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A bill to be entitled

An act relating to Titusville-Cocoa Airport District, a dependent special district in Brevard County; codifying the District's charter pursuant to s. 189.429, Florida Statutes; providing for codification of special laws relating to Titusville-Cocoa Airport District pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, repealing, and reenacting all prior special acts; declaring the status of the District; providing an effective date.

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

Section 1. Intent.--Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to Titusville-Cocoa Airport District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act and chapter 189, Florida Statutes, as they may be amended from time to time. It is further the intent of this act to preserve all district authority.

Section 2. Codification.--Chapters 63-1143, 67-1151, 69-863, 70-600, 72-472, 80-457, 81-348, 82-267, and 83-374, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Titusville-Cocoa Airport District is re-created and the charter is re-created and reenacted to read:

Section 1. There is hereby created and established a



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31 dependent airport district in Brevard County, Florida, which
 32 shall also be a special taxing district, to be known as the
 33 "Titusville-Cocoa Airport District," which shall consist of so
 34 much of Brevard County, Florida, as lies North of that line
 35 described as follows:

36
 37 Beginning at a point where the West boundary line of
 38 said Brevard County, Florida, intersects with the
 39 South boundary line of Township 25 South, Range 35
 40 East, and proceeding thence easterly along the South
 41 boundary line of Township 25 South to the intersection
 42 of the East boundary line of Brevard County, Florida,
 43 with the South boundary line of Township 25 South.

44
 45 Section 2. That the title, rights, and ownership of all
 46 property, both real and personal, rights, powers, facilities,
 47 privileges, easements, franchises, rights-of-way, contracts,
 48 uncollected taxes, dues, claims, judgments, decrees, choses in
 49 action, and all property and property rights held or owned by
 50 the Titusville-Cocoa Airport Authority established by chapter
 51 63-1143, Laws of Florida, shall pass to and be vested in the
 52 Titusville-Cocoa Airport Authority, the governing body of the
 53 Titusville-Cocoa Airport District, established and organized
 54 under this Act to take the place of and succeed the Titusville-
 55 Cocoa Airport Authority hereby abolished. All lawful debts,
 56 bonds, obligations, contracts, franchises, promissory notes,
 57 audits, minutes, resolutions, and other undertakings of the
 58 Titusville-Cocoa Airport Authority created by chapter 59-1933,
 59 Laws of Florida, which is abolished hereby, are hereby
 60 validated, and same shall continue to be valid and binding in



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61 accordance with their respective terms, conditions, covenants,
62 and tenor on the Titusville-Cocoa Airport District and the
63 Titusville-Cocoa Airport Authority established and organized by
64 this Act. Any proceeding heretofore begun for the construction
65 of any improvements, or port facilities, or for the borrowing of
66 money shall not be impaired or avoided by this chapter, but may
67 be continued and completed and binding upon the Titusville-Cocoa
68 Airport District and Titusville-Cocoa Airport Authority
69 established by this Act.

70 Section 3. As used in this Act the following words and
71 terms shall have the following meanings, unless the context
72 shall indicate another or different meaning or intent:

73 (a) The term "airport facilities" shall mean airport
74 facilities of all kinds including, but not limited to, landing
75 fields, hangars, shops, terminals, buildings, and all other
76 facilities necessary or desirable for the landing, taking off,
77 operating, servicing, repairing, and parking of aircraft, and
78 the unloading and handling of passengers, mail, express, and
79 freight, together with all necessary appurtenances and equipment
80 and all properties, rights, easements, and franchises relating
81 thereto and deemed necessary or convenient by the Authority in
82 connection therewith.

83 (b) The word "Authority" shall mean the Authority created
84 by this Act, or, if such Authority shall be abolished, the
85 board, body, or commission succeeding to the principal functions
86 thereof or to whom the powers given by this Act to the Authority
87 shall be given by law.

88 (c) The word "costs" shall mean and include the cost of
89 acquiring or constructing airport facilities and such buildings,
90 structures, roads, alleyways, railroad loading and unloading



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91 facilities, and any other development of land as the Authority
92 shall determine to be necessary and proper in the performance of
93 the duties and purposes of this Act, the cost of improvements,
94 the cost of all lands, properties, rights, easements, and
95 franchises acquired, the cost of all machinery and equipment,
96 financing charges, interest prior to and during construction and
97 for 1 year after completion of construction, cost of engineering
98 and legal services, plans, specifications, surveys, estimates of
99 cost and of revenues, other expenses necessary or incident to
100 the determining of the feasibility or practicability of any such
101 acquisition, construction, or improvement, administrative
102 expenses, and such other expenses, including reasonable
103 provision for working capital, as may be necessary or incident
104 to the financing herein authorized, to the acquisition,
105 construction, and improvement of airport facilities and such
106 buildings, structures, roads, alleyways, railroad loading and
107 unloading facilities, and any other development of land as the
108 authority shall determine to be necessary and proper in the
109 performance of the duties and purposes of this Act and the
110 placing of the same in operation by the District. Any obligation
111 or expense incurred by the District or by any participating
112 political subdivision prior to the issuance of bonds under the
113 provisions of this Act in connection with the acquisition or
114 construction of any airport facilities and such buildings,
115 structures, roads, alleyways, railroad loading and unloading
116 facilities, and any other development of land as the Authority
117 shall determine to be necessary and proper in the performance of
118 the duties and purposes of this Act or any improvements thereof
119 may be regarded as a part of such cost.

120 (d) The word "improvements" shall mean such repairs,



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121 replacements, additions, extensions, and betterments of and to
122 any facilities as are deemed necessary to place or to maintain
123 such facilities in proper condition for the safe, efficient, and
124 economic operation thereof.

125 (e) The term "participating political subdivisions" shall
126 mean the Cities of Titusville and Cocoa, Florida, the Board of
127 County Commissioners of Brevard County, Florida, and all other
128 political subdivisions or governments within the geographical
129 limits of the Airport District.

130 Section 4. The District is created for the purpose of
131 acquiring, constructing, improving, financing, operating, and
132 maintaining airport facilities and such buildings, structures,
133 roads, alleyways, railroad loading and unloading facilities, and
134 any other development of land owned or leased by the Authority
135 and essential to the economic welfare of the inhabitants of the
136 Authority and which will promote the economic, commercial, and
137 industrial development of the Authority. The District is hereby
138 constituted a public instrumentality and body corporate and
139 politic and the exercise by the District of the powers conferred
140 by this Act shall be deemed and held to be the performance of
141 essential governmental functions.

142 Section 5. The governing Authority of said Titusville-
143 Cocoa Airport District shall be known as the Titusville-Cocoa
144 Airport Authority; and said Titusville-Cocoa Airport Authority
145 shall constitute a body politic and a body corporate; it shall
146 have perpetual existence.

147 The Authority shall consist of seven members, one of whom
148 shall be appointed by the County Commissioner for District One,
149 who shall reside within the boundaries of the Titusville-Cocoa
150 Airport District but not within the city limits of Titusville;



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151 one shall be appointed by the City of Titusville and shall
152 reside within the city limits of Titusville; two shall be
153 appointed by the County Commissioner for District Two, both of
154 whom shall reside within the boundaries of the Titusville-Cocoa
155 Airport District and at least one of whom shall reside either
156 within the City of Cape Canaveral, Florida, or the City of Cocoa
157 Beach, Florida; two of whom shall be appointed by the County
158 Commissioner for District Four, both of whom shall reside within
159 the boundaries of the Titusville-Cocoa Airport District and at
160 least one of whom shall reside either within the City of Cocoa,
161 Florida, or the City of Rockledge, Florida; and one of whom
162 shall be appointed jointly by the County Commissioners for
163 Districts One, Two, and Four and such appointee shall reside
164 within the Titusville-Cocoa Airport District. The cities within
165 the District are encouraged to participate in the appointing
166 process by making recommendations to the appropriate County
167 Commissioner involved in the appointment. The terms of each
168 appointment shall be for a period of 3 years. Upon expiration of
169 the term the member shall continue to serve pending
170 reappointment or until a successor is appointed for his or her
171 position. The Authority shall select from its members a Chair, a
172 Vice Chair, a Secretary, and a Treasurer to serve as such at the
173 pleasure of the Authority. Any person may hold two or more
174 offices, except that the Chair may not also serve as the
175 Secretary. When any vacancy shall occur, the vacancy shall be
176 filled by the appointing authority which originally appointed
177 the previous incumbent of the vacancy and such appointment shall
178 be for the remainder of said term being filled. Members of the
179 Authority shall be qualified freeholders residing in the
180 District.



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181 Four of the members of the Authority shall constitute a
182 quorum and the affirmative vote of four of the members of the
183 Authority shall be necessary for any action taken by the
184 Authority. The members of the Authority shall serve without
185 compensation but shall be reimbursed for the amount of actual
186 expenses incurred by them in the performance of their duties.

187 Section 6. The Authority is hereby authorized and
188 empowered:

189 (a) To adopt bylaws for the regulation of its affairs and
190 the conduct of its business;

191 (b) To adopt an official seal and alter the same at
192 pleasure;

193 (c) To maintain an office at such place or places as it
194 may designate;

195 (d) To sue and be sued in its own name and to plead and be
196 impleaded;

197 (e) To acquire, lease as lessee or lessor, construct,
198 reconstruct, improve, extend, enlarge, equip, repair, maintain,
199 and operate any airport facilities and such buildings,
200 structures, roads, alleyways, railroad loading and unloading
201 facilities, and any other development of land as the Authority
202 shall determine to be necessary and proper in the performance of
203 the duties and purposes of this Act, within the District and
204 within the participating political subdivisions in the District,
205 but within the boundaries of the District;

206 (f) To issue bonds of the authority as hereinafter
207 provided to pay the cost of such acquisition, construction,
208 reconstruction, improvement, extension, enlargement, or
209 equipment, provided, however, that approval of the Board of
210 County Commissioners of Brevard County shall be secured prior to



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211 the issuance of such bonds;

212 (g) To issue refunding bonds of the Authority as
 213 hereinafter provided, provided, however, that approval of the
 214 Board of County Commissioners of Brevard County shall be secured
 215 prior to the issuance of such bonds;

216 (h) To combine any airport facilities for the purpose of
 217 operation and financing; specifically the Authority is
 218 authorized and empowered to combine the operation and financing
 219 of Space Coast Regional Airport, Merritt Island Airport, and
 220 Arthur Dunn Airpark, and said Authority is hereby authorized to
 221 operate said three airports as a single unit and the acquisition
 222 of real and personal property for all of said airports be and
 223 the same is hereby validated, confirmed, and approved;

224 (i) To fix and revise from time to time and to collect
 225 rates, fees, and other charges for the use of or for the
 226 services and facilities furnished by any airport facilities;

227 (j) To acquire in the name of the Authority by gift,
 228 purchase, or the exercise of the right of eminent domain in
 229 accordance with the laws of the State of Florida which may be
 230 applicable to the exercise of such powers by counties or
 231 municipalities, any lands or rights in land, and to acquire such
 232 personal property as it may deem necessary in connection with
 233 the acquisition, construction, reconstruction, improvement,
 234 extension, enlargement, or operation of any airport facilities
 235 and such buildings, structures, roads, alleyways, railroad
 236 loading and unloading facilities, and any other development of
 237 land as the Authority shall determine to be necessary and proper
 238 in the performance of the duties and purposes of this Act, and
 239 to hold and dispose of all real and personal property under its
 240 control;



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241 (k) To make and enter all contracts and agreements
 242 necessary or incidental to the performance of its duties and the
 243 execution of its powers under this Act, including a trust
 244 agreement or trust agreements securing any bonds issued
 245 hereunder, and to employ such consulting and other engineers,
 246 superintendents, managers, construction and financial experts,
 247 accountants and attorneys, and such employees and agents as may,
 248 in the judgment of the Authority, be deemed necessary and to fix
 249 their compensation, provided, however, that all such expenses
 250 shall be payable solely from funds made available under the
 251 provisions of this Act;

252 (l) To accept grants of money or materials or property of
 253 any kind for any airport facilities and such buildings,
 254 structures, roads, alleyways, railroad loading and unloading
 255 facilities, and any other development of land as the Authority
 256 shall determine to be necessary and proper in the performance of
 257 the duties and purposes of this Act from any Federal or State
 258 agency, political subdivision, municipality, or other public
 259 body, or from any other persons;

260 (m) To do all acts and things necessary or convenient to
 261 carry out the powers granted by this Act;

262 (n) To lease as leasee or lessor any real property or to
 263 sell or otherwise dispose of any personal property which it has
 264 determined is no longer used or useful for purposes set forth
 265 herein, subject, however, to any limitations which may be
 266 imposed on such leasing or disposition by any bonds issued by
 267 the Authority hereunder or by any proceedings taken in
 268 connection with the issuance of such bonds;

269 (o) To make purchase money mortgages on any additional
 270 property purchased by the Authority, or to purchase property



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271 subject to purchase money mortgages, provided, however, that
272 other property of the Authority is in no way subject to the lien
273 of such purchase money mortgages or subject to any deficiency
274 decree foreclosing any such purchase money mortgages; and

275 (p) To provide for the appointment of a chief executive
276 officer to act as operations officer and head administrator of
277 the operation of the Airport District. He or she shall be
278 responsible to the Airport Authority for the proper
279 administration of all affairs of the Authority and to that end
280 he or she shall have the power and shall be required to:

281 (1) Appoint when authorized by the Authority, and, if
282 necessary for the good of the Authority, remove all employees of
283 the Authority, other than the Authority's Attorney and Engineer.

284 (2) Fix the salary of employees of the Authority, or
285 within the budget of the Authority.

286 (3) Endorse on all contracts, bonds, and other instruments
287 in writing in which the Authority is interested, his or her
288 approval of the substance thereof.

289 (4) Prepare the annual budget for the Authority and submit
290 it to the Authority, and be responsible for its administration
291 after adoption.

292 (5) Prepare and submit to the Authority, as of the end of
293 the fiscal year, a complete report on the finances and
294 administrative activities of the Authority for the preceding
295 year.

296 (6) Keep the Authority advised of the financial condition
297 and future needs of the Authority, and make such recommendations
298 as may seem to him or her desirable.

299 (7) He or she shall be purchasing agent for the Authority,
300 by whom all purchases of supplies shall be made, subject to the



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301 rules and regulations to be prescribed by the Authority, and he
302 or she shall approve all vouchers for payment of same.

303 (8) Perform such other duties as may be necessary in the
304 proper administration, excluding policy decisions, of the
305 facilities operated by the Authority.

306 Section 7. The Authority shall in each fiscal year, which
307 fiscal year shall be the same as that of Brevard County, prepare
308 an annual budget for operating revenue accounts and operating
309 expense accounts and such other accounts as the Board of County
310 Commissioners of Brevard County shall prescribe, for its
311 operations in the ensuing fiscal year and, on or before the
312 first day of September of each year, submit such budget to the
313 Board of County Commissioners of Brevard County, Florida,
314 verified upon information and belief by the Chair of the
315 Authority. At the time the Authority prepares its annual budget,
316 it shall adopt a resolution determining and finding the
317 estimated amounts to be expended by the District in the ensuing
318 year, exclusive of any bonds or other obligations of the
319 District, for acquiring, establishing, constructing, enlarging,
320 operating, and maintaining said airports and other aviation
321 facilities and other facilities related thereto of the District,
322 or for any other corporate purposes of the District, and
323 requesting the Board of County Commissioners of Brevard County,
324 Florida, to levy a tax, not exceeding in any event 1/2 mill per
325 annum on all the taxable real and personal property in that
326 portion of the county within the geographical limits of the
327 District. A certified copy of said resolution shall be submitted
328 to the Board of County Commissioners of Brevard County, Florida,
329 at the same time that it submits its annual budget referred to
330 above.



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331 The Board of County Commissioners of Brevard County,
332 Florida, shall examine said budget and said certified copy of
333 said resolution and may increase or reduce the total amount
334 requested under the provisions in said budget and resolution for
335 the expenditure of such amounts for said purposes in such an
336 amount as said Board of County Commissioners deems advisable in
337 its sole discretion. Thereafter, said Board of County
338 Commissioners shall approve the budget of the District, either
339 as submitted or as increased or reduced, as aforesaid. Upon
340 approval of such budget, said Board of County Commissioners
341 shall levy, assess, and collect taxes not exceeding in any event
342 1/2 mill per annum on all the taxable real and personal property
343 in that portion of the county within the geographical limits of
344 the District, sufficient to pay the estimated amount for said
345 purposes contained in such budget and shall promptly upon
346 receipt thereof remit and pay over to the Authority the proceeds
347 to the payment of the costs of the purposes provided in such
348 budget.

349 All anticipated revenues to be derived from the operation
350 of the airports and airport facilities shall be included in the
351 budget of the Authority, provided, however, that any amounts of
352 money, including funds derived from ad valorem taxation and
353 appropriated in the Authority's budget for the preceding fiscal
354 year that remain unexpended from the revenue derived under the
355 budget for the preceding fiscal year may, by resolution duly
356 adopted by the Authority and approved by said Board of County
357 Commissioners, be set aside in a separate fund to be known and
358 described as a "renewal and replacement fund" and accumulated in
359 said fund from year to year for the purpose of purchasing
360 property, real and personal, building and constructing permanent



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361 improvements, replacements, alterations, buildings, and other
362 structures, including runways, taxi strips, and aprons, and such
363 funds may be disbursed from time to time out of the renewal and
364 replacement fund, upon proper resolution of the Authority and
365 approval by said Board of County Commissioners, and solely for
366 the payment of the cost of purchasing property, real and
367 personal, permanent improvements, replacements, alterations,
368 buildings, and other structures, including runways, taxi strips,
369 and aprons, as hereinbefore provided.

370 The Authority shall adopt budget procedures to establish
371 the direct and indirect costs of operating and maintaining each
372 airport in the Titusville-Cocoa Airport District as well as the
373 direct income derived from each airport.

374 Section 8. The Titusville-Cocoa Airport District, through
375 the Authority created herein, is hereby empowered and authorized
376 to issue bonds of the District, in an aggregate principal amount
377 of not exceeding an amount equal to 5 percent of the assessed
378 valuation of all of the taxable property within the geographical
379 limits of the District at the effective date of this Act,
380 payable as to both principal and interest from ad valorem taxes
381 not exceeding 1 mill per dollar of assessed valuation within the
382 boundaries of the District for the purpose of paying all or any
383 part of the cost of construction or acquisition of property, by
384 the District, of any authorized project, and such acquisition or
385 construction is hereby determined legislatively to be a lawful
386 and essential District purpose.

387 No such bonds of the District herein authorized shall be
388 issued unless and until the issuance thereof shall have been,
389 first, approved at an election of the qualified electors who are
390 freeholders residing in the geographical limits of the District,



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391 duly called and held, in the manner provided by the Constitution
 392 and statutes of the State of Florida.

393 Section 9. The State of Florida does hereby pledge to, and
 394 agree with, the Federal Government and any person, firm, or
 395 corporation, subscribing to, or acquiring the bonds to be issued
 396 by, the District for the construction, acquisition, extension,
 397 improvement, or enlargement of projects, or any part thereof,
 398 that the state will not limit or alter the rights hereby vested
 399 in the District until all bonds at any time issued, together
 400 with the interest thereon, are fully paid and discharged. The
 401 State of Florida does further pledge to, and agree with, the
 402 Federal Government that, in the event that the Federal
 403 Government shall construct or contribute any funds for the
 404 construction, acquisition, extension, improvement, or
 405 enlargement of said projects, or any part thereof, the state
 406 will not alter or limit the rights and powers of the District in
 407 any manner which would be inconsistent with the continued
 408 maintenance and operation of the projects, or any part thereof,
 409 or the improvement thereof, or which would be inconsistent with
 410 the due performance of any agreements between the District and
 411 the Federal Government, and the District shall continue to have
 412 and may exercise all powers herein granted, so long as the same
 413 may be necessary or desirable for the carrying out of the
 414 purposes of this Act and the purposes of the Federal Government
 415 in the construction or acquisition or improvement or enlargement
 416 of said projects, or any part thereof.

417 Section 10. Cooperation between municipalities, county,
 418 and District: the Effectuation of the authorized purposes of the
 419 Authority being in all respects for the benefit of the people of
 420 the State of Florida and the County of Brevard as well as the



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421 municipalities within the geographical limits of the Titusville-
 422 Cocoa Airport District, the county and each municipality in the
 423 District are hereby authorized to aid and cooperate with the
 424 District in carrying out any authorized purposes of the
 425 District.

426 The county and each municipality in the District are hereby
 427 authorized to enter into cooperation agreements with the
 428 District and to provide in any such cooperation agreement for
 429 the making of a loan, gift, grant, or contribution to the
 430 District for the carrying out of its authorized purposes.

431 The county and each municipality in the District are
 432 hereby, further, authorized to grant and convey to the Authority
 433 real or personal property, of any kind or nature, or any
 434 interest therein, for the carrying out of its authorized
 435 purposes.

436 The county and each municipality in the District are,
 437 further and additionally, authorized to covenant in any such
 438 cooperation agreement made pursuant to this Section to pay all
 439 or any part of the costs of operation and maintenance of the
 440 projects of the District from any available funds of the county
 441 or municipality in the District, except revenues derived from ad
 442 valorem taxation and cigarette taxes, and to pay all or any part
 443 of the principal and interest on any revenue bonds of the
 444 District and all or any part of the deposits required to be made
 445 into any reserve, renewal, and replacement or other funds
 446 created and established by the resolution, indenture, deed of
 447 trust, or other instrument securing said revenue bonds from any
 448 available funds of the county or any municipality.

449 Any such cooperation agreement may be made and entered into
 450 pursuant to this Act for such time or times not exceeding 40



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451 years as shall be agreed by the parties thereto or for such
452 longer time as any revenue bonds of the District, including
453 refundings thereof, remain outstanding and unpaid and may
454 contain such other details, terms, provisions, and conditions as
455 shall be agreed upon by the parties thereto.

456 Any such cooperation agreement may be made and entered into
457 for the benefit of the holders of any revenue bonds of the
458 Authority as well as the parties thereto and shall be
459 enforceable in any court of competent jurisdiction by the
460 holders of any such revenue bonds or of the coupons appertaining
461 thereto.

462 Section 11. The Authority is hereby further authorized to
463 issue at one time, or from time to time, ad valorem bonds of the
464 District as hereinbefore provided, or revenue bonds as
465 hereinafter provided, for the purpose of paying the cost of
466 acquiring, constructing, reconstructing, improving, extending,
467 enlarging, or equipping any airport facilities and such
468 buildings, structures, roads, alleyways, railroad loading and
469 unloading facilities, and any other development of land as the
470 Authority shall determine to be necessary and proper in the
471 performance of the duties and purposes of this Act. The bonds of
472 each issue shall be dated, shall mature at such time or times
473 not exceeding 40 years from their date or dates, and shall bear
474 interest at such rate or rates not exceeding 8 percent per
475 annum, as may be determined by the Authority, provided that
476 revenue bonds shall not bear interest at a higher rate of
477 interest than provided by general law, and may be made
478 redeemable before maturity, at the option of the Authority, at
479 such price or prices and under such terms and conditions as may
480 be fixed by the Authority prior to the issuance of the bonds.



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481 The Authority shall determine the form and the manner of
482 execution of the bonds, including any interest coupons to be
483 attached thereto, and shall fix the denomination or
484 denominations of the bonds and the place or places of payment of
485 principal and interest, which may be of any bank or trust
486 company within or without the state. In case any officer whose
487 signature or a facsimile of whose signature shall appear on any
488 bonds or coupons shall cease to be such officer before the
489 delivery of such bonds, such signature or such facsimile shall
490 nevertheless be valid and sufficient for all purposes, the same
491 as if he or she had remained in office until such delivery.
492 Notwithstanding any of the other provisions of this Act or any
493 recitals in any bonds issued under the provisions of this Act,
494 all such bonds shall be deemed to be negotiable instruments
495 under the laws of the state. The bonds may be issued in coupon
496 or registered form, or both, as the Authority may determine, and
497 provision may be made for the registration of any coupon bonds
498 as to principal alone and also as to both principal and
499 interest, and for the reconversion into coupon bonds of any
500 bonds registered as to both principal and interest. The bonds
501 shall be sold at public sale and the net interest cost to the
502 Authority on such bonds shall not exceed the limits hereinbefore
503 specified. If all bids received on the public sale are rejected,
504 the Authority may then proceed to negotiate for the sale of the
505 bonds at a net interest cost, which shall be less than the
506 lowest net interest cost stated in the bids rejected at the
507 public sale.

508 The proceeds of the bonds of each issue shall be used
509 solely for the purpose for which such bonds shall have been
510 authorized and shall be disbursed in such manner and under such



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511 restrictions, if any, as the Authority shall provide in the
512 resolution authorizing the issuance of such bonds or in the
513 trust agreement herein mentioned securing the same. Unless
514 otherwise provided in the authorizing resolution or in the trust
515 agreement securing such, if the proceeds of such bonds, by error
516 of estimates or otherwise, shall be less than such cost,
517 additional bonds may in like manner be issued to provide the
518 amount of such deficit and shall be deemed to be of the same
519 issue and shall be entitled to payment from the same fund
520 without preference or priority of the bonds first issued for the
521 same purpose.

522 The resolution providing for the issuance of bonds, and any
523 trust agreement securing such bonds, may also contain such
524 limitations upon the issuance of additional bonds as the
525 Authority may deem proper, and such additional bonds shall be
526 issued under such restrictions and limitations as may be
527 prescribed by such resolution or trust agreement.

528 Prior to the preparation of definitive bonds, the Authority
529 may, under like restrictions, issue interim receipts or
530 temporary bonds, with or without coupons, exchangeable for
531 definitive bonds when such bonds shall have been executed and
532 are available for delivery. The Authority may also provide for
533 the replacement of any bonds which shall become mutilated or be
534 destroyed or lost.

535 Except as specifically provided in this Act which requires
536 the prior approval of the Board of County Commissioners of
537 Brevard County, bonds may be issued under the provisions of this
538 Act without obtaining the consent of any other commission,
539 board, bureau, or agency of the state or of any political
540 subdivisions, and without any other proceeding or the happening



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541 of other conditions.

542 Bonds issued by the Authority under the provisions of this
 543 Section shall not be deemed to constitute a debt of the state or
 544 of any political subdivision thereof or a pledge of the faith
 545 and credit of the state or of any such political subdivision,
 546 but such bonds shall be obligations of the District payable
 547 solely from the funds herein provided therefor, and a statement
 548 to that effect shall be recited on the face of the bonds.

549 Section 12. The District is hereby authorized to fix and
 550 revise from time to time rates, fees, and other charges for the
 551 use of and for the services furnished or to be furnished by any
 552 facilities owned or operated by the District, and such rates,
 553 fees, and charges shall not be subject to supervision or
 554 regulation by any bureau, board, commission, or other agency of
 555 the state or any political subdivision. Such rates, fees, and
 556 charges shall be fixed and revised so that the revenues of the
 557 District, together with any other funds provided by this Act,
 558 will be sufficient at all times:

559 (a) To pay the cost of maintaining, repairing, and
 560 operating the facilities owned or operated by the Authority,
 561 including reserves for such purposes; and

562 (b) To pay the principal of and the interest on all bonds
 563 issued by the Authority under the provisions of this Act as the
 564 same shall become due and payable and to provide reserves
 565 therefor.

566
 567 Notwithstanding any of the foregoing provisions of this Section,
 568 the Authority may enter into contracts relating to the use of or
 569 for the services furnished or to be furnished by any facilities
 570 which shall not be subject to revision except in accordance with



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571 their terms.

572 Section 13. In the discretion of the Authority, each or
573 any issue of bonds may be secured by a trust agreement by and
574 between the District and a corporate trustee, which may be any
575 trust company or bank having the powers of a trust company
576 within or without the state. The resolution authorizing the
577 issuance of the bonds or such trust agreement may pledge the
578 revenues to be resolved from any facilities of the District but
579 shall not convey or mortgage any of such facilities, and may
580 contain such provisions for protecting and enforcing the rights
581 and remedies of the bondholders as may be reasonable and proper
582 and not in violation of law, including covenants setting forth
583 the duties of the District in relation to the acquisition,
584 construction, reconstruction, improvement, maintenance, repairs,
585 operation, and insurance of any such facilities, the fixing and
586 revising of the rates, fees and charges, and the custody,
587 safeguarding, and application of all moneys, and for the
588 employment of counseling engineers in connection with such
589 acquisition, construction, reconstruction, or operation. It
590 shall be lawful for any bank or trust company incorporated under
591 the laws of the state which may act as a depository of the
592 proceeds of bonds or of revenues to furnish such indemnifying
593 bonds or to pledge such securities as may be required by the
594 District. Such resolution or trust agreement may set forth the
595 rights and remedies of the bondholders and of the trustee, if
596 any, and may restrict the individual right of action by
597 bondholders. Such resolution or trust agreement may contain such
598 other provisions in addition to the foregoing as the Authority
599 may deem reasonable and proper for the security of the
600 bondholders. The Authority may provide for the payment of the



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601 proceeds of the sale of the bonds and the revenues of any
602 facilities to such officer, board, or depositary as it may
603 designate for the custody thereof, and for the method of
604 disbursement thereof, with such safeguards and restrictions as
605 it may determine. All expenses incurred in carrying out the
606 provisions of such resolution or trust agreement may be treated
607 as a part of the cost of operation.

608 All pledges of revenues under the provisions of this Act
609 shall be valid and binding from the time when such pledges are
610 made. All such revenues so pledged and thereafter received by
611 the District shall immediately be subject to the lien of such
612 pledges without any physical delivery thereof or further action,
613 and the lien of such pledges shall be valid and binding as
614 against all parties having claims of any kind in tort, contract,
615 or otherwise, against the District, irrespective of whether such
616 parties have notice thereof.

617 Section 14. All moneys received pursuant to the authority
618 of this Act shall be deemed to be trust funds, to be held and
619 applied solely as provided in this Act. The resolution
620 authorizing the issuance of bonds or the trust agreement
621 securing such bonds shall provide that any officer to whom, or
622 bank, trust company, or fiscal agent to which, such moneys shall
623 be paid shall act as trustee of such moneys and shall hold and
624 supply the same for the purposes hereof, subject to such
625 regulations as this Act and such resolution or trust agreement
626 may provide.

627 Section 15. Any holder of bonds issued under the
628 provisions of this Act or of any of the coupons appertaining
629 thereto, and the trustee under any trust agreement, except to
630 the extent the rights herein given may be restricted by the



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631 resolution authorizing the issuance of such bonds or such trust
 632 agreement, may, either at law or in equity, by suit, action,
 633 mandamus, or other proceeding, protect and enforce any and all
 634 rights under the laws of the state or granted hereunder or under
 635 such resolution or trust agreement, and may enforce and compel
 636 the performance of all duties required by this Act or by such
 637 resolution or trust agreement to be performed by the Authority
 638 or by any officer thereof, including the fixing, charging, and
 639 collecting of the rates, fees, and charges for the use of or for
 640 the services and facilities furnished by any facilities.

641 Section 16. The Authority is hereby authorized to issue
 642 from time to time refunding bonds for the purpose of refunding
 643 any bonds of the Authority then outstanding, including the
 644 payment of any redemption premium thereon and any interest
 645 accrued or to accrue to the date of redemption of such bonds.
 646 The Authority is further authorized to issue from time to time
 647 bonds of the Authority for the combined purpose of:

648 (a) Refunding any bonds of the Authority then outstanding,
 649 including the payment of any redemption premium thereon and any
 650 interest accrued or to accrue to the date of redemption of such
 651 bonds; and

652 (b) Paying all or any part of the cost of acquiring or
 653 constructing any additional facilities or of any improvements.
 654 The issuance of such bonds, the maturities and other details
 655 thereof, the rights and remedies of the holders thereof, and the
 656 rights, powers, privileges, duties, and obligation of the
 657 Authority with respect to the same, shall be governed by the
 658 foregoing provisions of this Act, insofar as the same may be
 659 applicable.

660 Section 17. This Act shall be deemed to provide an



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661 additional and alternative method for the doing of the things
662 authorized hereby and shall be regarded as supplemental and
663 additional to powers conferred by other laws, and shall not be
664 regarded as in derogation of or as repealing any powers now
665 existing under any other law, whether general, special, or
666 local, provided, however, that the issuance of revenue bonds or
667 refunding bonds under the provisions of this Act need not comply
668 with the requirements of any other law applicable to the
669 issuance of bonds.

670 Section 18. The erection of any new structures or the
671 alteration of any existing structures that would constitute a
672 hazard to air navigation affecting any facility operated by the
673 District as the same as defined by applicable federal laws, be
674 and the same is hereby prohibited.

675 Section 19. All other general, special, or local laws or
676 parts thereof inconsistent herewith are hereby declared to be
677 inapplicable to the provision of this Act and are repealed as
678 they affect the power and authority of the Titusville-Cocoa
679 Airport Authority to levy, assess, collect, and enforce ad
680 valorem taxes as set forth in this Act.

681 Section 20. The provisions of this Act are severable, and
682 if any of its provisions shall be held unconstitutional by any
683 Court of competent jurisdiction, the decision of such Court
684 shall not affect or impair any of the remaining provisions.

685 Section 21. As the facilities provided for herein are
686 essential to the economic welfare of the inhabitants of the
687 District, and will promote the economic, commercial, industrial,
688 and residential development of said District, and as the
689 exercise of the powers conferred by this Act to effect such
690 purposes constitutes the performance of essential public



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691 functions, and as such facilities acquired or constructed under
 692 the provisions of this Act will constitute public property used
 693 for public purposes, no taxes or assessments shall be levied
 694 upon any such facilities. The Legislature hereby finds that the
 695 benefits to be derived by properties within the District are
 696 equal to the taxes herein imposed, and that all properties
 697 within the District shall derive benefits from the operations of
 698 the Titusville-Cocoa Airport District.

699 Section 22. The Board of County Commissioners of Brevard
 700 County, Florida, and the City of Titusville, Florida, are hereby
 701 authorized to regulate the height of structures and natural
 702 growth in the vicinity of airports, to create approach zones and
 703 other zones for airports, and to adopt airport zoning
 704 regulations for airport hazard areas. In adopting such airport
 705 zoning regulations, the Board of County Commissioners and the
 706 City of Titusville are authorized to make them applicable only
 707 to lands within the Titusville-Cocoa Airport District or to the
 708 county as a whole. The Board of County Commissioners is
 709 authorized, at its option, to delegate the administration and
 710 enforcement of said airport zoning law to the Titusville-Cocoa
 711 Airport Authority or to such other administrative board as it
 712 may choose.

713 Section 23. The following described real property acquired
 714 by the Titusville-Cocoa Airport District pursuant to authority
 715 granted the Titusville-Cocoa Airport Authority as governing body
 716 of said District under Section 6(e) of this Charter shall be
 717 used solely for public purposes:

718
 719 A part of the E 1/2 of Section 32, Township 21 South,
 720 Range 35 East, and a part of the South 30 acres of the



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721 NW 1/4 of the SW 1/4 of Section 33, Township 21 South,
 722 Range 35 East, all in Brevard County, Florida,
 723 described as follows:

724
 725 Commencing at the point of intersection of the North
 726 line of the S 1/2 of the S 1/2 of the SW 1/4 of the NW
 727 1/4 of said Section 32, and the East right-of-way line
 728 of SINGLETON AVENUE, said point being the Southwest
 729 corner of LUNA HEIGHTS, according to the plat thereof,
 730 as recorded in Plat Book 18, Page 133, of the public
 731 records of Brevard County, Florida, and said point
 732 lying 167.98 feet North and 33 feet East of the
 733 Northwest corner of the SW 1/4 of the NE 1/4 of said
 734 Section 32; from said point of commencement run thence
 735 along the boundary of said LUNA HEIGHTS, South 89
 736 degrees 53 minutes 51 seconds East, a distance of 5.44
 737 feet to the POINT OF BEGINNING of the lands herein
 738 described; thence continue South 89 degrees 53 minutes
 739 51 seconds East, 627.07 feet to the Northeast corner
 740 of said S1/2 of the S 1/2 of the SW 1/4 of the NW 1/4
 741 of the NE 1/4 of Section 32; thence North 0 degrees 09
 742 minutes 24 seconds East, 167.44 feet to the Northwest
 743 corner of the S 1/2 of the SE 1/4 of the NW 1/4 of the
 744 NE 1/4 of said Section 32; thence South 89 degrees 53
 745 minutes 06 seconds East, 665.58 feet to the Northeast
 746 corner of the last mentioned parcel, being also the
 747 Southeast corner of said LUNA HEIGHTS; thence South 0
 748 degrees 14 minutes 34 seconds West, 335.62 feet to the
 749 Southeast corner of said S 1/2 of the SE 1/4 of the NW
 750 1/4 of the NE 1/4 of Section 32; thence South 89



751 degrees 52 minutes 58 seconds East along the North
 752 line of the S 1/2 of the NE 1/4 of said Section 32, a
 753 distance of 946.06 feet to a point; thence South 0
 754 degrees 12 minutes 23 seconds West along the East line
 755 of lands described in Deed Book 313, Page 101, a
 756 distance of 645.00 feet; thence South 89 degrees 52
 757 minutes 58 seconds East, 75.00 feet to the Northeast
 758 of corner of lands described in Deed Book 343, page
 759 143; thence South 0 degrees 12 minutes 23 seconds West
 760 694.25 feet to an iron pipe at the Southeast corner
 761 thereof, said point lying on the South line of the S
 762 1/2 of the NE 1/4 of said Section 32; thence South 89
 763 degrees 54 minutes 46 seconds East along said line,
 764 112.732 feet to an iron pipe; thence South 0 degrees
 765 05 minutes 19 seconds East, 330.00 feet; thence South
 766 89 degrees 46 minutes 18 seconds East, 200.00 feet to
 767 the Southeast corner of the East 200 feet of the South
 768 330 feet of the NE 1/4 of the SE 1/4 of said Section
 769 32; thence South 88 degrees 57 minutes 23 seconds
 770 East, 483.73 feet to a point in the centerline of OLD
 771 DIXIE HIGHWAY; thence along said centerline, South 8
 772 degrees 57 minutes 23 seconds East, 126.15 feet to the
 773 Point of Curvature of a circular curve concave
 774 Northeasterly, having a radius of 320.11 feet; thence
 775 Southeasterly along the arc of said curve through a
 776 central angle of 34 degrees 52 minutes 38 seconds, a
 777 distance of 194.86 feet to a point; thence South 89
 778 degrees 54 minutes 41 seconds West, along the South
 779 line of AIRPORT ROAD, 590.37 feet to a point on the
 780 East line of the NE 1/4 of the SE 1/4 of said Section



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781 32; thence South 0 degrees 05 minutes 19 seconds East
 782 along said line, 699.10 feet to the Southeast corner
 783 of said NE 1/4 of the SE 1/4 of Section 32; thence
 784 North 89 degrees 40 minutes 23 seconds West along the
 785 South line of the N 1/2 of the SE 1/4 of said Section
 786 32, a distance of 2321.00 feet; thence North 0 degrees
 787 19 minutes seconds East 170.00 feet; thence North 89
 788 degrees 40 minutes 23 seconds West, 229.47 feet to a
 789 point 117.60 feet East of the West line of the SE 1/4
 790 of said Section 32; thence North 0 degrees 08 minutes
 791 53 seconds East, parallel to said West line of the SE
 792 1/4 of Section 32, and along the East right-of-way
 793 line of SINGLETON AVENUE, as now located, 757.62 feet;
 794 thence South 89 degrees 51 minutes 07 seconds East,
 795 400.00 feet; thence North 0 degrees 08 minutes 53
 796 seconds East, 225.00 feet; thence North 89 degrees 51
 797 minutes 07 seconds West, 400.00 feet; thence North 0
 798 degrees 08 minutes 53 seconds East along said East
 799 line of SINGLETON AVENUE, 15.00 feet; thence South 89
 800 degrees 51 minutes 07 seconds East, 400.00 feet;
 801 thence North 0 degrees 08 minutes 53 Seconds East
 802 808.23 feet; thence North 89 degrees 51 minutes 07
 803 seconds West, 400.00 feet to a point 690 feet South of
 804 the North line of the SW 1/4 of the NE 1/4 of said
 805 Section 32; thence North 0 degrees 08 minutes 53
 806 seconds East, along said East right-of-way line of
 807 SINGLETON AVENUE, 290.00 feet to the Point of
 808 Curvature of a circular curve concave Westerly having
 809 a radius of 1633 feet, and a central angle of 14
 810 degrees 10 minutes 48 seconds; thence Northerly along



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811 the arc of said curve, 404.15 feet to the Point of
 812 Reverse Curvature of a circular curve concave
 813 Easterly, having a radius of 1142.15 feet, said point
 814 lying on the North line of the SW 1/4 of the NE 1/4 of
 815 said Section 32; thence Northerly along the arc of
 816 said curve through a central angle of 8 degrees 33
 817 minutes 40 seconds, a distance of 170.66 feet to the
 818 POINT OF BEGINNING, less the right-of-way of OLD DIXIE
 819 HIGHWAY. And less the parcel of land occupied by the
 820 office and yard of District One, Brevard County Board
 821 of County Commissioners, described as follows:

822
 823 Commencing at the Northwest corner of the SW 1/4 of
 824 the NE 1/4 of said Section 32, run thence South 89
 825 degrees 52 minutes 58 seconds East along the North
 826 line of said SW 1/4 of the NE 1/4, 1196.29 feet;
 827 thence South degrees 42 minutes 30 seconds East 123.93
 828 feet to the POINT OF BEGINNING of the lands herein
 829 described; thence North 86 degrees 17 minutes 30
 830 seconds East, 515.00 feet; thence South 3 degrees 42
 831 minutes 30 seconds East 165.00 feet; thence South 86
 832 degrees 17 minutes 30 seconds West 515.00 feet; thence
 833 North 3 degrees 42 minutes 30 seconds West 165.00 feet
 834 to the Point of Beginning.

835
 836 And Less a parcel of land described in Official
 837 Records Book 686, page 431.

838
 839 And in addition to the above, the right-of-way
 840 described in Official Records Book 686, Page 432,



841 public records of Brevard County, Florida.

842

843 And less a parcel of land occupied by the NORTH
 844 BREVARD ANIMAL SHELTER, described as follows:
 845 Commencing at the Northwest corner of the SW 1/4 of
 846 the NE 1/4 of said Section 32, run thence South 89
 847 degrees 52 minutes 58 seconds East along the North
 848 line of said SW 1/4 of the NE 1/4, 1196.29 feet;
 849 thence South 3 degrees 42 minutes 30 seconds East,
 850 123.93 feet to the Northwest corner of the land
 851 occupied by the office and yard of DISTRICT ONE,
 852 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS; thence
 853 North 86 degrees 17 minutes 30 seconds East along the
 854 Northerly boundary of said lands occupied by the
 855 office and yard of DISTRICT ONE, a distance of 515.00
 856 feet to the POINT OF BEGINNING of the lands herein
 857 described; thence continue North 86 degrees 17 minutes
 858 30 seconds East, 175.00 feet; thence South 3 degrees
 859 42 minutes 30 seconds East 165.00 feet; thence South
 860 86 degrees 17 minutes 30 seconds West, 175.00 feet to
 861 the Southeast corner of the aforementioned lands
 862 occupied by DISTRICT ONE; thence North 3 degrees 42
 863 minutes 30 seconds West along the East boundary of
 864 said lands, 165.00 feet to the POINT OF BEGINNING.

865

866 No building or improvement may be constructed or erected on
 867 said property which will impair or interfere with the use of the
 868 property as a well field for public water supply.

869 Section 4. Except as specifically reenacted herein,
 870 chapters 63-1143, 67-1151, 69-863, 70-600, 72-472, 80-457, 81-



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871 348, 82-267, and 83-374, Laws of Florida, are repealed.

872 Section 5. This act shall take effect upon becoming a law.