

1 A bill to be entitled
2 An act relating to the Hillsborough County Aviation
3 Authority; codifying, reenacting, and amending the
4 Authority's special acts; providing that the act is a
5 reviser; deleting provisions which have expired, have
6 had their effect, have served their purpose, or have
7 been impliedly repealed or superseded; replacing
8 incorrect cross references and citations; correcting
9 grammatical, typographical, and like errors; removing
10 inconsistencies and redundancies; improving clarity
11 and facilitating correct interpretation; clarifying
12 definitions; providing that independent special
13 districts operate to serve a public purpose;
14 incorporating specific references to existing
15 practices; clarifying procedure for election of
16 members; clarifying that advertisement provisions
17 pertain to sealed bids and other competitive selection
18 processes when and as required; clarifying employment
19 responsibilities; clarifying procedures for manual
20 execution of instruments on behalf of the Authority;
21 providing that the Authority can dispose of personal
22 property, derelict or abandoned aircraft, and derelict
23 or abandoned vehicles in accordance with existing
24 statutory law; deleting the requirement that the
25 Authority may not hold alcoholic beverage licenses
26 exceeding a certain number; clarifying the
27 requirements for award of contracts and clarifying
28 when such requirements do not apply; providing for

29 recodification; repealing chapters 2003-370 and 2007-
 30 292, Laws of Florida, relating to the Authority;
 31 providing a savings clause; providing an effective
 32 date.

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

36 Section 1. Pursuant to s. 189.429, Florida Statutes, this
 37 act constitutes the codification of all special acts relating to
 38 the Hillsborough County Aviation Authority. It is the intent of
 39 the Legislature in enacting this law to provide a single,
 40 comprehensive special act charter for the Authority, including
 41 all current legislative authority granted to the Authority by
 42 its several legislative enactments and any additional authority
 43 granted by this act.

44 Section 2. Chapters 2003-370 and 2007-292, Laws of
 45 Florida, relating to the Hillsborough County Aviation Authority,
 46 are codified, reenacted, amended, and repealed as provided in
 47 this act.

48 Section 3. The charter for the Hillsborough County
 49 Aviation Authority is re-created and reenacted to read:

50 Section 1. Short title.—This act may be cited as the
 51 "Hillsborough County Aviation Authority Act."

52 Section 2. General provisions.—

53 (1) It is the intent of the Legislature that this act
 54 supersede chapters 2003-370 and 2007-292, Laws of Florida,
 55 relating to the Hillsborough County Aviation Authority, and is a
 56 codification, a compilation of previously existing legislation

57 relating to the Authority.

58 (2) The codification is also to act as a reviser's bill,
59 deleting provisions which have expired, have had their effect,
60 have served their purpose, or have been impliedly repealed or
61 superseded; replacing incorrect cross references and citations,
62 correcting grammatical, typographical, and like errors; removing
63 inconsistencies and redundancies; and improving clarity and
64 facilitating correct interpretation. It is the intent of the
65 Legislature to define frequently used terms and to reflect
66 standard business practices required for an independent special
67 district to conduct its business which have not been previously
68 enumerated.

69 (3) The Authority shall comply with federal law regarding
70 expenditure of federal moneys.

71 (4) This act shall not be construed as impairing or
72 infringing upon any rights, privileges, or benefits enjoyed by
73 any employee of the Authority who is so employed on the
74 effective date of this act.

75 (5) The members and employees of the Authority shall
76 comply with part III of chapter 112, Florida Statutes, as may be
77 amended from time to time.

78 (6) This act provides an additional, alternative, and
79 complete method for the exercise of the powers granted and
80 authorized by this act and shall be regarded as supplemental to
81 powers conferred by other laws and shall not be regarded as a
82 derogation of any powers now existing.

83 (7) The Legislature declares that independent special
84 districts operate to serve a public purpose and are a legitimate

85 method available for use by the public sector to manage, own,
86 operate, construct, and finance basic capital infrastructure,
87 facilities, and services.

88 (8) Regarding the airport facilities and concessions, the
89 Legislature finds and declares:

90 (a) The proper operation of the publicly owned or operated
91 airports in the County is essential to the welfare of the people
92 of the Tampa Bay area, the state, and its people.

93 (b) The publicly owned or operated airports in the County
94 establish a vital transportation link between the state and the
95 economic systems of the nation and the world and enable the
96 state to enjoy and provide the benefits of an international
97 tourist and commercial center.

98 (c) The economic validity and stability of the publicly
99 owned or operated airports in the County is a matter of
100 statewide importance.

101 (d) The policy of this state is to promote the development
102 of commerce and tourism to secure to the people of this state
103 the benefits of those activities conducted in the state.

104 (e) The proper operation of the publicly owned or operated
105 airports in the County is essential to the welfare of the state
106 and its people, and the Legislature recognizes and affirms such
107 operation as a governmental function to be discharged in
108 furtherance of the policy of securing the benefits of commerce
109 and tourism for the state and its people.

110 (9) The Authority shall manage airport facilities and
111 grant airport concessions to further the development of commerce
112 and tourism in or affecting the Tampa Bay area and the state. In

113 managing its facilities and granting concessions for services to
 114 the public, the Authority shall promote the development of
 115 commerce and tourism by:

- 116 (a) Securing a diversity of airport services.
- 117 (b) Avoiding wasteful duplication of such services.
- 118 (c) Securing to the users of airports safe, courteous, and
 119 quality service.
- 120 (d) Limiting or prohibiting business competition which is
 121 destructive to the ends of promoting commerce and tourism in the
 122 state.
- 123 (e) Allocating limited airport resources to promote such
 124 ends.
- 125 (f) Fostering Florida's image as a commercial and tourist
 126 center.

127 Section 3. Definitions.—As used in this act, unless
 128 otherwise specifically defined or unless another intention
 129 clearly appears:

- 130 (1) "Advertisement" means a notice published at least once
 131 a week for 2 consecutive weeks in at least two newspapers of
 132 general circulation in the County, as defined in general law, as
 133 may be amended from time to time.
- 134 (2) "Air navigation" means the operation or navigation of
 135 aircraft in the air space over the County or upon any airport or
 136 restricted landing area within the County.
- 137 (3) "Air navigation facility" means any facility used in,
 138 available for use in, or designed for use in aid of air
 139 navigation, including airports, restricted landing areas, and
 140 any structures, mechanisms, lights, beacons, marks,

141 communicating systems, or other instrumentalities or devices
 142 used or useful as an aid or constituting an advantage or
 143 convenience to the safe taking off, navigation, and landing of
 144 aircraft or the safe and efficient operation or maintenance of
 145 an airport or restricted landing area, and any combination of
 146 any or all of such facilities.

147 (4) "Airport" means any area of land or water which is
 148 designed for the landing and taking off of aircraft, whether or
 149 not facilities are provided for the shelter, servicing, or
 150 repair of aircraft or for receiving, servicing, and discharging
 151 passengers or cargo, all appurtenant areas used or suitable for
 152 airport buildings or other airport facilities, and all
 153 appurtenant rights-of-way.

154 (5) "Airports and other aviation facilities and facilities
 155 related thereto and any portion thereof" means and includes
 156 airports, buildings, structures, terminal buildings, parking
 157 garages and lots, space, hangars, lands, warehouses, shops,
 158 hotels, other aviation facilities of any kind or nature, or any
 159 other facilities of any kind or nature related to or connected
 160 with said airports and other aviation facilities which the
 161 Authority is authorized by law to construct, acquire, own,
 162 lease, or operate, together with all fixtures, equipment, and
 163 property, real or personal, tangible or intangible, necessary,
 164 appurtenant, or incidental thereto.

165 (6) "Airport purposes" means and includes airport,
 166 restricted landing area, and other air navigation facility
 167 purposes.

168 (7) "Authority" means the Hillsborough County Aviation

169 Authority.

170 (8) "Authority facility" means an airport, airports and
171 other aviation facilities and facilities related thereto and any
172 portion thereof, air navigation facilities, and special purpose
173 facilities and any portion thereof.

174 (9) "Board" means the Board of County Commissioners of
175 Hillsborough County.

176 (10) "Bond" means notes, bonds, certificates, refunding
177 bonds, and other obligations.

178 (11) "Clerk" means Clerk of the Court of Hillsborough
179 County.

180 (12) "County" means the County of Hillsborough.

181 (13) "Division" means the Florida Department of Business
182 and Professional Regulation, Division of Alcoholic Beverages and
183 Tobacco or any successor agency.

184 (14) "Federal" or "Federal Government" means the United
185 States government, the President of the United States, and any
186 department, corporation, commission, agency, or other
187 instrumentality thereof.

188 (15) "Governor" means the Governor of the State of
189 Florida.

190 (16) "Instrument" means a formal or legal document in
191 writing, such as a contract, deed, bond, lease, or mortgage.

192 (17) "Members" means the governing body of the Authority,
193 and the term "member" means one of the individuals constituting
194 such governing body.

195 (18) "Municipality" means a municipality created pursuant
196 to general or special law authorized or recognized pursuant to

197 s. 2 or s. 6, Art. VIII of the State Constitution and located in
 198 the County.

199 (19) "Officer of the Authority" means a member who has
 200 been elected by the other members to serve as the Chairperson,
 201 Vice Chairperson, Secretary, Treasurer, or Assistant Secretary
 202 and Treasurer.

203 (20) "Person" means any individual, firm, partnership,
 204 corporation, company, association, joint stock association, or
 205 body politic and includes any trustee, receiver, assignee, or
 206 other similar representative thereof.

207 (21) "Policy" means a general principle adopted by the
 208 members and by which the Authority conducts its internal
 209 governance.

210 (22) "Regulation" means the same as "rule" as defined by
 211 this act and may be used interchangeably with the word "rule."

212 (23) "Resolution" means a formal, written expression of an
 213 action adopted by the members.

214 (24) "Revenues" means rates, fees, grants, receipts,
 215 charges, and other moneys acquired through all sources by the
 216 Authority and interest income thereon.

217 (25) "Rule" means each statement of general applicability
 218 adopted by the members that implements, interprets, or
 219 prescribes law or policy or describes the procedure or practice
 220 requirements of the Authority and includes any form which
 221 imposes any requirement or solicits any information not
 222 specifically required by statute or by an existing rule and may
 223 be used interchangeably with the word "regulation."

224 (26) "Special purpose facilities and any portion thereof"

225 means facilities related to or to be used in connection with the
 226 airports and other aviation facilities of the Authority and
 227 located on lands at or adjacent to the airports and other
 228 aviation facilities under the control, management, and
 229 jurisdiction of the Authority and includes all property,
 230 structures, rights, easements, and franchises relating thereto
 231 and deemed necessary or convenient therefor.

232 (27) "Standard procedure" means the method and manner
 233 established or approved by the Chief Executive Officer or a
 234 designee of the Chief Executive Officer that implements policy
 235 for the day-to-day management of the Authority's operations.

236 (28) "State government" means the government of the State
 237 of Florida, the Governor, and any department, commission,
 238 corporation, agency, or other instrumentality thereof.

239 (29) "Surplus fund" means an unrestricted fund established
 240 by the Authority into which certain revenues of the Authority
 241 may be deposited on a monthly or more frequent basis after
 242 payment, or provision for payment, of all current expenses
 243 pursuant to its then-applicable budget and after all deposits
 244 have been made as required under its indentures, trust
 245 agreements, and other contracts.

246 (30) "TIA" means Tampa International Airport.

247 Section 4. Creation; purpose.—

248 (1) The Hillsborough County Aviation Authority is created,
 249 and the powers granted by this act are declared to be public and
 250 governmental functions, exercised for public purposes, and are
 251 matters of public necessity. Lands and other real and personal
 252 property, easements, and privileges acquired and used by the

253 Authority are declared to have been acquired for and used for
 254 public and governmental purposes and as a matter of public
 255 necessity. The Authority is a public body corporate and is an
 256 independent special district.

257 (2) The Authority has exclusive jurisdiction, control,
 258 supervision, and management over all airports in the County and
 259 each municipality, except any airport owned, controlled, and
 260 operated by a private person. Said jurisdiction, control,
 261 supervision, and management are in the best interest of the
 262 County and each municipality.

263 Section 5. Membership.—

264 (1) The Authority shall consist of five members: one
 265 member who is the Mayor of the City of Tampa, ex officio; one
 266 member who is a member of and selected by the Board, ex officio;
 267 and three members who are appointed by the Governor. No member
 268 shall receive any compensation for services as a member. Each
 269 member appointed by the Governor shall be appointed for a term
 270 of 4 years. The Board shall appoint one of its members annually
 271 at the time of its organizational session who shall serve until
 272 its next annual appointment, provided that he or she continues
 273 to serve as a county commissioner during that time. Each member
 274 shall qualify by taking an oath to faithfully perform the duties
 275 of the office, and the oath shall be filed with the Clerk. To be
 276 eligible for appointment as a member of the Authority by the
 277 Governor, the person appointed must be a resident and citizen of
 278 the County and may not be employed by or be an elected official
 279 of the County or municipality. Each member may continue to serve
 280 until a successor has been commissioned.

281 (2) A majority of the members constitutes a quorum.

282 (3) The Governor has the power to remove any member for
 283 good cause. Within 15 days after any vacancy occurs a successor
 284 shall be appointed in the same manner as that member for which a
 285 vacancy has occurred and shall serve for the unexpired term of
 286 his or her predecessor.

287 Section 6. Powers.—

288 (1) The Authority has the power to and shall:

289 (a) Elect officers as follows: one member as Chairperson,
 290 one member as Vice Chairperson, one member as Secretary, one
 291 member as Treasurer, and one member as Assistant Secretary and
 292 Assistant Treasurer, each of whom shall hold office until new
 293 elections are held. Elections shall be held for all officer
 294 positions whenever a new member is appointed to the board by the
 295 Governor.

296 (b) Approve, file with the Clerk, and pay any surety bond
 297 required of any member and any employee of the Authority.

298 (c) Exclusively control, supervise, and manage all
 299 airports in the County and each municipality, except any airport
 300 owned, controlled, or operated by a private person.

301 (d) Advertise for sealed bids and other competitive
 302 selection processes when and as required by law; provided,
 303 however, the Authority may reject all bids, proposals, or
 304 responses and readvertise or select a single item from any bid,
 305 proposal, or response as further provided in this act.

306 (e) Adopt before October 1 an annual budget which has been
 307 prepared by the Chief Executive Officer and which must include
 308 an estimate of all revenues and anticipated expenditures for the

309 following fiscal year.

310 (f) Require in all bond documents that moneys derived from
311 such bonds be paid to or upon order of the Authority.

312 (g) Have the Authority's finances audited in the same
313 manner as other independent special districts are audited.

314 (2) The Authority has the power to and may:

315 (a) Rely on the provisions of this act, without reference
316 to other laws, in exercising its powers.

317 (b) Establish and maintain such airports in, over, and
318 upon any public waters of this state within the limits of
319 jurisdiction of, or bordering on any municipality, any submerged
320 land under such public waters, and any artificial or reclaimed
321 land which, before the artificial making or reclamation thereof,
322 constituted a portion of the submerged land under such public
323 waters.

324 (c) Construct and maintain terminal buildings, landing
325 floats, causeways, roadways, bridges for approach to or
326 connecting with the airport, and land floats and breakwaters for
327 the protection of any such airport.

328 (d) Require the Treasurer and other officers or employees
329 of the Authority to execute an adequate surety bond, conditioned
330 upon the faithful performance of the duties of the office or
331 employment and in a penal sum fixed by the Authority.

332 (e) Employ, pay, and provide benefits, which may include a
333 bonus scheme, for personnel, including law enforcement officers
334 with full police powers and a Chief Executive Officer, formerly
335 known as the Executive Director, who shall establish positions,
336 duties, and a pay plan, which may include a bonus scheme, for

CS/HB 575

2012

337 and promote, discipline, and terminate personnel; be responsible
338 for the day-to-day administration, management, and operation of
339 the Authority in accordance with policy established by the
340 members; and perform other duties as may be authorized by the
341 members.

342 (f) By policy or resolution, authorize the Chief Executive
343 Officer to perform any of the powers of the Authority in whole
344 or in part and with whatever other limitations it may find
345 appropriate, provided that said authorization does not result in
346 an invalid exercise of delegated legislative authority as
347 defined in general law.

348 (g) Employ or contract with technical and professional
349 experts necessary to assist the Authority in carrying out or
350 exercising any powers granted by this act.

351 (h) Reimburse for all travel expenses incurred while on
352 business for the Authority, upon requisition, any member, its
353 attorneys, the Chief Executive Officer, and any employee of the
354 Authority traveling under the direction of the Chief Executive
355 Officer or the Chief Executive Officer's designee in accordance
356 with the Authority's policies.

357 (i) Create, appoint, and prescribe the duties of any
358 committee.

359 (j) Sue and be sued.

360 (k) Adopt, use, and alter a corporate seal.

361 (l) Publish advertisements.

362 (m) Waive advertisement when the Chief Executive Officer
363 determines an emergency exists and purchases must be immediately
364 made by the Authority.

365 (n) Negotiate and enter into contracts, agreements,
 366 exclusive or limited agreements, and cooperation agreements of
 367 any kind necessary for the Authority to fulfill the purposes of
 368 this act.

369 (o) Include contract specifications maximizing the
 370 employment of persons whose protected group has been
 371 underutilized in the past.

372 (p) Enter into exclusive or limited agreements with a
 373 single operator or a limited number of operators. The Authority
 374 shall grant exclusive or limited agreements to displace business
 375 competition by rule or policy whenever the Authority determines,
 376 in consideration of the factors set forth below, that any such
 377 agreement is necessary to further the purposes of this act.
 378 Before entering into any exclusive or limited agreement, the
 379 Authority shall, under authority expressly delegated by the
 380 state, determine the necessity for such an exclusive or limited
 381 agreement to further the policies and objectives stated in this
 382 act, which include public safety, public convenience, quality of
 383 service, the need to conserve airport space, the need to avoid
 384 duplication of services, the impact on the environment or
 385 facilities of the airport as an essential commercial and tourist
 386 service center, and the need to avoid destructive competition
 387 which may impair the quality of airport services to the public,
 388 lead to uncertainty, disruption, or instability in the rendering
 389 of such services, or detract from the Tampa Bay area and the
 390 state's attractiveness as a center of tourism and commerce. In
 391 making its determination, the Authority shall take evidence or
 392 make findings of fact and establish such policies it deems

393 necessary. Nothing in this paragraph shall excuse the Authority
394 from complying with applicable state or local requirements for
395 competitive bidding or public hearings which may be required
396 prior to awarding or entering into any contract or other
397 agreement.

398 (g) Provide for the manual execution of any instrument on
399 behalf of the Authority by the signature of the Chairperson or
400 Vice Chairperson, and attested to by the Secretary or the
401 Assistant Secretary or, if delegated by the members to do so,
402 the Chief Executive Officer or any other Authority personnel to
403 whom the Chief Executive Officer has delegated authority, or by
404 their facsimile signature in accordance with the Uniform
405 Facsimile Signature of Public Officials Act.

406 (r) Purchase and sell equipment, supplies, and services
407 required for its purposes.

408 (s) Sell, lease, transfer, dispose of, or grant a lesser
409 interest in any of its properties.

410 (t) Dispose of tangible personal property in accordance
411 with chapter 274, Florida Statutes, as may be amended from time
412 to time.

413 (u) Dispose of personal property, derelict or abandoned
414 aircraft, and derelict or abandoned motor vehicles found on
415 airport premises in accordance with chapter 705, Florida
416 Statutes, as may be amended from time to time.

417 (v) Grant concessions.

418 (w) Advertise, promote, and encourage the use and
419 expansion of facilities under its jurisdiction.

420 (x) Enact airport zoning regulations in accordance with

421 chapter 333, Florida Statutes, as may be amended from time to
 422 time, to ensure the safe operation of airports under its
 423 jurisdiction; however, any such airport zoning regulations may
 424 not affect the zoning use regulations imposed by the County or
 425 any municipality.

426 (y) Issue a written permit, before the County or any
 427 municipality issues a building permit and upon request of the
 428 affected local government in accordance with the provisions of
 429 this act, that any construction proposed on land affected by
 430 airport zoning regulations conforms to airport zoning
 431 regulations.

432 (z) Acquire, own, construct, install, maintain, and
 433 operate lands and Authority facilities by purchase, gift,
 434 devise, lease, or any other means, including by eminent domain
 435 in accordance with chapters 73 and 74, Florida Statutes, as may
 436 be amended from time to time. For the purposes of making surveys
 437 and examinations relative to any condemnation proceedings, the
 438 Authority may lawfully enter upon any land, doing no unnecessary
 439 damage. The Authority may take possession of property to be
 440 acquired by condemnation at any time after the filing of the
 441 petition describing the same in condemnation proceedings as
 442 provided in general law. The Authority is not precluded from
 443 abandoning the condemnation of any such property in any case
 444 where possession has not been taken.

445 (aa) Reimburse the owner of any structure for which the
 446 Authority may require removal, relocation, or reconstruction
 447 located in, on, under, or across any private property, public
 448 street, highway, or other public or private places for the

449 estimated or actual expense of the removal, relocation, or
450 reconstruction.

451 (bb) Supplement and coordinate in design and operation air
452 navigation facilities with those established and operated by the
453 federal and state governments.

454 (cc) Request the County or any municipality to convey to
455 the Authority the fee simple title to any airport or other
456 property owned by the County or any municipality and needed for
457 airport purposes.

458 (dd) Relinquish jurisdiction, control, supervision, and
459 management over any airport or part of any airport which is
460 under its jurisdiction but which is owned by a municipality,
461 county, or other governmental agency, upon determining that any
462 such airport or part of any such airport is no longer required
463 for airport purposes; provided, however, that the consent and
464 approval of any revenue bondholders is first obtained and
465 necessary authorizations or approvals are received from federal
466 agencies regulating airports.

467 (ee) Expend revenues for the cost of investigating,
468 surveying, planning, acquiring, establishing, constructing,
469 enlarging, improving, equipping, and erecting Authority
470 facilities by appropriation of revenues or wholly or partly from
471 the proceeds of bonds of the Authority. The term "cost" includes
472 awards in condemnation proceedings, rentals where an acquisition
473 is by lease, and amounts paid to utility companies for
474 relocation of their wires, poles, and other facilities.

475 (ff) Incur expenses as provided in its annual budget and
476 any amended budget.

477 (gg) Assess against and collect from the owner or operator
 478 of each airplane using any Authority facility a landing fee or
 479 service charge sufficient to cover the cost of the service
 480 furnished to airplanes using any such facility, which cost may
 481 include the liquidation of bonds or other indebtedness for
 482 construction and improvement.

483 (hh) Accept federal, state, and any other public or
 484 private moneys, grants, contributions, or loans for the
 485 acquisition, construction, enlargement, improvement,
 486 maintenance, equipment, or operation of Authority facilities, or
 487 any other lawful purpose.

488 (ii) Fix, alter, charge, establish, and collect rates,
 489 fees, rentals, and other charges, such as, but not limited to,
 490 customer facility charges, for the services of Authority
 491 facilities at reasonable and uniform rates.

492 (jj) Adopt a resolution as may be required to levy an ad
 493 valorem tax and submit it to the Board.

494 (kk) Apply for, hold, and periodically transfer alcoholic
 495 beverage licenses as provided by this act.

496 (ll) Adopt and amend rules, regulations, and policies
 497 reasonably necessary for the implementation of this act.

498 (mm) By resolution, fix and enforce penalties for the
 499 violation of this act or a rule, regulation, or policy adopted
 500 in accordance with this act.

501 (nn) Amend the budget after its adoption.

502 (oo) Receive, deposit, secure, and pay out moneys as
 503 provided by this act.

504 (pp) Designate one or more depositories which are

CS/HB 575

2012

505 qualified as public depositories pursuant to section 280.04,
506 Florida Statutes, as may be amended from time to time, and
507 thereafter establish and open an account or accounts into which
508 revenues collected are to be deposited and from which
509 expenditures may be made.

510 (qq) Establish and deposit into and expend moneys from a
511 surplus fund by using funds other than those derived from ad
512 valorem taxation, that may remain unexpended at the end of the
513 fiscal year and may be set aside in a separate fund to be known
514 as the Capital Improvement Fund and accumulated and expended
515 from year to year solely for the purpose of building and
516 constructing permanent improvements, replacements, alterations,
517 buildings, and other structures, including runways, taxi strips,
518 and aprons.

519 (rr) By resolution, borrow money and issue bonds in the
520 manner and within the limitation, except as otherwise provided
521 in this act, prescribed by general law for the issuance and
522 authorization of bonds; however, any bonds issued by the
523 Authority shall be self-liquidating or otherwise payable from
524 revenues of the Authority and shall not be a lien against the
525 general taxing powers of the County or any municipality.

526 (ss) Enter into any deeds of trust, indentures, or other
527 agreements with any bank or trust company as security for its
528 bonds, and assign and pledge any or all of its revenues. Such
529 deeds of trust, indentures, or other agreements may contain
530 provisions customary in such instruments or as authorized by the
531 Authority.

532 (tt) Secure the payment of bonds or any part thereof by

533 pledging all or any part of its revenues and provide for the
 534 security of said bonds and the rights and remedies of the
 535 bondholders.

536 (uu) Pending the preparation of definitive bonds, issue
 537 certificates or temporary bonds to the purchaser of bonds.

538 (vv) Transact the business of the Authority and exercise
 539 all powers necessarily incidental to the exercise of the general
 540 and special powers granted in this act and under any other law.

541 (ww) Exercise all powers of a local agency granted
 542 pursuant to part II of chapter 159, Florida Statutes, as may be
 543 amended from time to time, and to a governmental unit granted
 544 pursuant to part VII of chapter 159, Florida Statutes, as may be
 545 amended from time to time.

546 (xx) Do all acts and things necessary or convenient for
 547 the promotion of its business and the general welfare of the
 548 Authority.

549 Section 7. Alcoholic beverage licenses.—

550 (1) Alcoholic beverage licenses, as provided for in
 551 section 561.17, Florida Statutes, as may be amended from time to
 552 time, shall be issued to the Authority or other governmental
 553 agency operating TIA as provided in this section.

554 (a) Each such beverage license shall be issued upon the
 555 written or printed application for licenses to conduct such
 556 business, made to the Division stating the character of the
 557 business to be engaged in, the address of the building wherein
 558 the establishment sought to be licensed is or will be located,
 559 and the kind of license as defined in chapter 561, Florida
 560 Statutes, as may be amended from time to time, which the

561 applicant desires. The application shall be in the name of the
562 Authority or other governmental agency operating TIA and when
563 issued shall be issued in the name of such applicant. The
564 applicant shall pay to the Division the license fees for the
565 kind of license that the applicant desires.

566 (b) Each license is renewable as provided by general law.
567 Each beverage license shall be for the term and subject to the
568 same privileges or renewal as provided in sections 561.26 and
569 561.27, Florida Statutes, as may be amended from time to time.

570 (c) Any business operated under any beverage license shall
571 be operated only by a lessee of the restaurants and cocktail
572 lounge or cocktail lounges or bars in the airlines terminal,
573 administration building, or hotel at the airport to whom the
574 license may be transferred. The Authority or governmental agency
575 operating TIA and each authorized lessee shall make application
576 to the Division for the transfer of the license to the lessee,
577 and the application shall be approved by the Division if it
578 meets the requirements of law to do so. Upon termination of a
579 lease for any reason, the lessee shall immediately notify the
580 Division to retransfer the beverage licenses to the Authority or
581 the governmental agency operating TIA. Upon failure of a lessee
582 to notify the Division, the Authority or the governmental agency
583 operating TIA shall immediately notify the Division in writing
584 to transfer the license back to the Authority or other
585 governmental agency operating TIA which may then transfer it to
586 another authorized lessee. Thereafter, the beverage license may
587 be transferred to any new lessee or the restaurants and cocktail
588 lounge, cocktail lounges, or bars upon the same terms and

589 conditions. Any alcoholic beverage license issued in accordance
 590 with this section is the property of the Authority or the
 591 governmental agency operating TIA, subject to transfer as
 592 provided by this act.

593 (2) This section does not preclude persons operating on
 594 property of the Authority from acquiring an alcoholic beverage
 595 license for use on its premises pursuant to general law and the
 596 rules of the Division.

597 Section 8. County and municipal powers and
 598 responsibilities; private ownership transfers.-

599 (1) Each municipality is empowered to appropriate moneys
 600 for acquiring, establishing, constructing, enlarging, improving,
 601 maintaining, equipping, or operating airports and other air
 602 navigation facilities under the provisions of this act, and each
 603 municipality is authorized to appropriate and to raise by
 604 taxation or otherwise moneys to assist in carrying out the
 605 provisions of this act as to airports partly or wholly within
 606 the limits of each municipality.

607 (2) It is lawful for any municipality, and full power and
 608 authority is hereby conferred upon each municipality, to
 609 cooperate and share in the exercise of the powers and
 610 authorities conferred upon the Authority under the provisions of
 611 this act, when mutually agreed upon between any such
 612 municipality and the Authority.

613 (3) (a) The County and each municipality are authorized to
 614 aid and cooperate with the Authority in carrying out any
 615 authorized purpose of the Authority by:

616 1. Entering into cooperation agreements with the Authority

617 and providing in any such cooperation agreement for the making
618 of a loan, gift, grant, or contribution to the Authority.

619 2. Granting and conveying to the Authority real or
620 personal property, of any kind or nature, or any interest
621 therein.

622 3. Covenanted in any such cooperation agreement made
623 pursuant to this section to pay all or any part of:

624 a. The costs of operation and maintenance of Authority
625 facilities from moneys derived from ad valorem taxation or from
626 any other available funds of the County or a municipality.

627 b. The principal of and interest on any revenue bonds of
628 the Authority.

629 c. The deposits required to be made into any reserve, the
630 Capital Improvement Fund, or other funds established by the
631 Authority, any indenture, deed of trust, or other instrument
632 securing said revenue bonds from any available funds of the
633 County or a municipality other than moneys derived from ad
634 valorem taxes.

635 (b) Any cooperation agreement may be made and entered into
636 for such time or times not to exceed 40 years or for such longer
637 time as any revenue bonds of the Authority, including refunding
638 thereof, remain outstanding and unpaid, and may contain such
639 other details, terms, provisions, and conditions as may be
640 agreed upon.

641 (c) Any cooperation agreement may be made and entered into
642 for the benefit of the holders of any revenue bonds of the
643 Authority as well as the parties thereto and is enforceable in
644 any court of competent jurisdiction by the holders of any such

645 revenue bonds or of the coupons appertaining thereto.

646 (4) The County and each municipality are authorized and
 647 empowered to convey the fee simple title to any real property
 648 needed for airport purposes and owned by either the County or a
 649 municipality to the Authority.

650 (5) Before the County or any municipality issues a
 651 building permit authorizing building on land affected by airport
 652 zoning regulations, it must obtain a written permit from the
 653 Authority to certify that the construction conforms to the
 654 regulations required by the airport zoning regulations.

655 (6) (a) Any municipality, the County, or any private owner
 656 may, and each is authorized to, sell, lease, lend, grant, or
 657 convey to the Authority any interest in real or personal
 658 property which may be used by the Authority in the construction,
 659 improvement, maintenance, leasing, or operation of Authority
 660 facilities. Any municipality, the County, or any other owner is
 661 additionally authorized to transfer, assign, and set over to the
 662 Authority any contract or contracts which may have been awarded
 663 by said municipality, the County, or said owner for the
 664 construction of Authority facilities not begun or, if begun, not
 665 completed.

666 (b) Any such action by the County or any municipality must
 667 be approved by the governing body of the County or the
 668 municipality expressed by resolution or ordinance.

669 (c) Notwithstanding any other provision of law, this
 670 section is complete authority for the acquisition by agreement
 671 of airports and other aviation facilities and facilities related
 672 thereto and any portion thereof and no other action is required.

673 Section 9. Bonds.—

674 (1) Bonds may be issued to finance one or more or a
675 combination of Authority facilities. Subject to any prior rights
676 of bondholders, proceeds of such bonds may be pledged and used
677 to pay the cost of the acquisition, construction, or improvement
678 of one or more or a combination of Authority facilities or to
679 refund bonds previously issued for such purpose. Revenues of the
680 Authority, regardless of the airport project or other source
681 from which they are derived, may be pledged to pay bonds issued
682 to finance the cost of Authority facilities and to pay refunding
683 bonds and ancillary costs associated with such financings.

684 (2) Except as otherwise provided by this act, security,
685 payment provisions, contracts, terms, and other attributes of
686 bonds issued by the Authority shall be specified by the
687 Authority by initial or amendatory resolution, trust agreement,
688 or other bond documentation.

689 (3) The bonds shall be executed by manual or facsimile
690 signature by the officers the Authority has designated, provided
691 that such bonds bear at least one signature which is manually
692 executed to the extent required by general law. Any coupons
693 attached to the bonds shall bear the facsimile signature or
694 signatures of the officer or officers designated by the
695 Authority. If any member or officer whose manual or facsimile
696 signature appears on any bond or coupon ceases to be a member or
697 an officer before the delivery of the bonds, such signature
698 shall be valid and sufficient for all purposes as if that member
699 or officer had remained in office until delivery. The bonds
700 shall bear the seal of the Authority affixed as provided by

701 resolution.

702 (4) Bonds may be sold either at public or private sale at
 703 such price or prices determined by the Authority.

704 (5) Any bonds issued pursuant to this act are negotiable
 705 instruments and investment securities under chapter 678, Florida
 706 Statutes, as may be amended from time to time.

707 (6) The pledge by the Authority of its revenues to the
 708 payment of its bonds by the terms of a resolution or through any
 709 deed of trust, indenture, or other agreement creates a valid and
 710 binding lien thereon and a prior perfected security interest
 711 therein from the time the pledge is made. Any revenues so
 712 pledged are immediately subject to a lien of such pledge without
 713 any physical delivery thereof or further act, and the lien of
 714 any such pledge shall be valid and binding against all parties
 715 having claims of any kind against the Authority, irrespective of
 716 whether such parties have notice thereof. No resolution, deed of
 717 trust, indenture, or other agreement by which a pledge is
 718 created need be filed or recorded, except in the records of the
 719 Authority, and notice is not required to be given to any obligor
 720 of such revenues. No filings under the Florida Uniform
 721 Commercial Code are required in order to perfect any pledge
 722 granted.

723 (7) No approval of the qualified electors or qualified
 724 freeholders of the state or of the County may be required for
 725 the issuance of any bonds by the Authority unless such approval
 726 is required by the provisions of the Constitution of the State
 727 of Florida.

728 (8) Notwithstanding any other provision of law, bonds

729 issued by the Authority are legal investments for banks, savings
 730 banks, trustees, executors, all other fiduciaries, and all
 731 state, municipal, and other public funds. Any such bonds are
 732 securities eligible for deposit for the securing of all state,
 733 municipal, and other public funds.

734 Section 10. Bondholder rights and remedies.-

735 (1) The Authority may not do anything that will impair the
 736 security of the bondholders of the Authority or violate any
 737 agreement with them for their benefit.

738 (2) (a) In addition to any other rights and remedies
 739 lawfully granted to bondholders in law, unless otherwise
 740 provided by the resolution or resolutions providing for the
 741 issuance of bonds, or by any deed of trust, indenture, or other
 742 agreement under which the bonds have been issued, holders of 25
 743 percent or such other percentage as may be specified in any deed
 744 of trust, indenture, or other agreement under which the bonds
 745 were issued in the aggregate principal amount of the bonds then
 746 outstanding are entitled to appoint a trustee, upon notice as
 747 provided in this act and for the purpose provided in this act,
 748 if the Authority defaults in the payment of principal or
 749 interest for a period of 30 days after either becomes due,
 750 whether at maturity or upon call for redemption, or if the
 751 Authority fails to comply with the provisions of this act, its
 752 resolution or resolutions, or the requirements of any deed of
 753 trust, indenture, or other agreement under which the bonds were
 754 issued. Any such bondholders must first give written notice of
 755 their intention to appoint a trustee to the Authority by
 756 certified United States mail addressed to the chairperson of the

757 Authority at the principal office of the Authority and to the
 758 holders of all other bonds then outstanding at their addresses
 759 shown on the registration books maintained by the Authority or
 760 the bond registrar. For purposes of this paragraph, any trustee
 761 appointed to serve in that capacity pursuant to a deed of trust,
 762 trust agreement, indenture, or other document by which bonds of
 763 the Authority have been issued is deemed to have been selected
 764 by the holders of bonds issued under that instrument. If more
 765 than one trustee is designated, either by two or more written
 766 instruments or pursuant to the provisions of this paragraph, the
 767 group of bondholders owning the highest percentage of bonds
 768 outstanding has the right to designate the single trustee to
 769 serve in that capacity for purposes of this act.

770 (b) Unless otherwise provided in any instrument pursuant
 771 to which such bonds were issued, any trustee, whether appointed
 772 by bondholders in accordance with the provisions of this act or
 773 in accordance with the terms of any deed of trust, indenture, or
 774 other agreement, may, upon written request of the holders of 25
 775 percent or such other percentage as may be specified in any deed
 776 of trust, indenture, or other agreement under which the bonds
 777 were issued in the aggregate principal amount of the bonds then
 778 outstanding may, in any court of competent jurisdiction, in his,
 779 her, or its own name:

780 1. By mandamus or other suit, action, or proceeding at law
 781 or in equity, enforce all rights of the bondholders, including
 782 the right to require the Authority to fix, establish, maintain,
 783 collect, and charge rates, fees, rentals, and other charges
 784 adequate to carry out any agreement as to, or pledge of, the

785 revenues of the Authority, and to require the Authority to carry
 786 out any other agreements with or for the benefit of the
 787 bondholders, and to perform its and their duties under this act.

788 2. Bring suit upon the bonds.

789 3. By action or suit in equity, require the Authority to
 790 account as if it were the trustee of an express trust for the
 791 bondholders.

792 4. By action or suit in equity, enjoin any acts or things
 793 which may be unlawful or in violation of the rights of the
 794 bondholders.

795 5. By written notice given in the same manner as provided
 796 by this act to the Authority declare all bonds due and payable
 797 and, if all defaults are made good and with the consent of the
 798 holders of 25 percent or such other percentage as may be
 799 specified in any deed of trust, indenture, or other agreement
 800 under which the bonds were issued in the aggregate principal
 801 amount of the bonds then outstanding, annul such declaration and
 802 its consequences.

803 (3) Unless otherwise provided in any bond resolution, deed
 804 of trust, indenture, or other agreement pursuant to which bonds
 805 were issued, if a default continues for more than 60 days after
 806 written notice to the Authority, any trustee when appointed as
 807 aforesaid, or acting under a deed of trust, indenture, or other
 808 agreement, and whether or not all bonds have been declared due
 809 and payable, upon the happening of any of the events of default
 810 specified in this section, shall be entitled as of right to
 811 appoint a receiver. The receiver may enter and take possession
 812 of any of the Authority facilities for which the Authority is in

813 default as provided herein, or any part or parts thereof and the
 814 revenues which are or may be applicable to the payment of the
 815 bonds in default and operate and maintain the same, for and on
 816 behalf of and in the name of the Authority and the bondholders.
 817 The receiver shall collect revenues in the same manner as the
 818 Authority might, and shall use and apply such funds in
 819 accordance with the applicable bond documents or, if not so
 820 specified into a separate account, as directed by the court.

821 (4) Nothing in this section or any other section of this
 822 act authorizes any receiver appointed to sell, assign, mortgage,
 823 or otherwise dispose of any assets of the Authority. The powers
 824 of such receiver are limited to the operation and maintenance of
 825 the Authority facilities as the court may direct, in the name of
 826 and for and on behalf of the Authority and the bondholders. No
 827 holder of bonds or any court or any trustee is empowered by this
 828 act to sell, assign, mortgage, or otherwise dispose of any
 829 assets of whatever kind or character belonging to the Authority.

830 Section 11. Award of contracts.-

831 (1) (a) All Authority purchases of construction,
 832 improvements, repairs, equipment, supplies, materials, services,
 833 or work of any nature, where the entire cost or value exceeds
 834 \$30,000, shall be done only under contract or contracts approved
 835 and awarded by the Authority with the lowest responsive and
 836 qualified responsible bidder, respondent, or proposer, upon
 837 proper terms, after advertisement has been given asking for
 838 competitive bids, responses, or proposals, provided that the
 839 Authority may reject any and all bids, responses, or proposals.

840 (b) These requirements do not apply to:

- 841 1. Purchases made pursuant to the Consultants' Competitive
842 Negotiation Act;
- 843 2. Purchases of required equipment, supplies, materials,
844 or services that are highly specialized or proprietary, or when
845 no other authorized vendor can supply the required equipment,
846 supplies, materials, or services;
- 847 3. Purchases of equipment, supplies, materials, or
848 services through a contract issued by a federal, state, or local
849 government if such contract was procured using a full and open
850 competitive process;
- 851 4. Emergency purchases necessary to mitigate a situation
852 which threatens the safety of employees or passengers, the
853 operation of the airport, or loss of airport property;
- 854 5. Certain recurring, mandatory, day-to-day expenditures
855 such as utilities, government fees, and taxes;
- 856 6. Work performed by employees of the Authority;
- 857 7. Labor supplied by the federal, state, or local
858 government;
- 859 8. Contracts or establishment and compliance with rules
860 concerning labor and materials and other related matters in
861 connection with any project, or portion thereof, as the
862 Authority may deem desirable or as may be requested by the
863 federal or state government assisting in the financing of
864 Authority facilities;
- 865 9. Any situation in which the Authority has taken over by
866 transfer or assignment any contract authorized to be assigned to
867 it under the provisions relating to the transfer of existing
868 facilities to the Authority as provided by this act;

CS/HB 575

2012

869 10. Any contract in connection with the construction of
870 Authority facilities which the Authority has had transferred to
871 it; and

872 11. Any contract or agreement between the Authority and
873 any engineers, architects, attorneys, agents, or other
874 professional services.

875 (c) Any contract subject to section 255.05, Florida
876 Statutes, as may be amended from time to time, in excess of
877 \$15,000 shall not be entered into for construction, improvement,
878 or repair of Authority facilities unless the contractor has
879 sufficient surety or sureties, approved by the Authority, and in
880 an amount fixed by the Authority, for the faithful performance
881 of the contract. Any such contract shall include provisions that
882 the person entering into the contract with the Authority will
883 pay for all materials furnished and services rendered for the
884 performance of the contract and may maintain an action to
885 recover for the same against the obligor in the undertaking, as
886 though such person was named therein, provided the action is
887 brought within 1 year after the time the cause of action
888 accrued. Nothing in this section shall be construed to limit the
889 power of the Authority to construct, repair, or improve
890 Authority facilities or any addition, betterment, or extension
891 thereto, directly by the officers, agents, and employees of the
892 Authority, or otherwise than by contract.

893 (2) The Authority may use, as an alternative, the
894 provisions of section 255.20, Florida Statutes, as may be
895 amended from time to time, to satisfy the competitive
896 procurement requirements of this section.

897 Section 12. Legal effects.—Any acquisition of property or
898 rights therein for Authority facilities, or for airport
899 protection privileges, including the conveyance and acceptance
900 thereof, and any bonds issued and sold up to and including the
901 effective date of this act are validated.

902 Section 13. Ad valorem tax.—When the Authority prepares
903 its annual budget and finds it necessary to levy an ad valorem
904 tax, it shall adopt a resolution determining the estimated
905 amounts to be expended by the Authority in the ensuing fiscal
906 year, exclusive of the proceeds of any bonds or other
907 obligations of the Authority, for acquiring, establishing,
908 constructing, enlarging, operating, and maintaining Authority
909 facilities or for any other corporate purpose of the Authority,
910 and request the Board to levy the tax, not to exceed 1.5 mills
911 per annum, on all the taxable real and personal property in the
912 County for the exclusive use of the Authority and for the
913 purposes provided in this section. The Authority shall submit a
914 certified copy of any such resolution to the Board at the same
915 time it submits its annual budget to the Clerk. The Board has no
916 right or authority to alter either the amount of the levy
917 request or the use of its proceeds or to in any way alter the
918 budget of the Authority. The Board shall authorize the levy
919 requested. The tax collector of the County shall collect and
920 promptly pay over to the Authority the proceeds of such tax.

921 Section 14. Prohibition on the use of the taxing power of
922 the state.—The Authority has no power to pledge the taxing power
923 of the state, or any political subdivision or agency thereof,
924 nor shall any of the obligations issued by the Authority be

925 deemed to be obligations of the state, or any political
 926 subdivision or agency thereof, secured by and payable from the
 927 ad valorem taxes thereof. The state, or any political
 928 subdivision or agency thereof, is not liable for the payment of
 929 principal of or interest on such obligations, except from the
 930 special funds provided for in this act.

931 Section 15. Covenant of the state.—The state pledges and
 932 agrees with the Federal Government and any person acquiring any
 933 bonds issued by the Authority for the construction, extension,
 934 improvement, or enlargement of Authority facilities that the
 935 state will not limit or alter the rights vested in the Authority
 936 until all bonds at any time issued, together with the interest
 937 thereon, are fully paid and discharged. The state further
 938 pledges and agrees with the Federal Government that if the
 939 Federal Government contributes any funds for the construction,
 940 extension, improvement, or enlargement of Authority facilities
 941 the state will not alter or limit the rights and powers of the
 942 Authority in any manner which would be inconsistent with the
 943 continued maintenance, operation, or the improvement of
 944 Authority facilities or which would be inconsistent with the due
 945 performance of any agreements between the Authority and the
 946 Federal Government. The Authority shall continue to have and may
 947 exercise all powers granted in this act, so long as the same are
 948 necessary or desirable for the carrying out of the purposes of
 949 this act and the purposes of the Federal Government in the
 950 construction, improvement, maintenance, or enlargement of
 951 Authority facilities.

952 Section 16. Exemption from taxation.—Any property owned or

953 otherwise acquired by the Authority is exempt from taxation to
 954 the same extent as other property used for public purposes. The
 955 effectuation of the authorized purposes of the Authority shall
 956 and will be, in all respects, for the benefit of the people of
 957 the state and the County for the increase of their commerce and
 958 prosperity, and for the improvement of their welfare, health,
 959 and living conditions and, since the Authority will be
 960 performing essential governmental functions in effectuating such
 961 purposes, the Authority is not required to pay any taxes or
 962 assessments of any kind or nature whatsoever upon any property
 963 required or used by it for such purposes, or any rates, fees,
 964 rentals, receipts, or incomes at any time received by it, and
 965 the bonds issued by the Authority, their transfer and the income
 966 therefrom, including any profits made in the sale thereof, and
 967 any security instruments or agreements securing the repayment
 968 thereof, are free from taxation of any kind by the state or any
 969 political subdivision or taxing agency or instrumentality
 970 thereof.

971 Section 17. Discrimination prohibited.-

972 (1) (a) The Authority and its lessees, including successors
 973 in interest, shall not because of race, color, sex, religion,
 974 national origin, age, handicap, or marital status of any
 975 individual refuse to hire, employ, bar, or discharge from
 976 employment such individual or otherwise discriminate against
 977 such individual with respect to compensation, hire, tenure,
 978 terms, conditions, or privileges of employment.

979 (b) No person on the grounds of race, color, sex,
 980 religion, national origin, age, handicap, or marital status

981 shall be excluded from the participation in, denied the benefits
 982 of, or otherwise subjected to discrimination in the use of
 983 leased premises of the Authority.

984 (c) In furnishing services or materials, or in the
 985 construction of any improvements, no person shall be excluded
 986 from participation in, denied the benefits of, or otherwise
 987 subjected to discrimination with respect thereto.

988 (2) There is no right to apply to the court for relief on
 989 account of any order, requirement, decision, determination, or
 990 action of the Authority pursuant to this section unless there
 991 has been an appeal to the Authority.

992 Section 18. Recodification.—Prior to July 1, 2022, and
 993 every 10 years thereafter, The Hillsborough County Legislative
 994 Delegation shall review this chapter, and all acts which amend
 995 or otherwise modify this chapter, for the purpose of determining
 996 whether there is a need for recodification of same. If it is
 997 determined that there is such a need, the legislative delegation
 998 may require the Authority to accomplish same, and to prepare or
 999 cause to be prepared such legislation as may be necessary for
 1000 such purpose by preparing such legislation.

1001 Section 19. Grammatical usage.—The singular includes the
 1002 plural and vice versa, and gender-specific language includes the
 1003 other gender and neuter.

1004 Section 20. Severability.—The provisions of this act are
 1005 severable, and if any of the provisions hereof shall be held to
 1006 be unconstitutional or invalid, such determination shall not
 1007 affect the constitutionality or validity of any of the remaining
 1008 provisions of this act.

CS/HB 575

2012

1009 Section 4. Chapters 2003-370 and 2007-292, Laws of
1010 Florida, are repealed. Such repeal does not affect the
1011 prosecution of any cause of action that accrued before the
1012 effective date of the repeal and does not affect rules,
1013 regulations, policies, actions, and decisions, contracts,
1014 agreements, obligations, and properties of the Authority
1015 existing prior to the effective date of this act. Nothing in
1016 this act is intended, nor shall any provision hereof be
1017 construed so as to repeal, abrogate, impair, or adversely affect
1018 the rights and remedies of the holders of any obligations of the
1019 Authority issued pursuant to the existing acts or any other
1020 applicable provision of law.

1021 Section 5. This act shall take effect upon becoming a law.