



Board of Commissioners

Joseph D. Anderson
Blair J. Ciklin
Jean L. Enright
Wayne M. Richards
Katherine M. Waldron

Executive Director

Manuel Almira, PPM®

November 18, 2020

Representative David Silvers, Chair
PB County Legislative Delegation
301 North Olive Ave.
West Palm Beach, Fl. 33401

Chair Silvers:

The Port of Palm Beach wishes to introduce, for consideration by the Florida Legislature, a Local Bill amending the Laws of Florida governing the Port of Palm Beach District.

The attached Local Bill draft was discussed and approved at our regularly scheduled, duly noticed Port Commission meeting, held on November 16, 2020, which was open to the public for comment.

Thank you for your favorable consideration.

Sincerely,

Wayne M. Richards, Chair
Board of Port Commissioners

Attachments (15 copies of each):
Summary Fact Sheet
Local Bill Draft
Economic Impact Statement

Port of Palm Beach Local Bill

SUMMARY FACT SHEET

2021 Legislative Session

The Port of Palm Beach District Charter is being amended to delete certain obsolete provisions; conform the Charter to current Port Commission operations; and to update the Charter consistent with the Port's ongoing growth.

1. Deletes the obsolete requirement that Port Commissioners secure a surety bond upon election.

Explanation - Port Commissioners are no longer involved in the day-to-day functions of handling or approving monies for disbursements beyond approving an annual budget and taking up budget amendments.

2. Conforms the Charter to reflect the current practice of seating and electing Port Commission officers in January following an election year.

Explanation - There is a need to clarify precisely when newly elected Port Commissioners take office as well as when the annual election for Port Commission officers takes place.

3. Keeps the current port commissioner salary at \$9,500 per annum and clarifies that the port commission salary is set by majority vote of the port commission.

Explanation - The Port of Palm Beach is the only Port in Florida that must rely upon the Florida Legislature for the setting of salary levels of their governing board.

4. Deletes the obsolete requirement that the Port Commission Secretary-Treasurer secure a surety bond upon election.

Explanation - Similar to section 1, the Secretary-Treasurer is no longer involved in the day-to-day functions of handling or approving monies for disbursements.

5. Changes the Charter's reference to port "manager", to port "director".

Explanation - Port "manager" is an obsolete term.

6. Effective date will be July 1, 2021

1 A bill to be entitled
2 An act relating to the Port of Palm Beach District, Palm Beach County; amending
3 chapter 74-570, Laws of Florida, as amended by chapter 2017-199, Laws of
4 Florida; deleting obsolete provision; providing for annual adjustment of salary of
5 commissioners; revising the term "port manager" to "port director"; conforming
6 provisions to changes made by the act; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Sections 6 and 7 of Article V, sections 1, 3, 4, and 5 of Article VI, section 11
11 of Article VII, and Articles XII and XVII of section 3 of chapter 2017-199, Laws of Florida, as
12 amended by chapter 2017-199, Laws of Florida, are amended to read:

13 ARTICLE V. ELECTION OF BOARD OF COMMISSIONERS.—

14 Section 6. ~~Bond of commissioners.—Within 30 days after assuming the duties of the~~
15 ~~office of Commissioner of the Port of Palm Beach District, each commissioner shall execute and~~
16 ~~deliver to the Port of Palm Beach District a good and sufficient bond, executed by himself or~~
17 ~~herself as principal and a surety company licensed to do business in the state as surety, in the~~
18 ~~principal sum of \$25,000 conditioned upon his or her faithful performance as such~~
19 ~~Commissioner of the Port of Palm Beach District of the duties thereof. Each bond so given shall~~
20 ~~be approved by and filed with the board. The failure of any person who is elected or who is~~
21 ~~appointed as commissioner to give such bond within 30 days after he or she has assumed such~~
22 ~~office shall create a vacancy in such office.~~

23 Section 7. Vacancies in board.—Any vacancy occurring on the board shall be filled by
24 the other commissioners appointing a person to hold such office for the unexpired term;
25 however, if there should be as many as two vacancies simultaneously, for any cause whatsoever,
26 said vacancies shall be filled by appointment by the Governor and the commission members so
27 appointed by the Governor shall serve until the next general election is held within the district, at
28 which time said vacancies shall be filled according to the election laws of the State of Florida,
29 and as provided in Article V and this article, with the term of office of each commissioner so
30 elected to be for the unexpired term of the commission seat on the board that he or she is filling,
31 or for a full term of 2 or 4 years, as the case may be.
32

33 ARTICLE VI. ORGANIZATION AND COMPENSATION OF BOARD OF
34 COMMISSIONERS.—

35 Section 1. Organization of board. — In the month of January following each general
36 election, as soon as practicable, newly elected ~~after the~~ Commissioners of the Port of Palm
37 Beach District shall be sworn in. After the newly elected commissioners have been sworn in and
38 seated, all the commissioners present elected and have qualified, they shall meet and elect the
39 officers of the district as hereinafter provided.

40 Section 3. Salary of commissioners.—The salary of each commissioner, regardless of
41 the office that he or she shall hold, shall be \$9,500 per annum, payable in monthly installments,
42 which may be adjusted annually by a majority vote of the commission.

43 Section 4. ~~Secretary-treasurer bond.—The secretary-treasurer of the Port of Palm Beach~~
44 ~~District shall execute and deliver to said district a good and sufficient bond, executed by himself~~
45 ~~or herself as principal with a surety company licensed to do business in the State of Florida as~~
46 ~~surety, in the principal sum of \$25,000, conditioned upon his or her faithful performance as~~
47 ~~secretary-treasurer of the Port of Palm Beach District and his or her duties thereof, with said~~
48 ~~bond to be in addition to the bond given by each of the commissioners as provided in section 6 of~~
49 ~~Article V. Said bond shall be approved by and filed with the board, and if the secretary-treasurer~~
50 ~~should fail to give such bond within 30 days after he or she has assumed the office of secretary-~~
51 ~~treasurer, said misfeasance shall create a vacancy in such office and a vacancy on the board.~~

52 Section 5. Present officers to continue.—The organization of the present Board of
53 Commissioners of the Port of Palm Beach District shall continue, and the officers as selected by
54 the commission shall continue in office, as the officers of the district, as provided hereinabove.

55 ARTICLE VII. DEFINITIONS.—As used in this charter, the following words and terms
56 shall be taken to include the following meanings, when the context shall require or permit:

57 Section 11. “Port director manager” means the person managing the operation of the port
58 marine facilities as designated by the board.

59 ARTICLE XII. ~~EMPLOYMENT OF PORT MANAGER, EMPLOYEES, AND~~
60 ~~CONSULTANTS.—~~

61 Section 1. ~~Port manager and employees.—The board of commissioners shall have the~~
62 ~~authority to employ a port manager and to prescribe his or her duties and compensation;~~
63 ~~however, the manager of the Port of Palm Beach District shall not be a commissioner of the Port~~

64 of Palm Beach District. ~~The board of commissioners may employ or may authorize the manager~~
65 ~~to employ agents, clerks, and servants to administer any project under the rules, regulations,~~
66 ~~directions, and supervision of the port manager or the board and may exact of said manager,~~
67 ~~agent, clerk, or servant a good and sufficient bond with proper surety thereon to secure the~~
68 ~~faithful performance of his or her or their duties in an amount and in the form determined by the~~
69 ~~board.~~

70 Section 2. Consultants.—The board shall have full power to employ, or direct the port
71 director to employ, such consultants and professional persons as said board shall deem fit and
72 necessary and to prescribe the compensation to be paid to said consultants or professional
73 persons. Any such contracts shall be reduced to writing and shall be signed by the consultant or
74 professional person and by the board, with an executed copy to be filed by the secretary-treasurer
75 of the board.

76 ARTICLE XVII. DISBURSEMENT OF FUNDS.— All funds of the district shall be
77 disbursed upon the order of said board signed by any two officers thereof; however, the board
78 may disburse funds of the district into an impress account and, when establishing said account,
79 may authorize and designate the port director manager or other employee of the district to
80 disburse funds from said particular impress account, upon such directions as the board shall give,
81 all in keeping with good business practices. The port director manager or employee of the
82 district who has the authority to disburse funds of the district from any account indicated
83 hereinabove shall at all times be bonded with a fidelity bond in at least an amount equal to the
84 maximum amount of funds that would be held in said account at any one time and be subject to
85 withdrawal by the director manager or employee.

86
87 Section 7. This act shall take effect July 1, 2021.

HOUSE OF REPRESENTATIVES
2021
2020 ECONOMIC IMPACT STATEMENT FORM

Read all instructions carefully.

House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please file this completed, original form with the Clerk of the House as soon as possible after a bill is filed. Additional pages may be attached as necessary.

BILL #:

SPONSOR(S):

RELATING TO:

Representative Matt Willhite
Port of Palm Beach

[Indicate Area Affected (City, County or Special District) and Subject]

☐ Check if this is a revised Economic Impact Statement

I. REVENUES:

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	<u>FY ²¹⁻²² 20-21</u>	<u>FY ²²⁻²³ 21-22</u>
Revenue decrease due to bill:	\$ -0-	\$ -0-
Revenue increase due to bill:	\$ -0-	\$ -0-

II. COST:

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

<u>FY ²¹⁻²² 20-21</u>	<u>FY ²²⁻²³ 21-22</u>
\$ -0-	\$ -0-

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

The Port of Palm Beach is funded through user fees and tenant fees. No public tax dollars are impacted.

III. FUNDING SOURCE(S):

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	²¹⁻²² FY 20-21	²²⁻²³ FY 21-22
Local:	\$ -0-	\$ -0-
State:	\$ -0-	\$ -0-
Federal:	\$ -0-	\$ -0-

IV. ECONOMIC IMPACT:

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals:

N/A

2. Advantages to Businesses:

The Port of Palm Beach's administrative functions will more efficient.

3. Advantages to Government:

Less burden will be placed on state government, rather than the current need to petition the legislature each time a salary increase is warranted. Any increase will be capped to no more than 3% per annum.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

2021

1. Disadvantages to Individuals: NONE

2. Disadvantages to Businesses: NONE

3. Disadvantages to Government: NONE

V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:

There will be a net positive impact on governmental services. The Port of Palm Beach District Charter is being amended to delete certain obsolete provisions; conform the Charter to current Port Commission operations; and to update the Charter consistent with the Port's ongoing growth.

VI. SPECIFIC DATA USED IN REACHING ESTIMATES:

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

N/A

VII. CERTIFICATION BY PREPARER

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:


[Must be signed by Preparer]

Print preparer's name:

Manuel Almira

November 18, 2020

Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

Port Director

REPRESENTING:

Port of Palm Beach

PHONE:

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E-MAIL ADDRESS:

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