

REGULAR SESSION 1963

SPECIAL ACTS

ADOPTED BY THE

LEGISLATURE OF FLORIDA

At its Thirty-Ninth Regular Session

April 2nd to June 19th, 1963

UNDER THE CONSTITUTION OF A. D. 1885



Published by Authority of Law

Under the Direction of

TOM ADAMS, SECRETARY OF STATE

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Coral fire control district shall be held, with a majority of said electors voting to approve the creation of said Cape Coral fire control district.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 8, 1963.

CHAPTER 63-1541

HOUSE BILL NO. 926

AN ACT relating to the creation of a port authority in Lee county; providing for governing board and membership thereof; prescribing the rights, duties, authority and method of financing of said port authority; providing for a referendum.

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

Section 1. There is hereby created for and in Lee county a body corporate to be known as the Lee county port authority.

Section 2. The Lee county port authority shall be governed by a board of five (5) port commissioners. The board of port commissioners shall be composed of the board of county commissioners for said county. The term of each such port commissioner shall coincide with his regular term of office as county commissioner. All vacancies shall be filled by the governor for the unexpired term. The board of port commissioners shall select one of its members as chairman and the term of office of the chairman shall be two (2) years from the date of his selection. Each port commissioner shall be entitled to reimbursement for actual expenses incurred in the administration of the office. Three (3) port commissioners shall constitute a quorum for any purpose.

The board of county commissioners, by four fifths (4/5) vote, may determine that the functions and needs of this port authority would best be served by a separate board of not less than five (5) and not more than seven (7) members, the term of each such member to be two (2) years, and, by appropriate resolution approved by not less than four fifths (4/5) vote of the board of county commissioners, such board may cause the question to be put to the voters of Lee county, at the next ensuing general or special election, to determine if such new board of port commissioners shall be elective or the members thereof appointed by the governor.

Section 3. The Lee county port authority and its board of port commissioners shall have the following rights and authority:

(1) The right to acquire land, submerged land and water rights by purchase, gift, condemnation or otherwise and to hold and dispose of the same upon such terms and conditions as the governing body shall deem necessary and prudent and to improve such land or lands so acquired in any manner which promotes or has a tendency to promote the public good of Lee county, and which relate to the duties and authorities herein.

(2) The right to construct wharves, docks, platforms, airports, airdromes, hangars, airfields, hydroplane landing stations, trestles, causeways, fills, bridges, channels, tunnels, jetties, ports, warehouses, shipping facilities via land or water or air, ferries, aquariums, radio transmitting and receiving stations (not for commercial purposes), lighting and water systems, streets, sidewalks, pre-cooling and cold storage plants, and to do all other things incidental and necessary to the enumerated items in order to promote, create, maintain and operate a commercial port for vessels, aircraft, railroad terminals, and facilities for connecting to trunkline railroads.

(3) The full and complete right to contract.

(4) The right to eminent domain.

(5) The right to sue and be sued in the name of its corporate authority or administrative agency.

(6) The authority to prescribe, fix, maintain and regulate charges, tolls, or rents for the use of any of its facilities by persons or things at the discretion of its governing body.

(7) The authority to mortgage, pledge, or otherwise encumber any of its property or assets upon terms and conditions to be decided by the governing body. This power shall be full and complete in all respects in order to promote, construct, accomplish, maintain and operate any of the public purposes or projects herein enumerated.

(8) The authority to borrow money to carry out the purposes of this act, provided that the full faith and credit of the county is not pledged. All powers, acts and deeds hereby conferred or authorized are hereby found to be and made a county purpose. Each

project financed under the provisions of this act and the income therefrom and any bonds issued under the provisions of this act and the income therefrom shall at all times be free from taxation within the state.

(9) The right to adopt and enforce reasonable rules and regulations or procedures pertaining to the use, acquisition, maintenance, development, operation or disposal of any of the facilities or projects herein enumerated, including the right to grant exclusive or nonexclusive franchises for all goods and services.

(10) The right to acquire, do and perform all things herein enumerated separately or jointly or in conjunction with a municipality or other political subdivision of the state whether the same be within or without the territorial limits of Lee county.

(11) The authority to employ a secretary, an attorney, an engineer, and such technical assistants and other employees as the governing body shall determine to be necessary.

Section 4. This act shall not become effective until the same is ratified by a majority of the qualified electors of Lee county who vote on the question of ratification or rejection at the next ensuing general or special election. In the event of ratification, this act shall immediately become effective.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 10, 1963.

CHAPTER 63-1542

HOUSE BILL NO. 1208

AN ACT relating to the mosquito control district in Lee county; amending section 11, chapter 61-2394, Laws of Florida; providing that the budget of the district be submitted to the board of county commissioners for approval; providing a referendum.

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

Section 1. Subsection (4) is amended and subsection (5) is added to section 11, chapter 61-2394, Laws of Florida, to read:

Section 11. *Budget; hearings.*—