

STORAGE NAME: h0315s1.tr

DATE: February 22, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: Committee Substitute for House Bill 315

RELATING TO: Florida Airport Authority Act.

SPONSOR(S): Committee on Transportation and Rep. Rojas

TIED BILL(S): N/A

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 7 NAYS 0
 - (2) COMMUNITY AFFAIRS
 - (3) FINANCE & TAXATION
 - (4) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (5)
-

I. SUMMARY:

This bill creates the Florida Airport Authority Act. It would allow any county, or two or more contiguous counties, to form their own airport authority by resolution of the board or boards of county commissioners. It provides for a governing body of 5 to 9 members and sets out how they may be chosen. The bill contains provisions that would govern the activities of such an authority. The bill is based on the same conceptual framework as the Florida Expressway Authority Act (Part I of Chapter 348, F.S.).

The bill has an insignificant fiscal impact on state and local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government: If counties use the bill's provisions to create airport authorities, more governmental entities will result. However, these entities may only replace departments or units of county government that currently exist.

B. PRESENT SITUATION:

Individual airport authorities have been created by enactment of local bills in a number of counties. The authorizing language for these authorities appears as various chapters of the Laws of Florida, and are not codified in the Florida Statutes. In addition many airports are operated by units of local government, generally as a department or office within the local government structure.

Prior to 1990, Individual expressway, bridge and transportation authorities were created by specific legislative enactment in several counties. These authorities are set forth in Parts II through IX, of Chapter 348, F.S. Jacksonville has its transportation authority codified in Chapter 349, F.S. In 1990, the Legislature enacted Part I of Chapter 348, F.S., which allows any county, or two or more contiguous counties, to form their own expressway authority by resolution of the board or boards of county commissioners. This part provides for membership of the governing body and sets out provisions that would govern the activities of such an authority.

C. EFFECT OF PROPOSED CHANGES:

This bill would create the Florida Airport Authority Act. It would allow any county, or two or more contiguous counties, to form their own airport authority by resolution of the board or boards of county commissioners. It provides for a governing body of 5 to 9 members, with 2 members being appointed by the governor and the remaining members being appointed by the county commission. Further provision is made for the removal from office of authority members by the Governor for cause. The DOT district secretary would also be a non-voting member of the authority.

The bill enables such an authority to employ staff members for the following positions: executive director; executive secretary; counsel and legal staff; technical experts, consultants, and advisors; engineers and employees as it may require; and fiscal agents.

An authority may acquire, hold, construct, improve, maintain, operate, own, and lease an airport system. Additional airports may be constructed only if the additional airport is financially feasible and compatible with the authority's existing plans. Each new airport must have the written consent of the board of county commissioners of each county within the geographic boundaries of that authority.

The authority would be empowered to sue and be sued, adopt a corporate seal, acquire and use any real or personal property in carrying out its purposes, make leases or lease-purchase agreements, establish and collect fees, rentals and charges for its services and facilities, or borrow money under the State Bond Act. It could also accept grants from and enter into contracts with a federal, state, or county agency and would have the power of eminent domain. The authority would also be able to consider unsolicited proposals from private entities for planning, constructing, maintaining or operating its airport system.

The consent of a municipality in which any project of the authority is to be located is not required if the project is consistent with the adopted local comprehensive plan. If the project is not consistent with such plan, the project must be consistent with the state aviation system plan, the strategic regional plan, and the regional interest must clearly override the interests of the municipal government.

The authority would be empowered to appoint the county as its agent in the construction of improvements to an airport system. Bonds may only be issued by the airport authority with the written consent of the board of county commissioners of each county within the geographic boundaries of that authority. The bonds would have to be issued pursuant to the State Bond Act contained in Chapter 215, F.S. Each authority and any bonds issued by such authority are exempt from taxation, except for corporate taxes owed under Chapter 220, F.S.

The provisions of the bill are not applicable to counties in which an airport authority has previously been created by an act of the Legislature.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

Currently, airports are operated generally either as an office or department of a county or municipality, or as an authority created for that purpose. The private sector plays a significant role in operating and financing commercial airports, with private companies—airlines, concessionaires, and contractors—delivering most airport services. Airport funding comes from state and federal aviation programs, local funds, and revenues generated by the airport. A substantial portion of airport development is financed through long-term debt financed with airport generated revenues. Because the bill only provides an option for local governments to exercise for creating an authority to construct and operate an airport, it should have an insignificant fiscal impact on state and local governments. The bill does not provide additional revenues for airport construction or operation.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The bill as originally filed only expressed legislative intent to create a statutory framework that could be used by a county to create an airport authority. On February 21, 2000, the Committee on Transportation considered a proposed committee substitute which created such a framework based on provisions similar to Part I of Chapter 348, F.S., the Florida Expressway Authority Act. The bill was reported favorably as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

Phillip B. Miller

John R. Johnston