

Port St. Joe Harbor master, special act

Number: INFORMAL

Date: September 25, 2008

Mr. Thomas S. Gibson
Attorney for the St. Joe Port Authority
Post Office Box 39
Port St. Joe, Florida 32457

Dear Mr. Gibson:

On behalf of the St. Joe Port Authority, you ask whether Chapter 21265, 1941 Laws of Florida, is still effective in light of the amendment of section 313.01(2), Florida Statutes, in 1996. As amended, the statute provides:

"In all counties having a population of more than 300,000, according to the last official census, or in counties or municipalities where port authorities have been created by special act or ordinance, the office and position of harbormaster as provided in this chapter and chapter 314, is abolished."

It is not clear from your letter, what authority the port authority has over the harbor master. The Attorney General is statutorily authorized to issue opinions to public officials on questions relating to their own official duties. This office is not authorized to comment upon the duties of one public official on the request of another public official or agency. Accordingly, this office must decline to formally comment upon this matter.

In an effort to be of assistance, however, I would generally note that the express language of section 313.01(2), Florida Statutes, abolishes the office and position of harbor master as provided in Chapter 313 and Chapter 314 in counties or municipalities where port authorities have been created by special act or ordinance. In addition, the staff analysis for the 1996 amendment to section 313.01(2), Florida Statutes, states:

"Amendment 4 abolishes the position and office of harbor master as provided in chapters 313 and 314, F.S., in certain local governments where port authorities have been created by special act. . . . This amendment is intended to eliminate a conflict in law related to the appointment of harbor masters in certain counties. In some instances, special acts control the appointment while in other instances, chapter 313, Florida Statutes, allows the Governor to appoint the harbor master."^[1]

The amendment sponsor, Representative Minton, in explaining the amendment before the House of Representatives Committee on Finance and Taxation, stated:

"This corrects a glitch in the statutes; the language of the amendment eliminates a current conflict in law with respect to [unintelligible] harbor masters in counties of less than 300,000 population. St Lucie County a special act authorizes the port airport authority to appoint the

harbor master for the Port of St. Pierce. The City of Key West has a similar process. Chapter 313 currently allows the Governor to appoint the harbor master in St. Lucie County. This language would abolish the office and position of harbor master described in chapter 313 and appointed by the Governor, thereby eliminating the conflict." [2]

Thus, the legislative history records do not indicate an intent to repeal special acts providing for harbor masters.

I hope that the above informal comments may be of assistance. Thank you for contacting the Attorney General's Office.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/t

[1] House of Representatives Bill Analysis & Economic Impact Statement on House Bill 1177, as revised by the committee on Finance and Taxation, dated March 5, 1996. See *generally State, Department of Environmental Regulation v. SCM Glidco Organics Corporation*, 606 So. 2d 722 (Fla. 1st DCA 1992); *Asphalt Pavers, Inc. v. Department of Revenue*, 584 So. 2d 55 (Fla. 1st DCA 1991) (legislative staff analyses are admissible as aid in ascertaining legislative intent).

[2] Tape 1, House Committee on Finance and Taxation, March 5, 1996, Series 414, Box 1121, State Archives of Florida.