

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Community Affairs offered the following:

Amendment

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Chapters 57-1658, 61-2599, 67-1834, 69-1389, 75-464, 77-612, 78-578, 80-553, 80-554, 82-347, 87-555, 88-474, 91-369, 91-391, s. 14 of chapter 71-133, and s. 9 of chapter 92-152, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 2. The Greater Orlando Aviation Authority Act is recreated and reenacted to read:

Section 1. SHORT TITLE.--This act shall be known and may be cited as the "Greater Orlando Aviation Authority Act" and shall hereinafter be referred to as the "act."

Section 2. DEFINITIONS.--As used in this act, the following words and terms shall have the following meanings:

(1) "City" shall mean the City of Orlando, a municipal corporation in Orange County, State of Florida.

(2) "City council" or "council" shall mean the City

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1 Council of the City of Orlando or the board or body in which
2 the general legislative powers of the city shall be vested.

3 (3) "Aviation authority" or "authority" shall mean the
4 Greater Orlando Aviation Authority, hereinafter created, or if
5 said authority shall be abolished, the board of commission
6 succeeding to the principal functions thereof or upon whom the
7 powers given by this act to said authority shall be given by
8 law.

9 (4) "Project" shall mean any one or more, or any
10 combination of two or more, of the following, or planning for
11 the same:

12 (a) Any area of land or water, or easement or other
13 interest therein, which is used or intended for use for the
14 take-off, landing, taxiing, parking or storing of aircraft, or
15 for the transportation by air of persons and things, or for
16 the location of any and all buildings, structures,
17 appurtenances, machinery, equipment, and all other types of
18 property and facilities related thereto, such as, but not
19 limited to, landing fields, heliports, runways, taxiways,
20 hangars, aircraft parking aprons, shops, offices, aircraft and
21 air passenger terminal buildings and structures.

22 (b) Areas of land or water, and easements above, on,
23 or under the surface thereof, used or intended for use for
24 over-flight, for noise abatement or noise buffers, for clear
25 zones, or for side transition zones.

26 (c) The fee simple interest in any area of land or
27 water, or any easement or other interest therein, above, on,
28 or under the surface thereof, used or intended to be used for
29 the full or partial satisfaction of environmental mitigation
30 requirements imposed by any federal, state, county, or
31 municipal government or agency thereof as a condition of

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1 approving the acquisition, construction, expansion or
2 operation of a project, as defined in paragraphs (a), (b),
3 (d), (e), or (f), whether or not such area is located within
4 the boundaries of the city or is on or contiguous to property
5 in which the authority or the city has a preexisting ownership
6 interest.

7 (d) Other structures, improvements, and buildings of
8 all types used or useful for the convenience of the public or
9 for commercial or general aviation activities, located on the
10 property of the authority, such as, but not limited to,
11 restaurants, hotels, motels, exhibition halls, convention
12 facilities, automotive parking facilities, retail stores,
13 aircraft fueling systems, automotive service centers, cargo
14 buildings, warehouses, industrial developments, kitchen
15 facilities, drainage systems, utilities systems, roadways,
16 automobile and aircraft bridges, and surface transportation
17 terminals and facilities.

18 (e) Beacons, markers, communications systems, and all
19 navigation facilities for use in aid of air navigation.

20 (f) Any and all other improvements or facilities
21 which, in the judgment of the authority, are necessary, useful
22 or desirable to serve the occupants, passengers, users,
23 employees, operators, airlines, or lessees of any portion of
24 the property or facilities of the authority, or which are
25 otherwise deemed by the authority to be in the public
26 interest, including, but not limited to, such facilities as
27 may be necessary, used, useful, or intended for use: for the
28 handling, parking, storing, display, sale or servicing of
29 aircraft, either private or commercial; for the accommodation
30 of persons and the handling of freight, mail, and other items
31 transported by air; for the furnishing and supplying of goods,

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1 commodities, services, things and facilities that are deemed
2 by the authority to be appropriate for the safety or
3 convenience of the traveling public or of the operators of
4 aircraft, or otherwise in the public interest; and in or for
5 the equipping, operation, and maintenance of any of the
6 projects of the authority.

7 (5) "Improvements" shall mean any repairs,
8 replacements, additions, extensions, enlargements or
9 betterments of and to a project as the authority deems
10 necessary to place or to maintain such project in proper
11 condition for the safe, efficient and economic operation
12 thereof.

13 (6) "Cost" as applied to improvements shall mean the
14 cost of constructing or acquiring improvements as hereinabove
15 defined and shall embrace the cost of all labor and materials,
16 the cost of all machinery and equipment, financing charges,
17 cost of engineering and legal expenses, plans, specifications,
18 and such other expenses as may be necessary or incident to
19 such construction or acquisition.

20 (7) "Cost" as applied to a project acquired,
21 constructed, extended or enlarged shall include the purchase
22 price of any project acquired, the cost of improvements, the
23 cost of such construction, extension or enlargement, the cost
24 of all lands, properties, rights, easements and franchises
25 acquired, the cost of all machinery and equipment, financing
26 charges, cost of investigations and audits and of engineering
27 and legal services, and all other expenses necessary or
28 incident to determining the feasibility or practicability of
29 such acquisition or construction, administrative expense and
30 such other expenses as may be necessary or incident to the
31 financing herein authorized and to the acquisition or

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1 construction of a project and the placing of the same in
2 operation. Any obligation or expense incurred by the city or
3 by the authority prior to the conveyance of a project by the
4 city to the authority under this act, or prior to the issuance
5 of revenue bonds under the provisions of this act, for
6 engineering studies and for estimates of cost and of revenues
7 and for other technical, financial or legal services in
8 connection with the acquisition or construction of any
9 project, may be regarded as a part of the cost of such
10 project.

11 Section 3. GREATER ORLANDO AVIATION AUTHORITY.--

12 (1) There is hereby created a board or commission to
13 be known as the "Greater Orlando Aviation Authority," and by
14 that name the authority may sue and be sued, plead and be
15 impleaded, contract and be contracted with, and have an
16 official seal. The authority is hereby constituted an agency
17 of the city, and exercise by the authority of the powers
18 conferred by this act shall be deemed and held to be an
19 essential municipal function of the city. For the purposes of
20 the applicable requirements of s. 189.404, Florida Statutes,
21 the authority shall be categorized as an independent special
22 district. The authority shall consist of seven members who
23 shall be elected or appointed as follows: one member shall be
24 an incumbent member of the City Council, who may be the
25 mayor-commissioner or any other commissioner elected by a
26 majority vote of such council; one member shall be an
27 incumbent member of the Board of County Commissioners of
28 Orange County, Florida, who may be the chairman or any other
29 commissioner elected by a majority vote of such commission;
30 and five members shall be appointed by the Governor, subject
31 to confirmation by the Senate. Three members appointed by the

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1 Governor shall be residents and electors of Orange County,
2 Florida; one member appointed by the Governor shall be a
3 resident and elector of Osceola County, Florida, effective
4 April, 1992; and, one member appointed by the Governor shall
5 be a resident and elector of Orange County, Florida, or
6 Seminole County, Florida. All seven members shall be entitled
7 to an equal voice and vote on all matters relating to the
8 authority and its business. Two of the five appointed members
9 initially appointed by the Governor shall be appointed for a
10 term of 2 years and three members shall be appointed for a
11 term of 4 years, the term of each member so appointed to be
12 designated by the Governor at the time of the appointment. All
13 subsequent appointments shall be for a term of 4 years. The
14 member of the city council and the member of the county
15 commission shall be elected for terms of 2 years each;
16 provided, however, that any such commissioner's term shall end
17 at such time as he may cease to be a city or county
18 commissioner, at which time a successor or successors shall be
19 elected for any unexpired term. The terms of all members shall
20 end at the expiration of their terms or as otherwise specified
21 herein.

22 (2) Each appointed member of the authority shall be a
23 person of integrity, responsibility and business ability, who
24 is competent and knowledgeable in one or more fields which
25 include, but are not limited to, public affairs, law,
26 economics, accounting, engineering, finance, natural resource
27 conservation, energy, or another field substantially related
28 to the duties and functions of the authority. The authority
29 shall fairly represent the above stated fields and function on
30 a nonpartisan basis. It is desirable, but not essential, that
31 one or more appointed members be experienced in some

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1 aviation-related field. No person then employed by the city or
2 by Orange County shall be appointed as a member of the
3 authority. No person then transacting business with the
4 authority or who can be reasonably expected to transact
5 business with the authority, either for himself or as an
6 employee of, agent for, or consultant to any other person or
7 legal entity, shall be appointed as a member of the authority.
8 The initial appointment and election of members hereunder
9 shall be accomplished by the Governor, the city council and
10 the Orange County Board of County Commissioners within 30 days
11 after the effective date of this act, and the terms of all
12 then present members shall expire, effective the date of said
13 appointments and elections.

14 (3) At least 30 days prior to the date of expiration
15 of the term of any member of the authority, or within 30 days
16 after the creation of any vacancy in the membership of the
17 authority resulting from the death, resignation, change of
18 residence, or removal of any such member or from any other
19 cause, the successor of such member shall be appointed or
20 elected in the same manner as his predecessor. Any appointed
21 member of the authority shall be eligible for reappointment;
22 provided, that no appointed member shall serve more than two
23 consecutive terms or eight consecutive years, whichever is the
24 greater. Subject to the foregoing provisions, the successor in
25 each case, except the representative of the city council and
26 the representative of the board of county commissioners, shall
27 be appointed and shall hold office for a term of 4 years from
28 the date of expiration of the term of this predecessor. Any
29 person appointed or elected to fill a vacancy shall serve only
30 for the unexpired portion of the term. Notwithstanding any
31 other provision of this act, any appointed member of the

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1 authority shall serve until his successor shall have been
2 appointed and shall have taken office, except in the case of
3 any such member who has been suspended or removed during his
4 term.

5 (4) The authority shall elect one of its members as
6 its chairman. The chairman shall be elected for a term of 2
7 years. If the elected chairman shall cease to be a member of
8 the authority, or shall for any reason not serve as a
9 chairman, a successor shall be elected for the unexpired
10 portion of his term. No person shall serve more than four
11 consecutive terms as chairman or 8 consecutive years,
12 whichever is greater. The authority may also elect a
13 secretary, who may or may not be a member of the authority.
14 The secretary shall hold office at the will of the authority.
15 The Director of Finance of the city, or any other person
16 elected by the authority and approved by the city council,
17 shall be the treasurer of the authority. Four members of the
18 authority shall constitute a quorum and the vote of four
19 members shall be necessary for any action taken by the
20 authority. No vacancy in the authority shall impair the right
21 of a quorum of the authority to exercise all of the rights and
22 perform all of the duties of the authority.

23 (5) Upon the effective date of his appointment, or as
24 soon thereafter as practicable, each appointed member of the
25 authority shall enter upon his duties, but before doing so, he
26 shall take an oath to faithfully perform the duties of his
27 office and file the same with the city clerk, and shall
28 execute a bond in the penal sum of \$10,000 payable to the city
29 and conditioned upon the faithful performance of the duties of
30 his office, which bond shall be approved by the city council
31 and filed with the city clerk, the cost of the premium on any

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1 such bonds to be treated as part of the cost of operation.

2 (6) The members of the authority shall serve without
3 compensation; provided, that they shall be reimbursed by the
4 authority for their reasonable out-of-pocket, travel, and per
5 diem expenses incurred in attending meetings of or on behalf
6 of the authority, or otherwise in engaging in the business of
7 the authority. The secretary shall receive such salary as may
8 be fixed by the authority, or, in case such officer shall be a
9 member of the authority, he shall receive such salary for his
10 services as such officer as may be fixed by the authority with
11 the approval of the city council.

12 (7) The county commission member and any appointed
13 member may be suspended from office by the Governor, and the
14 city council member may be removed from office by majority
15 vote of the members of the city council, for good cause
16 affecting his ability to perform his duties as a member, for
17 misfeasance, malfeasance or nonfeasance in office, or for
18 violating the conflict of interest provisions of this act. A
19 county commission member, or an appointed member, who is
20 suspended by the Governor may be removed from office by
21 majority vote of the Senate, but only after a hearing at which
22 such member is given the right to present evidence in his own
23 behalf and only upon a finding by majority vote of the members
24 of the Senate that good cause for removal affecting the
25 member's ability to perform his duties as a member exists,
26 that he was guilty of misfeasance, malfeasance or nonfeasance
27 in office, or that he violated the conflict of interest
28 provisions of this act.

29 Section 4. CONTROL OF EXISTING FACILITIES.--No
30 existing projects, as hereinabove defined and now owned or
31 controlled by the city, shall be under the jurisdiction,

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1 control or supervision of the authority unless and until the
2 city council shall so direct by resolution at such time as the
3 council shall determine that the authority has been organized
4 and is operating in such manner as to make control of such
5 projects by the authority appropriate, desirable and feasible
6 from the standpoint of efficiency of administration,
7 regulation and financing. Such resolution may also provide and
8 contain such restrictions, limitations, qualifications and
9 regulations as the city council may fix and determine as
10 necessary in the public interest. In the event the city
11 council shall so direct by resolution, all contracts, books,
12 maps, plans, papers and records of whatever description
13 pertaining to any such project shall be assigned and
14 transferred to the authority. All revenues of such projects
15 shall thereafter be collected by the authority and shall be
16 applied as provided in this act, subject to any prior pledges
17 of such revenues.

18 Section 5. CONSTRUCTION OF NEW PROJECTS.--It shall be
19 the duty of the authority to make or cause to be made such
20 surveys, investigations, studies, borings, maps, plans,
21 drawings and estimates of costs, traffic, and revenues as it
22 may deem necessary, and to thereafter prepare and adopt a
23 comprehensive plan for the construction, development and
24 improvement of any and all projects of the authority, and for
25 the construction, development and improvement of facilities
26 within Orange County, Florida, for handling air passengers,
27 mail, express and freight, and for handling general aviation
28 and commercial aircraft. Such comprehensive plan may be
29 extended, modified or changed by the authority from time to
30 time. The authority is hereby authorized and empowered,
31 whenever it shall deem such action feasible and practicable,

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1 to acquire, construct, extend or enlarge any project, as
2 hereinabove defined. The cost of any such surveys,
3 investigations, plans, and estimates, and of any such
4 acquisition, construction, extension or enlargement shall be
5 paid, in whole or in part, from the proceeds of revenue bonds
6 issued under the provisions of this act, from revenues of
7 projects of the authority, or from any other funds legally
8 available for such purposes. The authority shall employ
9 procedures for the design and construction of new permanent
10 facilities or major additions to existing facilities, that
11 will include, but not be limited to, the latest developments
12 in construction techniques, materials, design and concepts.
13 The authority may employ contract management and project
14 management methods of design and construction. The following
15 concepts may be included in the construction procedures used
16 by the authority:

17 (1) Fast-track construction scheduling.--A method
18 which involves the bidding and awarding of certain building
19 subsystems after approval of preliminary design, and before
20 final document completion. Fast-track construction reduces
21 construction time by permitting early subsystems manufacture
22 and erection; it can improve cost and price control and
23 eliminate extensive design development time by planners and
24 designers.

25 (2) Construction and project management.--A process
26 whereby a single or highly coordinated authority is
27 responsible for all scheduling and coordination in both design
28 and construction phases and is generally responsible for the
29 successful, timely and economical completion of the
30 construction project.

31 (3) Design and build bidding.--A procedure which

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1 requires that an architect, contractor, or engineer bid the
2 entire design and construction of a project and which requires
3 that the owner hire a single source for the project completion
4 and be responsible for the development of performance
5 specifications and technical criteria.

6 Section 6. EXPENDITURE OF FUNDS FOR PRELIMINARY
7 ACTS.--The City and the County Commissioners of Orange County
8 are hereby authorized to borrow, expend and appropriate funds
9 for use of the authority in carrying out the provisions of
10 this act, particularly, but not limited to, the provisions of
11 section 5 of this act, prior to such time as revenue-producing
12 projects or facilities are created or obtained as provided by
13 this act. Such expenditures of funds by the city or county are
14 hereby deemed and determined to be for a public purpose for
15 the benefit of the general welfare of the citizens of the city
16 and county.

17 Section 7. CONVEYANCE OF SUBMERGED LANDS.--The
18 authority is hereby authorized and empowered to make
19 application, from time to time, to the Board of Trustees of
20 the Internal Improvement Fund of the State of Florida for
21 conveyance of all of the right, title and interest of the
22 state in and to such submerged or partly submerged lands as
23 the authority may deem necessary to carry out the purposes of
24 this act, and said board of trustees are authorized to make
25 such conveyances to the city, upon such consideration as they
26 may deem proper, of all or any part of such submerged or
27 partly submerged lands as they may find to be necessary to
28 carry out the purposes of this act; provided, however, that
29 said board of trustees shall in any such conveyance make
30 adequate provisions for the protection of the interests of the
31 State School Fund in any of said lands, and no conveyance of

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1 same shall be made except upon such conditions that the
2 interests of the State School Fund shall be fully protected.
3 Section 8. PURPOSES; POWERS OF AUTHORITY.--The
4 purposes of this act are to create an aviation authority in
5 Orange County, Florida, and through it to provide a means to
6 serve the public interest through the coordination of the
7 planning, financing, construction, and operation of aviation
8 facilities of the authority to the end that: adequate public
9 air navigation and transportation facilities are provided;
10 that safe and efficient air commerce is promoted; that
11 aviation projects of the authority are correlated with
12 aviation projects operated by others within this region, this
13 state, and this nation; that orderly and proper use and
14 development of public airports within Orange County will occur
15 as required to develop the potential of Orange County as an
16 air trade center and to support and enhance economic
17 development therein, and that projects of the authority will
18 be included in national and international programs for air
19 transportation relating to general aviation and commercial air
20 transport of passengers and cargo. The authority shall have
21 all of the powers which are necessary to carry out the
22 purposes of this act. Without in any manner limiting or
23 restricting such general powers, the authority shall have
24 power:
25 (1) To construct, acquire, establish, improve, extend,
26 enlarge, reconstruct, equip, maintain, repair and operate any
27 project, as hereinabove defined, either within or without or
28 partly within and partly without the territorial boundaries of
29 the city.
30 (2) To issue revenue bonds of the city, payable solely
31 from revenues, to pay all or a part of the cost of such

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1 acquisition, construction, extension or enlargement.
2 (3) To fix, regulate and collect rates and charges for
3 the services and facilities furnished by any project under its
4 control, and to pledge the revenues of any such project to the
5 payment of revenue bonds issued under the provisions of this
6 act.
7 (4) To make rules and regulations for its own
8 government and procedure; provided, however, that it shall
9 hold a regular meeting at least once a month and such special
10 meetings as it may deem necessary, and all such meetings shall
11 be open to the public.
12 (5) To operate, manage and control all projects placed
13 under its control by the provisions of section 4 of this act
14 and all projects, as hereinabove defined, hereafter acquired
15 or constructed under the provisions of this act.
16 (6) To acquire in the name of the authority, either by
17 purchase or the exercise of the right of eminent domain within
18 the territorial limits of Orange County, Florida, such lands,
19 including submerged and partly submerged land, in fee simple
20 or any lesser interest or easement, and improvements thereto,
21 and to acquire such personal property, as it may deem
22 necessary either for the construction of any project or for
23 the efficient operation or for the extension of any project
24 acquired or constructed or to be constructed under the
25 provisions of this act, including, without limitation, the
26 elimination of airport hazards and the full or partial
27 satisfaction of environmental mitigation requirements of any
28 federal, state, county, or municipal government or other
29 agency thereof, and to hold, lease, and dispose of all real
30 and personal property under its control; provided that any
31 real estate or interest therein proposed to be purchased,

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1 acquired, or sold by the authority shall first be approved by
2 resolution of the city council; and further provided that the
3 granting of any lease or franchise for a term in excess of 10
4 years shall first be approved by resolution of the city
5 council.

6 (7) To appoint, fix the compensation of, and make
7 provision for the discharge of an executive director who,
8 under the supervision of the authority, shall be responsible
9 for the operation, management and promotion of all activities
10 with which the authority is charged under this act, together
11 with such other duties as may be prescribed by the authority,
12 and shall have such powers as are incident to the performance
13 of his duties and such others as may be prescribed by the
14 authority. The authority may also employ such other officers,
15 agents, and employees under such terms and conditions as it
16 shall consider necessary and appropriate to effectuate its
17 purposes under this act.

18 (8) To make and enter into all contracts and
19 agreements necessary or incidental to the performance of its
20 duties and the execution of its powers under this act, and to
21 employ consulting engineers, architects, superintendents,
22 managers, aviation consultants, accountants, and attorneys,
23 and such other consultants and advisors as may be necessary in
24 its judgment to accomplish the purposes of this act, and to
25 fix their compensation; provided, however, that all such
26 expenses shall be paid solely from the proceeds of revenue
27 bonds issued under the provisions of this act, or from
28 revenues of projects of the authority, or from any other funds
29 legally available for such purposes.

30 (9) To make application directly or indirectly to any
31 federal, state, county or municipal government or agency or to

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1 any other source, public or private, for loans, grants,
2 guarantees or other financial assistance in aid of projects of
3 the authority, and to accept and use the same upon such terms
4 and conditions as are prescribed by the federal, state, county
5 or municipal government or agency or other source.

6 (10) To enter into agreements with the state, any
7 subdivision or department thereof, or any county or
8 municipality or the Federal Government or any agency thereof
9 to use the facilities or the services of the state or such
10 subdivision or department, or such county or municipality or
11 the Federal Government or any agency thereof, as necessary or
12 desirable to accomplish the purposes of this act; or to allow
13 any of such agencies to utilize the facilities or the services
14 of the authority as necessary or desirable to accomplish the
15 purposes of this act.

16 (11) Subject to such provisions and restrictions as
17 may be set forth in the resolution or in the trust agreement
18 hereinafter mentioned authorizing or securing the revenue
19 bonds issued under the provisions of this act, to have
20 exclusive control of the revenues derived from each project
21 under its control, and of the expenditures thereof, except as
22 otherwise provided herein.

23 (12) To adopt and enforce in the courts of this state
24 reasonable rules and regulations for the orderly, safe,
25 efficient, and sanitary operation and use of projects and
26 facilities owned by it or under its control; provided, that no
27 such rule or regulation shall be adopted which, in the
28 judgment of the authority, will directly affect the traveling
29 public as a class, except subsequent to a public hearing which
30 shall be advertised twice in a newspaper of general
31 circulation in Orange County, Florida, the first publication

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1 to occur not more than 14 days and the second such publication
2 to occur not less than 4 days, prior to the proposed adoption
3 thereof.

4 (13) Subject to the provisions of subsection (6) of
5 this section, to enter into exclusive or nonexclusive
6 contracts, leases, franchises, or other arrangements with any
7 person or persons for terms not exceeding 50 years, granting
8 the privilege of using or improving any project of the
9 authority, or any portion thereof or space therein for
10 commercial purposes; conferring the privilege of supplying
11 goods, commodities, things, services or facilities at such
12 project or projects; or making available services to be
13 furnished by the authority or its agents at such project; and
14 to establish the terms and conditions and fix the charges,
15 rentals, or fees for such privileges or services so long as
16 such fee or charges shall not conflict with any applicable
17 rules and regulations of the Public Service Commission.

18 (14) To enter into contracts, leases, or other
19 agreements with federally certificated air carriers, other
20 commercial air carriers and other commercial users of its
21 projects, for the use of such projects, under such terms and
22 conditions as it deems appropriate and for such charges,
23 rentals and fees as it deems appropriate; and to enter into
24 any contracts, leases or other agreements, set any tolls,
25 fees, or other charges for the use of its property or
26 services, and collect and use same as necessary to operate the
27 projects under its control and to accomplish any purposes of
28 this act.

29 (15) To contract with any persons, firms, or public or
30 private corporations to supply goods, commodities, facilities,
31 and services to the public, employees of the authority and

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1 employees of air carriers and other commercial interests
2 located at any project under its control under such terms and
3 conditions as it deems appropriate.

4 (16)(a) Subject to the provisions of subsection (6) of
5 this section, to acquire land or other real or personal
6 property within the territorial limits of Orange County,
7 Florida, by purchase, lease, gift, devise, bequest, exchange
8 or in any other manner, including, but not limited to,
9 proceedings in the name of the authority, by eminent domain;
10 and the authority shall have the power to purchase or obtain
11 options, contracts or other rights to acquire land or other
12 real or personal property, provided that such options,
13 contracts or other rights shall be for a reasonable period of
14 time and for a consideration not in excess of 5 percent of the
15 purchase price specified upon the exercise of such options,
16 contracts, or other rights, unless prior approval of the city
17 council shall have been obtained.

18 (b) Subject to the provisions of subsection (6) of
19 this section, the authority shall have the power to sell and
20 dispose of any lands, structures, facilities or other property
21 acquired under this act, when it shall determine that such
22 lands, structures, facilities or other property are no longer
23 needed for carrying out the purposes of this act; provided,
24 however, that such sale shall be for a fair and reasonable
25 consideration; and further provided that the authority, with
26 the prior approval of the city council, may sell, or give the
27 right of use of its property to the city or other public body
28 without consideration or for less than a full and adequate
29 consideration; and the subject matter of any such sale or
30 disposal of property may be subjected by the authority to
31 reasonable restrictions for the preservation and protection of

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1 any other property held or controlled by said authority. In
2 carrying out the purposes of this act, the authority may lease
3 or rent any part or portion of land, structure, or facility of
4 the authority to such private persons, corporations,
5 partnerships, or public corporations or agencies or other
6 legal entity, public or private, for use of such property by
7 such lessee as the authority shall determine is in the best
8 interests of the public in furthering the purposes of this
9 act; provided, however, that such lease or other right to use
10 thereof shall be for any term of years not to exceed 50 years.

11 (17) To make any and all applications required by the
12 United States Treasury Department and other departments or
13 agencies of the United States Government or of this state as a
14 condition precedent to the establishment within Orange County
15 of a free port or area for the reception from foreign
16 countries of articles of commerce and the handling, processing
17 and delivery thereof into foreign commerce free from the
18 payment of custom duties, and to enter into any agreements
19 required by such departments or agencies in connection
20 therewith and to make like applications and agreements with
21 respect to the establishment within said county of one or more
22 bonded warehouses.

23 (18) With the express prior approval by ordinance of
24 the city council,

25 (a) To employ and constitute its own airport guards or
26 police officers, or to contract with the city or any other
27 agency of the state or Orange County to provide law
28 enforcement services and protection through its duly sworn
29 officers, and all such officers shall have full power of
30 arrest to prevent or abate the commission of any offense
31 against the ordinances of the city, the laws of this state, or

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1 the laws of the United States, when any such offense or
2 threatened offense occurs upon any lands or project owned by
3 or under the control of the authority.

4 (b) To provide its own fire protection, crash and
5 rescue services or to arrange for such services with any
6 federal, state, municipal or county agency or any private firm
7 in the business of providing such services.

8 (19) To acquire by agreement, and not through the
9 exercise of eminent domain, any aviation projects of the city,
10 or, with the prior approval of the city council, any other
11 aviation projects situate within Orange County, whether
12 publicly or privately owned; provided, that upon conveyance of
13 any such aviation project to the authority, all contracts,
14 commitments, leases and any other obligations then outstanding
15 with respect to such aviation project shall be transferred to
16 and assumed by the authority. The Board of County
17 Commissioners of Orange County and any municipality or other
18 public body of the state having an interest in an aviation
19 project situate in Orange County are hereby authorized to
20 convey their interests in any such aviation project to the
21 authority, upon terms and conditions acceptable to such public
22 body and to the authority.

23 (20) To enter into agreements with the city, or with
24 any other public body owning or operating aviation projects of
25 which the authority may subsequently assume control, with
26 respect to the manner to transfer of persons employed by the
27 city or other public body at such aviation projects to the
28 authority, as the authority deems necessary and appropriate.

29 (21) To establish a plan for retirement, disability,
30 hospitalization, and other fringe benefits, and for death
31 benefits for officers and employees of the authority, or to

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1 provide by resolution that such officers and employees shall
2 be covered under any plan of the city, Orange County, or the
3 state available to them under the laws of the city, Orange
4 County, or the state.

5 (22) To exercise each and every power not inconsistent
6 with express provisions of this act which any municipality of
7 this state may now or hereafter exercise with respect to the
8 operation, acquisition, construction, or financing of airports
9 or airport projects owned or controlled by such a municipality
10 under the provisions of the general laws of this state.

11 (23) Notwithstanding any other provision of law to the
12 contrary, the authority does not have the power of ad valorem
13 taxation.

14
15 All expenses incurred by the authority in exercising its
16 powers and in performing its functions and duties shall be
17 paid solely from the proceeds of revenue bonds issued under
18 the provisions of this act or from the revenues of the
19 projects under its control, and no liability or obligation not
20 payable from such proceeds or from such revenues shall at any
21 time be incurred in connection with the operation thereof,
22 except as provided herein.

23 Section 9. CREDIT OF CITY NOT PLEDGED.--Revenue bonds
24 issued under the provisions of this act shall not be deemed to
25 constitute a debt of the city or a pledge of the faith and
26 credit of the city, but such bonds shall be payable solely
27 from the funds hereinafter provided therefor from revenues.
28 All such bonds shall contain a statement on their face to the
29 effect that the city is not obligated to pay such bonds or the
30 interest thereon except from revenues, and that the faith and
31 credit of the city are not pledged to the payment of the

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1 principal or of the interest on such bonds. The issuance of
2 revenue bonds under the provisions of this act shall not
3 directly or indirectly or contingently obligate the city to
4 levy or to pledge any form of taxation whatever therefor or to
5 make any appropriation for their payment.

6 Section 10. BOND ISSUE FOR PURPOSE OF FINANCING
7 PROJECTS AUTHORIZED BY THIS ACT.--In addition to any powers
8 granted in this act, the authority is hereby authorized to
9 issue revenue bonds, and to issue and borrow against bond
10 anticipation notes, for the purpose of financing any of the
11 projects authorized by this act in the same manner and subject
12 to the same restrictions as the city may be permitted by
13 general or special law.

14 Section 11. REVENUE BONDS.--

15 (1) The authority is hereby authorized to provide by
16 resolution, at one time or from time to time, for the issuance
17 of revenue bonds of the authority for the purpose of paying
18 all or a part of the cost, as hereinabove defined, of
19 acquiring, constructing, extending or enlarging any project or
20 projects of the authority, or for the purpose of refunding
21 aviation revenue bonds heretofore or hereafter issued by the
22 city or by the authority. The bonds of each issue shall be
23 dated and shall mature at such time or times not exceeding 40
24 years from their date or dates as may be determined by the
25 authority, and may be made redeemable before maturity, at the
26 option of the city, at such price or prices and under such
27 terms and conditions as may be fixed by the authority prior to
28 the issuance of the bonds. Bonds shall bear interest from
29 their date until paid at such rate or rates as may be
30 determined by the authority not exceeding the rate permitted
31 by general law. The principal of and the interest on such

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1 bonds may be made payable in any lawful medium. The authority
2 shall determine the form of the bonds, including any interest
3 coupons to be attached thereto, and the manner of execution of
4 the bonds, and shall fix the denomination or denominations of
5 the bonds and the place or places of payment of principal and
6 interest, which may be any bank or trust company within or
7 without the state. Such bonds may be in certificated or
8 uncertificated form, and may be issued with compound interest,
9 capital appreciation, serial appreciation, original issue
10 discounts or zero or low interest rates, or with any
11 combination of such features, or with such other features, as
12 the authority shall determine.

13 (2) Such bonds shall be signed by the mayor of the
14 city and countersigned by the chairman of the authority.
15 Either or both signatures required may be by facsimile. The
16 seal of the city may be impressed on the bonds or a facsimile
17 may be printed or lithographed thereon. In case any officer
18 whose signature or a facsimile of whose signature shall appear
19 on the bonds or coupons shall cease to be such officer before
20 the delivery of such bonds, such signature or such facsimile
21 shall nevertheless be valid and sufficient for all purposes
22 the same as if he had remained in office until such delivery.
23 Neither the members of the authority nor any person executing
24 the bonds shall be personally liable on the bonds or be
25 subject to any personal liability or accountability by reason
26 of the issuance thereof.

27 (3) All revenue bonds issued under the provisions of
28 this act shall have and are hereby declared to have, as
29 between successive holders, all the qualities and incidents of
30 negotiable instruments under the negotiable instruments law of
31 the state. The bonds may be issued in coupon or in registered

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1 form, or both, as the authority may determine, and provision
2 may be made for the registration of any coupon bonds as to
3 principal alone and also as to both principal and interest,
4 and for the reconversion into coupon bonds of any bonds
5 registered as to both principal and interest. The authority
6 may sell such bonds in such manner either at public or at
7 private sale, and for such price, as it may determine to be in
8 the best interest of the city.
9 (4) The proceeds of such bonds shall be used solely
10 for the payment of the cost of acquiring, constructing,
11 extending or enlarging the project or projects for which such
12 bonds shall be issued, and shall be disbursed in such manner
13 and under such restrictions, if any, as the authority may
14 provide. If the proceeds of such bonds, by error of estimates
15 or otherwise, shall be less than such cost, additional bonds
16 may in like manner be issued upon the prior approval of the
17 city council to provide the amount of such deficit, and,
18 unless otherwise provided in the resolution authorizing the
19 issuance of the bonds or in the trust agreement hereinafter
20 mentioned, shall be deemed to be of the same issue and shall
21 be entitled to payment from the same fund without preference
22 or priority of the bonds first issued for the same purpose. If
23 the proceeds of the bonds of any issue shall exceed the amount
24 required for the purpose for which such bonds were issued, the
25 surplus may be paid into the fund provided for the payment of
26 the principal of and the interest on such bonds, or for any
27 other lawful purpose of the authority. Prior to the
28 preparation of definitive bonds, the authority may, under like
29 restrictions, issue interim receipts or temporary bonds, with
30 or without coupons, exchangeable for definitive bonds when
31 such bonds have been executed and are available for delivery.

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1 The authority may also provide for the replacement of any
2 bonds which shall become mutilated or be destroyed or lost.
3 Revenue bonds may be issued under the provisions of this act
4 without obtaining the consent of any commission, board, bureau
5 or agency of the state, and without any other proceedings or
6 the happening of any other conditions or things than those
7 proceedings, conditions or things which are specifically
8 required by this act.

9 (5) The resolution providing for the issuance of the
10 revenue bonds and any trust agreement executed in connection
11 therewith may also contain such limitations upon the issuance
12 of additional revenue bonds as the authority may deem proper,
13 and such additional bonds shall be issued under such
14 restrictions and limitations as may be prescribed by such
15 resolution or such trust agreement.

16 (6) The authority is hereby authorized to provide by
17 resolution for the issuance of revenue refunding bonds of the
18 city for the purpose of refunding any revenue bonds then
19 outstanding and issued under the provisions of this act, as
20 well as any revenue bonds theretofore issued by the city to
21 which the payment of revenues of any project of the authority
22 shall have been pledged. The authority is further authorized
23 to provide by resolution for the issuance of a single issue of
24 revenue bonds of the city for the combined purpose of:

25 (a) Paying all or a part of the cost of acquiring,
26 constructing, extending or enlarging a project or projects;
27 and

28 (b) Refunding any revenue bonds or revenue
29 certificates which shall then be outstanding and shall be
30 payable from the revenue of any existing project or projects
31 of the authority.

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1
2 The issuance of such revenue bonds, the form, maturities,
3 features, and other details thereof, the rights of the holders
4 thereof, and the duties of the authority and of the city in
5 respect of the same, shall be governed by the foregoing
6 provisions of this act insofar as the same may be applicable.

7 (7) Revenue bonds may be issued under the provisions
8 of this act beyond the general limits of indebtedness
9 prescribed by law, and shall not be included in the amount of
10 bonds which the city may be authorized to issue under any
11 other law. Revenue bonds issued under the provisions of this
12 act and the income therefrom shall be exempt from all taxation
13 within the state. It shall be lawful for all state agencies,
14 banks, executors, administrators, guardians, and fiduciaries
15 generally, and all sinking fund commissioners, to invest any
16 moneys in their hands in such bonds, and such bonds may be
17 deposited as security for the deposit of public funds of the
18 state or of any county, city, or town. No resolution for the
19 issuance of any bond authorized herein shall be effective
20 until the city council shall authorize such individual issue
21 by proper resolution.

22 Section 12. TRUST AGREEMENT.--In the discretion of the
23 authority each or any issue of such revenue bonds may be
24 secured by a trust agreement by and between the authority and
25 a corporate trustee, which may be any trust company or bank
26 having the powers of a trust company within or without the
27 state. Such trust agreement may pledge or assign the revenues
28 to be received, but shall not convey or mortgage any project
29 or any part thereof. Either the resolution providing for the
30 issuance of revenue bonds or such trust agreement may contain
31 such provisions for protecting and enforcing the rights and

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1 remedies of the bondholders as may be reasonable and proper
2 and not in violation of laws, including covenants setting
3 forth the duties of the authority in relation to the
4 acquisition, construction, extension, enlargement,
5 maintenance, operation, repair and insurance of a project and
6 the custody, safeguarding and application of all moneys. It
7 shall be lawful for any bank or trust company incorporated
8 under the laws of this state to act as depository of the
9 proceeds of bonds or of revenues and to furnish such
10 indemnifying bonds or to pledge such securities as may be
11 required by the authority. Such trust agreement may set forth
12 the rights and remedies of the bondholders and of the trustee,
13 and may restrict the individual right of action by bondholders
14 as is customary in trust agreements or trust indentures
15 securing bonds and debentures of corporations. In addition to
16 the foregoing, such trust agreement may contain such other
17 provisions as the authority may deem reasonable and proper for
18 the security of bondholders. Except as otherwise provided in
19 this act, the authority may provide, by resolution or by such
20 trust agreement, for the payment of the proceeds of the sale
21 of the bonds and the revenues of the project or projects to
22 such officer, board or depository as it may determine for the
23 custody thereof, and for the method of disbursement thereof,
24 with such safeguards and restrictions as it may determine. All
25 expenses incurred in carrying out the provisions of such trust
26 agreement may be treated as a part of the cost of operation of
27 the project or projects affected by such trust agreement.

28 Section 13. REVENUES AND BUDGETING THEREOF.--

29 (1) Not less than 1 month prior to the end of each
30 fiscal year of the authority, which shall be the same fiscal
31 year as that of the city, the authority shall adopt by

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1 resolution its proposed budget for the ensuing fiscal year,
2 and submit the same to the city council. Such proposed budget
3 shall include all anticipated expenditures of the authority
4 for all of its projects during the ensuing fiscal year,
5 including operating expenses, capital outlays, materials,
6 labor, equipment, supplies, payments of principal and interest
7 on all outstanding revenue bonds of the authority, and sinking
8 fund and reserve requirements of such bonds. Such proposed
9 budget shall provide for expenditures only to the extent of
10 funds legally available to the authority for such purposes and
11 reasonably anticipated revenues of the authority for the
12 ensuing fiscal year from established sources, based upon past
13 experience and reasonable projections thereof, and from new
14 projects or new sources of income of the authority. The city
15 council shall, within 10 days of its receipt of such proposed
16 budget, conduct a public hearing with respect thereto. The
17 chairman and executive director of the authority shall be
18 present at such public hearing. Following the public hearing
19 by the city council, the authority at any regular or special
20 meeting prior to the commencement of the next fiscal year
21 shall adopt by resolution its budget for the ensuing year
22 subject to the same constraints as to the amount of
23 expenditures as set forth above with respect to the proposed
24 budget of the authority. Once adopted, the said budget shall
25 not be amended except by resolution of the authority and
26 except following the giving of 10 days' written notice of the
27 proposed amendment to the city council and the giving of
28 public notice of the authority's intention to consider
29 amending its budget, which notice shall be by publication in a
30 newspaper of general circulation in Orange County at least 10
31 days prior to the meeting of the authority at which such

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1 proposed amendment is to be finally considered.

2 (2) Within 90 days following the close of each fiscal
3 year, the authority shall make a comprehensive report of its
4 operations of each project under its control during the
5 preceding fiscal year, including all matters relating to
6 rates, charges, revenues, expenses of maintenance, repair and
7 operation and of replacements and extensions, principal and
8 interest retirements and the status of all funds. Copies of
9 such annual reports shall be filed with the secretary of the
10 authority, with the city council, with the Board of County
11 Commissioners of Orange County, and, if the revenue bonds
12 shall be secured by a trust agreement, with the trustee under
13 such trust agreement, and shall be open to the inspection of
14 all interested persons.

15 (3) The authority shall cause an audit to be made of
16 its books and accounts for each of its fiscal years by an
17 independent certified public accountant, which audit shall be
18 accompanied by the accountant's opinion and qualifications
19 relating thereto, if any.

20 Section 14. TRUST FUNDS.--All moneys received pursuant
21 to the authority of this act, whether as proceeds from the
22 sale of revenue bonds or as revenues, shall be deemed to be
23 trust funds, to be held and applied solely as provided in this
24 act. The authority shall, in the resolution authorizing the
25 issuance of revenue bonds or in the trust agreement, provide
26 for the payment of the proceeds of the sale of such bonds and
27 all revenues to be received to any officer who, or to any
28 agency, bank or trust company which, shall act as trustee of
29 such funds and shall hold and apply the same to the purposes
30 hereof, subject to such regulations as this act and such
31 resolution or trust agreement may provide.

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1 Section 15. REMEDIES.--Any holder of revenue bonds
2 issued under the provisions of this act or of any of the
3 coupons appertaining thereto, and the trustee under the trust
4 agreement, if any, except to the extent the rights herein
5 given may be restricted by such resolution or trust agreement,
6 may, either at law or in equity, by suit, action, mandamus or
7 other proceeding, protect and enforce any and all rights under
8 the laws of the State of Florida or granted hereunder or under
9 such resolution or trust agreement, and may enforce and compel
10 the performance of all duties required by this act or by such
11 resolution or trust agreement to be performed by the city or
12 the authority or by any officer thereof, including the fixing,
13 charging and collecting of rates and charges for the services
14 and facilities furnished by any project.

15 Section 16. POWER OF EMINENT DOMAIN.--It is hereby
16 specifically provided that, in the acquisition of any land or
17 other property by the exercise of the power of eminent domain
18 and condemnation proceedings as herein provided, the authority
19 shall first authorize and provide for such acquisition and
20 condemnation by appropriate resolution of the authority, which
21 shall be presented to the city council for its approval and
22 action as hereinafter provided. No condemnation proceedings in
23 exercise of the power of eminent domain shall be initiated or
24 valid unless and until the city council shall, by resolution,
25 approve the resolution of the authority and authorize by
26 resolution the exercise of the power of eminent domain in the
27 name of the authority for the purposes set forth in such
28 resolution of the authority. All such condemnation proceedings
29 shall then proceed in the manner provided by law for the
30 exercise of the power of eminent domain by a municipality for
31 the acquisition of property for a proper municipal and public

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1 purpose.

2 Section 17. CITY ORDINANCES IN EFFECT.--All of the
3 ordinances of general application of the city from time to
4 time in effect, with the sole exception of its ordinances
5 pertaining to zoning, shall, when so determined by ordinance
6 of the city council, be of full force and effect in and on any
7 areas of land or water owned or controlled by the authority
8 which are not within the limits of any other municipality,
9 whether or not such areas are within, without, or partially
10 without the municipal limits of the city, and may be enforced
11 in the same manner and to the same extent as if such areas
12 were within the municipal limits of the city.

13 Section 18. EXECUTION OF CONTRACTS, LEASES AND OTHER
14 LEGAL INSTRUMENTS.--Any and all contracts, leases,
15 obligations, agreements or other legal instruments of the
16 authority shall be approved by resolution of the authority,
17 and shall be executed by those individuals designated in such
18 resolution, and in the absence of such designation by the
19 chairman or vice chairman. Nothing in this provision shall
20 prohibit general resolutions authorizing the executive
21 director or other officers, agents or employees to execute
22 such contracts, leases or other legal documents as the
23 authority may prescribe.

24 Section 19. COOPERATION BETWEEN MUNICIPALITIES, COUNTY
25 AND AUTHORITY.--

26 (1) The effectuation of the purposes of this act being
27 in all respects for the benefit of the people of the state and
28 Orange County, as well as of the municipalities in said
29 county, the state, Orange County, and each municipality
30 therein is hereby authorized to aid and cooperate with the
31 authority in carrying out any authorized purposes or projects

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1 of the authority.

2 (2) Orange County and each municipality therein is
3 hereby authorized to enter into interlocal agreements with the
4 authority and to provide in any such interlocal agreement for
5 the making of a loan, gift, grant or contribution to the
6 authority for the carrying out of any of the authorized
7 purposes or projects of the authority.

8 (3) Orange County and each municipality therein is
9 hereby further authorized to grant and convey to the authority
10 real or personal property of any kind or nature, or any
11 interest therein, for the carrying out of the authorized
12 purposes or projects of the authority.

13 (4) Any such interlocal agreement may be made and
14 entered into pursuant to this act for such time or times not
15 exceeding 40 years as shall be agreed by the parties thereto,
16 and may contain such other details, terms, provisions and
17 conditions as shall be agreed upon by the parties thereto.

18 (5) Any such interlocal agreement may be made and
19 entered into for the benefit of the holders of any revenue
20 bonds issued pursuant to this act, as well as the parties
21 thereto, and shall be enforceable in any court of competent
22 jurisdiction by the holders of any such revenue bonds or of
23 the coupons appertaining thereto.

24 (6) No such interlocal agreement shall in any way
25 constitute a pledge of the taxing power, or of the full faith
26 and credit of any party thereto.

27 Section 20. CONFLICTS OF INTEREST PROHIBITED.--No
28 member, officer, agent, or employee of the authority, either
29 for himself, or as agent for anyone else, or as a stockholder
30 or owner in any other legal entity, shall participate or
31 benefit directly or indirectly in or from any sale, purchase,

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1 lease, franchise, contract, or other transaction entered into
2 by the authority. If any such person shall violate the
3 provisions of this section, he shall be guilty of a
4 misdemeanor. The provisions of this section shall be
5 cumulative to any general laws of the state which are from
6 time to time applicable to members, officers, agents, or
7 employees of the authority and which require the disclosure
8 of, or prohibit, conflicts of interest.

9 Section 21. ACT CONFERS ADDITIONAL AUTHORITY.--

10 (1) The powers conferred by this act shall be in
11 addition and supplemental to the existing powers of the
12 authority heretofore granted to it by any existing acts, and
13 any other law, general or special, and this act shall not be
14 construed so as to repeal any of the provisions of the
15 existing acts, except as expressly provided herein, or of any
16 other law, general or special, except to the extent of any
17 conflict between the provisions of this act and the provisions
18 of the existing acts, or of any other law, general or special,
19 in which event the provisions of this act shall be controlling
20 and shall, to the extent of any such conflict, supersede the
21 provisions of the existing acts and the provisions of any
22 other law, general or special.

23 (2) Nothing in this act is intended, nor shall any
24 provision hereof be construed so as to repeal, abrogate,
25 impair or adversely affect the rights and remedies of the
26 holders of any obligations of the city heretofore issued.

27 (3) No approval of the electors or freeholders of the
28 city or of any other political subdivision shall be required
29 for the issuance of any revenue bonds pursuant to this act,
30 unless such approval is required by the provisions of the
31 Constitution or general laws of Florida.

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1 Section 22. TERMINATION OF AUTHORITY.--If for any
2 reason, the Authority or its successors shall terminate, be
3 terminated, or cease operation or existence for any cause or
4 reason, then upon such termination or cessation all property,
5 real, personal or mixed, tangible or intangible, of whatsoever
6 kind and wheresoever located, shall immediately become the
7 property of the city, which is hereby authorized to exercise
8 any or all the powers herein granted the authority for the
9 purposes expressed herein, or any other municipal purpose.

10 Section 3. If any provision of this act or the
11 application thereof to any person or circumstance is held
12 invalid, the invalidity shall not affect other provisions or
13 applications of the act which can be given effect without the
14 invalid provision or application, and to this end the
15 provisions of this act are declared severable.

16 Section 4. Except as specifically reenacted herein,
17 chapters 57-1658, 61-2599, 67-1834, 69-1389, 75-464, 77-612,
18 78-578, 80-553, 80-554, 82-347, 87-555, 88-474, 91-369, and
19 91-391, Laws of Florida, are hereby repealed.

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

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