shall conform to generally accepted accounting practices.

Section 13. CREDIT OF THE COUNTY NOT PLEDGED. —

Revenue bonds issued by the port authority under this act shall not be deemed to constitute a debt of the county or a pledge of the faith and credit of the county or the port district, but such bonds shall be payable solely from the revenue of the port authority pledged for the payment thereof, and all such bonds issued shall contain such limitations on their face.

Section 14. ISSUANCE OF BONDS. —

(a) The port district, acting by and through the port authority, is authorized to provide by resolution, at one time and from time to time, for the issuance of revenue bonds of the port district for the purpose of paying all or a part of the cost of any project or projects the acquisition or construction of which is authorized under this act, or to pay all or a part of such cost and repay any obligations owing by the port district or of the port authority in connection with any such project or projects. The bonds of each issue shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, and shall bear interest at such rate or rates as may be determined by the port authority, and may be made redeemable before maturity, at the option of the port authority, at such price or prices and use such terms and conditions as may be fixed by the port authority prior to the issuance of the bonds. The port authority shall determine the form of the bonds, including any interest to be attached thereto and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. Any bonds and the interest coupons appertaining thereto, whether heretofore or hereafter issued by the port authority, may be executed by the facsimile signature of such officer or officers authorized to sign such bonds and coupons, and, notwithstanding section 215.43, Florida Statutes, all such signatures of officers of the port authority may be by facsimile. If any officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such officer before the delivery of the bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. All bonds issued under this act shall have and are declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or registered form or both, as the port authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The port authority may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interest of the port district and the port authority, but no bonds shall be sold at less than 95 percent of the par value thereof plus accrued interest. The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been issued and shall be disbursed in such manner and under such restrictions, if any, as the port authority may provide in the authorizing resolution or in any trust agreement securing such bonds. If the proceeds of such bonds,

by error of estimates or otherwise, is less than the amount required for the purpose for which such bonds have been issued, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the authorizing resolution or such trust agreement, shall be deemed to be of the issue and shall be entitled to payment from the fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue exceed the amount required for the purpose for which bonds have been issued, the surplus may be used in such manner as will not impair the tax-exempt status of the interest on such bonds. Prior to the preparation of definitive bonds, the port authority may, under like restrictions, issue interim receipts or temporary bonds of the port district, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The port authority may also provide for the replacement of any bonds that become mutilated or are destroyed or lost. Revenue bonds issued under this act shall not be deemed to constitute a debt of the port district or of the port authority or a pledge of the full faith and credit of the port district or of the port authority, but such bonds shall be payable solely from the funds herein provided therefor, and a statement to that effect shall be recited on the face of the bonds.

(b) The resolution authorizing the issuance of revenue bonds under this act, or any trust agreement securing such bonds, may pledge the revenues of any project or projects, but shall not convey or mortgage the port authority's interest in any project or any part thereof. Any such resolution may provide for the execution of a trust agreement securing such bonds, and such resolution or trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the port district and the port authority in relation to the acquisition, construction, or operation of any project and the fixing, charging, and collecting of rates, rentals, fees, and other charges for the use of any project and provisions for the custody, safeguarding, and application of all moneys, and for the employment of consulting engineers in connection with such acquisition, construction, or operation. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and may restrict the individual right of action by a bondholder as is customary in trust agreements or trust indentures. In addition, such resolution or trust indenture may contain such other provisions as the port authority deems reasonable and proper for the security of bondholders. Except as otherwise provided in this act, the port authority may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project or projects which are pledged in whole or in part for the payment of such bonds to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as a part of the cost of operation. Any resolution or trust agreement providing for the issuing or securing of revenue bonds hereunder may also contain such limitations upon the issuance of additional bonds payable in whole or in part from the revenues of any projects as the port authority may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

(c) All moneys received pursuant to this act shall be deemed to be trust funds, to be held and applied solely as provided in this act. Any resolution authorizing the issuance bonds hereunder or any trust agreement securing such bonds shall provide that any officer to whom, or any bank, trust

company, or other fiscal agent to which, such moneys are to be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such restrictions as this act and such resolution or trust agreement may provide.

(d) Any holder of bonds issued under this act or of any of the coupons appertaining thereto, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds or by any trust agreement securing such bonds, may either at law or in equity, by suit, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Florida or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by this act or by such resolution to be performed by the port district or by the port authority or by any officer thereof, including the fixing, charging, and collecting of rates, rentals, fees, and other charges for the use of any project.

(e) The port district, acting by and through the port authority, is authorized to provide by resolution for the issuance of revenue refunding bonds for the purpose of refunding any revenue bonds then outstanding and issued under this act which are provided to mature or which shall be subject to redemption at any time within 2 years after the date of such revenue refunding bonds or which can be acquired for retirement, including the payment of any redemption premium and any interest accruing or to accrue to the date of redemption of any such revenue bonds. The port district, acting by and through the port authority, is further authorized to provide by resolution for the issuance of revenue bonds for the combined purposes of paying the cost of the acquisition or construction of any project and of refunding revenue bonds of the port district as provided in this section. This issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the port district and of the port authority with respect to the same, shall be governed by the foregoing provisions of this act insofar as the same are applicable.

(f) Bonds may be issued under this act without obtaining the consent of any commission, board, bureau, or agency of the state and without any other proceeding or the happening of any other proceeding or the happening of any other condition or thing than those proceedings, conditions, or things which are specifically required by this act. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law. In the exercise of the powers granted by this act, the port district and the port authority need not comply with the requirements of any other law, either general or special, except with provisions of general law prescribing the maximum interest rate for bonds and the procedure for exceeding such maximum rate.

(g) Notwithstanding the provisions of sections 159.44-159.53, Florida Statutes, the port authority is designated the sole agency within the port district to issue revenue bonds and other debt obligations payable solely from revenue derived from the sale, operation, or leasing of capital projects pertaining to port projects as defined by this act and port facilities as defined in section 315.02, Florida Statutes, unless the port authority determines in writing that for a specific project the issuance of such revenue bonds and other debt obligations by another agency will not have an adverse impact on its control, management, or development of the port district.

Section 15. AWARDING OF CONTRACTS. —

No contract shall be let by the port authority for any construction, improvement, repair, or building, nor shall any goods, supplies, or materials for port district purposes or uses be purchased, if the amount to be paid by the authority exceeds \$25,000, unless notice thereof has been advertised at least once no fewer than 10 days nor more than 90 days prior to receiving bids, in a daily newspaper of general circulation published in the City of Tampa, which notice calls for bids upon the work to be done or for the goods, supplies, or materials to be purchased; provided, however, that as to any such contract let without competitive bid in an amount in excess of \$15,000, the port director shall inform the port authority, at its next public meeting, of that contract and the reasons why competitive bidding was not employed, it being the intent that public bidding on purchases exceeding \$15,000 be employed unless, in the judgment of the port director, it is necessary to contract sooner than would be possible through the public bidding process and it is in the best interest of the port to so contract. In each case, the bid of the lowest responsible bidder shall be accepted, except that the port authority in any event shall have the right to reject all bids. The port authority shall establish policies to ensure that minority-owned and women-owned businesses have an equal opportunity to participate as vendors for such purposes. No newspaper shall charge more than its minimum commercial rate therefor, and such advertisements shall be set on 6-point type on 6-point body. The port authority may require the deposit of cash or a certified check in an amount not to exceed 15 percent of the bid as evidence of good faith on the part of the bidders, and such deposit shall be returned when the bid is rejected or the contract is performed. The port authority may reject any and all bids and, if bids are alike or similar, may make its own election as to which shall be accepted or rejected. No goods, supplies, or materials shall be purchased in separate lots or parcels so as to avoid advertising for bids thereon; and any commissioner, officer, or employee who does so or is responsible therefor shall be personally liable to the port authority for the full price of any goods, supplies, or materials so purchased. Except as otherwise required by law, the port authority must engage professional services through a selection process that is approved by the port authority so as to ensure qualified professional services at a fair and reasonable cost. Notwithstanding any of the foregoing provisions, the port authority may negotiate to purchase goods and services under the following circumstances: in the event of emergencies, when a delay in procurement could endanger lives or property or subject the port authority to undue liability; to procure government surplus material and equipment; to procure used equipment and material to be used for port purposes, provided two independent appraisals are obtained and considered; and, with the prior approval of at least three members of the port authority, to procure goods and services when procurement by competitive bid is not practicable. The publication and bidding requirements of this section do not apply when the port authority purchases goods, supplies, materials, or services through a contract issued by the United States of America or through a contract issued by any other unit or agency of government if such contract was issued upon competitive bid. The port authority may use the provisions of section 255.20, Florida Statutes, as may be amended from time to time, to satisfy the competitive-bidding requirements of this section.

Section 16. PURCHASES. —

No member of the port authority or other officer or employee shall purchase supplies, goods, or materials for use by the port district or port authority from himself or from any firm or corporation in which he is interested, directly or indirectly, nor in any manner share in the proceeds of such

purchases. The port authority shall not be obligated for the purchase price for such supplies, goods, or materials so purchased. No member of the port authority or other officer or employee of the port authority shall bid or enter into, or be in any manner interested, directly or indirectly, in, any contract for public work to which the port authority may be a party. Any member of the port authority who violates this section is guilty of malfeasance in office. All money or things of value paid and delivered pursuant to such contract or purchase may be recovered by the port authority, and, in the event of its refusal to do so, by a taxpayer, for the use of the port authority, including costs and expenses and reasonable attorney's fees incurred in any proceeding for the recovery thereof.

Section 17. DECLARATION OF PUBLIC NECESSITY. —

The Legislature declares that proper facilities for the handling of passengers, mail, express, and freight are essential for the health and welfare of the inhabitants of the port district and for its industrial and commercial development; that the exercises of the powers conferred by this act constitute the performance of essential governmental functions; and that the projects acquired or constructed under this act, and all property, real and personal, tangible and intangible, to which the port authority holds title, constitute public property and are used for governmental purposes, so as to qualify for exemptions from ad valorem taxation provided under the constitution and general laws of the state.

Section 18. EXEMPTION FROM GENERAL LAW. —

Chapters 313 and 314, Florida Statutes, do not apply to the territory embraced within the port district.

Section 19. ADOPTION OF RATES AND REGULATIONS. —

The port authority shall, prior to the time it fixes and establishes any rates, adopts any new rates, or increases any existing rates, or adopts any rules or regulations, other than the rules and regulations for its own governance, as authorized in this act, give public notice of a public hearing thereon by publishing such notice at least once in a newspaper published within the port district at least 7 days prior to such hearing, which notice shall contain the time and place of the hearing and a brief summary of the rates to be established or the rules or regulations to be adopted. The port authority may adopt reductions in existing rates to meet competitive conditions, without public notice or public hearing. Such reduction in rates must be approved by the port authority at a public meeting.

Section 20. PENALTIES FOR VIOLATION. —

Any person, firm, or corporation that violates any rate or any rule or regulation established, fixed, or adopted by the port authority is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 21. INJUNCTIVE RELIEF. —

Any person, firm, or corporation that violates any rate, rule, or regulation of the port authority may be enjoined and restrained by suit brought in the name of the port district by the port authority in any court having jurisdiction; and the port district shall not be required to give any bond or indemnity.

Section 22. PROMOTION AND SALES. —

The port director shall have the duty and responsibility to plan and execute a continuous program of public relations, promotion, and sales. This program may include membership in the Chamber of Commerce and advancement or reimbursement of reasonable and necessary expenses incurred by port authority personnel or representatives engaged in promoting or managing the port authority for hospitality and entertainment of business guests at the Port of Tampa or elsewhere pursuant to approved policy.

Section 23. REIMBURSEMENT FOR TRAVEL. —

Officers, employees, and representatives of the port authority are entitled to reimbursement of necessary and reasonable expenses incurred during travel involving sales, professional development, and promotion of the Port of Tampa pursuant to approved policy and when said travel is approved in advance.

Section 24. DISCRIMINATION PROHIBITED. —

(a) The port authority or its lessees, including successors in interest, shall not, because of the race, color, sex, religious creed, or national origin of any individual, refuse to hire or employ such individual, bar or discharge from employment such individual, or otherwise discriminate against such individual, with respect to compensation, tenure, terms, conditions, or privileges of employment.

(b) No person, on the ground of race, color, sex, religious creed, or national origin, shall be excluded from participation in or denied the benefits of, or otherwise be subjected to discrimination in, the use of leased premises of the port authority.

(c) No person shall be excluded from participation in, or denied the benefits of, furnishing services or materials or constructing improvements, or otherwise be subjected to discrimination in such endeavors.

(d) There shall be no right to apply to the court for relief on account of any order, requirement, decision, determination, or action of the port authority pursuant to this section unless there shall first have been an appeal therefrom to the port authority.

(e) The port authority may include as a contract specification terms maximizing the employment of persons whose protected group has been underutilized in the past.

Section 25. MARINE CONSTRUCTION IN PORT DISTRICT.--

(a) As used in this section, the term:

(1) "Annual high water line" means that shoreline contour below which lands can be expected to be inundated on an annual basis in meandered freshwater lakes and nontidal rivers.

(2) "Construction" means the erection of any new structure, the replacement of any existing structure, or the addition to any existing structure.

(3) "Dredging" means the excavation, by any means, of submerged lands.

(4) "Filling" means the depositing, by any means, of materials onto submerged lands within the port district.

(5) "Floating structure" means a floating dock, ski jump, swimming raft, houseboat, or similar structure.

(6) "Maintenance dredging" means dredging to restore the contours of a canal, channel, turning basin, or berth to its previously constructed dimensions.

(7) "Mean high water line," with respect to tidal waters, means that shoreline contour of an elevation equivalent to the mean elevation for a tidal epoch of mean high water for areas having diurnal tides and mean higher high water for areas having mixed tides, as determined by the Florida-National Oceanic and Atmospheric Administration Coastal Mapping Program.

(8) "Permanently moor" means to moor a floating structure in a manner designed for use in essentially the same manner as a fixed structure.

(9) "Permit to dredge, fill, or construct" is the instrument certifying that the port authority has approved an application by an upland owner to have submerged land adjacent to the lands owned by the applicant filled in or developed or to dredge spoil material from submerged lands.

(10) "Person" means the State of Florida or any agency or institution thereof or any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.

(11) "Submerged land" means all lands lying below the mean high water line or annual high water line of a water body.

(12) "Upland owner" means a person who owns land adjacent to submerged land.

(13) "Waters of the district" means all waters lying within the port district which are affected by the ebb and flow of the tide; Lake Thonotosassa; Lake Keystone; and those portions of the Hillsborough River, Alafia River, and Little Manatee River within the port district upstream from Tampa Bay to the limits of sovereign submerged land ownership.

(b) Any person, firm, or corporation desiring to place material on, remove material from, construct any fixed structure on, or permanently moor any floating structure upon, within, or over submerged lands located within the boundaries of the port district and bordering on or in waters of the port district shall make application in writing to the port authority for the appropriate permit authorizing such person, firm, or corporation to engage in such filling, dredging, development, or construction.

(c) In each instance, the written application shall be accompanied by detailed plans and drawings showing the proposed dredging, filling, or construction, including the location of all dredged material disposal. Drawings, other than those prepared by a person for his own property or by a governmental employee in the course of his assigned duties for a governmental agency, shall be certified by a professional engineer or a registered land surveyor. Each application shall contain sufficient information to allow the port authority and reviewing agencies as designated in subsection (d) to adequately assess the impact of the proposed work with special regard to those parameters cited in subsection (f). The port authority shall give notice of the application by sending copies of the application by certified or registered mail to each riparian owner of upland land lying within 1,500 feet (487.2 meters) of the submerged land upon which the filling, dredging, or construction is proposed, addressed to such owner as his name and address appears on the latest county tax assessment roll, and to all other interested parties who shall have designated same to the port authority.

(d) Copies of the application shall be provided to and filed with the Hillsborough County Planning Commission and the Hillsborough County Environmental Protection Commission. Each such agency shall review the application, including physical on-site review, and, if deemed necessary, make or cause to be made separate and independent studies of the proposed work relating to its areas of interest and jurisdiction. Initial review of the application shall be accomplished within 30 days. If the review reveals that additional information is necessary to adequately evaluate the project, the port authority shall so notify the applicant. Upon receipt of the necessary additional information, the port authority shall specify up to 60 days for additional review. Upon completion of the initial review, or following such additional review, each agency shall submit to the port authority a report of findings and conclusions, along with all supporting documents, and a recommendation to grant or deny the application. The cost of such reviews and studies shall be borne by the applicant.

(e) Upon receipt of the studies and recommendations cited in subsection (d), the port authority shall conduct a public hearing to announce the findings and recommendations of the reviewing agencies and to hear objections, if any. Notice of such hearing, specifying time and place, shall be published in a newspaper of general circulation published in the port district at least 20 days prior to the conduct of such hearing. Copies of the notice of hearing shall be sent to riparian property owners and other interested parties in the manner specified in subsection (c).

(f) No permit for dredging, filling, or construction shall be issued by the port authority unless it has found the proposed dredging, filling, or construction, or the proposed development and use of the property, not to be violative of any statute pertaining to environmental regulation, zoning law, ordinance, other restriction, or the adopted comprehensive plans of local governments. Further, no permit shall be issued for the proposed work or proposed use of the land unless the port authority has found that no harmful obstruction or alteration to the natural flow of waters, no impediment to navigation, no erosion or shoaling of channels or beaches, no creation of stagnant water areas, no physical or monetary damage to adjoining land, no adverse effects on the rights of riparian owners in the area, no interference with the recreational use of waters, no adverse effect on the public safety, no adverse effect on the quality of air and water, and no adverse effect on the protection and propagation of balanced indigenous biological communities, including, but not limited to, wetland

and aquatic habitats, nursery or feeding grounds, and shellfish beds, will result therefrom to the extent as to be contrary to the public interest.

(g) Upon satisfaction that the foregoing requirements and others that the port authority may impose have been met, and upon concurrence and consent of three-fifths of the membership of the port authority, the permit shall be granted to the applicant. The permit may contain such specific stipulations as are deemed appropriate by the port authority, and the acceptance of the permit shall constitute acceptance of all attached stipulations.

(h) The port authority shall adopt rules regulating the receipt, form, and content of applications; the form and content of notices to be made; the costs to be charged the applicant in addition to survey costs; the deposits required; and the presentation of evidence and conduct of hearings.

(i) Each application shall be pursued in good faith by the applicant. If at the end of 3 months following a request by the port authority for additional information or documentation no substantial affirmative action has been taken by the applicant in connection therewith, the application shall be canceled and shall not thereafter be further considered. There shall be no return of application fees.

(j) Any extension, postponement, or continuation of a public hearing shall be granted only when good cause is shown by the party making the request for such extension, postponement, or continuation.

(k) An opponent, in the event a permit is granted, or the applicant, in the event a permit is refused, rescinded, or revoked, may have the appropriate order judicially reviewed in a court of competent jurisdiction. An application once refused, denied, rejected, rescinded, or revoked may not again be submitted for consideration by the port authority within a period of 2 years after the date of the order if it affects the same subject lands or any part thereof, unless there is shown at a preliminary hearing a substantial change of conditions which would justify reconsideration of the application.

(l) The permit may be revoked for noncompliance with, or violation of, its terms and stipulations after notice of intention to do so has been furnished to the holder thereof by the port authority and an opportunity for a hearing has been afforded the holder. The cost of such hearing shall be borne by the permittee. Failure to comply with accepted stipulations constitutes grounds for administrative or judicial action as provided for in subsections (p), (q), and (r).

(m) Projects of such extent and nature that they may be expected to have no significant environmental or hydrographic impact may be authorized by the port director as minor work permits. Formal notices, studies, and hearings, as prescribed in subsections (c), (d), and (e), shall not be required for minor work permit applications. The port authority shall forward copies of applications for minor work permits to the Hillsborough County Environmental Protection Commission, other appropriate governmental agencies, adjacent property owners, and other interested parties at least 14 days prior to the issuance of any minor work permit so that such agencies and persons may submit comments or objections to the proposed permit. Issuance of such

minor work permits shall be reported to the port authority at its next regular business meeting. Projects permitted under this subsection shall be limited to:

(1) Private and commercial docks of less than 2,500 square feet (232.25 square meters) in area and less than 300 feet (91.44 meters) in length.

(2) Dredging or filling projects involving the removal from or replacement on submerged lands of less than 1,000 cubic yards (764.55 cubic meters) of material.

(3) Maintenance dredging of less than 10,000 cubic yards (7,645.5 cubic meters) of material from existing canals, channels, turning basins, or berths, where dredged material is to be removed and deposited on self-contained upland sites.

(4) New seawalls or similar shoreline structures not exceeding 400 feet (121.92 meters) of shoreline, as measured prior to the commencement of work.

(5) Restoration of seawalls or similar shoreline structures at their previous locations or upland of or within 1 foot (0.035 meter) waterward of their previous locations.

(6) Utility crossings not involving more than 10,000 cubic yards (7,645.5 cubic meters) of dredging.

(7) The installation of buoys, signs, fences, ski ramps, and aids to navigation. If objections to the proposed work are received from any affected party or reviewing agency, the port director shall have the power to deny any application under the provisions of this section. This minor work procedure is not intended to apply to portions of a project the total scope of which exceeds the foregoing limitations.

(n) The port authority may adopt minimum construction specifications for all projects subject to approval pursuant to this section. Prior to the adoption of such specifications, the port authority shall conduct a public hearing to consider the impact of the proposed specifications. Notice of such hearing, specifying time and place, shall follow the same notice procedure as provided for in subsection (e).

(o) The port authority may, by resolution, declare certain areas of submerged lands to be of particular ecological and environmental significance. These areas may be designated as marine preserves, and special consideration as to environmental impact shall be given to applications for works within such areas. Such applications shall normally be denied unless the proposed project will enhance the preserve, is clearly in the public interest, or is necessary for the exercise of riparian rights. Prior to the adoption of such a resolution, the port authority shall conduct a public hearing to consider the impact of the proposed resolution. Notice of such hearing, specifying time and place, shall follow the same notice procedure as provided for in subsection (e).

(p) Whenever evidence has been obtained or received establishing that a violation of this section or of any rules or regulations adopted pursuant to this section has been committed, the port

director shall issue a notice to correct the violation or a citation to cease the violation, and cause the same to be served upon the violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the facility causing the violation. Such notice or citation shall briefly set forth the general nature of the violation and specify a reasonable time within which the violation is to be rectified or stopped. If the violation is not rectified or stopped within the time so specified, or reasonable steps taken to rectify the violation, the port director shall have the power and authority to issue an order requiring the violator to cease or suspend operation of the facility causing the violation until the violation has been rectified or stopped, or the port director may institute action to compel compliance with the provisions of such notice or citation, and may initiate proceedings to prosecute the violator for such violation.

(q) The port authority shall have the power to direct the abutting upland owner to remove any fill, restore any dredged area, remove any structure, or restore any construction area to its original condition if such owner is adjudged to be in violation of this section or in violation of any other statute or any ordinance. If the abutting upland owner does not comply with such order, the port authority may effect the required changes at its expense, and the costs thereof shall become a lien upon the property of such abutting upland owner.

(r) The port authority may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than \$5,000 per offense; however, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(s) This section shall in no manner affect or limit any permit issued by the port authority prior to the effective date of this act.

(t) Compliance with this section shall not constitute a waiver of any required state or federal permit.

Section 26. ALCOHOLIC BEVERAGE LICENSES. —

In addition to any licenses that may be issued under the provisions of The Beverage Law of the state, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation is authorized to issue a special alcoholic beverage license or special alcoholic beverage licenses to qualified applicants consisting of the port authority. Any such license issued pursuant to this act shall not permit the licensee to sell alcoholic beverages by the package for off-premises consumption. Any license shall at all times be the property of the port authority subject to transfer from time to time to enable a lessee to operate under a license authorized by this section. Such license shall not be valid in any location beyond the confines of the facilities of the port authority. The license tax shall be in accordance with those established in section 565.02(1)(b)-(f), Florida Statutes.

Section 27. RECODIFICATION. —

Prior to July 1, 2005, and prior to July 1 every 10 years thereafter, the Hillsborough County Legislative Delegation shall review this act and all acts that amend or modify this act, for the purpose of determining whether or not there is a need for consolidating, compiling, and recodifying such acts. If it is determined that there is such a need, the delegation may require the port authority to prepare or cause to be prepared such legislation as may be necessary for that purpose.

Section 28. SEVERABILITY. —

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 29. Chapters 84-447, 87-426, 91-380, 92-233, 93-312, and 94-409, Laws of Florida, are repealed.

Section 30. The repeal by this act of chapters 84-447, 87-426, 91-380, 92-233, 93-312, and 94-409, Laws of Florida, does not affect the prosecution or the continued prosecution of any cause of action that accrued before the effective date of the repeal.

Section 31. This act shall take effect October 1, 1995.

Become a law without the Governor's approval June 17, 1995.

Filed in Office Secretary of State June 16, 1995.

History: Chapters 95-488, 96-448, 97-341, 98-471, 2000-440, 2005-332, and 2013-267, Laws of Florida.

The Tampa Port Authority created this “Unofficial Version” of Chapter 95-488 to incorporate legislative revisions since the 1995 recodification.