

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; authorizing the creation of such
31 development districts as may be appropriate and

1 authorized by law to support the commercial
2 development of the airport and the service area
3 to the authority; providing for severability;
4 providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. The West Orange Airport Authority charter
9 is created to read:

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

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

14 (1) "Authority" means the West Orange Airport
15 Authority created as an independent special district by this
16 act.

17 (2) "Project" means and includes:

18 (a) An airport or airports, runways, taxiways, air
19 navigation facilities, maintenance and service facilities,
20 passenger terminals, buildings and structures, offices,
21 warehouses, storage facilities, training facilities,
22 conference facilities, lodging, food service facilities,
23 parking areas, and all appurtenant and related facilities
24 necessary or convenient for the complete management,
25 operation, and maintenance of such airport, airports, and
26 commerce, industrial, and business facilities incidental
27 thereto; and

28 (b) Industrial and manufacturing plants, including
29 water, sewage, pollution, waste control and appurtenant
30 facilities, and such other capital projects as may otherwise
31 be provided or authorized by the Florida Industrial

1 Development Financing Act and other general law, all
2 appurtenant to and located on and within the special district.

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

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

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

22 Section 3. Authority; creation and purpose.--For the
23 purpose of performing such acts as shall be necessary for the
24 sound planning for and development and maintenance of an
25 airport for the area and the territory included within the
26 district, including industry, commerce, and business necessary
27 and incidental thereto, an independent special district is
28 hereby created and incorporated, to be known as the authority,
29 in Orange County, which special district shall be a public
30 body corporate and politic and shall embrace and include the
31 territory described as:

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

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

(1) The governing board of the authority shall be
composed of nine (9) members, each of whom shall be a resident
and elector of the state. The authority members shall be
appointed as follows: three (3) by the Board of County
Commissioners of Orange County, one (1) by the City of Apopka,
one (1) by the City of Ocoee, one (1) by the City of Winter
Garden, and three (3) by the Governor. Four members shall be
appointed for an intial term of 2 years and five members shall
be appointed for an initial term of 4 years. Thereafter, all
successive appointments shall be made for 4-year terms. The
cities' initial appointments shall be for 2-year terms; the
Orange County Board of County Commissioners' initial
appointments shall be for 4-year terms, and one of the
Governor's initial appointments shall be for a 2-year term and
two of the Governor's intial appointments shall be for 4-year
terms. All terms of members shall be measured from the date
this act becomes a law. Any member of the authority may be
removed by a majority vote of the authority for misfeasance,
malfeasance, or neglect of duty. Each member shall serve until
his or her successor is appointed and qualified.

(2) At least thirty (30) days prior to the date of
expiration of the term of any member of the authority, or
within thirty (30) days after the creation of any vacancy in
the membership of the authority resulting from the death,

CODING:Words ~~stricken~~ are deletions; words underlined are additions.

1 resignation, change of residence, or removal of any such
2 member or from any other cause, the successor of such member
3 shall be appointed in the same manner as his or her
4 predecessor.

5 Section 5. Chair, vice chair, executive director, and
6 airport manager.--The authority shall annually at its first
7 meeting in January elect its chair, a vice chair, secretary,
8 and such other officers as the authority shall deem advisable,
9 and, when deemed appropriate by the authority, shall hire an
10 executive director and an airport manager who shall serve for
11 such terms and for such remuneration as may be provided by the
12 authority. The Secretary of the authority need not be a
13 member of the authority's governing board.

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

24 Section 7. Quorum; transaction of business.--A
25 majority of the members of the authority qualified and serving
26 shall constitute a quorum for the transaction of the business
27 of the authority.

28 Section 8. Meetings; rules of procedure.--As soon as
29 practicable after this act shall take effect, the authority
30 shall meet and arrange a time for holding meetings of the
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1 authority. It may adopt such rules of organization and
2 procedure as it may deem necessary and expedient.

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

24 Section 10. Expenses; gifts.--The authority is hereby
25 authorized to borrow, expend, and appropriate funds for use to
26 pay the expenses of the authority and the special district,
27 including the cost of carrying out the purposes of this act.
28 Such expenditures of funds by the authority are hereby deemed
29 and determined to be for a public purpose for the benefit of
30 the general welfare of the citizens of said area of Orange
31 County. The authority shall be empowered and authorized to

1 accept, receive, and expend, for carrying out the purposes of
2 this act, such sums as may be offered as gifts, donations,
3 grants, loans, or bequests, from any source whatever.

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

13 Section 12. Powers.--The authority shall have all of
14 the powers which are necessary to carry out the purposes of
15 this act. Without limiting in any manner or restricting such
16 general powers, the authority shall have the following
17 specific powers:

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

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

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

25 (4) To acquire property, real and personal, for the
26 purpose of establishing, constructing, enlarging, managing,
27 and operating airports, runways, navigational facilities,
28 buildings, structures, industrial parks, commercial parks,
29 passenger terminals, fuel storage facilities, roadways,
30 taxiways, utility systems, conference facilities, lodging
31 facilities, food service facilities, and all other facilities

1 and improvements necessary or desirable for the servicing of
2 aircraft, the comfort and accommodation of air travelers, and
3 the operation of said airport facilities and facilities
4 incidental thereto.

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

13 (6) The authority may establish such rates, charges,
14 rents, fees, and use fees for use of the airport and all
15 authority facilities incidental thereto, as the authority
16 deems necessary.

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

29 (8) The authority may appoint, fix the compensation
30 of, and make provision for the discharge of an executive
31 director who, under the supervision of the authority, shall be

1 responsible for the operation, management, and promotion of
2 all activities with which the authority is charged under this
3 act, together with such other duties as may be prescribed by
4 the authority. The executive director shall have such powers
5 as are incident to the performance of his or her duties and
6 such others as may be prescribed by the authority. The
7 authority may also employ such other officers, agents, and
8 employees under such terms and conditions as it shall consider
9 necessary and appropriate to effectuate its purposes under
10 this act.

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

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

27 (11) In acquiring property from any public or
28 governmental body or agency for airport purposes or in the
29 operation of any airport, the authority shall have full power
30 to contract with the Federal Aviation Authority or any federal
31 agency exercising any function with respect to aviation, air

1 navigation, or air transportation, and the authority shall
2 have full power to abide by all rules and regulations of such
3 federal agencies, including the uses to which land may be put
4 for the operation of airports, air navigation facilities, and
5 aircraft. The authority shall further have power to assume any
6 obligations, covenants, or agreements heretofore imposed by
7 any public or governmental body or agency by deed, deed
8 restriction, or contract on such public body or governmental
9 agency therein with respect to airports or aviation.

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

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

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

25 (15) The authority may make and enter into all
26 contracts and agreements necessary or incidental to the
27 performance of its duties and the execution of its powers
28 under this act, and to employ consulting engineers,
29 architects, superintendents, managers, aviation consultants,
30 accountants, and attorneys, and such other consultants and
31 advisors as may be necessary in its judgment to accomplish the

1 purposes of this act, and to fix their compensation, provided
2 that all such expenses shall be paid solely from the proceeds
3 of revenue bonds issued under the provision of this act, or
4 from revenues of projects of the authority, or from any other
5 funds legally available to the authority.

6 (16) The authority may make contracts, and execute all
7 instruments necessary or convenient, including contracts for
8 construction, lease, rental, and sale of projects or contracts
9 with respect to the use of projects which it erects or
10 acquires.

11 (17) The authority may borrow money for any authority
12 purpose and may execute notes, mortgages, deeds to secure
13 debt, trust deeds, trust agreements, and such other
14 instruments as may be necessary or convenient to evidence and
15 secure such borrowing.

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

22 (19) The authority may implement such districts as may
23 be authorized by state or local law in order to facilitate the
24 economic development and rehabilitation of the special
25 district.

26 (20) The authority may initiate all applications
27 associated with the filing of amendments to the Orange County
28 Comprehensive Policy Plan and with the filing of applications
29 for development approval (ADA) for a development of regional
30 impact, rezoning applications, and all other types of
31 development applications. Orange County shall be responsible

1 for the review and consideration of all said applications and
2 shall issue all local development orders.

3 (21) The authority may exercise each and every power
4 not inconsistent with the express provisions of this act which
5 any authority of this state may now or hereafter exercise with
6 respect to the operation, acquisition, construction, or
7 financing of airports or airport projects under the provisions
8 of the general laws of this state.

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

1 amount budgeted for each item, and in no case shall the total
 2 appropriations be exceeded. It is unlawful for the authority
 3 to incur indebtedness against the authority in excess of the
 4 expenditures provided in said budget, or to pay any illegal
 5 charge against the authority, or to pay any claim against the
 6 authority not authorized by law, and any member of the
 7 authority concurring in any such act shall be guilty of
 8 malfeasance in office, and subject to suspension and removal
 9 from office.

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

19 Section 15. Creation of state, municipal, or district
 20 debts; prohibited.--The authority shall not be empowered or
 21 authorized in any manner to create a debt as against the
 22 state, county, or any or all of the cities, and may not pledge
 23 the faith and credit of the state, county, or any of the
 24 cities. All revenue bonds or debt obligations shall contain on
 25 the face thereof a statement to the effect that the state,
 26 county, or any of the cities shall not be obligated to pay the
 27 same or the interest and that they are only payable from
 28 revenues of the project or the portion thereof for which they
 29 are issued and that neither the faith and credit nor the
 30 taxing power of the state or of any political subdivision
 31 thereof is pledge to the payment of the principal of or the

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

6 Section 16. Liberal construction of act.--This act,
7 being for the purpose of developing and promoting the public
8 good and the welfare of the authority, the territory included
9 in the special district, and the citizens, inhabitants, and
10 taxpayers residing therein, shall be liberally construed to
11 effect the purposes of the act.

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

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

27 Section 19. Authority and benefit of the people of the
28 state.--The exercise of the powers granted by this act in all
29 respects will be for the benefit of the people of this state
30 and the area, for the increase of their industry and
31 prosperity, for the improvement of their health and living

1 conditions, and for the provision of gainful employment, and
2 will constitute the performance of essential public functions.

3 Section 20. Powers under Florida Industrial
4 Development Financing Act.--Subject to the limitations set
5 forth herein and specifically as set forth in section 15
6 hereof, the authority shall be endowed with and authorized to
7 exercise all the powers in connection with the authorization,
8 issuance, and sale of revenue bonds to finance the cost of
9 capital projects and conferred on counties, municipalities,
10 special districts, and other local governmental bodies by the
11 Florida Industrial Development Financing Act and all the
12 privileges, benefits, powers, and terms, including
13 definitions, of such act shall be fully applicable to the
14 authority.

15 Section 21. Bond issue for purposes of financing
16 projects authorized by this act.--In addition to any powers
17 granted in this act, the authority is hereby authorized to
18 issue revenue bonds and refunding bonds, and to issue and
19 borrow against bond anticipation notes, for the purpose of
20 financing any of the projects authorized by this act in the
21 same manner and subject to the same restrictions as any of the
22 cities may be permitted by general or special law.

23 Section 22. Execution of contracts, leases, and other
24 legal instruments.--Any and all contracts, leases,
25 obligations, agreements, or other legal instruments of the
26 authority shall be approved by resolution of the authority,
27 and shall be executed by those individuals designated in such
28 resolution and, in the absence of such designation, by the
29 chair or vice chair. Nothing in this provision shall prohibit
30 general resolutions authorizing the executive director or
31 other officers, agents, or employees to execute such

1 contracts, leases, or other legal documents as the authority
2 may prescribe.

3 Section 23. Conflicts of interest prohibited.--No
4 member, officer, agent, or employee of the authority, either
5 for himself or herself, or as agent for anyone else, or as a
6 stockholder or owner in any other legal entity, shall
7 participate or benefit directly or indirectly in or from any
8 sale, purchase, lease, franchise, contract, or other
9 transaction entered into by the authority. If any such person
10 violates the provisions of this section, he or she shall be
11 guilty of a misdemeanor. The provisions of this section shall
12 be cumulative to any general laws of the state which are from
13 time to time applicable to members, officers, agents, or
14 employees of the authority, and which require the disclosure
15 of, or prohibit, conflicts of interest.

16 Section 24. Termination of authority.--If for any
17 reason, the authority or its successors shall terminate, be
18 terminated, or cease operation or existence for any cause or
19 reason, then upon such termination or cessation all property,
20 real, personal, or mixed, tangible or intangible, of
21 whatsoever kinds and wheresoever located, shall immediately
22 become the property of the state, which is hereby authorized
23 to exercise any or all powers herein granted the authority for
24 the purposes expressed herein, or for any other legal purpose.

25 Section 2. In the event any section or provision of
26 this act is determined to be invalid or unenforceable, such
27 determination shall not affect the validity of or
28 enforceability of each other section and provision of this
29 act.

30 Section 3. In the event of a conflict of the
31 provisions of this act with the provisions of any other act

1 the provisions of this act shall control to the extent of such
2 conflict.

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

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