

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 requiring members of the authority to file
30 financial disclosure; providing an effective
31 date.

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

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

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

332.202 Definitions.--As used in this act:

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

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

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

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

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

1 (6) "Department" means the Department of
2 Transportation.

3 (7) "Division" means the Division of Bond Finance of
4 the State Board of Administration.

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

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

12 332.203 Airport authority; formation; membership.--

13 (1) Any county which has a population of more than 1.5
14 million people shall at the countywide election hold a
15 referendum in which the electors shall decide whether to form
16 an airport authority, which shall be an agency of the state,
17 pursuant to this act. Where a former military facility is
18 redeveloped and operated as an airport, and such airport is
19 located in the unincorporated area of a county but directly
20 abuts a municipal boundary, such airport shall be redeveloped
21 and operated by an authority pursuant to this act.

22 Notwithstanding the provisions of subsection (2), the
23 governing body of such authority shall be comprised of seven
24 members, three appointed by the governing body of the abutting
25 municipality, two appointed by the Governor, and two appointed
26 by the governing body of the county in which the airport is
27 situated.

28 (2) The governing body of an authority shall consist
29 of five voting members. The district secretary of the affected
30 department district shall serve as a nonvoting member of the
31 governing body of each authority located within the district.

1 Each member of the governing body must at all times during his
2 or her term of office be a permanent resident of the county
3 which he or she is appointed to represent.

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

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

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

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

24 (4)(a) An authority may employ an executive secretary,
25 an executive director, its own counsel and legal staff,
26 technical experts, and such engineers and employees, permanent
27 or temporary, as it may require and shall determine the
28 qualifications and fix the compensation of such persons,
29 firms, or corporations. An authority may employ a fiscal agent
30 or agents; however, the authority must solicit sealed
31 proposals from at least three persons, firms, or corporations

1 for the performance of any services as fiscal agent. An
2 authority may delegate to one or more of its agents or
3 employees such of its power as it deems necessary to carry out
4 the purposes of this act, subject always to the supervision
5 and control of the authority.

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

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

14 (d) Members of the governing body of an authority
15 shall be required to comply with the applicable financial
16 disclosure requirements of ss. 112.3145, 112.3148, and
17 112.3149.

18 (5) No member or spouse shall be the holder of the
19 stocks or bonds of any company, other than through ownership
20 of shares in a mutual fund, regulated by the authority, or any
21 affiliated company of any company regulated by the authority,
22 or be an agent or employee of, or have any interest in, any
23 company regulated by the authority or any affiliated company
24 of any company regulated by the authority, or in any firm
25 which represents in any capacity either companies which are
26 regulated by the authority or affiliates of companies
27 regulated by the authority. As a condition of appointment to
28 the council, each appointee shall affirm to the Speaker and
29 the President his or her qualification by the following
30 certification: "I hereby certify that I am not a stockholder,
31 other than through ownership of shares in a mutual fund, in

1 any company regulated by the authority or in any affiliate of
2 a company regulated by the authority, nor in any way, directly
3 or indirectly, in the employment of, or engaged in the
4 management of any company regulated by the authority or any
5 affiliate of a company regulated by the authority, or in any
6 firm which represents in any capacity either companies which
7 are regulated by the authority or affiliates of companies
8 regulated by the authority." A member of the authority shall
9 not contribute to the campaign account of any elected
10 official, nor solicit any campaign contributions for any
11 elected official.

12 332.204 Purposes and powers.--

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

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

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1 financially feasible, and are compatible with the existing
2 plans, projects, and programs of the authority.

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

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

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

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

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

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

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

1 the rights and remedies of the holders of the bonds or other
2 evidence of indebtedness. Any bonds or other evidence of
3 indebtedness pledging the full faith and credit of the state
4 shall only be issued pursuant to the State Bond Act.

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

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

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

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

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

23 (l) An airport authority may consider any unsolicited
24 proposals from private entities and all factors it deems
25 important in evaluating such proposals. The airport authority
26 shall adopt rules or policies in compliance with s. 334.30 for
27 the receipt, evaluation, and consideration of such proposals
28 in order to enter into agreements for the planning design,
29 engineering, construction, operation, ownership, or financing
30 of its airport system. Such rules must require substantially
31 similar technical information as is required by Rule

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

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

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

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

25 (6) The governing body of the county may enter into an
26 interlocal agreement with an authority pursuant to chapter 163
27 for the joint performance or performance by either
28 governmental entity of any corporate function of the county or
29 authority necessary or appropriate to enable the authority to
30 fulfill the powers and purposes of this act and promote the

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1 efficient and effective transportation of persons and goods in
2 such county.

3 332.205 Bonds.--With the prior express written consent
4 of the board of county commissioners of each county located
5 within the geographic boundaries of an authority, bonds may be
6 issued on behalf of an authority as provided by the State Bond
7 Act.

8 332.206 County may be appointed agent of authority for
9 construction.--The county may be appointed by the authority as
10 its agent for the purpose of constructing improvements to an
11 airport system and for the completion thereof. In such event,
12 the authority shall provide the county with complete copies of
13 all documents, agreements, resolutions, contracts, and
14 instruments relating thereto; shall request the county to do
15 such construction work, including the planning, surveying, and
16 actual construction of the completion and improvements to the
17 airport system; and shall transfer to the credit of an account
18 of the county the necessary funds therefor.

19 332.207 Acquisition of lands and property.--

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

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

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

7 332.208 Cooperation with other units, boards,
8 agencies, and individuals.--Express authority and power is
9 given and granted to any county, municipality, drainage
10 district, road and bridge district, school district, or other
11 political subdivision, board, commission, or individual in or
12 of this state to enter into contracts, leases, conveyances, or
13 other agreements within the provisions and purposes of this
14 act with an authority. An authority may enter into contracts,
15 leases, conveyances, and other agreements, to the extent
16 consistent with this chapter and chapters 330, 331, and 333
17 and other provisions of the laws of the state, with any
18 political subdivision, agency, or instrumentality of the state
19 and any federal agency, corporation, and individual, for the
20 purpose of carrying out the provisions of this act.

21 332.209 Covenant of the state.--The state does hereby
22 pledge to, and agrees with, any person, firm, corporation, or
23 federal or state agency subscribing to or acquiring the bonds
24 to be issued by an authority for the purposes of this act that
25 the state will not limit or alter the rights hereby vested in
26 an authority and the department until all bonds at any time
27 issued, together with the interest thereon, are fully paid and
28 discharged, insofar as the same affects the rights of the
29 holders of bonds issued hereunder. The state does further
30 pledge to, and agrees with, the United States that, in the
31 event any federal agency constructs, or contributes any funds

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

15 332.210 Exemption from taxation.--The effectuation of
16 the authorized purposes of an airport authority is in all
17 respects for the benefit of the people of the state, for the
18 increase of their commerce and prosperity, and for the
19 improvement of their health and living conditions. For this
20 reason, an authority is not required to pay any taxes or
21 assessments of any kind or nature whatsoever upon any property
22 acquired by it or used by it for such purposes or upon any
23 revenues at any time received by it. The bonds issued by or on
24 behalf of an authority, their transfer, and the income
25 therefrom, including any profits made on the sale thereof, are
26 exempt from taxation of any kind by the state or by any
27 political subdivision or other taxing agency or
28 instrumentality thereof. The exemption granted by this section
29 does not apply to any tax imposed under chapter 220 on
30 interest, income, or profits on debt obligations owned by
31 corporations.

1 332.211 Exemption from applicability.--This act does
2 not apply in a county in which an authority has been created
3 pursuant to a general or special act of the Legislature for
4 the purpose of owning, building, or operating an airport.

5 Section 2. The provisions of this act shall not apply
6 to any county which has created its own airport authority.

7 Section 3. Members of the authority created pursuant
8 to section 1 of this act are required to file full and public
9 disclosure of financial interests pursuant to s. 112.3144,
10 Florida Statutes.

11 Section 4. This act shall take effect May 15, 2001.
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