

By Senator Harris

24-1674-98

See HB

1 A bill to be entitled
2 An act relating to Charlotte County; codifying,
3 reenacting, amending, and repealing chapters
4 65-1357, 70-628, 73-430, 84-405, 84-406,
5 88-479, and 91-399, Laws of Florida; creating
6 and establishing the Charlotte County Airport
7 Authority; providing for membership;
8 authorizing the County of Charlotte and its
9 incorporated municipalities to contract with
10 the airport authority; providing for the
11 government, jurisdiction, powers, franchises,
12 and privileges of the airport authority;
13 deleting obsolete provisions; repealing all
14 prior special acts relating to the Charlotte
15 County Development Authority; providing an
16 effective date.

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

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20 Section 1. Chapters 65-1357, 70-628, 73-430, 84-405,
21 84-406, 88-479, and 91-399, Laws of Florida, are codified,
22 reenacted, amended, and repealed as herein provided.

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24 Section 2. The Charlotte County Airport Authority is
re-created and reenacted to read:

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26 Section 1. Short title.--This act may be cited as the
Charlotte County Airport Authority Act.

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28 Section 2. Definitions.--As used in this act, unless
the context otherwise requires:

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30 (1) Commission means the Charlotte County Airport
Authority created by this act.

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1 (2) Area means the territorial limits within which the
2 airport authority shall operate, the boundaries of which shall
3 be coextensive with Charlotte County.

4 (3) Project means and includes the acquisition of
5 lands or any interest therein or improvements thereon,
6 personal property of any nature or description, intangible
7 personal property, or buildings, structures, or other
8 improvements or facilities or any portion thereof or any
9 interest therein, for the development, expansion, and
10 promotion of the Charlotte County Airport and Commerce Park
11 and the construction or acquisition of buildings, plants,
12 industrial parks, or areas and any and all facilities relating
13 to the development of industry, commerce, recreation,
14 agriculture, or the natural resources of the Charlotte County
15 Airport Authority for the purpose of selling, leasing, or
16 renting such buildings, parks, areas, or facilities owned by
17 the Charlotte County Airport Authority to public or private
18 corporations, persons, or firms.

19 (4) Cost of project embraces the cost of construction,
20 the cost of all lands, properties, easements, rights, and
21 franchises acquired, the cost of machinery and equipment,
22 financing charges, interest prior to and during construction,
23 cost of engineering, architectural, and legal expense, and
24 plans and specifications and other expenses necessary or
25 incident to determining the feasibility or practicability of
26 the project, administrative expenses, and such other expenses
27 as may be necessary or incident to the financing herein
28 authorized for the construction of any project and placing the
29 same in operation.

30 Section 3. Authority; creation and purpose.--For the
31 purpose of performing such acts as shall be necessary for the

1 management, operation, maintenance, planning, and development
2 of the Charlotte County Airport, there is hereby created and
3 established, as an agency of Charlotte County, a public body
4 corporate to be known as the "Charlotte County Airport
5 Authority," hereinafter referred to as "authority" and the
6 exercise by the authority of any of the powers conferred upon
7 it by this act shall be deemed and held to be an essential and
8 proper function of the county.

9 Section 4. Membership; appointment term of
10 office.--The authority shall be composed of five members, one
11 from each county commission district elected as prescribed in
12 this section. At each general election, the members of the
13 authority shall be elected for a term of 4 years, and shall
14 take office immediately upon election. Election of members of
15 the authority shall be as prescribed by the general election
16 laws of Florida.

17 Section 5. Vacancies.--Each member of the authority
18 shall hold office until his or her successor has been
19 appointed and has qualified. A vacancy occurring during a term
20 of an appointed or elected member shall be filled only for the
21 balance of the unexpired term, such appointments to be made by
22 the Governor.

23 Section 6. Chair, vice-chair, secretary-treasurer, and
24 assistant secretary-treasurer.--The authority shall elect from
25 its membership a chair and vice-chair to serve in the absence
26 or disqualification of the chair, both to hold office at the
27 will of the authority. The authority shall further elect from
28 its membership a secretary-treasurer for the authority and
29 assistant secretary-treasurer to serve in the absence or
30 disqualification of the secretary-treasurer.

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1 Section 7. Qualification of members.--Upon the
2 effective date of the appointment or election of each member
3 of the authority, or as soon thereafter as practicable, each
4 member shall enter upon his or her duties, but before doing
5 so, such member shall take an oath to faithfully perform the
6 duties of office and file the same with the clerk of the
7 circuit court, and shall execute a public official bond in the
8 penal sum of \$100,000 payable to the authority and conditioned
9 upon the faithful performance of the duties of his or her
10 office, which bond shall be approved by the Clerk of the
11 Circuit Court. The cost of the premium on all such bonds shall
12 be paid by the authority and shall be included in its cost of
13 operation.

14 Section 8. Compensation; travel expenses.--The members
15 of the authority shall receive \$2,000 annual salary for their
16 services as members of the authority to be paid in equal
17 monthly payments. In addition, the authority shall have
18 authority to pay costs and expenses incurred by the members of
19 the authority in accordance with s. 112.061, Florida Statutes,
20 in the performance of their duties as members.

21 Section 9. Quorum; transaction of business.--A
22 majority of the membership shall constitute a quorum for all
23 purposes, and no vacancy in the authority shall impair the
24 right of a quorum of the authority to exercise all of the
25 rights and perform all of the duties of the authority. The
26 authority may meet at such times and places designated by it
27 but shall hold regular meetings at least once each month.
28 Special meetings may be called upon the call of the chair or
29 any three members of the authority.

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1 Section 10. Powers.--The authority shall have these
2 specific powers, in addition to other powers otherwise
3 conferred:

4 (1) To sue and be sued, implead and be impleaded,
5 complain, and defend in all courts.

6 (2) To adopt, use, and alter at will, a corporate
7 seal.

8 (3) To select and appoint agents and employees,
9 including engineers, architects, builders, and attorneys, and
10 to fix their compensation.

11 (4) To borrow money for any of its corporate purposes
12 and to execute notes, mortgages, deeds to secure debts, trust
13 deeds, and such other instruments as may be necessary or
14 convenient to evidence and secure such borrowing.

15 (5) To issue revenue anticipation certificates for the
16 purpose of paying all or any part of the cost of any
17 undertaking or project of the authority authorized by law.
18 Such revenue anticipation certificates shall be issued and
19 validated under and in accordance with the applicable
20 provisions of the laws of Florida.

21 (6) To construct, acquire, establish, improve, extend,
22 enlarge, reconstruct, reequip, maintain, repair, and operate
23 any project as herein defined.

24 (7) To acquire for any project authorized by this act
25 by grant, purchase, gift, devise, condemnation by eminent
26 domain proceedings, exchange or in any other manner, all
27 property, real or personal, or any estate or interest therein,
28 upon such terms and conditions as the authority shall by
29 resolution fix and determine. The right of eminent domain
30 herein conferred shall be exercised by the authority in the
31 manner provided by law.

1 (8) To issue revenue bonds, payable solely from
2 revenues, to pay all or a part of the cost of acquisition,
3 construction, extension, enlargement, improvement, or
4 modernization of any project, and to pledge the revenues to
5 secure the payment of bonds.

6 (9) To enter into joint arrangements with other
7 transportation lines, or any common carrier, if the authority
8 shall deem it advantageous to do so.

9 (10) To make and enter into all contracts and
10 agreements and to do and perform all acts and deeds necessary
11 and incidental to the performance of its duties and the
12 exercise of its powers; to make and execute leases or
13 agreements for the use and occupation of the property and
14 projects under its control on such terms, conditions, and
15 period of time as the authority may determine, and to sell and
16 dispose of such property and projects as shall no longer be
17 needed for the uses and purposes of the authority on such
18 terms and conditions as shall be prescribed by resolution of
19 the authority.

20 (11) To the extent permitted by law, to fix, regulate,
21 and collect rates and charges for the services and facilities
22 furnished by any project under its control, to establish,
23 limit, and control the use of any project as may be deemed
24 necessary to ensure the proper operation of the project; to
25 impose sanctions to promote and enforce compliance with any
26 rule or regulation which the authority may adopt in the
27 regulation of the projects under its control.

28 (12) To fix the rates of warehousing, storage, and
29 terminal charges for the use of the airport facilities of the
30 Charlotte County Airport.

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1 (13) To solicit all business and do all things
2 necessary or advisable to promote commerce and increase
3 activity at the Charlotte County Airport.

4 (14) To receive and accept from any federal or state
5 agency, grants for, or in aid of, the construction,
6 improvement, or operation of any project and to receive and
7 accept contributions from any source of either money,
8 property, labor, or other things of value.

9 (15) To make any and all applications required by the
10 treasury department and other departments or agencies of the
11 United States government as a condition precedent to the
12 establishment within the county of a free port, foreign trade
13 zone, or area for the reception from foreign countries of
14 articles of commerce and to expedite and encourage foreign
15 commerce, and the handling, processing, and delivery thereof
16 into foreign commerce free from the payment of custom duties
17 and to enter into any agreements required by such departments
18 or agencies in connection therewith and to make like
19 applications and agreements with respect to the establishment
20 within said county of one or more bonded warehouses.

21 (16) To enter into any contract with the State of
22 Florida, the government of the United States or any agency of
23 said governments which may be necessary in order to produce
24 assistance, appropriations, and aid for the construction,
25 enlargement, or improvement of the Charlotte County Airport.

26 (17) To make or cause to be made such surveys,
27 investigations, studies, borings, maps, plans, drawings, and
28 estimates of cost and revenues as it may deem necessary and
29 may prepare and adopt a comprehensive plan or plans, for the
30 location, construction, improvement, and development of any
31 project.

1 (18) To grant nonexclusive franchise to persons,
2 firms, or corporations for the operation of aeronautical and
3 nonaeronautical leases and other concessions in, on, and in
4 connection with, any project owned and operated by the
5 authority. In granting such franchise, it shall be the duty of
6 the authority to investigate and consider the qualifications
7 and ability of the lessee or concessionaires to provide or
8 perform the contemplated services for the public using the
9 facilities and the revenues which will be derived therefrom by
10 the authority and to exercise sound prudent business judgment
11 on behalf of the authority with respect thereto, calling for
12 bids when practicable and when the interests of the public
13 will best be served by such action.

14 (19) To enter into contracts with utility companies or
15 others for the supplying by said utility companies or others
16 of water, sewer, electricity, and/or telephone service to or
17 in connection with any project or to own, lease, construct,
18 and maintain any or all utilities, including the supplying of
19 gas, water, electricity, sewer, telephone, or other services
20 reasonably related to such utilities.

21 (20) To pledge by resolution or contract the revenues
22 arising from the operation of any project or projects owned
23 and operated by the authority to the payment of the cost of
24 operation, maintenance, repair, improvement, extension, and/or
25 enlargement of the project or projects from the operation of
26 which such revenues are received and for the payment of
27 principal and interest on bonds issued in connection with any
28 such project or projects constructed or acquired by the
29 authority under the provisions of this act. In any such case
30 the authority may adopt separate budgets for the operation of
31 such project or projects. In every such case such revenues

1 shall be expended exclusively for the payment of the costs of
2 operation, maintenance, repair, improvement, extension, and
3 enlargement of the project or projects from the operation of
4 which such revenues arise, for the performance of the
5 authority's contracts in connection with such project or
6 projects, and for the payment of principal and interest
7 requirements of any bond issued in connection with the project
8 or projects. Any surplus of such funds remaining on hand at
9 the end of any year shall be carried forward and may be
10 expended in the succeeding year for the payment of the costs
11 of operation of such project or projects or for the repair,
12 improvement, and/or extension thereof as the authority may
13 determine, unless such surplus has been pledged for the
14 payment of principal and interest on bonds, as authorized in
15 subsection 21, in which event any such surplus shall be
16 applied in accordance with the resolution pledging same.

17 (21)(a) The authority is authorized to issue general
18 obligation bonds or revenue bonds of said authority for the
19 purpose of paying all or a part of the cost of any one or more
20 projects as herein defined, including the cost of enlargement,
21 expansion, and/or development of such project whether the
22 property used therefor has previously been acquired or not and
23 the cost of removing therefrom and/or relocating or
24 reconstructing at another location any buildings, structures,
25 or facilities, which in the opinion of such authority
26 constitute obstructions or hazards to the safe or efficient
27 operation of any such project, and for the purpose of paying
28 off and retiring any bonds issued or assumed under the
29 provisions of this act.

30 (b) The bonds of each issue shall be authorized by
31 resolution of the authority and shall be dated, shall bear

1 interest at such rate or rates not exceeding that amount that
2 may be authorized from time to time by the general laws of
3 Florida, shall mature, at such time or times not exceeding 40
4 years from their date or dates, as may be determined by the
5 authority, and may be made redeemable before maturity, at the
6 option of the authority, at such price or prices and under
7 such terms and conditions as may be fixed by the authority
8 prior to the issuance of the bonds. The authority shall
9 determine the form of bonds, including any interest coupons to
10 be attached thereto, and the manner of execution of the bonds,
11 and shall fix the denomination or denominations of the bonds
12 and the place or places of payment of principal and interest,
13 which may be at any bank or trust company within or without
14 the state. The resolution authorizing the issuance of the
15 bonds shall contain such provisions relating to the use of the
16 proceeds from the sale of the bonds and for the protection and
17 security of holders of the bonds, including their rights and
18 remedies, and the rights, powers, privileges, duties, and
19 obligations of the authority with respect to the same, as
20 shall be determined by the authority. In case any officer
21 whose signature or facsimile of whose signature shall appear
22 on any bonds or coupons shall cease to be such officer before
23 the delivery of the bonds, the signature or facsimile shall
24 nevertheless be valid and sufficient for all purposes the same
25 as if he or she had remained in office until such delivery.
26 All bonds issued under the provisions of this act shall have
27 and are hereby declared to have all the qualities and
28 incidents of negotiable instruments under the negotiable
29 instruments law of the state. The bonds may be issued in
30 coupon or in registered form, or both, as the authority may
31 determine, and provisions may be made for the registration of

1 any coupon bonds as to principal alone and also as to both
2 principal and interest and for the reconversion into coupon
3 bonds of any bonds registered as to both principal and
4 interest. The issuance of such bonds shall not be subject to
5 any limitations or conditions contained in any other law.

6 (c) Prior to any sale of bonds, the authority shall
7 cause notice to be given by publication in some daily
8 newspaper published and having a general circulation in the
9 county that the authority will receive bids for the purchase
10 of the bonds at the office of the authority in the county. The
11 notice shall be published twice and the first publication
12 shall be given not less than 15 days prior to the date set for
13 receiving the bids. The notice shall specify the amount of the
14 bonds offered for sale and shall state that the bids shall be
15 sealed bids and shall give the schedule of the maturities of
16 the proposed bonds and such other pertinent information as may
17 be prescribed in the resolution authorizing the issuance of
18 such bonds or any resolution subsequent thereto. Bidders may
19 be invited to name the rate or rates of interest which the
20 bonds are to bear or the authority may name rates of interest
21 and invite bids thereon. In addition to publication of notice
22 of the proposed sale the authority pursuant to general law,
23 shall also give notice in writing of the proposed sale
24 enclosing a copy of such advertisement to at least three
25 recognized bond dealers in the state, such notices to be given
26 not less than 10 days prior to the date set for receiving
27 bids.

28 (d) All bonds and refunding bonds issued pursuant to
29 this chapter shall be sold at public sale and shall be awarded
30 to the bidder whose bid produces the lowest net interest cost
31 to the authority. The net interest cost of bids shall be

1 determined by taking the aggregate amount of interest at the
2 rate or rates specified in the bids, computed from the date of
3 the bonds to the date of the various stated maturities
4 thereof, and deducting therefrom the amount of any premium
5 offered in excess of the par value of the bonds or adding
6 thereto the amount of any discount offered below the par value
7 of the bonds, with interest computed on a 360-day-year basis.
8 The authority shall reserve the right to reject any or all
9 bids. In no event shall said bonds be sold at a net interest
10 cost to the authority in excess of 6 percent per annum.
11 Pending the preparation of definitive bonds, interim bonds may
12 be issued to the purchaser or purchasers of such bonds and may
13 contain such terms and conditions as the authority may
14 determine.

15 (e) The authority shall require all bidders for said
16 bonds to enclose a certified or bank cashiers check, in the
17 amount of 2 percent of the total par value of the bonds
18 offered for sale, drawn on an incorporated bank or trust
19 company payable unconditionally to the order of the authority
20 as a guarantee of good faith in the performance of each bid;
21 the checks of the unsuccessful bidders shall be returned
22 immediately upon the award of the bonds and the check of the
23 successful bidder shall be retained by the authority and
24 credited against the full purchase price of the bonds at the
25 time of delivery or retained as, and for, liquidated damages
26 in case of the failure of such bidder to fulfill the terms of
27 his or her bid.

28 (f) No general obligation bonds shall be issued
29 hereunder unless the issuance of such bonds shall have been
30 approved by a majority of the votes cast in an election in
31 which all freeholders residing in Charlotte County who are

1 qualified to vote in such election may participate. Whenever
2 the authority by resolution requests the Board of County
3 Commissioners of Charlotte County to hold such an election,
4 the board shall, on behalf of the authority, hold, conduct,
5 canvass, and announce the results of such election in
6 accordance with the procedure prescribed by law for the
7 issuance of county bonds. The expenses of such election shall
8 be paid by the authority.

9 (22) To borrow money and to issue notes for any
10 purpose or purposes for which bonds may be issued under the
11 provisions of this act and to refund the same; to issue notes
12 in anticipation of the receipt of the proceeds of the sale of
13 any such bonds.

14 (23) To do all other acts and things necessary or
15 proper in the exercise of the powers herein granted.

16 Section 11. Power to levy taxes.--

17 (a) It shall be the duty of the Board of County
18 Commissioners of Charlotte County to levy an annual tax on all
19 taxable real and personal property in such county in an amount
20 to be fixed by said authority and certified to said board,
21 sufficient to meet the sinking fund requirement for the
22 payment of the interest and principal on any general
23 obligation bonds issued by the authority as the same shall
24 become due, which amount, however, shall not exceed .75 mill.
25 This levy shall be in addition to the annual levy hereinafter
26 specified for development and authority purposes.

27 (b) For the payment of the principal of the interest
28 on any general obligation bonds of the authority issued under
29 the provisions of this act, the Board of County Commissioners
30 of Charlotte County shall levy annually in the manner
31 hereinafter provided a tax upon all taxable real and personal

1 property within the county, subject to the limitations
2 prescribed above, sufficient to pay such principal and
3 interest as the same respectively become due and payable and
4 the proceeds of all such taxes shall when collected and
5 received by the authority be paid into a special fund and used
6 for no other purpose than the payment of such principal and
7 interest; however, there may be pledged to the payment of such
8 principal and interest the surplus of the revenues of the
9 project or projects, after payment of the costs of operation,
10 maintenance, and repair thereof.

11 (c) The levy, collection, and expenditure of such
12 taxes is hereby declared to be for a lawful county purpose.

13 (d) The tax collector of Charlotte County shall, as
14 and when collected, remit all moneys collected under the taxes
15 hereby authorized to the authority which shall deposit the
16 same in a bank or banks qualified as depositories of public
17 funds to be designated by such authority. Certified copies of
18 tax resolutions executed in the name of the authority by its
19 chair, and attested by its secretary, under its corporate
20 seal, shall immediately be delivered to the Board of County
21 Commissioners of Charlotte County.

22 (e) The property appraiser, tax collector, and Board
23 of County Commissioners of Charlotte County shall, when
24 requested by the authority, prepare from their official
25 records and deliver to the authority any and all information
26 that may be requested at any time regarding the tax
27 valuations, levies, assessments, or collections in such
28 county.

29 Section 12. Bonds eligible for legal
30 investment.--Notwithstanding any provisions of any other law
31 or laws to the contrary, all revenue bonds, general obligation

1 bonds, or any combination of general obligation or revenue
2 bonds, including refunding bonds, issued pursuant to this act
3 shall constitute legal investments for savings banks, banks,
4 unit companies, executors, administrators, trustees,
5 guardians, and other fiduciaries, and for any board, body,
6 agency, or instrumentality of the state or of any county
7 municipality, or other political subdivision of the state; and
8 shall be eligible as security for deposits of state, county,
9 municipal, and other public funds.

10 Section 13. Declaration of purpose.--The authority
11 created by this act and the purposes which it is intended to
12 serve are hereby found to be for a county and public purpose.

13 Section 14. Transfer of city and county projects.--The
14 County of Charlotte or any municipality or any other person,
15 firm, or corporation, is empowered and authorized to sell,
16 lease, lend, grant, or convey to the authority, any real, or
17 personal property, or any interest therein, with or without
18 consideration, which might be used by the authority in the
19 discharge of any of the powers or privileges granted by law.
20 The County of Charlotte or any municipality therein or any
21 other person, firm, or corporation, is authorized to transfer,
22 assign, and set over to the authority any contract or
23 contracts, leases, mortgages, or other agreements heretofore
24 made or executed by such county, city, or other person, with
25 or without consideration. The County of Charlotte and all
26 incorporated cities therein are expressly authorized to
27 contract with the authority for any purpose authorized by the
28 provision of this act.

29 Section 15. Taxation of airport authority
30 property.--The authority shall not be required to pay any
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1 taxes or assessments of any kind or nature whatsoever upon
2 property belonging to the authority.

3 Section 16. Annual audit.--The books and records of
4 the authority shall be audited at least annually, at the
5 expense of the authority, by a certified public accountant.
6 The authority shall furnish a copy of audit report to the
7 board of county commissioners annually, and such audit shall
8 be in lieu of any further audit required by any general or
9 special law.

10 Section 17. Expenditure of funds.--Moneys of the
11 authority shall be deemed to be trust funds to be held and
12 applied solely for the purposes authorized by law. The
13 authority is authorized to receive moneys in its name, and all
14 moneys drawn from depository shall be upon checks or warrants
15 issued by the authority, and the checks or warrants so drawn
16 shall be signed by the chair or vice-chair of the authority
17 and attested by the secretary-treasurer or in his or her
18 absence by the assistant secretary-treasurer, and the seal of
19 the authority shall be affixed or printed thereon.

20 Section 18. Acquisition or disposal of
21 property.--Contracts may be let by the authority for the
22 construction of any building or other facility, or the
23 acquisition of any real or personal property, or the purchase
24 of any goods, supplies, materials, or services for authority
25 purposes on such terms and subject to such conditions as the
26 authority shall determine to be in the best interests of the
27 authority. The authority is expressly authorized to sell and
28 convey any property, real or personal, belonging to the
29 authority, whenever the authority shall determine that it is
30 in the best interests of the authority to do so in accordance
31 with FAA requirements and guidelines. The authority shall, by

1 resolution, fix and determine rules and regulations relating
2 to advertisement for bids, manner of bidding, and a maximum
3 amount below which same would not be required. The authority
4 may cooperate with the state, county, or any other
5 governmental agency for the purchase of such goods, supplies,
6 or materials on such terms and subject to such conditions as
7 the authority shall determine to be in the best interests of
8 the authority.

9 Section 19. Termination of authority.--If for any
10 reason, the authority shall terminate, be terminated or cease
11 operation or existence for any cause or reason, then, upon
12 such termination or cessation, title to all property, real,
13 personal or mixed, tangible or intangible of whatever kind,
14 and wheresoever located, shall immediately vest in the county,
15 which by and through the board, is hereby authorized to
16 exercise any and all powers herein granted to the authority
17 for the purposes herein expressed.

18 Section 3. The provisions of this act shall be
19 severable, and if any of the provisions hereof shall be held
20 to be unconstitutional or invalid, such determination shall
21 not affect the constitutionality or validity of any of the
22 remaining provisions of this act.

23 Section 4. Except as specifically reenacted herein,
24 chapters 65-1357, 70-628, 73-430, 84-405, 84-406, 88-479, and
25 91-399, Laws of Florida, are repealed.

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

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