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A bill to be entitled

An act relating to the Hillsborough County Aviation Authority; codifying, reenacting, and amending the Authority's special acts; removing gender specific language; providing a short title; providing that the act is a reviser; deleting provisions which have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies and redundancies; improving clarity and facilitating correct interpretation; providing for compliance with federal law in the expenditure of federal moneys; providing for the rights of employees; providing the act is an additional, alternative, and complete method for the exercise of powers by the Authority; providing a declaration of findings relating to Authority facilities and concessions; providing definitions; providing the purpose of the Authority; providing for members of the Authority, their procedures, and for removal; providing mandatory and discretionary powers and adding discretionary powers which are standard business practices of independent special districts not previously enumerated; providing for alcoholic beverage licenses owned by the Authority and for others operating on Authority property; providing for county and municipal powers and responsibilities and for private ownership transfers; providing for bonds and clarifying that terms of the bonds may be contained in bond documents; providing



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30 for bondholder rights and clarifying that bondholder
 31 rights may be contained in bond documents; providing for
 32 the award of contracts; providing for the legal effects of
 33 the acquisition of property or rights therein and for the
 34 sale of bonds; providing for an ad valorem tax;
 35 prohibiting the use of the taxing power of the state;
 36 providing for a covenant of the state; providing for an
 37 exemption from taxation; prohibiting discriminatory
 38 practices; providing for recodification; providing for
 39 grammatical usage; providing for severability; repealing
 40 chapters 23339 (1945), 24579 (1947), 27599 (1951), 57-
 41 1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-496,
 42 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of
 43 Florida, relating to the Authority; providing a savings
 44 clause; providing an effective date.

45

46 Be It Enacted by the Legislature of the state of Florida:

47

48 Section 1. Pursuant to section 189.429, Florida Statutes,
 49 this act constitutes the codification of all special acts
 50 relating to the Hillsborough County Aviation Authority. It is
 51 the intent of the Legislature in enacting this law to provide a
 52 single, comprehensive special act charter for the Authority,
 53 including all current legislative authority granted to the
 54 Authority by its several legislative enactments and any
 55 additional authority granted by this act.

56

57 Section 2. Chapters 23339 (1945), 24579 (1947), 27599
 58 (1951), 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-
496, 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of



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59 Florida, relating to the Hillsborough County Aviation Authority,
60 are codified, reenacted, amended, and repealed as herein
61 provided.

62 Section 3. The charter for the Hillsborough County
63 Aviation Authority is re-created and reenacted to read:

64 Section 1. Short title.-- This act shall be known as the
65 "Hillsborough County Aviation Authority Act."

66 Section 2. General Provisions.--

67 (1) It is the intent of the Legislature that this act
68 supersede chapter 23339 (1945), 24579 (1947), 27599 (1951), 57-
69 1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-496, 75-
70 388, 75-398, 75-401, 83-424, and 96-455, Laws of Florida,
71 relating to the Hillsborough County Aviation Authority, and is a
72 codification, a compilation of previously existing legislation
73 relating to the Authority.

74 (2) The codification is also to act as a reviser's bill,
75 deleting provisions which have expired, have had their effect,
76 have served their purpose, or have been impliedly repealed or
77 superseded; replacing incorrect cross references and citations,
78 correcting grammatical, typographical, and like errors; removing
79 inconsistencies and redundancies; and improving clarity and
80 facilitating correct interpretation. It is the intent of the
81 Legislature to define frequently used terms and to reflect
82 standard business practices required for an independent special
83 district to conduct its business which have not been previously
84 enumerated.

85 (3) The Authority shall comply with federal law regarding
86 expenditure of federal moneys.

87 (4) This act shall not be construed as impairing or



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88 infringing upon any rights, privileges, or benefits enjoyed by
89 any employee of the Authority who is so employed on the
90 effective date of this act.

91 (5) The members and employees of the Authority shall
92 comply with part III of chapter 112, Florida Statutes, as may be
93 amended from time to time.

94 (6) This act provides an additional, alternative, and
95 complete method for the exercise of the powers granted and
96 authorized by this act and shall be regarded as supplemental to
97 powers conferred by other laws and shall not be regarded as a
98 derogation of any powers now existing.

99 (7) Regarding the airport facilities and concessions, the
100 Legislature finds and declares:

101 (a) The proper operation of the publicly owned or operated
102 airports in the county is essential to the welfare of the people
103 of the Tampa Bay area, the state, and its people.

104 (b) The publicly owned or operated airports in the county
105 establish a vital transportation link between the state and the
106 economic systems of the nation and the world and enable the
107 state to enjoy and provide the benefits of an international
108 tourist and commercial center.

109 (c) The economic validity and stability of the publicly
110 owned or operated airports in the county is a matter of
111 statewide importance.

112 (d) The policy of this state is to promote the development
113 of commerce and tourism to secure to the people of this state
114 the benefits of those activities conducted in the state.

115 (e) The proper operation of the publicly owned or operated
116 airports in the county is essential to the welfare of the state



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117 and its people, and the Legislature recognizes and affirms such
118 operation as a governmental function to be discharged in
119 furtherance of the policy of securing the benefits of commerce
120 and tourism for the state and its people.

121 (f) The Authority shall manage airport facilities and
122 grant airport concessions to further the development of commerce
123 and tourism in or affecting the Tampa Bay area and the state.
124 In managing its facilities and granting concessions for services
125 to the public, the Authority shall promote the development of
126 commerce and tourism by:

127 1. Securing a diversity of airport services.

128 2. Avoiding wasteful duplication of such services.

129 3. Securing to the users of airports safe, courteous, and
130 quality service.

131 4. Limiting or prohibiting business competition which is
132 destructive to the ends of promoting commerce and tourism in the
133 state.

134 5. Allocating limited airport resources to promote such
135 ends.

136 6. Fostering Florida's image as a commercial and tourist
137 center.

138 Section 3. Definitions.--As used in this act, unless
139 otherwise specifically defined or unless another intention
140 clearly appears:

141 (1) "Advertisement" means a notice published at least once
142 a week for 2 consecutive weeks in at least two newspapers of
143 general circulation in the county, as defined in general law,
144 selected by the Authority.

145 (2) "Air navigation" means the operation or navigation of



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146 aircraft in the air space over the county or upon any airport or
147 restricted landing area within the county.

148 (3) "Air navigation facility" means any facility used in,
149 available for use in, or designed for use in aid of air
150 navigation, including airports, restricted landing areas, and
151 any structures, mechanisms, lights, beacons, marks,
152 communicating systems, or other instrumentalities or devices
153 used or useful as an aid or constituting an advantage or
154 convenience to the safe taking off, navigation, and landing of
155 aircraft or the safe and efficient operation or maintenance of
156 an airport or restricted landing area, and any combination of
157 any or all of such facilities.

158 (4) "Airport" means any area of land or water which is
159 designed for the landing and taking off of aircraft, whether or
160 not facilities are provided for the shelter, servicing, or
161 repair of aircraft or for receiving, servicing, and discharging
162 passengers or cargo, all appurtenant areas used or suitable for
163 airport buildings or other airport facilities, and all
164 appurtenant rights-of-way.

165 (5) "Airports and other aviation facilities and facilities
166 related thereto and any portion thereof" means and includes
167 airports, buildings, structures, terminal buildings, parking
168 garages and lots, space, hangars, lands, warehouses, shops,
169 hotels, other aviation facilities of any kind or nature, or any
170 other facilities of any kind or nature related to or connected
171 with said airports and other aviation facilities which the
172 Authority is authorized by law to construct, acquire, own,
173 lease, or operate, together with all fixtures, equipment, and
174 property, real or personal, tangible or intangible, necessary,



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175 appurtenant, or incidental thereto.

176 (6) "Airport purposes" means and includes airport,
 177 restricted landing area, and other air navigation facility
 178 purposes.

179 (7) "Authority" means the Hillsborough County Aviation
 180 Authority.

181 (8) "Authority facility" means an airport, airports and
 182 other aviation facilities and facilities related thereto and any
 183 portion thereof, air navigation facilities, and special purpose
 184 facilities and any portion thereof.

185 (9) "Board" means the Board of County Commissioners of
 186 Hillsborough County.

187 (10) "Bond" means notes, bonds, certificates, refunding
 188 bonds, and other obligations.

189 (11) "Clerk" means Clerk of the Court of Hillsborough
 190 County.

191 (12) "County" means the County of Hillsborough.

192 (13) "Division" means the Florida Department of Business
 193 and Professional Regulation, Division of Alcoholic Beverages and
 194 Tobacco or any successor agency.

195 (14) "Federal" or "Federal Government" means the United
 196 States government, the President of the United States, and any
 197 department, corporation, commission, agency, or other
 198 instrumentality thereof.

199 (15) "Governor" means the Governor of the State of
 200 Florida.

201 (16) "Instrument" means a formal or legal document in
 202 writing, such as a contract, deed, bond, lease, or mortgage.

203 (17) "Members" means the governing body of the Authority,



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204 and the term "member" means one of the individuals constituting
205 such governing body.

206 (18) "Municipality" means a municipality created pursuant
207 to general or special law authorized or recognized pursuant to
208 s. 2 or s. 6, Art. VIII of the State Constitution and located in
209 the county.

210 (19) "Officer of the Authority" means a member who has
211 been elected by the other members to serve as the Chairperson,
212 Vice Chairperson, Secretary, Treasurer, or Assistant Secretary
213 and Treasurer.

214 (20) "Person" means any individual, firm, partnership,
215 corporation, company, association, joint stock association, or
216 body politic and includes any trustee, receiver, assignee, or
217 other similar representative thereof.

218 (21) "Policy" means a general principle adopted by the
219 members and by which the Authority conducts its internal
220 governance.

221 (22) "Regulation" means the same as "rule" as defined by
222 this act and may be used interchangeably with the word "rule."

223 (23) "Resolution" means a formal, written expression of an
224 action adopted by the members.

225 (24) "Revenues" means rates, fees, grants, receipts,
226 charges, and other moneys acquired through all sources by the
227 Authority and interest income thereon.

228 (25) "Rule" means each statement of general applicability
229 adopted by the members that implements, interprets, or
230 prescribes law or policy or describes the procedure or practice
231 requirements of the Authority and includes any form which
232 imposes any requirement or solicits any information not



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233 specifically required by statute or by an existing rule and may
 234 be used interchangeably with the word "regulation."

235 (26) "Special purpose facilities and any portion thereof"
 236 means facilities related to or to be used in connection with the
 237 airports and other aviation facilities of the Authority and
 238 located on lands at or adjacent to the airports and other
 239 aviation facilities under the control, management, and
 240 jurisdiction of the Authority and includes all property,
 241 structures, rights, easements, and franchises relating thereto
 242 and deemed necessary or convenient therefor.

243 (27) "Standard procedure" means the method and manner
 244 established or approved by the executive director or a designee
 245 of the executive director that implements policy for the day-to-
 246 day management of the Authority's operations.

247 (28) "State government" means the government of the State
 248 of Florida, the Governor, and any department, commission,
 249 corporation, agency, or other instrumentality thereof.

250 (29) "Surplus fund" means an unrestricted fund established
 251 by the Authority into which certain revenues of the Authority
 252 may be deposited on a monthly or more frequent basis after
 253 payment, or provision for payment, of all current expenses
 254 pursuant to its then-applicable budget and after all deposits
 255 have been made as required under its indentures, trust
 256 agreements, and other contracts.

257 (30) "TIA" means Tampa International Airport.

258 Section 4. Creation; purpose.--

259 (1) The Hillsborough County Aviation Authority is created,
 260 and the powers granted by this act are declared to be public and
 261 governmental functions, exercised for public purposes, and are



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262 matters of public necessity. Lands and other real and personal
263 property, easements, and privileges acquired and used by the
264 Authority are declared to have been acquired for and used for
265 public and governmental purposes and as a matter of public
266 necessity. The Authority is a public body corporate and is an
267 independent special district.

268 (2) The Authority has exclusive jurisdiction, control,
269 supervision, and management over all airports in the county and
270 each municipality, except any airport owned, controlled, and
271 operated by a private person. Said jurisdiction, control,
272 supervision, and management are in the best interest of the
273 county and each municipality.

274 Section 5. Membership.--

275 (1) The Authority shall consist of five members: one
276 member who is the Mayor of the City of Tampa, ex officio; one
277 member who is a member of and selected by the Board, ex officio;
278 and three members who are appointed by the Governor. No member
279 shall receive any compensation for services as a member. Each
280 member appointed by the Governor shall be appointed for a term
281 of 4 years. The Board shall appoint one of its members annually
282 at the time of its organizational session who shall serve until
283 its next annual appointment, provided that he or she continues
284 to serve as a county commissioner during that time. Each member
285 shall qualify by taking an oath to faithfully perform the duties
286 of the office, and the oath shall be filed with the clerk. To be
287 eligible for appointment as a member of the Authority by the
288 Governor, the person appointed must be a resident and citizen of
289 the county and may not be employed by or be an elected official
290 of the county or municipality. Each member may continue to serve



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291 until a successor has been commissioned.

292 (2) A majority of the members constitutes a quorum.

293 (3) The Governor has the power to remove any member for
294 good cause. Within 15 days after any vacancy occurs a successor
295 shall be appointed in the same manner as that member for which a
296 vacancy has occurred and shall serve for the unexpired term of
297 his or her predecessor.

298 Section 6. Powers.--

299 (1) The Authority has the power to and shall:

300 (a) Elect officers as follows: one member as Chairperson,
301 one member as Vice Chairperson, one member as Secretary, one
302 member as Treasurer, and one member as Assistant Secretary and
303 Assistant Treasurer, each of whom shall hold office for 2 years
304 with new elections being held after any gubernatorial appointee
305 has been commissioned.

306 (b) Approve, file with the clerk, and pay any surety bond
307 required of any member and any employee of the Authority.

308 (c) Exclusively control, supervise, and manage all
309 airports in the county and each municipality, except any airport
310 owned, controlled, or operated by a private person.

311 (d) Advertise for sealed bids when required by law;
312 provided, however, the Authority may reject all bids and
313 readvertise or select a single item from any bid as further
314 provided in this act.

315 (e) Adopt before October 1 an annual budget which has been
316 prepared by the executive director and which must include an
317 estimate of all revenues and anticipated expenditures for the
318 following fiscal year.

319 (f) Require in all bond documents that moneys derived from



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320 such bonds be paid to or upon order of the Authority.

321 (g) Have the Authority's finances audited in the same
322 manner as other independent special districts are audited.

323 (2) The Authority has the power to and may:

324 (a) Rely on the provisions of this act, without reference
325 to other laws, in exercising its powers.

326 (b) Establish and maintain such airports in, over, and
327 upon any public waters of this state within the limits of
328 jurisdiction of, or bordering on any municipality, any submerged
329 land under such public waters, and any artificial or reclaimed
330 land which, before the artificial making or reclamation thereof,
331 constituted a portion of the submerged land under such public
332 waters.

333 (c) Construct and maintain terminal buildings, landing
334 floats, causeways, roadways, bridges for approach to or
335 connecting with the airport, and land floats and breakwaters for
336 the protection of any such airport.

337 (d) Require the Treasurer and other officers or employees
338 of the Authority to execute an adequate surety bond, conditioned
339 upon the faithful performance of the duties of the office or
340 employment and in a penal sum fixed by the Authority.

341 (e) Establish positions, duties, and a pay plan, and
342 employ, pay, provide benefits for, promote, discipline, and
343 terminate personnel, including law enforcement officers with
344 full police powers and an Executive Director, formerly known as
345 the Director of Aviation, who shall be responsible for the day-
346 to-day administration, management, and operation of the
347 Authority in accordance with policy established by the members
348 and perform other duties as may be authorized by the members.



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349 (f) By policy or resolution, authorize the Executive
350 Director to perform any of the powers of the Authority in whole
351 or in part and with whatever other limitations it may find
352 appropriate, provided that said authorization does not result in
353 an invalid exercise of delegated legislative authority as
354 defined in general law.

355 (g) Employ or contract with technical and professional
356 experts necessary to assist the Authority in carrying out or
357 exercising any powers granted by this act.

358 (h) Reimburse for all travel expenses incurred while on
359 business for the Authority, upon requisition, any member, its
360 attorneys, the Executive Director, and any employee of the
361 Authority traveling under the direction of the Executive
362 Director or the Executive Director's designee in accordance with
363 the Authority's policies.

364 (i) Create, appoint, and prescribe the duties of any
365 committee.

366 (j) Sue and be sued.

367 (k) Adopt, use, and alter a corporate seal.

368 (l) Publish advertisements.

369 (m) Waive advertisement when the Authority determines an
370 emergency exists and supplies and materials must be immediately
371 acquired by the Authority.

372 (n) Negotiate and enter into contracts, agreements,
373 exclusive or limited agreements, and cooperation agreements of
374 any kind necessary for the Authority to fulfill the purposes of
375 this act.

376 (o) Include contract specifications maximizing the
377 employment of persons whose protected group has been



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378 underutilized in the past.

379 (p) Enter into exclusive or limited agreements with a
380 single operator or a limited number of operators. The Authority
381 shall grant exclusive or limited agreements to displace business
382 competition by rule or policy whenever the Authority determines,
383 in consideration of the factors set forth below, that any such
384 agreement is necessary to further the purposes of this act.
385 Before entering into any exclusive or limited agreement, the
386 Authority shall, under authority expressly delegated by the
387 state, determine the necessity for such an exclusive or limited
388 agreement to further the policies and objectives stated in this
389 act, which include public safety, public convenience, quality of
390 service, the need to conserve airport space, the need to avoid
391 duplication of services, the impact on the environment or
392 facilities of the airport as an essential commercial and tourist
393 service center, and the need to avoid destructive competition
394 which may impair the quality of airport services to the public,
395 lead to uncertainty, disruption, or instability in the rendering
396 of such services, or detract from the Tampa Bay area and the
397 state's attractiveness as a center of tourism and commerce. In
398 making its determination, the Authority shall take evidence or
399 make findings of fact and establish such policies it deems
400 necessary. Nothing in this paragraph shall excuse the Authority
401 from complying with applicable state or local requirements for
402 competitive bidding or public hearings which may be required
403 prior to awarding or entering into any contract or other
404 agreement.

405 (q) Provide for the manual execution of any instrument on
406 behalf of the Authority by the signature of the Chairperson or



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407 Vice Chairperson, and attested to by the Secretary or the
408 Assistant Secretary or, if delegated by the members to do so,
409 the Executive Director or any other Authority personnel to whom
410 authority has been delegated, or by their facsimile signature in
411 accordance with the Uniform Facsimile Signature of Public
412 Officials Act.

413 (r) Purchase and sell equipment, supplies, and services
414 required for its purposes.

415 (s) Sell, lease, transfer, dispose of, or grant a lesser
416 interest in any of its properties.

417 (t) Dispose of tangible personal property in accordance
418 with chapter 274, Florida Statutes, as may be amended from time
419 to time.

420 (u) Grant concessions.

421 (v) Advertise, promote, and encourage the use and
422 expansion of facilities under its jurisdiction.

423 (w) Enact airport zoning regulations in accordance with
424 chapter 333, Florida Statutes, as may be amended from time to
425 time, to ensure the safe operation of airports under its
426 jurisdiction; however, any such airport zoning regulations may
427 not affect the zoning use regulations imposed by the county or
428 any municipality.

429 (x) Issue a written permit, before the county or any
430 municipality issues a building permit and upon request of the
431 affected local government in accordance with the provisions of
432 this act, that any construction proposed on land affected by
433 airport zoning regulations conforms to airport zoning
434 regulations.

435 (y) Acquire, own, construct, install, maintain, and



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436 operate Authority facilities by purchase, gift, devise, lease,
437 or any other means, including by eminent domain in accordance
438 with chapters 73 and 74, Florida Statutes, as may be amended
439 from time to time. For the purposes of making surveys and
440 examinations relative to any condemnation proceedings, the
441 Authority may lawfully enter upon any land, doing no unnecessary
442 damage. The Authority may take possession of property to be
443 acquired by condemnation at any time after the filing of the
444 petition describing the same in condemnation proceedings as
445 provided in general law. The Authority is not precluded from
446 abandoning the condemnation of any such property in any case
447 where possession has not been taken.

448 (z) Reimburse the owner of any structure for which the
449 Authority may require removal, relocation, or reconstruction
450 located in, on, under, or across any private property, public
451 street, highway, or other public or private places for the
452 estimated or actual expense of the removal, relocation, or
453 reconstruction.

454 (aa) Supplement and coordinate in design and operation air
455 navigation facilities with those established and operated by the
456 federal and state governments.

457 (bb) Request the county or any municipality to convey to
458 the Authority the fee simple title to any airport or other
459 property owned by the county or any municipality and needed for
460 airport purposes.

461 (cc) Relinquish jurisdiction, control, supervision, and
462 management over any airport or part of any airport which is
463 under its jurisdiction but which is owned by a municipality,
464 county, or other governmental agency, upon determining that any



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465 such airport or part of any such airport is no longer required
466 for airport purposes; provided, however, that the consent and
467 approval of any revenue bondholders is first obtained and
468 necessary authorizations or approvals are received from federal
469 agencies regulating airports.

470 (dd) Expend revenues for the cost of investigating,
471 surveying, planning, acquiring, establishing, constructing,
472 enlarging, improving, equipping, and erecting Authority
473 facilities by appropriation of revenues or wholly or partly from
474 the proceeds of bonds of the Authority. The term "cost" includes
475 awards in condemnation proceedings, rentals where an acquisition
476 is by lease, and amounts paid to utility companies for
477 relocation of their wires, poles, and other facilities.

478 (ee) Incur expenses as provided in its annual budget and
479 any amended budget.

480 (ff) Assess against and collect from the owner or operator
481 of each airplane using any Authority facility a landing fee or
482 service charge sufficient to cover the cost of the service
483 furnished to airplanes using any such facility, which cost may
484 include the liquidation of bonds or other indebtedness for
485 construction and improvement.

486 (gg) Accept federal, state, and any other public or
487 private moneys, grants, contributions, or loans for the
488 acquisition, construction, enlargement, improvement,
489 maintenance, equipment, or operation of Authority facilities, or
490 any other lawful purpose.

491 (hh) Fix, alter, charge, establish, and collect rates,
492 fees, rentals, and other charges for the services of Authority
493 facilities at reasonable and uniform rates.



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494 (ii) Adopt a resolution as may be required to levy an ad
495 valorem tax and submit it to the board.

496 (jj) Apply for, hold, and periodically transfer alcoholic
497 beverage licenses as provided by this act.

498 (kk) Adopt and amend rules, regulations, and policies
499 reasonably necessary for the implementation of this act.

500 (ll) By resolution, fix and enforce penalties for the
501 violation of this act or a rule, regulation, or policy adopted
502 in accordance with this act.

503 (mm) Amend the budget after its adoption.

504 (nn) Receive, deposit, secure, and pay out moneys as
505 provided by this act.

506 (oo) Designate a depository or depositories which is
507 qualified as a public depository pursuant to section 280.04,
508 Florida Statutes, as may be amended from time to time, and
509 thereafter establish and open an account or accounts into which
510 revenues collected are to be deposited and from which
511 expenditures may be made.

512 (pp) Establish and deposit into and expend moneys from a
513 surplus fund by using funds other than those derived from ad
514 valorem taxation, that may remain unexpended at the end of the
515 fiscal year and may be set aside in a separate fund to be known
516 as the Capital Improvement Fund and accumulated and expended
517 from year to year solely for the purpose of building and
518 constructing permanent improvements, replacements, alterations,
519 buildings, and other structures, including runways, taxi strips,
520 and aprons.

521 (qq) By resolution, borrow money and issue bonds in the
522 manner and within the limitation, except as otherwise provided



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523 in this act, prescribed by general law for the issuance and
 524 authorization of bonds; however, any bonds issued by the
 525 Authority shall have a maturity date not exceeding 40 years from
 526 the date of issuance, shall be self-liquidating or otherwise
 527 payable from revenues of the Authority, shall be payable
 528 semiannually, and shall not be a lien against the general taxing
 529 powers of the county or any municipality.

530 (rr) Enter into any deeds of trust, indentures, or other
 531 agreements with any bank or trust company as security for its
 532 bonds, and assign and pledge any or all of its revenues. Such
 533 deeds of trust, indentures, or other agreements may contain
 534 provisions customary in such instruments or as authorized by the
 535 Authority.

536 (ss) Secure the payment of bonds or any part thereof by
 537 pledging all or any part of its revenues and provide for the
 538 security of said bonds and the rights and remedies of the
 539 bondholders.

540 (tt) Pending the preparation of definitive bonds, issue
 541 certificates or temporary bonds to the purchaser of bonds.

542 (uu) Transact the business of the Authority and exercise
 543 all powers necessarily incidental to the exercise of the general
 544 and special powers granted in this act and under any other law.

545 (vv) Exercise all powers of a local agency granted
 546 pursuant to part II of chapter 159, Florida Statutes, as may be
 547 amended from time to time, and to a governmental unit granted
 548 pursuant to part VII of chapter 159, Florida Statutes, as may be
 549 amended from time to time.

550 (ww) Do all acts and things necessary or convenient for
 551 the promotion of its business and the general welfare of the



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552 Authority.

553 Section 7. Alcoholic beverage licenses.--

554 (1) Beverage licenses not exceeding 4 in number, as
555 provided for in section 561.17, Florida Statutes, as may be
556 amended from time to time, shall be issued to the Authority or
557 other governmental agency operating TIA as provided in this
558 section.

559 (a) Each such beverage license shall be issued upon the
560 written or printed application for licenses to conduct such
561 business, made to the division stating the character of the
562 business to be engaged in, the address of the building wherein
563 the establishment sought to be licensed is or will be located,
564 and the kind of license as defined in chapter 561, Florida
565 Statutes, as may be amended from time to time, which the
566 applicant desires. The application shall be in the name of the
567 Authority or other governmental agency operating TIA and when
568 issued shall be issued in the name of such applicant. The
569 applicant shall pay to the division the license fees for the
570 kind of license that the applicant desires.

571 (b) Each license is renewable as provided by general law.
572 Each beverage license shall be for the term and subject to the
573 same privileges or renewal as provided in sections 561.26 and
574 561.27, Florida Statutes, as may be amended from time to time.

575 (c) Any business operated under any beverage license shall
576 be operated only by a lessee of the restaurants and cocktail
577 lounge or cocktail lounges or bars in the airlines terminal,
578 administration building, or hotel at the airport to whom the
579 license may be transferred. The Authority or governmental agency
580 operating TIA and each authorized lessee shall make application



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581 to the division for the transfer of the license to the lessee,
 582 and the application shall be approved by the division if it
 583 meets the requirements of law to do so. Upon termination of a
 584 lease for any reason, the lessee shall immediately notify the
 585 division to retransfer the beverage licenses to the Authority or
 586 the governmental agency operating TIA. Upon failure of a lessee
 587 to notify the division, the Authority or the governmental agency
 588 operating TIA shall immediately notify the division in writing
 589 to transfer the license back to the Authority or other
 590 governmental agency operating TIA which may then transfer it to
 591 another authorized lessee. Thereafter, the beverage license may
 592 be transferred to any new lessee or the restaurants and cocktail
 593 lounge, cocktail lounges, or bars upon the same terms and
 594 conditions. Any alcoholic beverage license issued in accordance
 595 with this section is the property of the Authority or the
 596 governmental agency operating TIA, subject to transfer as
 597 provided by this act.

598 (2) This section does not preclude persons operating on
 599 property of the Authority from acquiring an alcoholic beverage
 600 license for use on its premises pursuant to general law and the
 601 rules of the division.

602 Section 8. County and municipal powers and
 603 responsibilities; private ownership transfers.--

604 (1) Each municipality is empowered to appropriate moneys
 605 for acquiring, establishing, constructing, enlarging, improving,
 606 maintaining, equipping, or operating airports and other air
 607 navigation facilities under the provisions of this act, and each
 608 municipality is authorized to appropriate and to raise by
 609 taxation or otherwise moneys to assist in carrying out the



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610 provisions of this act as to airports partly or wholly within
611 the limits of each municipality.

612 (2) It is lawful for any municipality, and full power and
613 authority is hereby conferred upon each municipality, to
614 cooperate and share in the exercise of the powers and
615 authorities conferred upon the Authority under the provisions of
616 this act, when mutually agreed upon between any such
617 municipality and the Authority.

618 (3)(a) The county and each municipality are authorized to
619 aid and cooperate with the Authority in carrying out any
620 authorized purpose of the Authority by:

621 1. Entering into cooperation agreements with the Authority
622 and providing in any such cooperation agreement for the making
623 of a loan, gift, grant, or contribution to the Authority.

624 2. Granting and conveying to the Authority real or
625 personal property, of any kind or nature, or any interest
626 therein.

627 3. Covenanting in any such cooperation agreement made
628 pursuant to this section to pay all or any part of:

629 a. The costs of operation and maintenance of Authority
630 facilities from moneys derived from ad valorem taxation or from
631 any other available funds of the county or a municipality.

632 b. The principal of and interest on any revenue bonds of
633 the Authority.

634 c. The deposits required to be made into any reserve, the
635 Capital Improvement Fund, or other funds established by the
636 Authority, any indenture, deed of trust, or other instrument
637 securing said revenue bonds from any available funds of the
638 county or a municipality other than moneys derived from ad



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639 valorem taxes.

640 (b) Any cooperation agreement may be made and entered into
641 for such time or times not to exceed 40 years or for such longer
642 time as any revenue bonds of the Authority, including refunding
643 thereof, remain outstanding and unpaid, and may contain such
644 other details, terms, provisions, and conditions as may be
645 agreed upon.

646 (c) Any cooperation agreement may be made and entered into
647 for the benefit of the holders of any revenue bonds of the
648 Authority as well as the parties thereto and is enforceable in
649 any court of competent jurisdiction by the holders of any such
650 revenue bonds or of the coupons appertaining thereto.

651 (4) The county and each municipality are authorized and
652 empowered to convey the fee simple title to any real property
653 needed for airport purposes and owned by either the county or a
654 municipality to the Authority.

655 (5) Before the county or any municipality issues a
656 building permit authorizing building on land affected by airport
657 zoning regulations, it must obtain a written permit from the
658 Authority to certify that the construction conforms to the
659 regulations required by the airport zoning regulations.

660 (6)(a) Any municipality, the county, or any private owner
661 may, and each is authorized to, sell, lease, lend, grant, or
662 convey to the Authority any interest in real or personal
663 property which may be used by the Authority in the construction,
664 improvement, maintenance, leasing, or operation of Authority
665 facilities. Any municipality, the county, or any other owner is
666 additionally authorized to transfer, assign, and set over to the
667 Authority any contract or contracts which may have been awarded



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668 by said municipality, the county, or said owner for the
 669 construction of Authority facilities not begun or, if begun, not
 670 completed.

671 (b) Any such action by the county or any municipality must
 672 be approved by the governing body of the county or the
 673 municipality expressed by resolution or ordinance.

674 (c) Notwithstanding any other provision of law, this
 675 section is complete authority for the acquisition by agreement
 676 of airports and other aviation facilities and facilities related
 677 thereto and any portion thereof and no other action is required.

678 Section 9. Bonds.--

679 (1) Bonds may be issued to finance one or more or a
 680 combination of Authority facilities. Subject to any prior rights
 681 of bondholders, proceeds of such bonds may be pledged and used
 682 to pay the cost of the acquisition, construction, or improvement
 683 of one or more or a combination of Authority facilities or to
 684 refund bonds previously issued for such purpose. Revenues of the
 685 Authority, regardless of the airport project or other source
 686 from which they are derived, may be pledged to pay bonds issued
 687 to finance the cost of Authority facilities and to pay refunding
 688 bonds and ancillary costs associated with such financings.

689 (2) Except as otherwise provided by this act, security,
 690 payment provisions, contracts, terms, and other attributes of
 691 bonds issued by the Authority shall be specified by the
 692 Authority by initial or amendatory resolution, trust agreement,
 693 or other bond documentation.

694 (3) The bonds shall be executed by manual or facsimile
 695 signature by the officers the Authority has designated, provided
 696 that such bonds bear at least one signature which is manually



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697 executed to the extent required by general law. Any coupons
698 attached to the bonds shall bear the facsimile signature or
699 signatures of the officer or officers designated by the
700 Authority. If any member or officer whose manual or facsimile
701 signature appears on any bond or coupon ceases to be a member or
702 an officer before the delivery of the bonds, such signature
703 shall be valid and sufficient for all purposes as if that member
704 or officer had remained in office until delivery. The bonds
705 shall bear the seal of the Authority affixed as provided by
706 resolution.

707 (4) Bonds may be sold either at public or private sale at
708 such price or prices determined by the Authority.

709 (5) Any bonds issued pursuant to this act are negotiable
710 instruments and investment securities under chapter 678, Florida
711 Statutes, as may be amended from time to time.

712 (6) The pledge by the Authority of its revenues to the
713 payment of its bonds by the terms of a resolution or through any
714 deed of trust, indenture, or other agreement creates a valid and
715 binding lien thereon and a prior perfected security interest
716 therein from the time the pledge is made. Any revenues so
717 pledged are immediately subject to a lien of such pledge without
718 any physical delivery thereof or further act, and the lien of
719 any such pledge shall be valid and binding against all parties
720 having claims of any kind against the Authority, irrespective of
721 whether such parties have notice thereof. No resolution, deed of
722 trust, indenture, or other agreement by which a pledge is
723 created need be filed or recorded, except in the records of the
724 Authority, and notice is not required to be given to any obligor
725 of such revenues. No filings under the Florida Uniform



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726 Commercial Code are required in order to perfect any pledge
727 granted.

728 (7) No approval of the qualified electors or qualified
729 freeholders of the state or of the county may be required for
730 the issuance of any bonds by the Authority unless such approval
731 is required by the provisions of the Constitution of the State
732 of Florida.

733 (8) Notwithstanding any other provision of law, bonds
734 issued by the Authority are legal investments for banks, savings
735 banks, trustees, executors, all other fiduciaries, and all
736 state, municipal, and other public funds. Any such bonds are
737 securities eligible for deposit for the securing of all state,
738 municipal, and other public funds.

739 Section 10. Bondholder rights and remedies.--

740 (1) The Authority may not do anything that will impair the
741 security of the bondholders of the Authority or violate any
742 agreement with them for their benefit.

743 (2)(a) In addition to any other rights and remedies
744 lawfully granted to bondholders in law, unless otherwise
745 provided by the resolution or resolutions providing for the
746 issuance of bonds, or by any deed of trust, indenture, or other
747 agreement under which the bonds have been issued, holders of 25
748 percent or such other percentage as may be specified in any deed
749 of trust, indenture, or other agreement under which the bonds
750 were issued in the aggregate principal amount of the bonds then
751 outstanding are entitled to appoint a trustee, upon notice as
752 provided in this act and for the purpose provided in this act,
753 if the Authority defaults in the payment of principal or
754 interest for a period of 30 days after either becomes due,



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755 whether at maturity or upon call for redemption, or if the
756 Authority fails to comply with the provisions of this act, its
757 resolution or resolutions, or the requirements of any deed of
758 trust, indenture, or other agreement under which the bonds were
759 issued. Any such bondholders must first give written notice of
760 their intention to appoint a trustee to the Authority by
761 certified United States mail addressed to the chairperson of the
762 Authority at the principal office of the Authority and to the
763 holders of all other bonds then outstanding at their addresses
764 shown on the registration books maintained by the Authority or
765 the bond registrar. For purposes of this paragraph, any trustee
766 appointed to serve in that capacity pursuant to a deed of trust,
767 trust agreement, indenture, or other document by which bonds of
768 the Authority have been issued is deemed to have been selected
769 by the holders of bonds issued under that instrument. If more
770 than one trustee is designated, either by two or more written
771 instruments or pursuant to the provisions of this paragraph, the
772 group of bondholders owning the highest percentage of bonds
773 outstanding has the right to designate the single trustee to
774 serve in that capacity for purposes of this act.

775 (b) Unless otherwise provided in any instrument pursuant
776 to which such bonds were issued, any trustee, whether appointed
777 by bondholders in accordance with the provisions of this act or
778 in accordance with the terms of any deed of trust, indenture, or
779 other agreement, may, upon written request of the holders 25
780 percent or such other percentage as may be specified in any deed
781 of trust, indenture, or other agreement under which the bonds
782 were issued in the aggregate principal amount of the bonds then
783 outstanding may, in any court of competent jurisdiction, in his,



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784 her, or its own name:

785 1. By mandamus or other suit, action, or proceeding at law
786 or in equity, enforce all rights of the bondholders, including
787 the right to require the Authority to fix, establish, maintain,
788 collect, and charge rates, fees, rentals, and other charges
789 adequate to carry out any agreement as to, or pledge of, the
790 revenues of the Authority, and to require the Authority to carry
791 out any other agreements with or for the benefit of the
792 bondholders, and to perform its and their duties under this act.

793 2. Bring suit upon the bonds.

794 3. By action or suit in equity, require the Authority to
795 account as if it were the trustee of an express trust for the
796 bondholders.

797 4. By action or suit in equity, enjoin any acts or things
798 which may be unlawful or in violation of the rights of the
799 bondholders.

800 5. By written notice given in the same manner as provided
801 by this act to the Authority declare all bonds due and payable
802 and, if all defaults are made good and with the consent of the
803 holders of 25 percent or such other percentage as may be
804 specified in any deed of trust, indenture, or other agreement
805 under which the bonds were issued in the aggregate principal
806 amount of the bonds then outstanding, annul such declaration and
807 its consequences.

808 (3) Unless otherwise provided in any bond resolution, deed
809 of trust, indenture, or other agreement pursuant to which bonds
810 were issued, if a default continues for more than 60 days after
811 written notice to the Authority, any trustee when appointed as
812 aforsaid, or acting under a deed of trust, indenture, or other



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813 agreement, and whether or not all bonds have been declared due
814 and payable, upon the happening of any of the events of default
815 specified in this section, shall be entitled as of right to
816 appoint a receiver. The receiver may enter and take possession
817 of any of the Authority facilities for which the Authority is in
818 default as provided herein, or any part or parts thereof and the
819 revenues which are or may be applicable to the payment of the
820 bonds in default and operate and maintain the same, for and on
821 behalf of and in the name of the Authority and the bondholders.
822 The receiver shall collect revenues in the same manner as the
823 Authority might, and shall use and apply such funds in
824 accordance with the applicable bond documents or, if not so
825 specified into a separate account, as directed by the court.

826 (4) Nothing in this section or any other section of this
827 act authorizes any receiver appointed to sell, assign, mortgage,
828 or otherwise dispose of any assets of the Authority. The powers
829 of such receiver are limited to the operation and maintenance of
830 the Authority facilities as the court may direct, in the name of
831 and for and on behalf of the Authority and the bondholders. No
832 holder of bonds or any court or any trustee is empowered by this
833 act to sell, assign, mortgage, or otherwise dispose of any
834 assets of whatever kind or character belonging to the Authority.

835 Section 11. Award of contracts.--

836 (1)(a) Except when done by employees of the Authority or
837 by labor supplied under agreement with the federal, state, or
838 local government or when required by or using the Consultants'
839 Competitive Negotiation Act, all construction, improvements,
840 repairs, or work of any nature done by the Authority, where the
841 entire cost or value exceeds \$15,000, shall be done only under



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842 contract or contracts entered into by the Authority with the
843 lowest responsive bid from a qualified responsible bidder upon
844 proper terms, after advertisement has been given asking for
845 competitive bids, provided that the Authority may reject any and
846 all bids.

847 (b) Any contract subject to section 255.05, Florida
848 Statutes, as may be amended from time to time, in excess of
849 \$15,000 shall not be entered into for construction, improvement,
850 or repair of Authority facilities unless the contractor has
851 sufficient surety or sureties, approved by the Authority, and in
852 an amount fixed by the Authority, for the faithful performance
853 of the contract. Any such contract shall include provisions that
854 the person entering into the contract with the Authority will
855 pay for all materials furnished and services rendered for the
856 performance of the contract and may maintain an action to
857 recover for the same against the obligor in the undertaking, as
858 though such person was named therein, provided the action is
859 brought within 1 year after the time the cause of action
860 accrued. Nothing in this section shall be construed to limit the
861 power of the Authority to construct, repair, or improve
862 Authority facilities or any addition, betterment, or extension
863 thereto, directly by the officers, agents, and employees of the
864 Authority, or otherwise than by contract.

865 (c) All supplies and materials costing in excess of
866 \$15,000 shall be purchased only after advertisement. The
867 Authority shall accept the lowest responsive bid from a
868 responsible bidder, kind, quality, and material being equal, but
869 the Authority has the right to reject any or all bids or select
870 a single item from any bid.



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871 (d) Except as otherwise provided, the Authority may enter
872 into and carry out such contract, or establish or comply with
873 such rules concerning labor and materials and other related
874 matters in connection with any project, or portion thereof, as
875 the Authority may deem desirable or as may be requested by the
876 Federal Government or state government assisting in the
877 financing of Authority facilities. It is further provided,
878 however, that the provisions of this section shall not apply to
879 any case in which the Authority has taken over by transfer or
880 assignment any contract authorized to be assigned to it under
881 the provisions relating to the transfer of existing facilities
882 to the Authority as provided by this act. This section shall not
883 apply to any contract in connection with the construction of
884 Authority facilities which the Authority has had transferred to
885 it. Furthermore, the provisions of this section shall not apply
886 to any contract or agreement between the Authority and any
887 engineers, architects, attorneys, agents, or other professional
888 services.

889 (2) The Authority may use, as an alternative, the
890 provisions of section 255.20, Florida Statutes, as may be
891 amended from time to time, to satisfy the competitive bidding
892 requirements of this section.

893 (3) The advertisement and bidding requirements of this
894 section do not apply when the Authority purchases goods,
895 supplies, materials, or services through a contract issued by
896 federal, state, or local government if such contract was issued
897 using a competitive process.

898 (4) This section does not apply to the purchase of
899 patented and manufactured products and services offered in a



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900 noncompetitive market or solely by a manufacturer's authorized
901 dealer.

902 Section 12. Legal effects.--Any acquisition of property or
903 rights therein for Authority facilities, or for airport
904 protection privileges, including the conveyance and acceptance
905 thereof, and any bonds issued and sold up to and including the
906 effective date of this act are validated.

907 Section 13. Ad valorem tax.--When the Authority prepares
908 its annual budget and finds it necessary to levy an ad valorem
909 tax, it shall adopt a resolution determining the estimated
910 amounts to be expended by the Authority in the ensuing fiscal
911 year, exclusive of the proceeds of any bonds or other
912 obligations of the Authority, for acquiring, establishing,
913 constructing, enlarging, operating, and maintaining Authority
914 facilities or for any other corporate purpose of the Authority,
915 and request the board to levy the tax, not to exceed 1.5 mills
916 per annum, on all the taxable real and personal property in the
917 county for the exclusive use of the Authority and for the
918 purposes provided in this section. The Authority shall submit a
919 certified copy of any such resolution to the board at the same
920 time it submits its annual budget to the clerk. The board has no
921 right or authority to alter either the amount of the levy
922 request or the use of its proceeds or to in any way alter the
923 budget of the Authority. The board shall authorize the levy
924 requested. The Tax Collector of the county shall collect and
925 promptly pay over to the Authority the proceeds of such tax.

926 Section 14. Prohibition on the use of the taxing power of
927 the state.--The Authority has no power to pledge the taxing
928 power of the state, or any political subdivision or agency



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929 thereof, nor shall any of the obligations issued by the
 930 Authority be deemed to be obligations of the state, or any
 931 political subdivision or agency thereof, secured by and payable
 932 from the ad valorem taxes thereof. The state, or any political
 933 subdivision or any agency thereof, is not liable for the payment
 934 of principal of or interest on such obligations, except from the
 935 special funds provided for in this act.

936 Section 15. Covenant of the state.--The state pledges and
 937 agrees with the Federal Government and any person acquiring any
 938 bonds issued by the Authority for the construction, extension,
 939 improvement, or enlargement of Authority facilities that the
 940 state will not limit or alter the rights vested in the Authority
 941 until all bonds at any time issued, together with the interest
 942 thereon, are fully paid and discharged. The state further
 943 pledges and agrees with the Federal Government that if the
 944 Federal Government contributes any funds for the construction,
 945 extension, improvement, or enlargement of Authority facilities
 946 the state will not alter or limit the rights and powers of the
 947 Authority in any manner which would be inconsistent with the
 948 continued maintenance, operation, or the improvement of
 949 Authority facilities or which would be inconsistent with the due
 950 performance of any agreements between the Authority and the
 951 Federal Government. The Authority shall continue to have and may
 952 exercise all powers granted in this act, so long as the same are
 953 necessary or desirable for the carrying out of the purposes of
 954 this act and the purposes of the Federal Government in the
 955 construction, improvement, maintenance, or enlargement of
 956 Authority facilities.

957 Section 16. Exemption from taxation.--Any property owned



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958 or otherwise acquired by the Authority is exempt from taxation
959 to the same extent as other property used for public purposes.
960 The effectuation of the authorized purposes of the Authority
961 shall and will be, in all respects, for the benefit of the
962 people of the state and the county for the increase of their
963 commerce and prosperity, and for the improvement of their
964 welfare, health, and living conditions and, since such Authority
965 will be performing essential governmental functions in
966 effectuating such purposes, such Authority is not required to
967 pay any taxes or assessments of any kind or nature whatsoever
968 upon any property required or used by it for such purposes, or
969 any rates, fees, rentals, receipts, or incomes at any time
970 received by it, and the bonds issued by the Authority, their
971 transfer and the income therefrom, including any profits made in
972 the sale thereof, and any security instruments or agreements
973 securing the repayment thereof, are free from taxation of any
974 kind by the state or any political subdivision or taxing agency
975 or instrumentality thereof.

976 Section 17. Discrimination prohibited.--

977 (1)(a) The Authority and its lessees, including successors
978 in interest, shall not because of race, color, sex, religion,
979 national origin, age, handicap, or marital status of any
980 individual refuse to hire, employ, bar, or discharge from
981 employment such individual or to otherwise discriminate against
982 such individual with respect to compensation, hire, tenure,
983 terms, conditions, or privileges of employment.

984 (b) No person on the grounds of race, color, sex,
985 religion, national origin, age, handicap, or marital status
986 shall be excluded from the participation in, denied the benefits



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987 of, or otherwise subjected to discrimination in the use of
 988 leased premises of the Authority.

989 (c) In furnishing services or materials, or in the
 990 construction of any improvements, no person shall be excluded
 991 from participation in, denied the benefits of, or otherwise
 992 subjected to discrimination with respect thereto.

993 (2) There is no right to apply to the court for relief on
 994 account of any order, requirement, decision, determination, or
 995 action of the Authority pursuant to this section unless there
 996 has been an appeal to the Authority.

997 Section 18. Recodification.--Prior to July 1, 2012, and
 998 every 10 years thereafter, The Hillsborough County Legislative
 999 Delegation shall review this chapter, and all acts which amend
 1000 or otherwise modify this chapter, for the purpose of determining
 1001 whether there is a need for recodification of same. If it is
 1002 determined that there is such a need, the delegation may require
 1003 the Authority to accomplish same, and to prepare or cause to be
 1004 prepared such legislation as may be necessary for such purpose
 1005 by preparing such legislation.

1006 Section 19. Grammatical usage.--The singular includes the
 1007 plural and vice versa, and gender-specific language includes the
 1008 other gender and neuter.

1009 Section 20. Severability.--The provisions of this act are
 1010 severable, and if any of the provisions hereof shall be held to
 1011 be unconstitutional or invalid, such determination shall not
 1012 affect the constitutionality or validity of any of the remaining
 1013 provisions of this act.

1014 Section 4. Chapters 23339 (1945), 24579 (1947), 27599
 1015 (1951), 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-



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1016 496, 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of
1017 Florida, are repealed. Such repeal does not affect the
1018 prosecution of any cause of action that accrued before the
1019 effective date of the repeal and does not affect rules,
1020 regulations, policies, actions, and decisions, contracts,
1021 agreements, obligations, and properties of the Authority
1022 existing prior to the effective date of this act. Nothing in
1023 this act is intended, nor shall any provision hereof be
1024 construed so as to repeal, abrogate, impair, or adversely affect
1025 the rights and remedies of the holders of any obligations of the
1026 Authority issued pursuant to the existing acts or any other
1027 applicable provision of law.

1028 Section 5. This act shall take effect upon becoming a law.