

1 A bill to be entitled
2 An act relating to the Florida Airport
3 Authority Act; creating ss. 332.201, 332.202,
4 332.203, 332.204, 332.205, 332.206, 332.207,
5 332.208, 332.209, 332.210, and 332.211, F.S.,
6 the Florida Airport Authority Act; providing
7 definitions; providing that certain counties
8 shall form an airport authority; providing that
9 certain former military facilities redeveloped
10 and operated as an airport shall be redeveloped
11 and operated by an authority under the act, and
12 providing for membership of the governing body
13 of such authorities; providing for appointment
14 of members of the governing body of an
15 authority; providing for officers, employees,
16 expenses, removal from office, and application
17 of financial disclosure provisions; providing
18 purposes and powers of an authority; providing
19 restrictions on authority powers; providing for
20 issuance of bonds; providing that the county
21 may be appointed as an authority's agent for
22 construction; providing for acquisition of
23 lands and property; providing for cooperation
24 with other units, boards, agencies, and
25 individuals; providing a covenant of the state
26 with respect to bond issuance and agreements
27 with federal agencies; providing an exemption
28 from taxation; providing for applicability;
29 providing an effective date.

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

1 Section 1. Sections 332.201, 332.202, 332.203,
2 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210,
3 and 332.211, Florida Statutes, are created to read:

4 332.201 Short title.--Sections 332.201-332.211 may be
5 cited as the "Florida Airport Authority Act."

6 332.202 Definitions.--As used in this act:

7 (1) "Agency of the state" means and includes the state
8 and any department of, or corporation, agency, or
9 instrumentality created, designated, or established by, the
10 state.

11 (2) "Airport" means any area of land or water, or any
12 manmade object or facility located therein, which is used, or
13 intended for public use, for the landing and takeoff of
14 aircraft, and any appurtenant areas which are used, or
15 intended for public use, for airport buildings or other
16 airport facilities or rights-of-way.

17 (3) "Airport system" means any and all airports within
18 the geographic boundaries of an airport authority established
19 pursuant to this act and appurtenant facilities thereto,
20 including, but not limited to, all approaches, roads, bridges,
21 and avenues of access for such airport.

22 (4) "Authority" means an airport authority established
23 pursuant to this act which is a body politic and corporate and
24 a public instrumentality.

25 (5) "Bonds" means and includes the notes, bonds,
26 refunding bonds, or other evidences of indebtedness or
27 obligations, in either temporary or definitive form, which an
28 authority issues pursuant to this act.

29 (6) "Department" means the Department of
30 Transportation.

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1 (7) "Division" means the Division of Bond Finance of
2 the State Board of Administration.

3 (8) "Express written consent" means prior express
4 written consent given in the form of a resolution adopted by a
5 board of county commissioners.

6 (9) "Federal agency" means and includes the United
7 States, the President of the United States, and any department
8 of, or corporation, agency, or instrumentality created,
9 designated, or established by, the United States.

10 332.203 Airport authority; formation; membership.--

11 (1) Any county which has a population of more than 2
12 million people shall form an airport authority, which shall be
13 an agency of the state, pursuant to this act. Where a former
14 military facility is redeveloped and operated as an airport,
15 and such airport is located in the unincorporated area of a
16 county but directly abuts a municipal boundary, such airport
17 shall be redeveloped and operated by an authority pursuant to
18 this act. Notwithstanding the provisions of subsection (2),
19 the governing body of such authority shall be comprised of
20 seven members, three appointed by the governing body of the
21 abutting municipality, two appointed by the Governor, and two
22 appointed by the governing body of the county in which the
23 airport is situated.

24 (2) The governing body of an authority shall consist
25 of five voting members. The district secretary of the affected
26 department district shall serve as a nonvoting member of the
27 governing body of each authority located within the district.
28 Each member of the governing body must at all times during his
29 or her term of office be a permanent resident of the county
30 which he or she is appointed to represent.

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1 (a) Three members of the governing body shall be
2 appointed for terms of 4 years by the Governor, subject to
3 confirmation by the Senate. Such persons may not hold elective
4 office during their terms of office.

5 (b) The remaining members shall be appointed by the
6 board of county commissioners for terms of 3 years.

7 (3)(a) The governing body of each authority shall
8 elect one of its members as its chair and shall elect a
9 secretary and a treasurer, who need not be members of the
10 authority. The chair, secretary, and treasurer shall hold
11 their offices at the will of the governing body. A simple
12 majority of the governing body constitutes a quorum, and the
13 vote of a majority of those members present is necessary for
14 the governing body to take any action. A vacancy on a
15 governing body shall not impair the right of a quorum of the
16 governing body to exercise all of the rights and perform all
17 of the duties of the authority.

18 (b) Upon the effective date of his or her appointment,
19 or as soon thereafter as practicable, each appointed member of
20 a governing body shall enter upon his or her duties.

21 (4)(a) An authority may employ an executive secretary,
22 an executive director, its own counsel and legal staff,
23 technical experts, and such engineers and employees, permanent
24 or temporary, as it may require and shall determine the
25 qualifications and fix the compensation of such persons,
26 firms, or corporations. An authority may employ a fiscal agent
27 or agents; however, the authority must solicit sealed
28 proposals from at least three persons, firms, or corporations
29 for the performance of any services as fiscal agent. An
30 authority may delegate to one or more of its agents or
31 employees such of its power as it deems necessary to carry out

1 the purposes of this act, subject always to the supervision
2 and control of the authority.

3 (b) Members of the governing body of an authority may
4 be removed from office by the Governor for misconduct,
5 malfeasance, misfeasance, or nonfeasance in office.

6 (c) Members of the governing body of an authority are
7 entitled to receive from the authority their travel and other
8 necessary expenses incurred in connection with the business of
9 the authority as provided in s. 112.061, but they may not draw
10 salaries or other compensation.

11 (d) Members of the governing body of an authority
12 shall be required to comply with the applicable financial
13 disclosure requirements of ss. 112.3145, 112.3148, and
14 112.3149.

15 332.204 Purposes and powers.--

16 (1)(a) An authority created and established pursuant
17 to this act may acquire, hold, construct, improve, maintain,
18 operate, own, and lease an airport system.

19 (b) Construction of an airport system may be completed
20 by an authority in segments, phases, or stages, in a manner
21 which will permit the expansion of these segments, phases, or
22 stages to the desired airport configuration. Each authority,
23 in the construction of an airport system, may construct any
24 extensions of, additions to, or improvements to, the airport
25 system or appurtenant facilities, including all necessary
26 approaches, roads, bridges, and avenues of access, with such
27 changes, modifications, or revisions of the project that are
28 deemed desirable and proper. An authority may only add
29 additional airports to an airport system, under the terms and
30 conditions set forth in this act, with the prior express
31 written consent of the board of county commissioners of each

1 county located within the geographic boundaries of the
2 authority, and only if such additional airports are
3 financially feasible, and are compatible with the existing
4 plans, projects, and programs of the authority.

5 (2) Each authority may exercise all powers necessary,
6 appurtenant, convenient, or incidental to the carrying out of
7 its purposes, including, but not limited to, the following
8 rights and powers:

9 (a) To sue and be sued, implead and be impleaded, and
10 complain and defend in all courts.

11 (b) To adopt, use, and alter at will a corporate seal.

12 (c) To acquire, purchase, hold, lease as lessee, and
13 use any franchise or property, real, personal, or mixed,
14 tangible or intangible, or any interest therein necessary or
15 desirable for carrying out the purposes of the authority and
16 to sell, lease as lessor, transfer, and dispose of any
17 property or interest therein at any time acquired by it.

18 (d) To enter into and make leases, either as lessee or
19 as lessor, in order to carry out the right to lease as set
20 forth in this act.

21 (e) To fix, alter, charge, establish, and collect
22 rates, fees, rentals, and other charges for the services and
23 facilities of the airport system, which rates, fees, rentals,
24 and other charges must always be sufficient to comply with any
25 covenants made with the holders of any bonds issued pursuant
26 to this act.

27 (f) To borrow money, make and issue negotiable notes,
28 bonds, refund bonds and other evidence of indebtedness, either
29 in temporary or definitive form, of the authority, which bonds
30 or other evidence of indebtedness may be issued pursuant to
31 the State Bond Act, to finance an airport system within the

1 geographic boundaries of the authority, and to provide for the
2 security of the bonds or other evidence of indebtedness and
3 the rights and remedies of the holders of the bonds or other
4 evidence of indebtedness. Any bonds or other evidence of
5 indebtedness pledging the full faith and credit of the state
6 shall only be issued pursuant to the State Bond Act.

7 (g) To enter into contracts and to execute all
8 instruments necessary or convenient for the carrying on of its
9 business.

10 (h) Without limitation of the foregoing, to borrow
11 money and accept grants from, and to enter into contracts,
12 leases, or other transactions with, any federal agency, the
13 state, any agency of the state or county, or any other public
14 body of the state.

15 (i) To have the power of eminent domain, including the
16 procedural powers granted under chapters 73 and 74.

17 (j) To pledge, hypothecate, or otherwise encumber all
18 or any part of the revenues, rates, fees, rentals, or other
19 charges or receipts of the authority, as security for all or
20 any of the obligations of the authority.

21 (k) To do all acts and things necessary or convenient
22 for the conduct of its business and the general welfare of the
23 authority in order to carry out the powers granted to it by
24 law.

25 (l) An airport authority may consider any unsolicited
26 proposals from private entities and all factors it deems
27 important in evaluating such proposals. The airport authority
28 shall adopt rules or policies in compliance with s. 334.30 for
29 the receipt, evaluation, and consideration of such proposals
30 in order to enter into agreements for the planning design,
31 engineering, construction, operation, ownership, or financing

1 of its airport system. Such rules must require substantially
2 similar technical information as is required by Rule
3 14-107.0011(3)(a)-(e), Florida Administrative Code. In
4 accepting a proposal and entering into such an agreement, the
5 airport authority and the private entity shall for all
6 purposes be deemed to have complied with chapters 255 and 287.
7 Similar proposals shall be reviewed and acted on by the
8 authority in the order in which they were received. An
9 additional airport may only be constructed under this
10 paragraph with state and federal approval, and with the prior
11 express written consent of the board of county commissioners
12 of each county located within the geographical boundaries of
13 the authority.

14 (3) The use or pledge of any portion of county tax
15 funds may not be made without the prior express written
16 consent of the board of county commissioners of each county
17 located within the geographic boundaries of the authority.

18 (4) Any authority formed pursuant to this act shall
19 comply with all statutory requirements of general application
20 which relate to the filing of any report or documentation
21 required by law, including the requirements of ss. 189.4085,
22 189.415, 189.417, and 189.418.

23 (5) No airport authority shall undertake any
24 construction that is not consistent with federal aviation
25 requirements, the statewide aviation system plan, and the
26 county's comprehensive plan.

27 (6) The governing body of the county may enter into an
28 interlocal agreement with an authority pursuant to chapter 163
29 for the joint performance or performance by either
30 governmental entity of any corporate function of the county or
31 authority necessary or appropriate to enable the authority to

1 fulfill the powers and purposes of this act and promote the
2 efficient and effective transportation of persons and goods in
3 such county.

4 332.205 Bonds.--With the prior express written consent
5 of the board of county commissioners of each county located
6 within the geographic boundaries of an authority, bonds may be
7 issued on behalf of an authority as provided by the State Bond
8 Act.

9 332.206 County may be appointed agent of authority for
10 construction.--The county may be appointed by the authority as
11 its agent for the purpose of constructing improvements to an
12 airport system and for the completion thereof. In such event,
13 the authority shall provide the county with complete copies of
14 all documents, agreements, resolutions, contracts, and
15 instruments relating thereto; shall request the county to do
16 such construction work, including the planning, surveying, and
17 actual construction of the completion and improvements to the
18 airport system; and shall transfer to the credit of an account
19 of the county the necessary funds therefor.

20 332.207 Acquisition of lands and property.--

21 (1) For the purposes of this act, an airport authority
22 may acquire private or public property and property rights,
23 including rights of access, air, view, and light, by gift,
24 devise, purchase, or condemnation by eminent domain
25 proceedings, as the authority may deem necessary for any of
26 the purposes of this act, including, but not limited to, any
27 lands reasonably necessary for securing applicable permits,
28 areas necessary for management of access, borrow pits,
29 drainage ditches, water retention areas, replacement access
30 for landowners whose access is impaired due to the improvement
31 of an airport system, and replacement rights-of-way for

1 relocated rail and utility facilities; or for existing,
2 proposed, or anticipated transportation facilities within the
3 airport system. The authority may also condemn any material
4 and property necessary for such purposes.

5 (2) The right of eminent domain conferred by this act
6 must be exercised by an authority in the manner provided by
7 law.

8 332.208 Cooperation with other units, boards,
9 agencies, and individuals.--Express authority and power is
10 given and granted to any county, municipality, drainage
11 district, road and bridge district, school district, or other
12 political subdivision, board, commission, or individual in or
13 of this state to enter into contracts, leases, conveyances, or
14 other agreements within the provisions and purposes of this
15 act with an authority. An authority may enter into contracts,
16 leases, conveyances, and other agreements, to the extent
17 consistent with this chapter and chapters 330, 331, and 333
18 and other provisions of the laws of the state, with any
19 political subdivision, agency, or instrumentality of the state
20 and any federal agency, corporation, and individual, for the
21 purpose of carrying out the provisions of this act.

22 332.209 Covenant of the state.--The state does hereby
23 pledge to, and agrees with, any person, firm, corporation, or
24 federal or state agency subscribing to or acquiring the bonds
25 to be issued by an authority for the purposes of this act that
26 the state will not limit or alter the rights hereby vested in
27 an authority and the department until all bonds at any time
28 issued, together with the interest thereon, are fully paid and
29 discharged, insofar as the same affects the rights of the
30 holders of bonds issued hereunder. The state does further
31 pledge to, and agrees with, the United States that, in the

1 event any federal agency constructs, or contributes any funds
2 for the completion, extension, or improvement of, an airport
3 system or any part or portion thereof, the state will not
4 alter or limit the rights and powers of an authority and the
5 department in any manner which would be inconsistent with the
6 continued maintenance and operation of the airport system or
7 the completion, extension, or improvement thereof or which
8 would be inconsistent with the due performance of any
9 agreement between the authority and any such federal agency,
10 and the authority and the department shall continue to have
11 and may exercise all powers granted so long as the same shall
12 be necessary or desirable for carrying out the purposes of
13 this act and the purposes of the United States in the
14 completion, extension, or improvement of the airport system or
15 any part or portion thereof.

16 332.210 Exemption from taxation.--The effectuation of
17 the authorized purposes of an airport authority is in all
18 respects for the benefit of the people of the state, for the
19 increase of their commerce and prosperity, and for the
20 improvement of their health and living conditions. For this
21 reason, an authority is not required to pay any taxes or
22 assessments of any kind or nature whatsoever upon any property
23 acquired by it or used by it for such purposes or upon any
24 revenues at any time received by it. The bonds issued by or on
25 behalf of an authority, their transfer, and the income
26 therefrom, including any profits made on the sale thereof, are
27 exempt from taxation of any kind by the state or by any
28 political subdivision or other taxing agency or
29 instrumentality thereof. The exemption granted by this section
30 does not apply to any tax imposed under chapter 220 on

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1 interest, income, or profits on debt obligations owned by
2 corporations.

3 332.211 Exemption from applicability.--This act does
4 not apply in a county in which an authority has been created
5 pursuant to a general or special act of the Legislature for
6 the purpose of owning, building, or operating an airport.

7 Section 2. This act shall take effect May 15, 2001.

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