

By Representative Diaz de la Portilla

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

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

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6 Section 1. Sections 332.201, 332.202, 332.203,
7 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210,
8 and 332.211, Florida Statutes, are created to read:

9 332.201 Short title.--Sections 332.201-332.211 may be
10 cited as the "Florida Airport Authority Act."

11 332.202 Definitions.--As used in this act:

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

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

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

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

30 (5) "Bonds" means and includes the notes, bonds,
31 refunding bonds, or other evidences of indebtedness or

1 obligations, in either temporary or definitive form, which an
2 authority issues pursuant to this act.

3 (6) "Department" means the Department of
4 Transportation.

5 (7) "Division" means the Division of Bond Finance of
6 the State Board of Administration.

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

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

14 332.203 Airport authority; formation; membership.--

15 (1) Any county which has a population of more than 1.5
16 million people shall at the countywide election hold a
17 referendum in which the electors shall decide whether to form
18 an airport authority, which shall be an agency of the state,
19 pursuant to this act. The governing body of such authority
20 shall be comprised of no less than five nor more than nine
21 members, two of whom shall be appointed by the Governor
22 subject to confirmation by the Senate, one of whom shall be
23 appointed by the county ethics commission, and the remainder
24 shall be appointed by the governing body of the county in
25 which the airport is situated.

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

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

7 (b) The remaining members shall be appointed by the
8 appointing authority for terms of 3 years.

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

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

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

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

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

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

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

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

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

11 332.204 Purposes and powers.--

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

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

1 (2) Each authority may exercise all powers necessary,
2 appurtenant, convenient, or incidental to the carrying out of
3 its purposes, including, but not limited to, the following
4 rights and powers:
5 (a) To sue and be sued, implead and be impleaded, and
6 complain and defend in all courts.
7 (b) To adopt, use, and alter at will a corporate seal.
8 (c) To acquire, purchase, hold, lease as lessee, and
9 use any franchise or property, real, personal, or mixed,
10 tangible or intangible, or any interest therein necessary or
11 desirable for carrying out the purposes of the authority and
12 to sell, lease as lessor, transfer, and dispose of any
13 property or interest therein at any time acquired by it.
14 (d) To enter into and make leases, either as lessee or
15 as lessor, in order to carry out the right to lease as set
16 forth in this act.
17 (e) To fix, alter, charge, establish, and collect
18 rates, fees, rentals, and other charges for the services and
19 facilities of the airport system, which rates, fees, rentals,
20 and other charges must always be sufficient to comply with any
21 covenants made with the holders of any bonds issued pursuant
22 to this act.
23 (f) To borrow money, make and issue negotiable notes,
24 bonds, refund bonds and other evidence of indebtedness, either
25 in temporary or definitive form, of the authority, which bonds
26 or other evidence of indebtedness may be issued pursuant to
27 the State Bond Act, to finance an airport system within the
28 geographic boundaries of the authority, and to provide for the
29 security of the bonds or other evidence of indebtedness and
30 the rights and remedies of the holders of the bonds or other
31 evidence of indebtedness. Any bonds or other evidence of

1 indebtedness pledging the full faith and credit of the state
2 shall only be issued pursuant to the State Bond Act.
3 (g) To enter into contracts and to execute all
4 instruments necessary or convenient for the carrying on of its
5 business.
6 (h) Without limitation of the foregoing, to borrow
7 money and accept grants from, and to enter into contracts,
8 leases, or other transactions with, any federal agency, the
9 state, any agency of the state or county, or any other public
10 body of the state.
11 (i) To have the power of eminent domain, including the
12 procedural powers granted under chapters 73 and 74.
13 (j) To pledge, hypothecate, or otherwise encumber all
14 or any part of the revenues, rates, fees, rentals, or other
15 charges or receipts of the authority, as security for all or
16 any of the obligations of the authority.
17 (k) To do all acts and things necessary or convenient
18 for the conduct of its business and the general welfare of the
19 authority in order to carry out the powers granted to it by
20 law.
21 (l) An airport authority may consider any unsolicited
22 proposals from private entities and all factors it deems
23 important in evaluating such proposals. The airport authority
24 shall adopt rules or policies in compliance with s. 334.30 for
25 the receipt, evaluation, and consideration of such proposals
26 in order to enter into agreements for the planning design,
27 engineering, construction, operation, ownership, or financing
28 of its airport system. Such rules must require substantially
29 similar technical information as is required by Rule
30 14-107.0011(3)(a)-(e), Florida Administrative Code. In
31 accepting a proposal and entering into such an agreement, the

1 airport authority and the private entity shall for all
2 purposes be deemed to have complied with chapters 255 and 287.
3 Similar proposals shall be reviewed and acted on by the
4 authority in the order in which they were received. An
5 additional airport may only be constructed under this
6 paragraph with state and federal approval, and with the prior
7 express written consent of the board of county commissioners
8 of each county located within the geographical boundaries of
9 the authority.

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

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

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

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

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1 332.205 Bonds.--With the prior express written consent
2 of the board of county commissioners of each county located
3 within the geographic boundaries of an authority, bonds may be
4 issued on behalf of an authority as provided by the State Bond
5 Act.

6 332.206 County may be appointed agent of authority for
7 construction.--The county may be appointed by the authority as
8 its agent for the purpose of constructing improvements to an
9 airport system and for the completion thereof. In such event,
10 the authority shall provide the county with complete copies of
11 all documents, agreements, resolutions, contracts, and
12 instruments relating thereto; shall request the county to do
13 such construction work, including the planning, surveying, and
14 actual construction of the completion and improvements to the
15 airport system; and shall transfer to the credit of an account
16 of the county the necessary funds therefor.

17 332.207 Acquisition of lands and property.--

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

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

6 332.208 Cooperation with other units, boards,
7 agencies, and individuals.--Express authority and power is
8 given and granted to any county, municipality, drainage
9 district, road and bridge district, school district, or other
10 political subdivision, board, commission, or individual in or
11 of this state to enter into contracts, leases, conveyances, or
12 other agreements within the provisions and purposes of this
13 act with an authority. An authority may enter into contracts,
14 leases, conveyances, and other agreements, to the extent
15 consistent with this chapter and chapters 330, 331, and 333
16 and other provisions of the laws of the state, with any
17 political subdivision, agency, or instrumentality of the state
18 and any federal agency, corporation, and individual, for the
19 purpose of carrying out the provisions of this act.

20 332.209 Covenant of the state.--The state does hereby
21 pledge to, and agrees with, any person, firm, corporation, or
22 federal or state agency subscribing to or acquiring the bonds
23 to be issued by an authority for the purposes of this act that
24 the state will not limit or alter the rights hereby vested in
25 an authority and the department until all bonds at any time
26 issued, together with the interest thereon, are fully paid and
27 discharged, insofar as the same affects the rights of the
28 holders of bonds issued hereunder. The state does further
29 pledge to, and agrees with, the United States that, in the
30 event any federal agency constructs, or contributes any funds
31 for the completion, extension, or improvement of, an airport

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

14 332.210 Exemption from taxation.--The effectuation of
15 the authorized purposes of an airport authority is in all
16 respects for the benefit of the people of the state, for the
17 increase of their commerce and prosperity, and for the
18 improvement of their health and living conditions. For this
19 reason, an authority is not required to pay any taxes or
20 assessments of any kind or nature whatsoever upon any property
21 acquired by it or used by it for such purposes or upon any
22 revenues at any time received by it. The bonds issued by or on
23 behalf of an authority, their transfer, and the income
24 therefrom, including any profits made on the sale thereof, are
25 exempt from taxation of any kind by the state or by any
26 political subdivision or other taxing agency or
27 instrumentality thereof. The exemption granted by this section
28 does not apply to any tax imposed under chapter 220 on
29 interest, income, or profits on debt obligations owned by
30 corporations.

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