

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. Barcode 485518

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| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Senator Diaz de la Portilla moved the following amendment:

Senate Amendment (with title amendment)

On page 162, between lines 2 and 3,

and insert:

Section 104. Effective July 1, 2002, 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

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1 intended for public use, for airport buildings or other
2 airport facilities or rights-of-way.

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

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

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

15 (6) "Department" means the Department of
16 Transportation.

17 (7) "Division" means the Division of Bond Finance of
18 the State Board of Administration.

19 (8) "Express written consent" means prior express
20 written consent given in the form of a resolution adopted by a
21 board of county commissioners.

22 (9) "Federal agency" means and includes the United
23 States, the President of the United States, and any department
24 of, or corporation, agency, or instrumentality created,
25 designated, or established by, the United States.

26 332.203 Airport authority; formation; membership.--

27 (1) Any county which has a population of more than 2.1
28 million people shall at the countywide election hold a
29 referendum in which the electors shall decide whether to form
30 an airport authority, which shall be an agency of the state,
31 pursuant to this act.

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1 (2) The governing body of the authority shall consist
2 of seven voting members, two of whom shall be appointed by the
3 Governor subject to confirmation by the Senate. Each member of
4 the governing body must at all times during his or her term of
5 office be a permanent resident of the county which he or she
6 is appointed to represent.

7 (a) The two members of the governing body appointed by
8 the Governor, subject to confirmation by the Senate, shall
9 serve terms of 4 years. Such persons may not hold elective
10 office during their terms of office.

11 (b) Two members shall be appointed by the County
12 Ethics Commission.

13 (c) One member shall be appointed by the County Mayor.

14 (d) Two members shall be appointed by the County
15 Commission.

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

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

30 (4)(a) An authority may employ an executive secretary,
31 an executive director, its own counsel and legal staff,

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1 technical experts, and such engineers and employees, permanent
2 or temporary, as it may require and shall determine the
3 qualifications and fix the compensation of such persons,
4 firms, or corporations. An authority may employ a fiscal agent
5 or agents; however, the authority must solicit sealed
6 proposals from at least three persons, firms, or corporations
7 for the performance of any services as fiscal agent. An
8 authority may delegate to one or more of its agents or
9 employees such of its power as it deems necessary to carry out
10 the purposes of this act, subject always to the supervision
11 and control of the authority.

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

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

20 (d) Members of the governing body of an authority
21 shall be required to comply with the applicable financial
22 disclosure requirements of ss. 112.3145, 112.3148, and
23 112.3149.

24 (5) No member or spouse shall be the holder of the
25 stocks or bonds of any company, other than through ownership
26 of shares in a mutual fund, regulated by the authority, or any
27 affiliated company of any company regulated by the authority,
28 or be an agent or employee of, or have any interest in, any
29 company regulated by the authority or any affiliated company
30 of any company regulated by the authority, or in any firm
31 which represents in any capacity either companies which are

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1 regulated by the authority or affiliates of companies
2 regulated by the authority. As a condition of appointment to
3 the council, each appointee shall affirm to the Speaker and
4 the President his or her qualification by the following
5 certification: "I hereby certify that I am not a stockholder,
6 other than through ownership of shares in a mutual fund, in
7 any company regulated by the authority or in any affiliate of
8 a company regulated by the authority, nor in any way, directly
9 or indirectly, in the employment of, or engaged in the
10 management of any company regulated by the authority or any
11 affiliate of a company regulated by the authority, or in any
12 firm which represents in any capacity either companies which
13 are regulated by the authority or affiliates of companies
14 regulated by the authority." A member of the authority shall
15 not contribute to the campaign account of any elected
16 official, nor solicit any campaign contributions for any
17 elected official.

18 332.204 Purposes and powers.--

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

22 (b) Construction of an airport system may be completed
23 by an authority in segments, phases, or stages, in a manner
24 which will permit the expansion of these segments, phases, or
25 stages to the desired airport configuration. Each authority,
26 in the construction of an airport system, may construct any
27 extensions of, additions to, or improvements to, the airport
28 system or appurtenant facilities, including all necessary
29 approaches, roads, bridges, and avenues of access, with such
30 changes, modifications, or revisions of the project that are
31 deemed desirable and proper. An authority may only add

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1 additional airports to an airport system, under the terms and
2 conditions set forth in this act, with the prior express
3 written consent of the board of county commissioners of each
4 county located within the geographic boundaries of the
5 authority, and only if such additional airports are
6 financially feasible, and are compatible with the existing
7 plans, projects, and programs of the authority.

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

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

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

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

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

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

30 (f) To borrow money, make and issue negotiable notes,
31 bonds, refund bonds and other evidence of indebtedness, either

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1 in temporary or definitive form, of the authority, which bonds
2 or other evidence of indebtedness may be issued pursuant to
3 the State Bond Act, to finance an airport system within the
4 geographic boundaries of the authority, and to provide for the
5 security of the bonds or other evidence of indebtedness and
6 the rights and remedies of the holders of the bonds or other
7 evidence of indebtedness. Any bonds or other evidence of
8 indebtedness pledging the full faith and credit of the state
9 shall only be issued pursuant to the State Bond Act.

10 (g) To enter into contracts and to execute all
11 instruments necessary or convenient for the carrying on of its
12 business.

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

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

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

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

28 (l) An airport authority may consider any unsolicited
29 proposals from private entities and all factors it deems
30 important in evaluating such proposals. The airport authority
31 shall adopt rules or policies in compliance with s. 334.30 for

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

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

21 (4) Any authority formed pursuant to this act shall
22 comply with all statutory requirements of general application
23 which relate to the filing of any report or documentation
24 required by law, including the requirements of ss. 189.4085,
25 189.415, 189.417, and 189.418.

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

30 (6) The governing body of the county may enter into an
31 interlocal agreement with an authority pursuant to chapter 163

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1 for the joint performance or performance by either
2 governmental entity of any corporate function of the county or
3 authority necessary or appropriate to enable the authority to
4 fulfill the powers and purposes of this act and promote the
5 efficient and effective transportation of persons and goods in
6 such county.

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

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

23 332.207 Acquisition of lands and property.--
24 (1) For the purposes of this act, an airport authority
25 may acquire private or public property and property rights,
26 including rights of access, air, view, and light, by gift,
27 devise, purchase, or condemnation by eminent domain
28 proceedings, as the authority may deem necessary for any of
29 the purposes of this act, including, but not limited to, any
30 lands reasonably necessary for securing applicable permits,
31 areas necessary for management of access, borrow pits,

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1 drainage ditches, water retention areas, replacement access
2 for landowners whose access is impaired due to the improvement
3 of an airport system, and replacement rights-of-way for
4 relocated rail and utility facilities; or for existing,
5 proposed, or anticipated transportation facilities within the
6 airport system. The authority may also condemn any material
7 and property necessary for such purposes.

8 (2) The right of eminent domain conferred by this act
9 must be exercised by an authority in the manner provided by
10 law.

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

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

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

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

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1 instrumentality thereof. The exemption granted by this section
2 does not apply to any tax imposed under chapter 220 on
3 interest, income, or profits on debt obligations owned by
4 corporations.

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

9 Section 105. The provisions of this act shall not
10 apply to any county which has created its own airport
11 authority.

12 Section 106. Members of the authority created pursuant
13 to section 1 of this act are required to file full and public
14 disclosure of financial interests pursuant to s. 112.3144,
15 Florida Statutes.

16
17 (Redesignate subsequent sections.)

18
19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 10, line 2, after the semicolon

23

24 insert:

25 creating ss. 332.201, 332.202, 332.203,
26 332.204, 332.205, 332.206, 332.207, 332.208,
27 332.209, 332.210, and 332.211, F.S.; creating
28 the Florida Airport Authority Act; providing
29 definitions; providing that certain counties
30 shall form an airport authority; providing that
31 certain former military facilities redeveloped

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1 and operated as an airport shall be redeveloped
2 and operated by an authority under the act, and
3 providing for membership of the governing body
4 of such authorities; providing for appointment
5 of members of the governing body of an
6 authority; providing for officers, employees,
7 expenses, removal from office, and application
8 of financial disclosure provisions; providing
9 purposes and powers of an authority; providing
10 restrictions on authority powers; providing for
11 issuance of bonds; providing that the county
12 may be appointed as an authority's agent for
13 construction; providing for acquisition of
14 lands and property; providing for cooperation
15 with other units, boards, agencies, and
16 individuals; providing a covenant of the state
17 with respect to bond issuance and agreements
18 with federal agencies; providing an exemption
19 from taxation; providing for applicability;
20 requiring members of the authority to file
21 financial disclosure;

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