

Bill No. SB 506

Amendment No. 1 Barcode 455804

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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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. The governing body of such authority

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1 shall be comprised of no less than five nor more than nine
2 members, two of whom shall be appointed by the Governor
3 subject to confirmation by the Senate, one of whom shall be
4 appointed by the county ethics commission, and the remainder
5 shall be appointed by the governing body of the county in
6 which the airport is situated.

7 (2) The governing body of an authority shall consist
8 of at least five voting members. The district secretary of the
9 affected department district shall serve as a nonvoting member
10 of the governing body of each authority located within the
11 district. Each member of the governing body must at all times
12 during his or her term of office be a permanent resident of
13 the county which he or she is appointed to represent.

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

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

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

31 (b) Upon the effective date of his or her appointment,

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1 or as soon thereafter as practicable, each appointed member of
2 a governing body shall enter upon his or her duties.

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

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

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

24 (d) Members of the governing body of an authority
25 shall be required to comply with the applicable financial
26 disclosure requirements of ss. 112.3145, 112.3148, and
27 112.3149.

28 (5) No member or spouse shall be the holder of the
29 stocks or bonds of any company, other than through ownership
30 of shares in a mutual fund, regulated by the authority, or any
31 affiliated company of any company regulated by the authority,

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

22 332.204 Purposes and powers.--

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

26 (b) Construction of an airport system may be completed
27 by an authority in segments, phases, or stages, in a manner
28 which will permit the expansion of these segments, phases, or
29 stages to the desired airport configuration. Each authority,
30 in the construction of an airport system, may construct any
31 extensions of, additions to, or improvements to, the airport

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1 system or appurtenant facilities, including all necessary
2 approaches, roads, bridges, and avenues of access, with such
3 changes, modifications, or revisions of the project that are
4 deemed desirable and proper. An authority may only add
5 additional airports to an airport system, under the terms and
6 conditions set forth in this act, with the prior express
7 written consent of the board of county commissioners of each
8 county located within the geographic boundaries of the
9 authority, and only if such additional airports are
10 financially feasible, and are compatible with the existing
11 plans, projects, and programs of the authority.

12 (2) Each authority may exercise all powers necessary,
13 appurtenant, convenient, or incidental to the carrying out of
14 its purposes, including, but not limited to, the following
15 rights and powers:

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

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

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

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

28 (e) To fix, alter, charge, establish, and collect
29 rates, fees, rentals, and other charges for the services and
30 facilities of the airport system, which rates, fees, rentals,
31 and other charges must always be sufficient to comply with any

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1 covenants made with the holders of any bonds issued pursuant
2 to this act.

3 (f) To borrow money, make and issue negotiable notes,
4 bonds, refund bonds and other evidence of indebtedness, either
5 in temporary or definitive form, of the authority, which bonds
6 or other evidence of indebtedness may be issued pursuant to
7 the State Bond Act, to finance an airport system within the
8 geographic boundaries of the authority, and to provide for the
9 security of the bonds or other evidence of indebtedness and
10 the rights and remedies of the holders of the bonds or other
11 evidence of indebtedness. Any bonds or other evidence of
12 indebtedness pledging the full faith and credit of the state
13 shall only be issued pursuant to the State Bond Act.

14 (g) To enter into contracts and to execute all
15 instruments necessary or convenient for the carrying on of its
16 business.

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

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

24 (j) To pledge, hypothecate, or otherwise encumber all
25 or any part of the revenues, rates, fees, rentals, or other
26 charges or receipts of the authority, as security for all or
27 any of the obligations of the authority.

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

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1 (1) An airport authority may consider any unsolicited
2 proposals from private entities and all factors it deems
3 important in evaluating such proposals. The airport authority
4 shall adopt rules or policies in compliance with s. 334.30 for
5 the receipt, evaluation, and consideration of such proposals
6 in order to enter into agreements for the planning design,
7 engineering, construction, operation, ownership, or financing
8 of its airport system. Such rules must require substantially
9 similar technical information as is required by Rule
10 14-107.0011(3)(a)-(e), Florida Administrative Code. In
11 accepting a proposal and entering into such an agreement, the
12 airport authority and the private entity shall for all
13 purposes be deemed to have complied with chapters 255 and 287.
14 Similar proposals shall be reviewed and acted on by the
15 authority in the order in which they were received. An
16 additional airport may only be constructed under this
17 paragraph with state and federal approval, and with the prior
18 express written consent of the board of county commissioners
19 of each county located within the geographical boundaries of
20 the authority.

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

25 (4) Any authority formed pursuant to this act shall
26 comply with all statutory requirements of general application
27 which relate to the filing of any report or documentation
28 required by law, including the requirements of ss. 189.4085,
29 189.415, 189.417, and 189.418.

30 (5) No airport authority shall undertake any
31 construction that is not consistent with federal aviation

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1 requirements, the statewide aviation system plan, and the
2 county's comprehensive plan.

3 (6) The governing body of the county may enter into an
4 interlocal agreement with an authority pursuant to chapter 163
5 for the joint performance or performance by either
6 governmental entity of any corporate function of the county or
7 authority necessary or appropriate to enable the authority to
8 fulfill the powers and purposes of this act and promote the
9 efficient and effective transportation of persons and goods in
10 such county.

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

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

27 332.207 Acquisition of lands and property.--

28 (1) For the purposes of this act, an airport authority
29 may acquire private or public property and property rights,
30 including rights of access, air, view, and light, by gift,
31 devise, purchase, or condemnation by eminent domain

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1 proceedings, as the authority may deem necessary for any of
 2 the purposes of this act, including, but not limited to, any
 3 lands reasonably necessary for securing applicable permits,
 4 areas necessary for management of access, borrow pits,
 5 drainage ditches, water retention areas, replacement access
 6 for landowners whose access is impaired due to the improvement
 7 of an airport system, and replacement rights-of-way for
 8 relocated rail and utility facilities; or for existing,
 9 proposed, or anticipated transportation facilities within the
 10 airport system. The authority may also condemn any material
 11 and property necessary for such purposes.

12 (2) The right of eminent domain conferred by this act
 13 must be exercised by an authority in the manner provided by
 14 law.

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

29 332.209 Covenant of the state.--The state does hereby
 30 pledge to, and agrees with, any person, firm, corporation, or
 31 federal or state agency subscribing to or acquiring the bonds

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

23 332.210 Exemption from taxation.--The effectuation of
24 the authorized purposes of an airport authority is in all
25 respects for the benefit of the people of the state, for the
26 increase of their commerce and prosperity, and for the
27 improvement of their health and living conditions. For this
28 reason, an authority is not required to pay any taxes or
29 assessments of any kind or nature whatsoever upon any property
30 acquired by it or used by it for such purposes or upon any
31 revenues at any time received by it. The bonds issued by or on

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1 behalf of an authority, their transfer, and the income
 2 therefrom, including any profits made on the sale thereof, are
 3 exempt from taxation of any kind by the state or by any
 4 political subdivision or other taxing agency or
 5 instrumentality thereof. The exemption granted by this section
 6 does not apply to any tax imposed under chapter 220 on
 7 interest, income, or profits on debt obligations owned by
 8 corporations.

9 332.211 Exemption from applicability.--This act does
 10 not apply in a county in which an authority has been created
 11 pursuant to a general or special act of the Legislature for
 12 the purpose of owning, building, or operating an airport.

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

15 Section 3. Members of the authority created pursuant
 16 to section 1 of this act are required to file full and public
 17 disclosure of financial interests pursuant to s. 112.3144,
 18 Florida Statutes.

19 Section 4. This act shall take effect July 1, 2002.

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

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25
 26 and insert:

27 A bill to be entitled
 28 An act relating to the Florida Airport
 29 Authority Act; creating ss. 332.201, 332.202,
 30 332.203, 332.204, 332.205, 332.206, 332.207,
 31 332.208, 332.209, 332.210, and 332.211, F.S.;

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

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