

CERTIFICATE OF TERRITORIAL DESIGNATION AND OF
REQUIREMENT UNDER SECTION SIX, CHAPTER 23338
LAWS OF FLORIDA

(SPECIAL ACTS 1970
Chapter 70-716)

BY

TAMPA PORT AUTHORITY
FORMERLY
HILLSBOROUGH COUNTY PORT AUTHORITY

COVERING

SUBMERGED LANDS LOCATED WITHIN THE BOUNDARIES
OF HILLSBOROUGH COUNTY PORT DISTRICT

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, there was created by Chapter 23338 of Laws of Florida, the Hillsborough County Port District comprising the territory within Hillsborough County herein and hereinafter described, and

WHEREAS, by Chapter 70-716, Laws of Florida, the Hillsborough County Port District was expanded to include all of Hillsborough County, Florida, having all the same powers, jurisdiction, franchise, privileges, duties and authority under said Chapter 23338, Laws of Florida of 1945, as amended, and

WHEREAS, Section 6 of said Chapter 23338, among other things, provides as follows, to-wit:

"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 area designated in Section 2 of this Act are hereby granted to the Port Authority, subject to the riparian rights of the respective owners of the uplands adjacent thereto. Such titles and rights shall effectually and fully vest in said Port Authority from time to time upon said Authority filing with the Trustees of the Internal Improvement Fund of the State of Florida a certificate of territorial designation and of requirement or necessity of and for such submerged lands or any part thereof, and no action by said Trustees shall be required to vest the title to the submerged lands so designated in said Authority."

NOW THEREFORE, said Tampa Port Authority, formerly called Hillsborough County Port Authority, pursuant to and in accordance

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This instrument prepared by
Tampa Port Authority, William E. Henson, Jr.
Attorney, P. O. Box 2192, Tampa, Florida 33601

with the provisions of said Chapter 23338, Section 6, Laws of Florida and Chapter 70-716, Laws of Florida, and resolution this day duly and legally passed by said Tampa Port Authority copy of which is hereto attached and made a part hereof, does hereby designate and certify all of the submerged lands belonging to and owned by the State of Florida contained within the area hereafter described and designated in said Chapter 23338, Laws of Florida, and Chapter 70-716, Laws of Florida as the Tampa Port Authority formerly the Hillsborough County Port Authority, to-wit:

"Beginning at the northeast corner of section one in township twenty-seven south, range sixteen east; thence east on the north line of township twenty-seven south to the line between ranges twenty-two and twenty-three east; thence south on said range line to the line between townships thirty-two and thirty-three south; thence west on said township line to the south bank of Tampa Bay; thence in a direct line to a point midway between Egmont and Passage Keys in the Gulf of Mexico; thence westerly to the boundary of the State of Florida; thence northerly on the boundary of the State of Florida to a point in the Gulf of Mexico due west of the northern shore of Mullet Key; thence due east to a point one hundred yards due west of the northernmost shore of Mullet Key; thence in a line one hundred yards from the shore line around the southern portion of Mullet Key to a point one hundred yards due east of the easternmost shore of Mullet Key; thence due north to a point due east of the northernmost shore of Mullet Key; thence due east to the middle waters of Tampa Bay; thence in a northerly direction through the middle waters of Tampa Bay and Old Tampa Bay to a point of intersection with the range line between ranges sixteen and seventeen east; thence north on said range line to the point of beginning." LESS those lands heretofore designated by Certificate dated January 9, 1948, to-wit:

"Beginning at the northwest corner of township twenty-seven south, range seventeen east, run thence east on north boundary of township twenty-seven south to the range line between ranges twenty and twenty-one east; run thence south on said range line to the southeast corner of section thirty-six, township twenty-seven south, range twenty east, thence west to the northeast corner of the northwest quarter of section one, township twenty-eight south, range twenty east; thence south to the southwest corner of the southeast quarter of section one, township twenty-nine south, range twenty east; thence east to the southeast corner of said section one, township twenty-nine south, range twenty east, thence south to the southeast corner of township twenty-nine south range twenty east; thence west of township line between townships twenty-nine and thirty south to its intersection with the Government Ship Channel in Hillsborough Bay; thence southerly along the center line of said Government Ship

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Channel through the waters of Tampa Bay and Hillsborough Bay to a point where said Government Ship Channel intersects the range line between ranges eighteen and nineteen east; thence south on said range line through the waters of Tampa Bay to the east shore of Tampa Bay, thence due west to the midpoint of the waters of Tampa Bay; thence northerly and northwesterly through the middle waters of Tampa Bay and Old Tampa Bay to the west boundary line of range seventeen east; thence north on said west line to point of beginning, all located in Hillsborough County, State of Florida,

and granted to said Port Authority under and by virtue of said Section 6 of Chapter 23338, Laws of Florida and Chapter 70-716, Laws of Florida, and does hereby, pursuant to and in accordance with said Chapter 23338, Laws of Florida, and Chapter 70-716, Laws of Florida, certify the requirement and necessity of all such submerged lands.

This certificate is made to and to be filed with the Trustees of the Internal Improvement Fund of the State of Florida as provided in said Chapter 23338, Laws of Florida and Chapter 70-716, Laws of Florida and is in addition to the certificate heretofore filed dated January 9, 1948.

IN WITNESS WHEREOF, said Tampa Port Authority has caused this Certificate to be executed by its officers undersigned and its seal affixed this 19th day of November, A.D., 1970.

TAMPA PORT AUTHORITY

By William B. Grandy
Chairman

Attest:

W. B. Grandy
Secretary

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R E S O L U T I O N

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The Chairman then called attention to the Authority that the law creating the Hillsborough County Port District granted the title to, right of entry upon and right to regulate the improvement of any and all submerged lands belonging to the State contained within the boundaries of the Port District and that such rights fully and effectually vest in the Port Authority, upon the Authority filing with the Trustees of the Internal Improvement Fund of the State of Florida a certificate of territorial designation and of requirement or necessity of such submerged lands or any part thereof. The Chairman noted that Chapter 70-716, Laws of Florida extended the Port District to include all of Hillsborough County. A full discussion was had of the matter and it was determined that all of the submerged lands belonging to the State of Florida situate within the additional boundaries of the Hillsborough County Port District were required and were necessary for the proper development of the port of Tampa by the Port Authority and on motion duly made seconded and unanimously carried, the following resolution was adopted:

BE IT RESOLVED by the Hillsborough County Port Authority, the governing body and agency of the Hillsborough County Port District of the State of Florida, that WHEREAS, Section 6 of Chapter 23338, of the laws of Florida, the Act creating said Port District provides as follows:

"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 area designated in Section 2 of this Act are hereby granted to the Port Authority, subject to the riparian rights of the respective owners of the uplands adjacent thereto. Such titles and rights shall effectually and fully vest in said Port Authority from time to time upon said Authority filing with the Trustees of the Internal Improvement Fund of the State of Florida a certificate of territorial designation and of requirement or necessity of and for such submerged lands or any part thereof, and no action by said Trustees shall be required to vest the title to the submerged lands so designated in said Authority," and

WHEREAS, all of the additional submerged lands located within the territorial boundaries of said Port District as described in Chapter 70-716, Laws of Florida, are required by said Port District and necessary for said Port District and Port Authority to properly develop, operate, manage and control said Port District and provide for its development in accordance with and for the purposes set forth in Chapter 23338, creating the same and that said Tampa Port Authority, formerly called Hillsborough County Port Authority, should immediately, in order to carry out said purposes and to protect the rights and interests of said Port Authority in and to said submerged lands, immediately file with the Trustees of the Internal Improvement Fund of the State of Florida, its certificate designating all of the submerged lands belonging to the State of Florida located within the

boundaries of the said Hillsborough County Port District as required and necessary as provided in said Section 6 hereinbefore quoted.

BE IT FURTHER RESOLVED, that said Authority immediately execute and file with said Trustees of the Internal Improvement Fund of the State of Florida, such certificate of territorial designation and of requirement and necessity, form of which is hereto attached, made a part hereof and hereby approved and that said Authority execute the same under the hand and seal of its Chairman and Secretary and forthwith file such certificate with the Trustees of the Internal Improvement Fund of the State of Florida.

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TAMPA PORT AUTHORITY

LAWS OF FLORIDA THROUGH
LEGISLATIVE SESSION 1970

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CHAPTER 23338 No. 824

SENATE BILL No. 804

AN ACT Creating, Establishing and Organizing a Port District in the County of Hillsborough, State of Florida, to be known and Designated as the Hillsborough County Port District, Defining its Territorial Boundaries and Providing for its Government, Jurisdiction, Powers, Franchises and Privileges, Designating the Number of Members of Said Authority and for their Appointment by the Governor and their Terms of Office and Providing for the Qualifications of said Membership, Providing for the conveyance of State Waters and Submerged Lands Contained within the Area of the District to the Port Authority, Providing that the Administrative Expenses of the Authority shall be Defrayed by the Port District and Authorizing and Empowering said Port District to Make Appropriations to Defray said Expenses and Empowering and Authorizing the Board of County Commissioners of said County to Levy and Collect Taxes within said Port District to meet the Appropriations Provided for in the Act, Providing for the deposit of Monies of said Authority and for an Annual Budget of the Authority subject to the Approval of the Board of County Commissioners of said Hillsborough County as to Administrative Expenses and also subject to the Approval of the County Budget Board of Hillsborough County as to the Administrative Expenses, Authorizing the Issuance of Revenue Bonds and Certificates and the Method and Manner of their payment, Providing for the Handling and Disposition of the Funds and Revenues by the Port Authority and the Awarding of Contracts and Purchases by the Authority, Limiting the Time within which Claims, Either Ex Contractu or Ex Delicto, shall be filed against the Port Authority, Exempting the Property of the Port Authority from Taxation, Repealing Chapter 6782 of the Acts of the Legislature of the State of Florida, Approved June 7, 1913 as Amended by Chapter 7247 of the Acts of Said Legislature approved May 26, 1915, and Repealing Sections 313.01 to 313.06 Inclusive and Sections 314.01 to 314.10 inclusive, Florida Statutes, 1941, Insofar as they affect or apply to the Territory Embraced Within said Hillsborough County Port District and all other Laws or Parts of Laws in conflict with the Provisions of the Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. PREVIOUS PORT COMMISSION LEGISLATION REPEALED - Chapter 6782 of the Acts of the Legislature of the State of Florida, approved June 7, 1913, as amended by Chapter 7247 of the Acts of the said Legislature, approved May 26, 1915, is hereby repealed.

Section 2. PORT DISTRICT ESTABLISHED - There is hereby established a Port District in Hillsborough County to be known as the "Hillsborough County Port District", which shall comprise and include all the territory within said Hillsborough County described as follows:

Beginning at the northeast corner of section one in township twenty-seven south, range sixteen east; thence east on the north line of township twenty-seven south to the line between ranges twenty-two and twenty-three east; thence south on said range line to the line between townships thirty-two and thirty-three south; thence west on said township line to the south bank of Tampa Bay; thence in a direct line a point midway between Egmont and Passage Keys in the Gulf of Mexico; thence westerly to the boundary of the State of Florida; thence northerly on the boundary of the State of Florida to a point in the Gulf of Mexico due west of the northern shore of Mullet Key; thence due east to a point one hundred yards due west of the northernmost shore of Mullet Key; thence in a line one hundred yards from the shore line around the southern portion of Mullet Key to a point one hundred yards due east of the easternmost shore of Mullet Key; thence due north to a point due east of the northernmost shore of Mullet Key; thence due east to the middle waters of Tampa Bay; thence in a northerly direction through the middle waters of Tampa Bay and Old Tampa Bay to a point of intersection with the range line between ranges sixteen and seventeen east; thence north on said range line to the point of beginning.

Sub-Section 2. The Tampa Port Authority and Hillsborough County Port District shall have and may exercise within

the Hillsborough County Port District as hereby extended, all of the powers, jurisdiction, franchises, privileges, duties and authority it now has under the provisions of Chapter 23338, Laws of Florida, 1945, as amended, and the additional powers, jurisdiction and authority, including the power to issue revenue bonds, which said Tampa Port Authority and Hillsborough County Port District have under the provisions of Chapter 27600, Laws of Florida, Acts of 1951.

Sub-Section 3. The provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair or affect any of the remaining provisions of this act. It is hereby declared that the Legislature would have adopted this act had such unconstitutional provision or provisions not been included therein.

Sub-Section 4. Sections 313.01, 313.02, 313.03, 313.04, 313.05, 313.06, 314.01, 314.02, 314.03, 314.04, 314.05, 314.06, 314.07, 314.08, 314.09 and 314.10 Florida Statutes, and Chapter 59-1358, Laws of Florida, are hereby repealed insofar as they affect or apply to the territory embraced within said extended area of the Hillsborough County Port District designated in Section 1 of this Act and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. DEFINITIONS - As used in this Act the following words and terms shall have the following meanings:

(a) The term "PORT DISTRICT" shall mean the Hillsborough County Port District.

(b) The word "COUNTY" shall mean the County of Hillsborough, in the State of Florida.

(c) The term "COUNTY COMMISSIONERS" shall mean Board of County Commissioners, the governing body of the County of Hillsborough.

(d) The term "PORT AUTHORITY" or the word "Authority" shall mean the Hillsborough County Port Authority hereinafter created.

(e) The word "PROJECT" shall mean any one or any combination of two (2) 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, policeboats, bridges, causeways, tunnels, facilities for the loading, unloading 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 Authority may deem necessary and convenient.

(f) The word "IMPROVEMENTS" shall mean such replacements, repairs, extensions, additions, enlargements and 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 shall be undertaken by or owned, controlled or operated by the Port Authority.

(g) the term "COST" as applied to improvements shall mean the cost of acquiring or constructing improvements as hereinabove defined and shall include the cost of all labor and materials, of all machinery and equipment, cost of engineering and legal expenses, plans, specifications, financing charges and such other expenses as may be necessary or incident to such acquisition or construction.

(h) The term "COST" as applied to a project acquired, constructed, extended or enlarged shall include 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 all investigations and audits, financing charges, and all other expenses necessary or incident to determining the practicability or feasibility of such acquisition or construction, administrative expense 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 the 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.

Section 4. HILLSBOROUGH COUNTY PORT AUTHORITY - There is hereby created the "HILLSBOROUGH COUNTY PORT AUTHORITY" which shall be the governing body and authority of the area defined in Section 2 of this Act; said Authority shall constitute 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 may be sued only in the Courts of the State of Florida; and the Courts of the United States for the Middle District of the State of Florida.

(a) The Hillsborough County Port Authority shall consist of five (5) members appointed by the Governor of the State of Florida by and with the advice and consent of the Senate. These appointments may be made from a list of names submitted to the Governor by the Presidents' Round Table or its successors, of the City of Tampa, Florida, which organization shall submit at least five (5) names to the Governor for consideration for appointment to the original members of said Authority. Said organization shall submit at least two (2) names to the Governor for consideration for appointment for each vacancy occurring in said Authority. Of the original membership appointed by the Governor, one shall hold office for a term of two (2) years and one for a term of three (3) years and two (2) for a term of four (4) years. The term of each member so appointed to be designated by the Governor at the time of his appointment. At least three (3) members of the Authority shall either reside or have their principal place of business within the corporate limits of the City of Tampa, Florida. The remaining two (2) members may be persons who reside or have their principal place of business outside the territorial limits of the City of Tampa, but all five (5) members of the Authority shall be residents of said Port District.

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Each appointed member of the Port Authority shall be a qualified elector of said Port District and a discreet person of outstanding reputation for integrity, responsibility and business ability, but no person who is an officer or employee of any City within said County of said Hillsborough County or of the State of Florida or the United States of America in any capacity, shall be a member of the Authority, provided however, that Notary Publics, military officers not on active duty and holders of office constituting honorary appointment may hold office as members of the Port Authority. The Governor shall within thirty (30) days from the effective date of this Act, appoint the original members of said Port Authority and the term of office of each appointed member shall commence on the date of his appointment and qualification and continue until his successor shall be duly appointed and qualified.

(b) At least thirty (30) days prior to the expiration of the term of any member of the Authority or within ten (10) days after the happening of any vacancy in the term of any member of said Authority, a successor shall be appointed by the Governor. Said Presidents' Round Table shall submit at least two (2) names to the Governor for each vacancy to be filled for consideration for appointment thereto. Any member of the Port Authority shall be eligible for reappointment. In each case the successor shall be appointed and shall hold office for a term of four years from the date of the expiration of the term of his predecessor, provided however, that any person appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of said term only.

(c) Before assuming office each appointed member of the Authority shall take an oath that he will faithfully discharge the duties of his office and that he will uphold and defend the Constitution and laws of the United States and of the State of Florida.

(d) The officers of the Port Authority shall be chosen from the membership of the Authority. A Chairman, Vice-Chairman, a Secretary and a Treasurer shall be elected annually by the members of the Authority from among their membership. The offices of Secretary and Treasurer may be held by one person. A Port Manager shall be appointed by the Authority

by resolution and shall be chosen for his executive, administrative and technical qualifications and whose term of employment shall not exceed four (4) years and he shall be eligible for reappointment.

(e) Three (3) members of the Authority shall constitute a quorum. The vote of four (4) members shall be necessary for any action taken by the Authority involving the incurring of any indebtedness or the expenditure of any funds or money in excess of \$1,000.00. The aforesaid rights of the Authority shall not be impaired by any vacancy in the Authority.

(f) The appointed members of the Authority shall receive no compensation for their services. The Port Manager shall receive such salary as the Authority may approve.

(g) The Port Manager shall be a full-time employee of the Port Authority and shall devote his time and attention to the discharge of his duties. His office shall be kept open during such hours as the Port Authority shall fix, but the minimum hours so fixed by the Port Authority during which such office shall remain open shall be the ordinary business hours upon all business days.

(h) The Port Authority shall have power to employ such persons in addition to the Port Manager as the business of the Port Authority may require, one of whom shall be assistant secretary or assistant to the Port Manager and who shall be attached to his office, in order that the office of the Port Manager may be open for the transaction of business during business days and during business days and during business hours.

Section 5.

CONSTRUCTION OF NEW PROJECTS - It shall be 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 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 Authority from time to time. The Authority as authorized and empowered, whenever it shall deem such action feasible and practicable, to acquire, construct, extend or enlarge any project, as hereinabove defined.

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 area designated in Section 2 of this Act are hereby granted to the Port Authority, subject to the riparian rights of the respective owners of the uplands adjacent thereto. Such titles and rights shall effectually and fully vest in said Port Authority from time to time upon said Authority filing with the Trustees of the Internal Improvement Fund of the State of Florida a certificate of territorial designation and of requirement or necessity of and for such submerged lands or any part thereof, and no action by said Trustees shall be required to vest the title to the submerged lands so designated in said Authority.

No such submerged lands owned by the Authority, shall be sold or leased or otherwise disposed of by the Authority to any party or parties other than the owners or owner of the uplands adjacent thereof unless said sale, lease or other disposition thereto has been first approved by a majority of the qualified voters of said Port District voting in an election called and held as provided in Section 7 (b) of this Act except that said election shall be mandatory and not dependent upon a petition of 5% of the qualified electors of the Port District, provided however, that any submerged lands owned by the Authority adjacent to uplands owned by said Authority may be sold or leased or otherwise disposed of as provided in Section 7 (b) of this Act.

Section 7. POWERS OF PORT AUTHORITY - The Port Authority shall have all of the powers which are necessary to carry out the provisions of this Act. The Authority shall have the specific responsibility of planning, and carrying out plans, for the long range development of the facilities of and traffic through the Port in the Port District. The Authority, on and after January 1, 1968, prior to acquiring ownership, control, or undertaking the operation of any project, shall give thirty (30) days notice of a public hearing at which hearing the public's view will be heard. Such notice shall be by advertising in a newspaper of general circulation published in the Port District, at least thirty (30) days prior to such public hearing and 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: This Act shall apply prospectively and retroactively as to any and all projects of the Port Authority and all actions of and all things by the Port

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Authority heretofore done and taken for the purpose of complying with either the introductory paragraph of Section 7, Chapter 23338, Laws of Florida, 1945, or Chapter 63-1399, Laws of Florida, are hereby ratified and declared lawful.

Chapter 63-1399, Laws of Florida, is repealed.

(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 the Port Authority, and in any such condemnation proceedings the owner or owners of the property sought to be condemned shall have the right to show that said property is not needed by the Port Authority or that other property is available to the Port Authority which will adequately fill or satisfy its needs. Provided, however, the power of eminent domain shall not be exercised over property already devoted to public use.

(b) To acquire by purchase, condemnation through the power of eminent domain, gift, grant, franchise, lease or contract all property real or personal, tangible or intangible, or any estate, right or interest therein including franchises and grants of any and all kinds. Except as provided in section 6 of this act, the 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 forty (40) years with an option to renew for an additional forty (40) years, and upon the following conditions: Notice of such proposed sale or lease and time and place where objections may be filed must be advertised in a newspaper published in the port district at least fifteen (15) days before the date of a public hearing for the purposes of hearing objections thereto. Said public hearing may be before the authority or a hearing examiner as determined by the authority. If a petition signed by five percent (5%) of the qualified electors of the port district is filed, objecting to the proposed sale or lease, an election must be held to pass upon the same. If protest is not filed, the 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 county 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 right-of-way for railroads, pipelines,

gas pipes and electric transmission, telephone and telegraph lines over or through any lands owned by the port authority or the port district may be granted by the authority for a period of not over forty (40) years with an option of forty (40) years without the approval of the voters, but no such easement shall be exclusive; and every such easement shall be subject to the right of the port authority, 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 of right-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 the City of Tampa, to the County of Hillsborough, to the State of Florida, or to the United States of America for public purposes under such terms and conditions as may be negotiated by the Authority with the appropriate governmental body aforesaid, but all without the approval of the voters, and that all easements of right-of-way or fee simple to rights-of-way heretofore granted and conveyed by the Authority under Chapter 23338, or otherwise, are hereby approved, ratified and confirmed.

Underlined Section
Effective 10/1/72

Notwithstanding the provisions of this section or of section 6, fee simple title to spoil islands owned by the port authority or port district may be granted and conveyed by the port authority to the City of Tampa, to the County of Hillsborough, to the State of Florida or to the United States of America for public purposes under such terms and conditions as may be negotiated by the authority with the appropriate governmental body aforesaid, but all without approval of the voters, and that all fee simple title to spoil islands heretofore granted and conveyed by the authority under Chapter 23338, or otherwise, are hereby approved, ratified and confirmed.

(c) To construct, acquire, establish, extend, enlarge, improve, reconstruct, maintain, equip, repair, and operate any project, as hereinabove defined, within the boundaries of said port district.

(d) To borrow money and incur indebtedness; to issue Revenue bonds or Revenue Certificates upon or without security as the Authority may determine; provided, however, said Authority may, in any one budget year, borrow not to exceed 50% of the approved administrative budget, and said loan to be payable

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within said budget year. Revenue bonds or Revenue certificates of the Authority shall in no way be considered a debt of the County of Hillsborough or of the Port District; provided, however, the Authority may issue general obligation bonds pledging the full faith and credit of the Port District and County of Hillsborough as herein provided and provided by law.

(e) To apply to the proper authorities of the United States for the right to establish operate and maintain foreign and domestic trade zones within the limits of said Port District, and to establish, operate and maintain such foreign and domestic trade zones.

(f) To fix uniform rates and charges for wharfage, dockage, transit, storage, sheddage, and handling to and from vessel, where such facilities are owned by said Authority, or otherwise, insofar as it may be permissible for said Authority to do so under the Constitution of the State of Florida and the Constitution and Laws of the United States of America.

(g) To make rules and regulations for its own government and to hold regular meetings at least once a month, said meetings to be open to the public.

(h) To operate, manage, and control all projects as hereinabove defined, hereafter acquired or constructed under the provisions of this Act.

(i) To enter into joint agreements and arrangements with steamship lines, railroads, or other transportation lines or any common carrier as the Authority shall deem to its advantage to do so.

(j) To make and enter into all contracts and agreements 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, however, that such compensation must be with the amount appointed for such purpose in the annual budget of the Authority as approved by the Board of County Commissioners unless such sums are derived solely from Port revenues or from sources other than ad valorem taxation.

(k) To exercise such police powers as it may deem to be necessary for the effective control and regulation of all facilities, areas, and districts

under its jurisdiction.

(l) To have and to exercise all of the powers, rights and authority now vested by the Statutes of the State of Florida in the Pilot Commissioners for the Port of Tampa, except the examination, appointment, licensing and removal from office of pilots and the fixing of rates of pilotage to be paid by vessels entering said Port and except the promulgation of rules and regulations covering pilots of said Port from the time they go aboard vessels until they first dock said vessels in said port and from the time they take said vessel from its last dock out of said Port, and also excepting the right of said Pilot Commissioners to receive compensation for the performance of their duties.

(m) To appoint, regulate, control and prescribe the powers, duties and compensation of Harbormasters. Harbormaster fees shall be received from the master, owner or consignee of commercial vessels engaged in coastwise or foreign commerce, entering the Hillsborough County Port District to berth, load, or unload. The amount of Harbormaster fees shall not exceed \$10.00 upon a vessel engaged in coastwise commerce or \$20.00 upon a vessel engaged in foreign commerce and said fees shall be due and payable to the Tampa Port Authority.

(n) To appoint a manager of the Port Authority and to determine his duties and his compensation in accordance with the provisions elsewhere contained in this Act.

(o) To receive and accept from the Federal Government or any agency thereof, grants in the aid of the construction of any project.

(p) 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 non-navigable waters connected therewith.

(q) 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 District of the Authority, subject to the limitation that these powers shall apply only with reference to facilities woned, controlled or operated by the Port Authority, unless after public hearing it should be determined that such services are not being properly and acceptably performed ~~0021~~ private

(r) To make rules and regulations governing the speed, operation, docking, movement, stationing of all watercraft, plying waterways in the District under the jurisdiction of the Authority.

(s) To impose a franchise, license, or excise tax upon businesses and occupations carried on or operated under and by virtue of any franchises, licenses or privileges granted by the Authority with respect to any project owned, controlled or operated by the Port Authority.

(t) To advertise the Port of Tampa in such manner as the Authority deems advisable; to negotiate and contract with shipping companies and other such institutions as the Authority may deem necessary for development and expansion of Port District. All expenses incurred in exercise of the powers conferred by this Section, shall be paid out of the Administrative Fund.

(u) The Port Authority in fixing rates and charges to be charged by it with respect to any project owned, controlled or operated by it, and which is in direct competition with a privately owned project in said Port District, shall include in the operating costs and expenses of its projects an amount equal to what the ad valorem taxes thereon would amount to annually if said project was so taxed.

(v) To own any real or personal property or to acquire any estate therein within Hillsborough County, even though outside the limits of the Hillsborough County Port District, provided that the power of acquisition by eminent domain shall not extend beyond the territorial boundaries of the Port District.

(w) To require steamship agents, freight forwarders, stevedores, steamship companies, barge lines, towing companies, ship operators and any and all other persons or corporations operating commercial vessels into or out of the Tampa Port District to report within thirty (30) days the arrival and departure of vessels into and out of the Port District; and the authority is authorized to set rules and regulations concerning the said reports.

(x) To require steamship agents, freight forwarders, stevedores, steamship companies, barge lines, towing companies, ship operators and any and all other persons or corporations operating vessels into or out of the Port District

to report within thirty (30) days cargoes moving into or out of the Port District to the Port Authority for the purpose of the Authority compiling detailed statistical material on Port Traffic; and the authority is authorized to set rules and regulations concerning the said reports.

Section 8. PORT DISTRICT AUTHORIZED TO DEFRAY ADMINISTRATIVE EXPENSES OF THE AUTHORITY - The Port District is authorized to defray administrative and capital improvement expenses of the Authority. The administrative and capital improvement expenditures of the Authority shall be defrayed by the Port District and said Port District is hereby authorized and empowered to make appropriations for and to defray such expenses. The Board of County Commissioners of Hillsborough County is empowered and authorized to levy and collect taxes on all property within said Port District to meet the appropriations provided for in this Act; provided, however, such tax shall not exceed one half (1/2) mill per year.

Section 9. DEPOSIT OF MONIES OF THE AUTHORITY. All monies of the 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 Authority. Such monies shall be used exclusively with approved budgetary practice and accounting methods and only for the purposes specified in the budget of the Authority. No funds or monies shall be withdrawn from the treasury of the Authority except upon action by the Port Authority and upon vouchers therefor signed by any two members of the Port Authority, or by any one member of the Port Authority and Port Manager. The Treasurer shall execute a faithful performance bond in such sum as the Authority shall from time to time determine, the premium thereon to be paid by the Authority as a proper operating expense. Said Authority may require such other officers or members of the Authority or employees thereof to execute faithful performance bonds in such sums as the Authority may from time to time determine; the premiums on said bonds to be paid by the Authority as a proper operating expense thereof.

Section 10. ANNUAL BUDGET OF THE AUTHORITY. The Port Authority shall annually prepare and submit to the Board of County Commissioners of Hillsborough County at the time provided by law for the submission of budgets to said 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 said budget, as to administrative

expenses of the Authority. Authorization is hereby given the Board of County Commissioners of Hillsborough County to assess, levy and collect annually tax on all the taxable property within the corporate limits of the Port District subject to taxation for the purpose of meeting the appropriation given the Authority for administrative expenses.

SECTION 11. CREDIT OF THE COUNTY NOT PLEDGED. Revenue Bonds issued by the Authority under the provisions of this Act shall not be deemed to constitute a debt of Hillsborough County or a pledge of the faith and credit of said County or said Port District, but such bonds shall be payable solely from the revenue of the Authority pledged for the payment thereof and all such bonds issued shall contain such limitation on their face.

SECTION 12. REVENUE BONDS. The Port Authority is hereby authorized to provide by resolution, at one time or from time to time for the issuance of revenue bonds for the purpose of paying all or a part of the cost, as hereinabove defined, of acquiring, constructing, extending or enlarging any project or projects. The principal and interest on such bonds shall be payable solely from the special fund herein provided for such payment from revenues pledged therefor. The bonds of each issue shall be dated, shall bear interest not exceeding five per centum (5%) per annum, and shall be redeemable before maturity at the option of the Authority. Said bonds shall be sold at public sale at the lowest interest rate offered and said bonds shall bear such interest rate and shall be in such sum and denomination and with or without interest coupons as the Authority may determine. No revenue bonds shall be issued under the Authority of this Act unless the proceeds of such bonds together with the proceeds of any Federal Grant or other monies to be made available for such purposes, shall be sufficient to pay the estimated cost of acquiring, constructing, enlarging, or extending any project or projects for which such bonds are to be issued, nor unless the estimated annual revenues of such project or projects and of any existing projects which may be pledged for such purposes shall be sufficient to pay (a) the estimated annual cost of maintaining, operating and repairing the project or projects, and (b) the interest and principal on such bonds as such interest and principal shall become due. The Authority is hereby 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 the provisions

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of this Act, provided, however, no refund bond shall be issued to refund interest. The Authority is further authorized to provide by resolution for the issuance of a single issue of revenue bonds for the combined purpose of (a) paying all or a part of the costs of acquiring, constructing, extending or enlarging a project or projects and (b) refunding the principal of any revenue bonds which shall then be outstanding and payable from the revenues of any existing project or projects.

SECTION 13.

ANNUAL AUDIT. The books and records of the Authority shall be audited annually in the same manner as the offices and boards of the County Officials are audited.

SECTION 14.

REVENUES. The Port Authority shall, in the resolution providing for the issuance of revenue bonds, fix the initial rates and charges for the services and facilities furnished by each project affected by such revenue bonds, and shall thereafter from time to time revise such rates and charges without notice and shall charge and collect same. All bonds issued shall contain such provisions on their face. Such rates and charges shall be so fixed and adjusted as to provide funds sufficient to pay (a) the cost of maintaining, repairing and operating such projects including reserves for replacements, depreciation, and necessary extensions, and (b) the principal and interest on such revenue bonds as same shall become due and reserves therefor. Such rates and charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the City, County or of the State. All revenues derived from any such project or projects, over and above operating expenses, shall be set aside at regular intervals for the credit of the following separate funds for the following purposes and in the following order:

1. A Sinking Fund for the payment of the interest and principal on such revenue bonds as the same shall become due or be retired by call or purchase prior to maturity.
2. A fund for anticipated extensions, improvements, renewals, replacements and extra ordinary repairs.
3. A working capital fund.

At the close of each fiscal year the Port Authority

shall make a comprehensive report of its operations of each project under its control during the preceding fiscal year, including all matters relating to rates and revenues, maintenance, repair and operational costs, replacements and extensions, principal and interest retirements and the status of all funds. Copies of such annual reports shall be filed with the Secretary of the Port Authority, and with the Clerk of the Board of County Commissioners of Hillsborough County, and shall be open to the inspection of all interested persons. 28

SECTION 15. 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 hereinabove provided, shall be put into the "Administration Fund" and used for the administration, maintenance, expansion of existing facilities and construction and operation of new facilities and additions and improvements to existing facilities.

SECTION 16. RESERVE FUND. That part of the "Administrative Fund" remaining unexpended at the close of each fiscal year, shall be transferred to a special fund to be designated "Reserve Fund". The "Reserve Fund" shall be used for the following purposes:

- (a) Retiring of outstanding obligations of the Port Authority.
- (b) Payment of costs of repairs occasioned by unforeseen emergencies.
- (c) Provide additional improvements for the Port District.

SECTION 17. 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 when the amount to be paid by the authority shall exceed two thousand five hundred dollars (\$2,500) unless notice thereof shall be advertised at least one (1) time not less than ten (10) or more than thirty (30) days prior to receiving bids in a daily newspaper of general circulation published in the City of Tampa, calling for bids upon the work to be done or for the goods, supplies, or materials to be purchased. In each case the bid of the lowest responsible bidder shall be accepted unless the Port Authority shall reject all bids. No newspaper shall charge more than its minimum commercial rate therefor and all such advertisements shall be set on 6-point type on 6-point body. The Port

Authority may in its discretion require the deposit of cash or certified check not to exceed fifteen percent (15%) of the bid as evidence of good faith on the part of bidders, such deposit to be returned when the bid is rejected or contract performed. The right shall be in the Authority to reject any and all bids and where bids are alike or similar to 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. Any commissioner, officer, or employee violating this provision shall be personally liable to the Authority for the full price of any goods, supplies or materials so purchased. Notwithstanding any of the foregoing provisions, the Port Authority may negotiate in case of emergencies for maintenance and repairs on locomotives, railroad rolling stock, gantry and bridge cranes and other heavy material and handling equipment, and wharves, docks, piers and railroad tracks provided that at least three (3) quotations are obtained and considered. Notwithstanding any of the foregoing provisions, the authority may negotiate for the purchase of governmental surplus equipment and materials and used equipment and material to be used by the authority for the construction of port projects, provided that three (3) appraisals are obtained and considered.

Underlined Section
Effective 10/1/72

SECTION 18. PURCHASES BY AUTHORITY. 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 Port Commissioner or other officer or employee shall bid or enter into, or be in any manner interested, directly or indirectly, in any contract for public work to which the said Port Authority may be a party. Any Port Commissioner who shall violate the provisions hereof, shall be deemed guilty of malfeasance in office. All money or thing 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, 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 19. CLAIMS AGAINST AUTHORITY. Every claim whether ex contractu or ex delicto, whether liquidated or

unliquidated, whether vested, fixed or contingent, against the Port Authority shall be filed, signed by the claimant or his duly authorized agent or attorney with the Port Authority within six months from the time said claim shall become due or arise, and shall be barred if not so filed: said writing representing said claim shall be particularly as is known to the claimant, set out the details of said claim, and specify the names of the witnesses, if any, claimant relies upon to support his claim.

SECTION 20.

EXEMPTION OF PROPERTY FROM TAXATION. As 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, and as the exercises of the powers conferred by the Act constitute the performance of essential government functions, and as the projects acquired or constructed under the provisions of this Act constitute public property and are used for governmental purposes, the Tampa Port Authority shall be exempt from all taxation upon any and all of its projects and property real and personal, tangible and intangible, to which it holds title, levied and assessed pursuant to the Constitution and laws of the State of Florida, by any taxing unit.

SECTION 20A.

Underlined Section
Effective 10/1/72

GENERAL OBLIGATION BONDS. General obligation bonds of the Port District may be issued, provided their issuance has been approved at an election called, held, and conducted in the manner provided by general laws.

SECTION 21.

PROVISIONS OF ACT SEVERABLE. The provisions of this Act are severable, and it is the intention to confer the whole or any part of the powers herein contained and provided for, and if any of the provisions of this Act shall be held unconstitutional by any Court of competent jurisdiction, the decision of such Court shall not impair or affect any of the remaining provisions of this Act. It is hereby declared that the Legislature would have adopted this Act had such unconstitutional provision or provisions not been included therein. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 22.

That Sections 313.01 to 313.06 inclusive and Sections 314.01 to 314.10 inclusive, Florida Statutes 1941, are hereby repealed insofar as they affect or apply to the territory embraced within said Tampa Port District and all other laws or parts of laws in conflict with the Act be and the same are hereby repealed.

SECTION 23.

REFERENDUM. This Act shall take effect only upon the affirmative vote of a majority of the votes cast at a special election to be called and conducted by the Hillsborough County Election

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Board at a time to be fixed by said Board after the passage of this Act. The question submitted at said election shall be in substantially the following form: Shall the Act creating and establishing the Hillsborough Port District be approved? If a majority of the votes cast at said election on said question shall be for the approval thereof, this Act shall immediately be in full force and effect. The Election Board of Hillsborough County is hereby authorized, empowered and directed to call and hold said special election and shall cause notice thereof to be published in one or more newspapers within the City of Tampa, not less than twenty (20) days before the date of such election, setting forth the time of holding the same, the location of the voting place, and the title of this Act. All duly registered and qualified voters residing within the territorial boundaries of the District shall be eligible to vote in said election. Said Hillsborough County Election Board shall appoint the election officials for said election, who shall hold and conduct the election, and canvas the returns thereof in the manner provided by law for the holding of elections in the County of Hillsborough insofar as the same may be applicable.

SECTION 24. Said Tampa Port Authority shall, prior to the time it fixes and establishes any rates or adopts or fixes or establishes any rules or regulations, other than the rules and regulations for its own government, as authorized in this Act, give public notice of a public hearing thereon by publishing such notice at least one time in a newspaper published within said Hillsborough Port District at least twenty (20) days prior to such hearing which notice shall contain the time and place of said hearing and a brief summary of the rates to be established or the rules or regulations to be adopted.

SECTION 25. Any wharfage charges or regulations fixed or established under Section 24 hereof shall not apply to any wharves or slips owned by the City of Tampa, a municipal corporation, nor to any property within 700 feet on each side of Ybor Channel throughout its length. Provided, however, that this Section 25 shall remain in full force and effect only so long as the provision of the River and Harbor Act of the Congress of the United States of June 25, 1910, with reference to regulations, charges and wharfage charges with respect to the property described in this Section 25 shall be fully controlled by the municipal authorities of the City of Tampa, Florida and subject to the approval of the

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- SECTION 26. Any person, firm or corporation, violating any rate or any rule or any regulation established, fixed or adopted by said Tampa Port Authority, shall be deemed guilty of a misdemeanor or shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment. Each day's violation of any such rate, rule or regulation shall be a separate offense.
- SECTION 27. Any person, firm or corporation violating any rate, rule or regulation of said Port Authority established under this Act as amended, shall be subject to be enjoined and restrained by suit brought in the name of Hillsborough Port District by said Port Authority in the Court having jurisdiction of equity suits and the general statutes and rules of Court governing injunctions shall apply to such suits, provided said Port District shall not be required to give any bond or indemnity.
- SECTION 28. PROMOTION, PUBLIC RELATIONS AND SALES. In addition to the other duties of the Authority, the Authority shall have the duty to promote and publicize the activities, projects, facilities and advantages of the Port District and surrounding territory.
- SECTION 29. PROMOTION, PUBLIC RELATIONS AND SALES PERSONNEL. The Authority may employ such public relations, promotion and salespersonnel as may be necessary in its judgment to effectuate the promotion, public relations and sales program.
- SECTION 30. REGULATION OF EXPENDITURE OF FUNDS. The Authority is authorized to have a contingency fund for promotion which shall not exceed one per cent (1%) of the actual revenues, exclusive of ad valorem taxes, of the Port Authority in any one (1) year, or five thousand dollars (\$5,000.00), whichever is less. The Port Manager 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 not to exceed one hundred fifty dollars (\$150.00) per year, and advancement of such funds to Port Authority personnel engaged in promoting the Port, and expenditures for hospitality and entertainment of business guests at the Port of Tampa or elsewhere, provided that such entertainment and hospitality expenses shall not exceed the amount authorized for such contingency fund for promotion provided herein.

CHAPTER 24577 -- No. 963
(Senate Bill No. 575)

AN ACT authorizing and empowering the Hillsborough County Port District to acquire from the City of Tampa real or personal property or both acquired by said City from the United States of America or any Governmental Agency thereof as Government surplus war property either by deed, conveyance or assignment of contract of purchase entered into between said City and the United States of America or any Governmental Agency thereof and to take and acquire the same subject to the terms and conditions of said sale to the City and Authorizing said Hillsborough County Port District to pay said City the amount of money paid by it for said property either in full or as a down payment and to assume and pay any deferred payments due thereon as a part of said purchase price by the City with any interest due or to become due thereon and authorizing said Port District to make appropriations for such payments and authorizing and directing the Board of County Commissioners to levy and collect taxes on all property within said Port District for the purpose of making said payments and for the purpose of making improvements to and development of such property so acquired, provided, however, such taxes shall be limited to not exceed $3/8$ mill per year, the same being in addition to the $1/8$ mill now being levied to defray the Administrative expenses of said Port District and authorizing said Port District to manage and operate any such property so acquired subject to any conditions, restrictions or limitations placed thereon by the United States Government or any Agency thereof in the sale and transfer thereof to the City of Tampa.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. Hillsborough County Port District by and through the Tampa Port Authority is hereby authorized to acquire from the City of Tampa, a municipal corporation of Hillsborough County, Florida, any real or personal property or both heretofore or hereafter acquired by said City from the United States of America or any Governmental Agency thereof as Government surplus war property and to acquire same either by deed, conveyance or assignment of contract of purchase of sale as entered into between the said City and said United States of America or any Governmental Agency thereof, and to take and acquire the same subject to the terms and conditions of said sale to said City.

Section 2. Hillsborough County Port District by and through the Tampa Port Authority is hereby;

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authorized and empowered to pay for such property so acquired from said City of Tampa and to make payment to said City of any down or partial payment made by it in acquiring any such property and to assume and pay any deferred payments due thereon as a part of the purchase price agreed to be paid by such City and any interest due or to become due thereon.

Section 3. Tampa Port Authority is hereby authorized and empowered to make appropriations to defray the cost of acquiring any such property, real, personal or both from said City and for the purpose of making improvements to and for the development of any such property so acquired. The Board of County Commissioners of said Hillsborough County is hereby empowered and authorized to levy taxes on all property within said Port District to pay the appropriations provided for in this Act, provided, however, the same shall not exceed 3/8 mill per year.

REPEALED
July 1, 1967

Section 4. Hillsborough County Port District by and through Tampa Port Authority is hereby authorized and empowered to make improvements to and develop any property acquired under this Act and to manage, operate and hold the same subject to any conditions, restrictions or limitations placed thereon by the United States Government or any Agency thereof in the sale or transfer thereof to said City of Tampa, all without any limitations or restrictions thereon as provided for in the Act creating said Hillsborough County Port District.

Section 5. This Act shall take effect immediately upon its becoming a law.

Became a law without the Governor's approval
Filed in Office Secretary of State May 31, 1947.

CHAPTER 27600 - No. 1121
(Senate Bill No. 1017)

AN ACT authorizing and empowering the Hillsborough County Port District, created by Chapter 23338, Special Laws of Florida, 1945, acting by and through the Tampa Port Authority, to issue revenue bonds, payable solely from revenues, to pay the cost of acquiring, constructing, extending, enlarging or improving any project or projects as defined in said Chapter 23338, including projects located on land owned by the District or the Authority or subject to lease or a contract to purchase by the District or the Authority, and to repay any obligations owing by the District or the Authority, and to repay any obligations owing by the District or the Authority in connection with any such projects; providing for the issuance of revenue refunding bonds; prescribing the powers and duties of the Tampa Port Authority in relation to the foregoing; and declaring all Acts and parts of Acts inconsistent with the provisions of this Act to be inapplicable thereto.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. DEFINITIONS. As used in this Act, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

- (a) The term "Port District" shall mean the Hillsborough County Port District created by Chapter 23338, Special Laws of Florida, 1945.
- (b) The term "Port Authority" shall mean the Tampa Port Authority created by said Chapter 23338.
- (c) The word "project" shall mean and shall include anyone or any combination of two or more projects as defined in said Chapter 23338, as follows: Channels, anchorage areas, jetties, breakwaters, harbors, ports, canals, locks, waterways, tidals and turning basins, wharves, docks, piers, quays, slips, bulkheads, public landings, terminal storage and quick freezing plants, stockyards, elevators, shipyards, marine railways, dry docks, 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, unloading 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 Authority may deem necessary and convenient.

(d) The word "construction" shall mean and shall include construction, reconstruction, improvement, extension, enlargement, equipment and repair.

(e) The word "cost" as applied to a project shall mean and shall include the cost of acquisition or construction, the cost of all labor, materials, machinery, and equipment, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, cost of plans and specifications, surveys and estimates of cost of revenues, cost of engineering, legal and financial services, administrative expense, all expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, and such other expenses as may be necessary or incident to the acquisition or construction or the financing thereof herein authorized. Any obligation or expense heretofore or hereafter incurred by the Port District of the Port Authority in connection with any of the foregoing items of cost may be regarded as a part of such cost and reimbursed to the Port District or the Port Authority out of the proceeds of revenue bonds issued under the provisions of this Act.

Section 2. GRANT OF POWER. In addition to the powers otherwise granted by law to the Port District and to the Port Authority, the

Port District, acting by and through the Port Authority, shall have the following powers:

- (a) To acquire, construct, reconstruct, improve, extend, enlarge, equip, repair and operate any project, whether such project is located 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;
- (b) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of any project or projects the acquisition or construction of which is authorized under subdivision (a) of this Section, or to pay all or a part of such cost and to repay any obligations owing by the Port District or the Port Authority in connection with any such project or projects;
- (c) 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 the Port Authority shall determine, without regard to any limitations, conditions or restrictions contained in any other law;
- (d) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and accounting experts and attorneys, and such employees and agents, as may, in the judgment of the Port Authority, be deemed necessary and to fix their

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compensation;

- (e) 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 the judgment of the Port Authority be necessary or desirable for the efficient operation thereof and for accomplishing the purposes of this Act;
- (f) Subject to such provisions and restrictions as may be set forth in any resolution or trust agreement authorizing or securing any bonds issued under the provisions of this Act, to enter into contracts with the Government of the United States or the State of Florida or any agency or instrumentality corporation, or with any co-partnership, association or individual, providing for or relating to any project or the purchase or use of the services or facilities furnished by any project;
- (g) To receive and accept from any authorized agency of the Federal Government loans or grants for the planning, construction, improvement, extension, enlargement, reconstruction or equipment of any project and to enter into agreements with such agency respecting any such loans or grants, 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; and
- (h) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Section 3. ISSUANCE OF REVENUE BONDS. The Port District, acting by and through the Port Authority, is hereby authorized to provide by resolution, at

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one time or 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 subsection (a) of Section 2 of this Act, or to pay all or a part of such cost and to repay any obligations owing by the Port District or 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 forty (40) years from their date or dates and shall bear interest at such rate or rates not exceeding six percent (6%) per annum, 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 under 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 coupons 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. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby 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 interests of the Port District and Port Authority,

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but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six percent (6%) per annum, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity. 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, shall be less than the amount required for the purpose for which such bonds shall 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 same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which the bonds have been issued, the surplus shall be deposited to the credit of the Sinking Fund for 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 which become mutilated or destroyed or lost. Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the Port District or of the Port Authority or a pledge of the 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.

Section 4.

PLEDGE OF REVENUES. The resolution authorizing the issuance of revenue bonds under the provisions of this Act, or any trust agreement securing such bonds, may pledge the revenues of any project or projects, but shall not convey or mortgage 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 to the foregoing, such resolution or trust indenture may contain such other provisions as the Port Authority may deem reasonable and proper for the security of bondholders. Except as in this Act otherwise provided, 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 depositary 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 issuance of or securing 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

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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.

Section 5. TRUST FUNDS. All moneys received pursuant to the authority of 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 of 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 monies shall be paid shall act as trustee of such monies and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Section 6. REMEDIES. Any holder of bonds issued under the provisions of 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, mandums 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.

Section 7. REVENUE REFUNDING BONDS. The Port District, acting by and through the Port Authority, is hereby 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 the provisions of this Act which are provided to mature or which shall be subject to redemption at any time within two 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,

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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 (1) paying the cost of the acquisition or construction of any project, and (2) refunding revenue bonds of the Port District as above provided in this Section. The 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 may be applicable.

Section 8. INAPPLICABILITY OF INCONSISTENT PROVISIONS OF OTHER LAWS. Bonds may be issued under the provisions of 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 condition or thing than those proceedings, conditions or things which are specifically required by this Act, and the issuance of such bonds shall not be subject to any limitations or conditions contained in any other law. None of the restrictions, limitations or conditions contained in Chapter 23338, Special Laws of Florida, 1945, as amended, or in any other law shall be applicable to the powers granted by this Act or to the exercise of any such powers. It is hereby expressly provided that 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.

Section 9. PROVISIONS OF ACT SEVERABLE. The provisions of this Act are severable and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this Act shall be held unconstitutional by any Court of competent jurisdiction, the decision of such Court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provision not been included therein.

Filed in Office Secretary of State June 11, 1951. 0041

CHAPTER 30820
(House Bill No. 951)

AN ACT providing that any member or members of the Board of County Commissioners shall be eligible to serve as a member or members of the following Boards: (A) Tampa Port Authority, (B) Hillsborough County Aviation Authority, and (C) Hillsborough County Welfare Board.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. Any member, or members of the Board of County Commissioners of Hillsborough County, Florida shall be eligible to serve as a member or members of the following Boards in said County:

- (a) Tampa Port Authority created under the provisions of Chapter 23338, Laws of 1945, and amendments thereto;
- (b) Hillsborough County Aviation Authority created under the provisions of Chapter 23339, Laws of 1945, and amendments thereto; and
- (c) Hillsborough County Welfare Board created under the provisions of Chapter 9274, Laws of 1923, and amendments thereto.

Section 2. This Act shall be supplemental and in addition to any law or parts of law in conflict herewith.

Filed in Office Secretary of State May 19, 1955.

SENATE BILL NO. 1208

AN ACT relating to the Hillsborough County Port District and the Tampa Port Authority; authorizing the Board of County Commissioners of Hillsborough County to render financial assistance in the form of grants in aid of money or property to the Tampa Port Authority for the purpose of paying for all or part of the cost of acquisition or construction of a shipyard or any part thereof; providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The Board of County Commissioners of Hillsborough County is hereby authorized and empowered to tender and donate grants in aid in the form of money or property to the Tampa Port Authority for the planning, purchase, construction, reconstruction or financing of a shipyard or any part thereof to be located in Hillsborough County and further empowering the Board of County Commissioners of Hillsborough County to acquire, construct and equip a shipyard or any part thereof and to convey it to the Tampa Port Authority.

Filed in the Office Secretary of State June 21, 1957.

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SENATE BILL NO. 1205

AN ACT relating to Hillsborough County, the Hillsborough County Port District and the Tampa Port Authority; finding and declaring that the defense of the United States is a joint responsibility of the Government of the United States, the several states thereof, including the State of Florida and of all political divisions and subdivisions thereof; finding and declaring that the acquisition, construction and equipping by the County or the District and Authority of a shipyard and related facilities to be leased to public or private shipbuilding corporations for the construction of naval sea ships of war are in part a discharge of such responsibility and constitute a public purpose; authorizing the county or the district and authority to acquire, construct, equip and lease such a shipyard; authorizing the county or the district and the authority to issue revenue obligations payable from lease rentals and other legally available funds to finance the cost of acquisition, construction and equipping of such shipyard; providing an effective date.

BE IT ENACED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. It is found, determined and declared that:

(1) the defense of the United States of America is a joint responsibility of the Government of the United States, the several States thereof, including the State of Florida and of all political divisions and subdivisions of the State.

(2) The acquisition, construction and equipping by Hillsborough County (hereinafter called "the County") or by the Hillsborough County Port District (hereinafter called "Port District") and by the Tampa Port Authority (hereinafter called "Port Authority") of a shipyard and related facilities to be leased to public or private shipbuilding corporations for the construction of naval sea ships of war and especially for the construction of ships for the United States Navy under a program known as the Fast Deployment Logistic Ship Program (hereinafter called "FDLS Program") are in part a discharge of such responsibility for the defense of the United States and constitute a public purpose for the financing of which revenue obligations of the

County or the Port District may be issued.

- Section 2. The Port District, the Port Authority or the County are authorized to acquire, construct and equip a shipyard and related facilities including but not limited to buildings, improvements, fixtures, docks, dry-docks, wharfs, machinery and equipment, to be used for the construction, manufacture, repair and maintenance of ships including Naval sea ships of war.
- Section 3. That Port District, the Port Authority or the County are authorized to lease such shipyard and related facilities for a term not exceeding eighty (80) years to public or private shipbuilding corporations for ship construction, repair and maintenance services to the general public and the United States Navy and especially for the construction of ships for the United States Navy under the FDLS program.
- Section 4. The Port District, acting by and through the Port Authority or the Board of County Commissioners, is authorized to provide by resolution at one time or from time to time for the issuance of revenue bonds of the Port District or the County, for the purpose of paying all or a part of the cost of such shipyard and related facilities. The principal of and interest on such bonds shall be payable from the rentals received by the County or Port Authority pursuant to lease agreements entered into between the Port District and the Port Authority or the County and shipbuilding corporations pursuant to the authority granted under this Act and from such other funds legally available for such purpose. The provisions of Chapter 27600, Laws of Florida, 1951, except insofar as the same are inconsistent with the provisions of this Act, shall apply in all respects to the authorization, issuance, sale and delivery of the revenue bonds herein authorized by the Port Authority and the Port District.
- Section 5. It is declared to be the legislative

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intent that, if any section, subsection, sentence, clause or provision of this Act is held invalid, the remainder of the Act shall not be affected.

Section 6. This Act shall be deemed to provide an additional and alternative method for the doing of things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing. This Act containing powers necessary for the defense of the United States of America, the State of Florida and its political divisions and subdivisions shall be liberally construed to effect the purposes thereof.

Filed in Office Secretary of State June 26, 1967.

0046

CHAPTER 67-1503
HOUSE BILL 2299

AN ACT relating to submerged lands in the Hillsborough County Port District; providing procedures and conditions for the granting of dredge or fill permits by the Tampa Port Authority; requiring preliminary biological and hydrographic surveys and ecological study by the State Board of Conservation; requiring recommendations from the State Board of Conservation and the City-County Planning Commission to the Tampa Port Authority upon all applications for such permits; providing that the Board of County Commissioners of Hillsborough County may approve or rescind permits granted by the Tampa Port Authority; providing certain exceptions; providing for removal of unauthorized fill; providing a manner for appeal; providing a severability clause; providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. Any person, firm or corporation desiring to construct islands or add to or extend existing lands or islands, located within the boundaries of the Hillsborough County Port District and bordering on or in navigable waters, by pumping sand, rock or earth from such waters or by any other means, shall make application in writing to the Tampa Port Authority for a permit authorizing such person, firm or corporation to engage in such construction, dredging or filling.

Section 2. In each instance the written application herein provided for shall be accompanied by a plan or drawing showing the proposed construction and shall also show the area from which any fill material is to be dredged if the proposed construction is intended to be created from dredged material. After receiving the application in such form as the Tampa Port Authority may require to show clearly what is intended to be accomplished in any proposed development of such lands, the Tampa Port Authority shall then give notice of the application by publication in a newspaper of general circulation published in the Port District not less than once a week for three (3) consecutive weeks, mailing copies of such notice by certified or registered mail to each riparian owner of upland lying within one thousand five hundred

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(1,500) feet of the island or submerged land upon which the construction or fill is proposed, addressed to such owner as his name and address appears upon the latest county tax assessment roll, in order that any persons who have objections to such construction, dredge or fill may have the opportunity to present the same.

Section 3. Copies of such application shall be forwarded forthwith and filed with the City-County Planning Commission and the State Board of Conservation. Each such agency shall thereupon make a separate and independent study of the application and shall within a time set by the Tampa Port Authority submit to it a report of findings of fact and conclusions, along with a recommendation to grant or deny the application.

Section 4. The Board of Conservation shall make or cause to be made under its supervision, at the expense of the applicant, a biological survey and an ecological study and, where deemed necessary by the Board of Conservation, a hydrographic survey of the area within which such construction, dredging or filling is proposed. The findings and results of such surveys and studies shall be made a part of the report required under Section 3 herein above, shall form the basis for recommendation by the Board of Conservation and shall be factors in the final determination by the Tampa Port Authority to grant or deny the application.

Section 5. The Tampa Port Authority shall thereafter schedule a public hearing to announce the finding and recommendations of the public agencies and bodies designated in Section 3 above and to hear objections, if any. Notice of such hearing, specifying time and place, shall be given and published in the same manner as provided in Section 2 above, provided that such hearing shall be not less than forty-five (45) days nor more than sixty (60) days from the date of last newspaper publication.

Section 6. No permit for construction, dredging or filling shall be issued by the Tampa Port Authority unless said Authority shall first, inter alia, have obtained the reports and recommendations required hereunder; have

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found the proposed construction, dredging or filling and the proposed development and use of the property not to be violative of any statute, zoning law, ordinance or other restrictions which may be applicable thereto; have found that no harmful obstruction to or alteration of the natural flow of the navigable water within such areas will arise from the proposed construction, dredging or filling; have found that no serious impediment to navigation would be created by or result from the proposed construction, dredging or filling; have found that no harmful or increased erosion, shoaling of channels or beaches or stagnant areas of water will be created thereby; have found that no material injury or monetary damage to adjoining land will result therefrom; have found that the rights of riparian owners within the area shall not be adversely affected; have found that such proposed construction, dredging or filling is not contrary to the public interest, including the public's interest and right to boating, swimming, fishing and other recreational activities; have found that such proposed construction, dredging or filling and the proposed development and use of the land will not create traffic congestion or other hazards to the extent as to be contrary to the public interest; have found that no interference with the conservation of fish, marine and wildlife or other natural resources will result therefrom to the extent as to be contrary to the public interest; and have found that no destruction of oyster beds, clam beds or marine productivity, including but not limited to destruction of natural marine habitats, grass flats suitable as nursery or feeding grounds for marine life and established marine soils suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life, will result therefrom to the extent as to be contrary to the public interest.

Section 7. Upon satisfaction of the foregoing requirements and others which the Tampa Port Authority

may impose and upon concurrence and consent of four fifths (4/5) of the membership of the Tampa Port Authority, the permit shall be provisionally granted to applicant, subject to the approval of the Board of County Commissioners for Hillsborough County where the site of the proposed construction, dredging or filling lies within the corporate limits of the City of Tampa and subject to the approval of the City Council of said City where such site lies within such limits and subject to the approval of both the Board and the Council where the site lies partly within and partly without the City limits, as hereinafter provided, or their successor legislative body in the event of consolidated government. The Board or the Council, as the case may be, after public notice and public hearing in a manner to be prescribed by it, shall have the power to approve or rescind the permit granted by the Tampa Port Authority. If no request for review has been filed with the Board of County Commissioners or the City Council within thirty (30) days of its issuance, the provisional permit granted by the Tampa Port Authority shall thereupon become final. If the proposed construction, dredging or filling is to be done by any federal, state county, city or other political subdivision exclusively in a governmental or proprietary capacity for a federal, state, county, municipal or public purpose on lands of which it is the riparian upland owner, any permit granted by the Tampa Port Authority to such political body, subdivision or agency pursuant to the provisions of this Act shall be final, not subject to review by the Board of County Commissioners or the City Council (as amended by HB 5388 1970 Session)

Section 8. The Port Authority shall adopt rules regulating the receipt, form and content of applications; form and content of notices to be made, costs to be charged the applicant in addition to survey costs, deposits required, presentation of evidence, and conduct of hearings.

Section 9. Each application shall be pursued in good faith by the applicant. If at the end of three (3) months, no substantial affirmative action has been taken by the applicant in connection therewith, the application shall be cancelled and shall not thereafter be further considered. There shall be no return of application fees.

- Section 10. The time set for public hearing may only be extended when good cause is shown by the party making the request for such extension. A hearing shall be scheduled on any such request to give the opponents an opportunity to oppose such extension.
- Section 11. No permit shall be issued unless the proposed work shall be completed within two (2) years next after the date of issuance of such permit. Such time may be extended for good cause, upon showing that all due efforts and diligence toward completion of such work have been made. The permit herein provided for may be revoked for noncompliance with or violation of its terms after notice of intention to do so has been furnished to the holder hereof by the Tampa Port Authority and an opportunity for a hearing has been afforded the holder.
- Section 12. The Authority shall have the power to direct the abutting upland owner to remove any fill created in violation of this Act or in violation of any other statutes and ordinances, either on behalf of itself or on behalf of itself and the State Board of Conservation. In the event that the abutting upland owner does not remove such fill as directed, the Authority may remove it at its expense and the costs thereof shall become a lien upon the property of such abutting upland owner.
- Section 13. 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 upon filing a petition for the issuance of a writ of certiorari with the appropriate Circuit Court in the manner and within the time prescribed by the Florida appellate rules. An application, once refused, denied, rejected, rescinded or revoked cannot again be submitted for consideration by the Authority within a period of two (2) years from date of order if it affects the same subject lands or any part thereof, unless there be shown at a preliminary hearing a substantial change of conditions which would justify reconsideration of the application.
- Section 14. Any section, subsection or paragraph of this Act held to be invalid or unconstitutional shall in no way affect or impair any remaining section, subsection or paragraph of this Act.
- Section 15. This Act shall in no manner affect or limit any permit issued by the Authority prior to the effective date.
- Section 16. This Act shall prevail and control over general law,

and to the extent that conflicts exist with the provisions of Chapter 253, Florida Statutes, such provisions of Chapter 253 are hereby specifically repealed, pursuant to Section 253.126, Florida Statutes, insofar as the same relate to the Hillsborough County Port District.

Section 17. This Act shall in no manner affect or limit any project proposed by the State Road Department pursuant to the Florida highway code.

Section 18. This Act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

253.1281

Florida Statutes REVIEW BY TRUSTEES

Chapter 253 was amended by HB ~~3620~~^{70.375} in 1970 Session to add Section 253.1281 as follows:

(1) All special acts granting exceptions to the provisions of this Chapter relating to issuance of dredge or fill permits shall provide that all action on applications for such permits shall be subject to approval of the board of trustees of the Internal Improvements Trust Fund, who shall have the power to approve, reject or issue such permits.

(2) Notwithstanding any provisions to the contrary, any action after the effective date of this act on any application for a dredge or fill permit pursuant to any special act heretofore or hereafter enacted, shall be subject to approval of the Board of Trustees of the Internal Improvement Trust Fund, who shall have the power to reject such permit.

This Act shall not affect the provisions of subsection 253.135(3), Florida Statutes.

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C E R T I F I C A T E

The State of Florida Board of Trustees of the Internal Improvement Trust Fund, by its undersigned Executive Director and Agent, and acting under authority of Section 253.031, Florida Statutes, hereby certifies that the Board is the legal custodian of the records of deeds and papers pertaining to Public Lands of the State of Florida and of all patents and approved lists issued by the United States of America to the State of Florida of all lands granted to the State under the several Acts of Congress; and

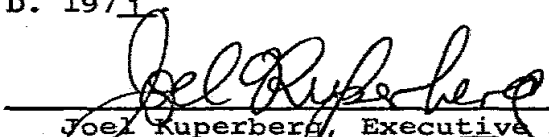
Pursuant to Section 92.16, Florida Statutes, the aforesaid Board, by and through its undersigned Executive Director and Agent, certifies that

Attached is a true and correct Xerox copy of CERTIFICATE OF TERRITORIAL DESIGNATION AND OF REQUIREMENT UNDER SECTION SIX, CHAPTER 23338, LAWS OF FLORIDA, by the Tampa Port Authority (formerly Hillsborough County Port Authority) covering submerged lands located within the boundaries of Hillsborough County Port District and filed with the State of Florida Board of Trustees of the Internal Improvement Trust Fund under No. 25215 and bearing date of November 19, 1970;

all of which is shown by the records on file in the Office of the Board which has designated the undersigned Executive Director as its custodian.

IN TESTIMONY WHEREOF, I have hereunto set my hand as such Executive Director and have caused to be affixed hereto the Official Seal of the State of Florida Board of Trustees of the Internal Improvement Trust Fund at its Office in the City of Tallahassee on this the 28th day of May, A. D. 1971.

(SEAL)
STATE OF FLORIDA
BOARD OF TRUSTEES
OF THE INTERNAL
IMPROVEMENT TRUST
FUND


Joel Ruperberg, Executive Director
State of Florida Board of Trustees of
the Internal Improvement Trust Fund

0053

CHAPTER 70-716

House Bill No. 5046

AN ACT relating to Hillsborough County, port district; amending section 2 of chapter 23338, Laws of Florida, 1945, as amended, by extending the limits of the port district, so as to

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comprise and include all the territory within Hillsborough County; extending all provisions of chapter 23338, Laws of Florida, 1945, as amended, and extending all provisions of chapter 27600, Laws of Florida, 1951, to the said extended territorial limits of the Hillsborough County Port District; repealing sections 313.01, 313.02, 313.03, 313.04, 313.05, 313.06, 314.01, 314.02, 314.03, 314.04, 314.05, 314.06, 314.07, 314.08, 314.09, and 314.10, Florida Statutes, and chapter 59-1358, Laws of Florida, relating to harbor masters for ports in general and specified ports and relating to the territorial limits of the Hillsborough County port district, insofar as they affect or apply to the territory embraced within Hillsborough County port district; providing an effective date.

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

Section 1. Section 2, chapter 23338, Laws of Florida, 1945, as amended, is amended to read:

Section 2. Port district established.—There is hereby established a Port District in Hillsborough County to be known as the "Hillsborough County Port District", which shall comprise and include all the territory within said Hillsborough County described as follows:

Beginning at the northeast corner of section one in township twenty-seven south, range sixteen east; thence east on the north line of township twenty-seven south to the line between ranges twenty-two and twenty-three east; thence south on said range line to the line between townships thirty-two and thirty-three south; thence west on said township line to the south bank of Tampa Bay; thence in a direct line a point midway between Egmont and Passage Keys in the Gulf of Mexico; thence westerly to the boundary of the State of Florida; thence northerly on the boundary of the State of Florida to a point in the Gulf of Mexico due west of the northern shore of Mullet Key; thence due east to a point one hundred yards due west of the northernmost shore of Mullet Key; thence in a line one hundred yards from the shore line around the southern portion of Mullet Key to a point one hundred yards due east of the easternmost shore of Mullet Key; thence due north to a point due east of the northernmost shore of

Mullet Key; thence due east to the middle waters of Tampa Bay; thence in a northerly direction through the middle waters of Tampa Bay and Old Tampa Bay to a point of intersection with the range line between ranges sixteen and seventeen east; thence north on said range line to the point of beginning.

Section 2. The Tampa Port Authority and Hillsborough County Port District shall have and may exercise within the Hillsborough County Port District as hereby extended, all of the powers, jurisdiction, franchises, privileges, duties and authority it now has under the provisions of chapter 23338, Laws of Florida, 1945, as amended, and the additional powers, jurisdiction and authority, including the power to issue revenue bonds, which said Tampa Port Authority and Hillsborough County Port District have under the provisions of chapter 27600, Laws of Florida, Acts of 1951.

Section 3. The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair or affect any of the remaining provisions of this act. It is hereby declared that the legislature would have adopted this act had such unconstitutional provision or provisions not been included therein.

Section 4. Sections 313.01, 313.02, 313.03, 313.04, 313.05, 313.06, 314.01, 314.02, 314.03, 314.04, 314.05, 314.06, 314.07, 314.08, 314.09, and 314.10, Florida Statutes, and chapter 59-1358, Laws of Florida, are hereby repealed insofar as they affect or apply to the territory embraced within said extended area of the Hillsborough County port district designated in section 1 of this act and all other laws or parts of laws in conflict with this act are hereby repealed.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 19, 1970.

CERTIFICATE OF TERRITORIAL DESIGNATION AND OF
REQUIREMENT UNDER SECTION SIX, CHAPTER 23338
LAWS OF FLORIDA

(SPECIAL ACTS 1970
Chapter 70-716)

BY

TAMPA PORT AUTHORITY
FORMERLY
HILLSBOROUGH COUNTY PORT AUTHORITY

COVERING

SUBMERGED LANDS LOCATED WITHIN THE BOUNDARIES
OF HILLSBOROUGH COUNTY PORT DISTRICT

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, there was created by Chapter 23338 of Laws of Florida, the Hillsborough County Port District comprising the territory within Hillsborough County herein and hereinafter described, and

WHEREAS, by Chapter 70-716, Laws of Florida, the Hillsborough County Port District was expanded to include all of Hillsborough County, Florida, having all the same powers, jurisdiction, franchise, privileges, duties and authority under said Chapter 23338, Laws of Florida of 1945, as amended, and

WHEREAS, Section 6 of said Chapter 23338, among other things, provides as follows, to-wit:

"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 area designated in Section 2 of this Act are hereby granted to the Port Authority, subject to the riparian rights of the respective owners of the uplands adjacent thereto. Such titles and rights shall effectually and fully vest in said Port Authority from time to time upon said Authority filing with the Trustees of the Internal Improvement Fund of the State of Florida a certificate of territorial designation and of requirement or necessity of and for such submerged lands or any part thereof, and no action by said Trustees shall be required to vest the title to the submerged lands so designated in said Authority."

NOW THEREFORE, said Tampa Port Authority, formerly called Hillsborough County Port Authority, pursuant to and in accordance

This instrument prepared by
Tampa Port Authority, William E. Henson, Jr.
Attorney, P. O. Box 2192, Tampa, Florida 33601

with the provisions of said Chapter 23338, Section 6, Laws of Florida and Chapter 70-716, Laws of Florida, and resolution this day duly and legally passed by said Tampa Port Authority copy of which is hereto attached and made a part hereof, does hereby designate and certify all of the submerged lands belonging to and owned by the State of Florida contained within the area hereafter described and designated in said Chapter 23338, Laws of Florida, and Chapter 70-716, Laws of Florida as the Tampa Port Authority formerly the Hillsborough County Port Authority, to-wit:

"Beginning at the northeast corner of section one in township twenty-seven south, range sixteen east; thence east on the north line of township twenty-seven south to the line between ranges twenty-two and twenty-three east; thence south on said range line to the line between townships thirty-two and thirty-three south; thence west on said township line to the south bank of Tampa Bay; thence in a direct line to a point midway between Egmont and Passage Keys in the Gulf of Mexico; thence westerly to the boundary of the State of Florida; thence northerly on the boundary of the State of Florida to a point in the Gulf of Mexico due west of the northern shore of Mullet Key; thence due east to a point one hundred yards due west of the northernmost shore of Mullet Key; thence in a line one hundred yards from the shore line around the southern portion of Mullet Key to a point one hundred yards due east of the easternmost shore of Mullet Key; thence due north to a point due east of the northernmost shore of Mullet Key; thence due east to the middle waters of Tampa Bay; thence in a northerly direction through the middle waters of Tampa Bay and Old Tampa Bay to a point of intersection with the range line between ranges sixteen and seventeen east; thence north on said range line to the point of beginning." LESS those lands heretofore designated by Certificate dated January 9, 1948, to-wit:

"Beginning at the northwest corner of township twenty-seven south, range seventeen east, run thence east on north boundary of township twenty-seven south to the range line between ranges twenty and twenty-one east; run thence south on said range line to the southeast corner of section thirty-six, township twenty-seven south, range twenty east, thence west to the northeast corner of the northwest quarter of section one, township twenty-eight south, range twenty east; thence south to the southwest corner of the southeast quarter of section one, township twenty-nine south, range twenty east; thence east to the southeast corner of said section one, township twenty-nine south, range twenty east, thence south to the southeast corner of township twenty-nine south range twenty east; thence west of township line between townships twenty-nine and thirty south to its intersection with the Government Ship Channel in Hillsborough Bay; thence southerly along the center line of said Government Ship

33S
15→17E
32S
15→22E
31S
15→22E
30S
17→22E
29S
17→22E
etc

Channel through the waters of Tampa Bay and Hillsborough Bay to a point where said Government Ship Channel intersects the range line between ranges eighteen and nineteen east; thence south on said range line through the waters of Tampa Bay to the east shore of Tampa Bay, thence due west to the midpoint of the waters of Tampa Bay; thence northerly and northwesterly through the middle waters of Tampa Bay and Old Tampa Bay to the west boundary line of range seventeen east; thence north on said west line to point of beginning, all located in Hillsborough County, State of Florida,

and granted to said Port Authority under and by virtue of said Section 6 of Chapter 23338, Laws of Florida and Chapter 70-716, Laws of Florida, and does hereby, pursuant to and in accordance with said Chapter 23338, Laws of Florida, and Chapter 70-716, Laws of Florida, certify the requirement and necessity of all such submerged lands.

This certificate is made to and to be filed with the Trustees of the Internal Improvement Fund of the State of Florida as provided in said Chapter 23338, Laws of Florida and Chapter 70-716, Laws of Florida and is in addition to the certificate heretofore filed dated January 9, 1948.

IN WITNESS WHEREOF, said Tampa Port Authority has caused this Certificate to be executed by its officers undersigned and its seal affixed this 19th day of November, A.D., 1970.

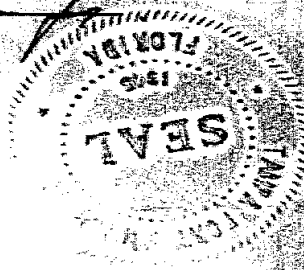
TAMPA PORT AUTHORITY

By

Herbert B. Krueger
Chairman

Attest:

F. B. Rust
Secretary



R E S O L U T I O N

The Chairman then called attention to the Authority that the law creating the Hillsborough County Port District granted the title to, right of entry upon and right to regulate the improvement of any and all submerged lands belonging to the State contained within the boundaries of the Port District and that such rights fully and effectually vest in the Port Authority, upon the Authority filing with the Trustees of the Internal Improvement Fund of the State of Florida a certificate of territorial designation and of requirement or necessity of such submerged lands or any part thereof. The Chairman noted that Chapter 70-716, Laws of Florida extended the Port District to include all of Hillsborough County. A full discussion was had of the matter and it was determined that all of the submerged lands belonging to the State of Florida situate within the additional boundaries of the Hillsborough County Port District were required and were necessary for the proper development of the port of Tampa by the Port Authority and on motion duly made seconded and unanimously carried, the following resolution was adopted:

BE IT RESOLVED by the Hillsborough County Port Authority, the governing body and agency of the Hillsborough County Port District of the State of Florida, that WHEREAS, Section 6 of Chapter 23338, of the laws of Florida, the Act creating said Port District provides as follows:

"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 area designated in Section 2 of this Act are hereby granted to the Port Authority, subject to the riparian rights of the respective owners of the uplands adjacent thereto. Such titles and rights shall effectually and fully vest in said Port Authority from time to time upon said Authority filing with the Trustees of the Internal Improvement Fund of the State of Florida a certificate of territorial designation and of requirement or necessity of and for such submerged lands or any part thereof, and no action by said Trustees shall be required to vest the title to the submerged lands so designated in said Authority," and

WHEREAS, all of the additional submerged lands located within the territorial boundaries of said Port District as described in Chapter 70-716, Laws of Florida, are required by said Port District and necessary for said Port District and Port Authority to properly develop, operate, manage and control said Port District and provide for its development in accordance with and for the purposes set forth in Chapter 23338, creating the same and that said Tampa Port Authority, formerly called Hillsborough County Port Authority, should immediately, in order to carry out said purposes and to protect the rights and interests of said Port Authority in and to said submerged lands, immediately file with the Trustees of the Internal Improvement Fund of the State of Florida, its certificate designating all of the submerged lands belonging to the State of Florida located within the

boundaries of the said Hillsborough County Port District as required and necessary as provided in said Section 6 hereinbefore quoted.

BE IT FURTHER RESOLVED, that said Authority immediately execute and file with said Trustees of the Internal Improvement Fund of the State of Florida, such certificate of territorial designation and of requirement and necessity, form of which is hereto attached, made a part hereof and hereby approved and that said Authority execute the same under the hand and seal of its Chairman and Secretary and forthwith file such certificate with the Trustees of the Internal Improvement Fund of the State of Florida.