

By Representatives Starks, Brummer, Sublette, Trovillion,
Constantine, Feeney, Johnson and Posey

1 A bill to be entitled
2 An act relating to Orange County; creating and
3 establishing an independent special district in
4 said county to be known as the West Orange
5 Airport Authority; providing definitions;
6 providing boundaries of said district;
7 providing for the governmental body of said
8 district and membership thereof, conferring
9 upon said district the authority to acquire,
10 finance, and operate an airport or airports, an
11 industrial park and commercial park, and such
12 industry, commerce, and business necessary and
13 incidental thereto, within the boundaries of
14 said district; authorizing said district to
15 issue revenue bonds or other obligations to
16 finance the various projects that the district
17 is authorized to undertake; providing for the
18 payment of the expenses of the district out of
19 the revenues generated by the operations of
20 authority projects and such other revenues as
21 may be made available by law; authorizing said
22 district to contract with governmental
23 agencies; providing that the district shall
24 have power to enter into contracts, leases,
25 mortgages, and other agreements and to exercise
26 all incidental powers necessary to carry out
27 the purposes of this act, including the
28 creation of certain special districts;
29 providing for financial reports and budget
30 procedure; providing said district shall not be
31 required to pay taxes or assessments on its

1 property except as may be required by the
2 Florida Constitution; authorizing the creation
3 of such development districts as may be
4 appropriate and authorized by law to support
5 the commercial development of the airport and
6 the service area to the authority; providing
7 for severability; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. The West Orange Airport Authority charter
12 is created to read:

13 Section 1. Short title.--This act may be cited as the
14 "West Orange Airport Authority Act."

15 Section 2. Definitions.--When used in this act, unless
16 a different meaning appears clearly from the context:

17 (1) "Authority" means the West Orange Airport
18 Authority created as an independent special district by this
19 act.

20 (2) "Project" means and includes:

21 (a) An airport or airports, runways, taxiways, air
22 navigation facilities, maintenance and service facilities,
23 passenger terminals, buildings and structures, offices,
24 warehouses, storage facilities, training facilities,
25 conference facilities, lodging, food service facilities,
26 parking areas, and all appurtenant and related facilities
27 necessary or convenient for the complete management,
28 operation, and maintenance of such airport, airports, and
29 commerce, industrial, and business facilities incidental
30 thereto; and
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1 (b) Industrial and manufacturing plants, including
2 water, sewage, pollution, waste control and appurtenant
3 facilities, and such other capital projects as may otherwise
4 be provided or authorized by the Florida Industrial
5 Development Financing Act and other general law, all
6 appurtenant to and located on and within the special district.

7 (3) "Cities" means the City of Apopka, the City of
8 Ocoee, and the City of Winter Garden.

9 (4) "Cost of project" means the cost of construction,
10 the cost of all lands, properties, easements, licenses,
11 rights, and franchises acquired, the cost of machinery and
12 equipment, all improvements, financing, and refinancing
13 charges, interest prior to and during construction and for a
14 period of time after such construction, cost of engineering,
15 architectural, and legal expenses, and plans and
16 specifications and other expenses necessary or incident to
17 determining the feasibility or practicability of the project,
18 administrative expenses, and such other expenses as may be
19 necessary or incident to the financing herein authorized for
20 the construction of any project, the placing of same in
21 operation, and the leasing, renting, or sale thereof.

22 (5) "District," unless the context indicates
23 otherwise, means the special district created by this act and
24 identified in section 3 to be known as the authority and the
25 territory included within the special district.

26 Section 3. Authority; creation and purpose.--For the
27 purpose of performing such acts as shall be necessary for the
28 sound planning for and development and maintenance of an
29 airport for the area and the territory included within the
30 district, including industry, commerce, and business necessary
31 and incidental thereto, a special district is hereby created

1 and incorporated, to be known as the authority, in Orange
2 County, which special district shall be a public body
3 corporate and politic and shall embrace and include the
4 territory described as:

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6 Lots 1 through 40, inclusive, SHELL POND
7 ESTATES, according to the plat thereof as
8 recorded in Plat Book 22, Pages 86 through 90,
9 Public Records of Orange County.

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11 Section 4. Membership; appointment, terms of office.--

12 (1) The governing board of the authority shall be
13 composed of nine (9) members, each of whom shall be a resident
14 and elector of the state. The authority members shall be
15 appointed as follows: three (3) by the Board of County
16 Commissioners of Orange County, one (1) by the City of Apopka,
17 one (1) by the City of Ocoee, one (1) by the City of Winter
18 Garden, and three (3) by the Governor. Three (3) members
19 shall be appointed for an initial term of two (2) years, three
20 (3) members shall be appointed for an initial term of four (4)
21 years, and three (3) members shall be appointed for an initial
22 term of six (6) years. Thereafter, all successive appointments
23 shall be made for four (4) year terms. The cities' initial
24 appointments shall be for two (2) year terms; the Orange
25 County Board of County Commissioners' initial appointments
26 shall be for four (4) year terms, and the Governor's initial
27 appointments shall be for terms of six (6) years. All terms of
28 members shall be measured from the date this act becomes a
29 law. Any member of the authority may be removed by a majority
30 vote of the authority for misfeasance, malfeasance, or neglect
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1 of duty. Each member shall serve until his or her successor is
2 appointed and qualified.

3 (2) At least thirty (30) days prior to the date of
4 expiration of the term of any member of the authority, or
5 within thirty (30) days after the creation of any vacancy in
6 the membership of the authority resulting from the death,
7 resignation, change of residence, or removal of any such
8 member or from any other cause, the successor of such member
9 shall be appointed in the same manner as his or her
10 predecessor.

11 Section 5. Chair, vice chair, executive director, and
12 airport manager.--The authority shall annually at its first
13 meeting in January elect its chair, a vice chair, secretary,
14 and such other officers as the authority shall deem advisable,
15 and, when deemed appropriate by the authority, shall hire an
16 executive director and an airport manager who shall serve for
17 such terms and for such remuneration as may be provided by the
18 authority.

19 Section 6. Compensation.--The members of the authority
20 shall serve without compensation; however, they shall be
21 reimbursed by the authority for their reasonable
22 out-of-pocket, travel, and per diem expenses incurred in
23 attending meetings of or on behalf of the authority, or
24 otherwise engaging in the business of the authority. The
25 secretary shall receive such salary as may be fixed by the
26 authority, or, in case such officer shall be a member of the
27 authority, shall receive such salary for the services rendered
28 by such officer as may be fixed by the authority.

29 Section 7. Quorum; transaction of business.--A
30 majority of the members of the authority qualified and serving
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1 shall constitute a quorum for the transaction of the business
2 of the authority.

3 Section 8. Meetings; rules of procedure.--As soon as
4 practicable after this act shall take effect, the authority
5 shall meet and arrange a time for holding meetings of the
6 authority. It may adopt such rules of organization and
7 procedure as it may deem necessary and expedient.

8 Section 9. Duties.--It shall be the duty of the
9 authority to make a study of the advantages, facilities,
10 resources, products, attractions, conditions, and all other
11 data concerning the district with relation to the airport and
12 air navigation needs, and for the development, construction,
13 operation, and maintenance of airports and related facilities,
14 including an industrial park and commercial park with
15 education and conference facilities, and for the encouragement
16 of commerce and industry located on the airport in the
17 district; to use such means and media as the authority deems
18 advisable to publicize and to make known such data and
19 material to such persons, firms, corporations, agencies, and
20 institutions which, in the discretion of the authority, would
21 reasonably result in encouraging commerce and industry to
22 locate on and use the airport; to cooperate with any and all
23 other governmental agencies in accomplishing this purpose and
24 to do all other things it deems advisable in its effort to
25 effectively maintain an airport and the location of commerce
26 and industry thereon. The encouragement of the above-mentioned
27 in the manner contemplated by this act is hereby declared to
28 be a valid district, authority, and public purpose.

29 Section 10. Expenses; gifts.--The authority is hereby
30 authorized to borrow, expend, and appropriate funds for use to
31 pay the expenses of the authority and the special district,

1 including the cost of carrying out the purposes of this act.
2 Such expenditures of funds by the authority are hereby deemed
3 and determined to be for a public purpose for the benefit of
4 the general welfare of the citizens of said area of Orange
5 County. The authority shall be empowered and authorized to
6 accept, receive, and expend, for carrying out the purposes of
7 this act, such sums as may be offered as gifts, donations,
8 grants, loans, or bequests, from any source whatever.

9 Section 11. Lease or sale of government property for
10 airport and industrial purposes.--The state or any political
11 subdivision of the state is hereby granted the power to lease
12 or sell to the authority any property which, in the reasonable
13 discretion of the cabinet or the governing body of the
14 political subdivision, is available for authority purposes.
15 The normal procedures for disposing of government or surplus
16 property may be suspended to facilitate the transfer to the
17 authority.

18 Section 12. Powers.--The authority shall have all of
19 the powers which are necessary to carry out the purposes of
20 this act. Without limiting in any manner or restricting such
21 general powers, the authority shall have the following
22 specific powers:

23 (1) To have a seal and alter the same at pleasure and
24 to sue and be sued.

25 (2) To acquire, hold, and dispose of personal property
26 and real property for authority purposes.

27 (3) To enter into contracts with any or all of the
28 cities and other governmental agencies and subdivisions of the
29 State of Florida and of the United States.

30 (4) To acquire property, real and personal, for the
31 purpose of establishing, constructing, enlarging, managing,

1 and operating airports, runways, navigational facilities,
2 buildings, structures, industrial parks, commercial parks,
3 passenger terminals, fuel storage facilities, roadways,
4 taxiways, utility systems, conference facilities, lodging
5 facilities, food service facilities, and all other facilities
6 and improvements necessary or desirable for the servicing of
7 aircraft, the comfort and accommodation of air travelers, and
8 the operation of said airport facilities and facilities
9 incidental thereto.

10 (5) The authority may acquire by the power of eminent
11 domain land and the improvements thereon for public airport
12 purposes in the manner provided by applicable Florida Statutes
13 and other applicable laws. In addition to acquiring land for
14 airport purposes by eminent domain, the authority may also
15 acquire land and other property for airport purposes by grant,
16 donation, purchase, or lease in the manner otherwise provided
17 in this act.

18 (6) The authority may establish such rates, charges,
19 rents, fees, and use fees for use of the airport and all
20 authority facilities incidental thereto, as the authority
21 deems necessary.

22 (7) The authority may construct or provide for the
23 construction of special purpose facilities as are required for
24 the repair and servicing of aircraft and for the comfort and
25 convenience of the public, including, but not limited to,
26 fueling equipment and storage, concessions, restaurants, food
27 and beverage facilities, hotels and other lodging facilities,
28 parking lots, and similar facilities. The authority may lease
29 or sell such special purpose facilities to private operators
30 or concessionaires, or such facilities may be operated by the
31 authority in its discretion. The authority may also construct

1 and operate conference facilities, or the authority may
2 participate in joint ventures to operate such facilities.

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

16 (9) In the operation of management of the airports,
17 the authority may employ such managers, supervisors,
18 technicians, and other personnel as may be necessary for the
19 economical and efficient management thereof, and shall have
20 the power to adopt rules and regulations with reference to all
21 projects and matters under its control. All rules and
22 regulations of the authority shall be a matter of public
23 record, and copies thereof shall be dispensed by the authority
24 at cost to all applicants therefor.

25 (10) The authority may establish a plan for
26 retirement, disability, death, hospitalization, and other
27 appropriate fringe benefits for officers and employees of the
28 authority and may provide by resolution that such officers and
29 employees shall be covered under any plan of the authority or
30 the state available to them under the laws of the authority or
31 the state.

1 (11) In acquiring property from any public or
2 governmental body or agency for airport purposes or in the
3 operation of any airport, the authority shall have full power
4 to contract with the Federal Aviation Authority or any federal
5 agency exercising any function with respect to aviation, air
6 navigation, or air transportation, and the authority shall
7 have full power to abide by all rules and regulations of such
8 federal agencies, including the uses to which land may be put
9 for the operation of airports, air navigation facilities, and
10 aircraft. The authority shall further have power to assume any
11 obligations, covenants, or agreements heretofore imposed by
12 any public or governmental body or agency by deed, deed
13 restriction, or contract on such public body or governmental
14 agency therein with respect to airports or aviation.

15 (12) The authority, in the acquisition, financing, and
16 operation of airports and air navigation facilities, may
17 exercise the authority and powers, except taxation as provided
18 in section 332.07, Florida Statutes, provided for cities,
19 counties, villages, or towns of Florida by chapter 332,
20 Florida Statutes, known as the Airport Law of 1945.

21 (13) The authority may advertise and publicize the use
22 of any airport constructed or operated by it and may expend
23 its funds for such purpose.

24 (14) The authority shall have full power to finance or
25 refinance the acquisition or construction of airport projects
26 by issuing its revenue bonds or other debt obligations in the
27 manner provided by chapter 332, Florida Statutes, known as the
28 Airport Law of 1945, or as provided by any other applicable
29 general law.

30 (15) The authority may make and enter into all
31 contracts and agreements necessary or incidental to the

1 performance of its duties and the execution of its powers
2 under this act, and to employ consulting engineers,
3 architects, superintendents, managers, aviation consultants,
4 accountants, and attorneys, and such other consultants and
5 advisors as may be necessary in its judgment to accomplish the
6 purposes of this act, and to fix their compensation, provided
7 that all such expenses shall be paid solely from the proceeds
8 of revenue bonds issued under the provision of this act, or
9 from revenues of projects of the authority, or from any other
10 funds legally available to the authority.

11 (16) The authority may make contracts, and execute all
12 instruments necessary or convenient, including contracts for
13 construction, lease, rental, and sale of projects or contracts
14 with respect to the use of projects which it erects or
15 acquires.

16 (17) The authority may borrow money for any authority
17 purpose and may execute notes, mortgages, deeds to secure
18 debt, trust deeds, trust agreements, and such other
19 instruments as may be necessary or convenient to evidence and
20 secure such borrowing.

21 (18) The authority may construct, acquire, own,
22 maintain, extend, improve, equip, operate, and manage projects
23 located on property owned or leased by the authority, and may
24 pay the cost of any such project from the proceeds of revenue
25 bonds of or any other such funds as may be legally available
26 to the authority.

27 (19) The authority may implement such districts as may
28 be authorized by state or local law in order to facilitate the
29 economic development and rehabilitation of the special
30 district.

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1 (20) The authority may initiate all applications
2 associated with the filing of amendments to the Orange County
3 Comprehensive Policy Plan and with the filing of applications
4 for development approval (ADA) for a development of regional
5 impact, rezoning applications, and all other types of
6 development applications. Orange County shall be responsible
7 for the review and consideration of all said applications and
8 shall issue all local development orders.

9 (21) The authority may exercise each and every power
10 not inconsistent with the express provisions of this act which
11 any authority of this state may now or hereafter exercise with
12 respect to the operation, acquisition, construction, or
13 financing of airports or airport projects under the provisions
14 of the general laws of this state.

15 Section 13. Financial reports; audits.--The authority
16 shall comply with laws of Florida in filing an annual audited
17 financial report each fiscal year. The authority shall also
18 approve a detailed budget for its operations in the succeeding
19 fiscal year at least thirty (30) days prior to the beginning
20 of such fiscal year. The authority shall fix a date and time,
21 on or before sixty (60) days prior to the commencement of the
22 succeeding fiscal year, for a public hearing on the budget of
23 the authority, notice of which hearing shall be advertised one
24 (1) time in a newspaper of general circulation published in
25 Orange County. The authority shall meet upon the date fixed in
26 the advertisement and from day to day thereafter if deemed
27 necessary for the purposes of holding such public hearing and
28 making whatever revisions in the budget as are deemed
29 necessary. Upon approval by the authority, the budget shall
30 become fixed and the total thereof only may be amended by
31 formal action of the authority. All expenses incurred for the

1 fiscal year for which the budget is made shall be vouchered
2 and charged on the financial records against the budget of
3 that year, and to carry out this provision the authority may
4 hold its books open for thirty (30) days after the expiration
5 of the fiscal year. It is unlawful for the authority to expend
6 or contract expenditures in any fiscal year more than the
7 amount budgeted for each item, and in no case shall the total
8 appropriations be exceeded. It is unlawful for the authority
9 to incur indebtedness against the authority in excess of the
10 expenditures provided in said budget, or to pay any illegal
11 charge against the authority, or to pay any claim against the
12 authority not authorized by law, and any member of the
13 authority concurring in any such act shall be guilty of
14 malfeasance in office, and subject to suspension and removal
15 from office.

16 Section 14. Notice of meetings.--The authority shall
17 give notice of its proposed special meetings by publication in
18 a newspaper in Orange County of the place and time of such
19 meeting at least seven (7) days prior thereto; however,
20 failure to publish such notice shall not affect the validity
21 of any proceedings had at any such meeting, and, in case of
22 emergency meetings, such notice may be waived by a vote of
23 two-thirds (2/3) of the members of the authority. No published
24 notice need be given of regularly scheduled meetings.

25 Section 15. Creation of state, municipal, or district
26 debts; prohibited.--The authority shall not be empowered or
27 authorized in any manner to create a debt as against the
28 state, county, or any or all of the cities, and may not pledge
29 the faith and credit of the state, county, or any of the
30 cities. All revenue bonds or debt obligations shall contain on
31 the face thereof a statement to the effect that the state,

1 county, or any of the cities shall not be obligated to pay the
2 same or the interest and that they are only payable from
3 revenues of the project or the portion thereof for which they
4 are issued and that neither the faith and credit nor the
5 taxing power of the state or of any political subdivision
6 thereof is pledge to the payment of the principal of or the
7 interest on such bonds. The issuance of revenue bonds under
8 the provisions of this act shall not directly or indirectly or
9 contingently obligate the state, county, or any of the cities
10 to levy or to pledge any form of taxation whatever therefor or
11 to make any appropriation for their payment.

12 Section 16. Liberal construction of act.--This act,
13 being for the purpose of developing and promoting the public
14 good and the welfare of the authority, the territory included
15 in the special district, and the citizens, inhabitants, and
16 taxpayers residing therein, shall be liberally construed to
17 effect the purposes of the act.

18 Section 17. Powers.--The powers conferred by this act
19 shall be in addition and supplemental to existing powers and
20 statutes, and this act shall not be construed as repealing any
21 of the provisions of any other law, general or local, except
22 as herein provided, but to provide an alternative for the
23 exercise of the powers granted in this act.

24 Section 18. Limitation of state authority.--The state
25 does hereby pledge to and agree with the holders of any debt
26 obligations issued under this act, and with those parties who
27 may enter into contracts with the authority pursuant to the
28 provision of this act, that the state will not limit or alter
29 the rights hereby vested in the authority until such
30 obligations, together with the interest thereon, are fully met
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1 and discharged and such contracts are fully performed on the
2 part of the authority.

3 Section 19. Authority and benefit of the people of the
4 state.--The exercise of the powers granted by this act in all
5 respects will be for the benefit of the people of this state
6 and the area, for the increase of their industry and
7 prosperity, for the improvement of their health and living
8 conditions, and for the provision of gainful employment, and
9 will constitute the performance of essential public functions,
10 and the local authority shall not be required to pay any taxes
11 on any project or any other property owned by the local
12 authority under the provisions of this act or upon the income
13 therefrom, and the bonds issued under the provisions of this
14 act, their transfer, and the income therefrom (including any
15 profit made on the sale thereof) shall at all times be free
16 from taxation by the state or any local unit or political
17 subdivision or other instrumentality of the state.

18 Section 20. Powers under Florida Industrial
19 Development Financing Act.--Subject to the limitations set
20 forth herein and specifically as set forth in section 15
21 hereof, the authority shall be endowed with and authorized to
22 exercise all the powers in connection with the authorization,
23 issuance, and sale of revenue bonds to finance the cost of
24 capital projects and conferred on counties, municipalities,
25 special districts, and other local governmental bodies by the
26 Florida Industrial Development Financing Act and all the
27 privileges, benefits, powers, and terms, including
28 definitions, of such act shall be fully applicable to the
29 authority.

30 Section 21. Bond issue for purposes of financing
31 projects authorized by this act.--In addition to any powers

1 granted in this act, the authority is hereby authorized to
2 issue revenue bonds and refunding bonds, and to issue and
3 borrow against bond anticipation notes, for the purpose of
4 financing any of the projects authorized by this act in the
5 same manner and subject to the same restrictions as any of the
6 cities may be permitted by general or special law.

7 Section 22. Execution of contracts, leases, and other
8 legal instruments.--Any and all contracts, leases,
9 obligations, agreements, or other legal instruments of the
10 authority shall be approved by resolution of the authority,
11 and shall be executed by those individuals designated in such
12 resolution and, in the absence of such designation, by the
13 chair or vice chair. Nothing in this provision shall prohibit
14 general resolutions authorizing the executive director or
15 other officers, agents, or employees to execute such
16 contracts, leases, or other legal documents as the authority
17 may prescribe.

18 Section 23. Conflicts of interest prohibited.--No
19 member, officer, agent, or employee of the authority, either
20 for himself or herself, or as agent for anyone else, or as a
21 stockholder or owner in any other legal entity, shall
22 participate or benefit directly or indirectly in or from any
23 sale, purchase, lease, franchise, contract, or other
24 transaction entered into by the authority. If any such person
25 violates the provisions of this section, he or she shall be
26 guilty of a misdemeanor. The provisions of this section shall
27 be cumulative to any general laws of the state which are from
28 time to time applicable to members, officers, agents, or
29 employees of the authority, and which require the disclosure
30 of, or prohibit, conflicts of interest.

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1 Section 24. 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
6 whatsoever kinds and wheresoever located, shall immediately
7 become the property of the state, which is hereby authorized
8 to exercise any or all powers herein granted the authority for
9 the purposes expressed herein, or for any other legal purpose.

10 Section 2. In the event any section or provision of
11 this act is determined to be invalid or unenforceable, such
12 determination shall not affect the validity of or
13 enforceability of each other section and provision of this
14 act.

15 Section 3. In the event of a conflict of the
16 provisions of this act with the provisions of any other act
17 the provisions of this act shall control to the extent of such
18 conflict.

19 Section 4. This act shall take effect upon becoming a
20 law.

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