

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 271 Sarasota-Manatee Airport Authority/Codification
SPONSOR(S): Reagan
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	<u>16 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Finance & Tax</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill codifies all special acts related to the Sarasota-Manatee Airport Authority (Authority) into a single act. This bill does not authorize the Sarasota-Manatee Airport Authority to levy ad valorem taxes for the purposes of maintenance or operation. However, the Board of County Commissioners for each county is currently authorized to use ad valorem taxes collected by that county to contribute to the maintenance and operation of any airport facilities. The Board of County Commissioners for each county is also currently authorized to issue bonds of the county payable from the ad valorem taxes of that county to contribute to the maintenance and operation of any airport facilities.

The codification of these special acts does not appear to alter the effect of existing law pertaining to the Authority.

The Economic Impact Statement indicates no economic impacts on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

The Sarasota-Manatee Airport Authority was created in 1991 by chapter 91-358, Laws of Florida and has been subsequently amended by four special acts. The Authority is an independent special district. This bill is a codification of all special acts relating to the district.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district’s charter provisions. To ascertain the current status of a special district’s charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended section 189.429, Florida Statutes to provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district’s ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district’s bonded indebtedness.

Since the enactment of sections 189.429 and 191.015, F.S., 122 special districts have codified their charters.

Status Statement Language

Section 189.404(5), F.S., provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the Department of Community Affairs’s determination or declaratory statement regarding the status of the district.

C. SECTION DIRECTORY:

Section 1: States that this act constitutes the codification of all special acts relating to the Sarasota-Manatee Airport Authority.

Section 2: This bill codifies, reenacts, amends and repeals all previous special acts related to the Sarasota-Manatee Airport Authority.

Section 3: Re-creates and reenacts the charter for the Sarasota-Manatee Airport Authority.

Section 1: Provides the short title for this act.

Section 2: Provides definitions for terms found in this act.

Section 3: (1) Creates the Authority and establishes the Authority shall have the powers of a body politic and corporate.

(2)(a) States the governing board shall consist of six members, three from Sarasota County and three from Manatee County.

(b) Designates titles for members of the governing board.

(c) Establishes terms for members appointed to the governing board.

(d) Provides procedure for vacancies of the membership of the Authority.

(e) Provides qualifications and standards for members of the Authority.

(f) Establishes penalties for members of the authority for actions detrimental to the Authority.

Section 4: (1) Establishes the duties of the chair, treasurer and assistant treasurer.

(2) States that a majority of the members of the authority shall constitute a quorum.

(3) Establishes an annual salary and reimbursement guidelines for members.

(4) Exempts all medical and dental records and claims relating to Authority employees.

Section 5: (1) Empowers the Authority to adopt bylaws.

(2) Authorizes the Authority to adopt an official seal.

(3) Empowers the Authority to maintain an office.

(4) Empowers the Authority to sue or be sued and plead and be impleaded.

(5) Authorizes the Authority to acquire, lease, and maintain any airport facilities within either or both Manatee or Sarasota counties.

(6) Authorizes the authority to sell, lease or dispose of land or facilities.

- (7) Empowers the Authority to issue bonds of the Authority.
- (8) Empowers the Authority to issue refunding bonds.
- (9) Authorizes the Authority to combine any airport facilities for the purposes of operation and financing.
- (10) Empowers the Authority to fix and revise rates and fees for the use of services provided by the Authority.
- (11) Empowers the Authority to acquire real property. Provides guidelines for the acquisition of real property.
- (12) Grants the Authority to exercise the power of eminent domain in accordance with the provisions of chapter 74, Florida Statutes.
- (13) Empowers the Authority to make and enter into contracts and agreements necessary for the performance of the authority.
- (14) Authorizes the authority to accept grants or materials of property from government entities or private agencies and individuals.
- (15) Authorizes the Authority to purchase money mortgages.
- (16) Authorizes the Authority to borrow money and procure lines of credit.
- (17) Empowers the Authority to exercise and powers and prerogatives conferred upon political subdivisions by chapter 333, Florida Statutes.
- (18) Authorizes the Authority to construct and operate parking facilities.
 - (a) Authorize the Authority to enter into lease and franchise agreements with private persons or corporations as tenants.
 - 1. Requires the Authority to hold a public hearing to consider the establishment of rates or fees.
 - 2. Requires the Authority to hold a public hearing to consider any revisions in rates or fees.
 - (b) Provides the Authority towing powers.
- (19) Requires the Authority to adopt a budget prior to September 30 of each year.
- (20) Authorizes the Authority to do all acts necessary to carry out the powers granted by this act.
- (21) Authorizes the Authority to invest and reinvest any surplus public funds in its control.
 - (a) Every security purchased by the Authority shall be placed in safekeeping in a location which protects the Authority's interest.

(b) States that securities shall be held by a depository chartered by either the Federal Government or the state.

(c) Provides that securities physically issued to the Authority but no registered with the issuer or its agents shall be placed for safekeeping in a safety-deposit box.

Section 6: (1) Authorizes the authority to issue bonds of the Authority for the purpose of paying all or any part of airport operations. Establishes guidelines for rates and issuance of such bonds.

(2) States that the proceeds of the bonds of each issue shall be used solely for the purpose for which the bonds were authorized.

(3) Provides restrictions and limitations on the issuance of bonds.

(4) Authorizes the Authority to issue interim receipts or temporary bonds and provides for the replacement of any bonds that have been destroyed or lost.

(5) States that bonds may be issued without obtaining consent from any commission, board, and agency of the state or political subdivision.

Section 7: Authorizes the Authority to fix and revise rates and fees associated with airport facilities.

(1) Such fees shall be used to pay the cost of maintaining, repairing and operating airport facilities.

(2) Fees shall be used to pay the principal, premium and interest on all bonds issued by the Authority under this act.

Section 8: (1) Authorizes the authority, at its discretion, to secure a trust agreement on any issue of bonds. Establishes conditions for such trust agreements.

(2) Prohibits the conveyance or mortgage of any airport facilities. States that the resolution authorizing the issuance of bonds may pledge the revenues received from any airport facilities of the Authority for maintenance and operation of airport facilities.

(3) States that any pledge of revenues of any airport facilities under this act is valid and binding from the time the pledge is made.

Section 9: (1) Authorizes the governing bodies of each of the cities of Sarasota and Bradenton and counties of Sarasota and Manatee may make grants of money to the Authority and may lease, lend, grant or convey real or personal property to the Authority.

(2) (a) Authorizes the board of county commissioners for Sarasota and Manatee Counties to levy an annual ad valorem tax on all taxable property in such county. Funds from this tax may be used by the authority for construction, maintenance and operation of the authority.

(b) Authorizes the board of county commissioners for Sarasota and Manatee Counties to enter into contracts for the making of annual or other contributions from non-ad valorem tax revenues.

(c) Authorizes the board of county commissioners for Sarasota and Manatee Counties to issue bonds of the county payable from the taxes authorized in this section.

(d) Authorizes the board of county commissioners for Sarasota and Manatee Counties to enter into contracts and grant agreements with the Federal Aviation Administration and the state of Florida.

(3) Authorizes the governing bodies of each of the Cities of Sarasota and Bradenton and Counties of Sarasota and Manatee to purchase bonds issued by the authority. Not one of such cities or counties may at any one time hold such bonds in a principal amount exceeding \$100,000.

Section 10: (1) Authorizes the authority to encourage the development of industrial facilities, including pollution control facilities, to protect the physical environment by issuing industrial development revenue bonds. States that outstanding industrial development revenue bonds authorized by this act not to exceed \$3 million.

(2) Provides terms and definitions.

(3)(a) The Authority is authorized to engage in industrial projects and acquire and dispose of ownership or possessory interests in industrial facilities located on land owned by the authority.

(b) The Authority is authorized to issue bonds to pay costs, make reimbursements, and refund bonds previously issued.

(c) The Authority is authorized to execute financing and security documents and perform obligations and exercise powers created thereby.

(d) The Authority is authorized to dispose of all or part of any industrial facility.

(e) The Authority is authorized make contracts or take any other action that is necessary in connection with the exercise of the powers granted under this section.

(5) States that the Authority's ownership or possessory interest in the industrial facility under a financing document may be that of owner, lessor, lessee, conditional or installment vendor, mortgagor, mortgagee or otherwise.

(6) (a) States that every financing document must provide for payments by the user.

(b) States that every financing document must obligate the user to pay all costs and expenses of the operation of the industrial facility and to pay reasonable rentals to the authority.

(7) (a) States that any financing document may bear any appropriate title.

(b) States that any financing document may involve additional property.

(c) States that any financing document may be in the nature of the lease.

- (d) States that any financing document may provide for payments with additional amounts.
 - (e) States that any financing document may obligate a user to make payments before the industrial facility exists.
 - (f) States that any financing document may obligate a user to make payments regardless of whether the user is in possession of the industrial facility.
 - (g) States that any financing document may allocate responsibility for making purchases and contracts.
 - (h) States that any financing document may provide that some or all of the user's obligations are unconditional and binding.
 - (i) States that any financing document may contain other provisions and covenants relating to the use of the industrial facility.
- (8) (a) States that a security document may contain an encumbrance of all or part of the Authority's interest in an industrial facility under a financing document.
- (b) States that a security document may bear an appropriate title.
 - (c) States that a security document may provide for a trustee for the benefit of holders of bonds issued to finance an industrial facility.
 - (d) States that a security document may be combined with a financing document as one instrument.
 - (e) States that a security document may contain covenants of the authority specifically specified in this act.
 - (f) States that a security document may limit the rights of bondholders to enforce obligations of the Authority.
- (9) States that any encumbrance of the Authority's right to receive payments with respect to an industrial facility contained in a security document is valid and binding.
- (10) States that bonds of the Authority may be issued pursuant to this section in the same manner as provided in sections 6, 11, 12 and 13 of this act.
- (11) States that bonds issued under this section do not constitute debts of the state or of any political subdivision thereof. States that the bonds are obligations of the Authority.
- (12) States that the financing document must provide that under no circumstances is the Authority obligated to pay the cost of any industrial project.

Section 11: States that all money received pursuant to the authority of this act are deemed to be trust funds and are to be treated as such.

Section 12: Provides remedies for holders of bonds issued under the provisions of this act.

- Section 13: Authorizes the Authority to issue refunding bonds for the purpose of refunding any bonds of the Authority then outstanding. These bonds can also be sold for the purpose of paying the cost of constructing and improving airport facilities.
- Section 14: (1) Provides definitions for terms used in this section.
- (2) States that all provisions of chapters 316 and 318, Florida Statutes apply to the airport grounds.
- (3) (a) States that the Authority may provide for police officers. Designates officers as "airport authority police".
- (b) States that airport authority police are declared to be law enforcement officers of the state. Provides airport authority police with arrest authority and provides guidelines for serving subpoenas from other police entities.
- (c) States that airport authority police may enforce applicable traffic, parking and security laws on the airport grounds.
- (d) States that airport authority police must meet the requirements of the Federal Aviation Administration relating to airport security.
- (e) States that airport authority police shall deliver persons arrested on airport grounds to the appropriate authorities.
- (f) States that airport authority police officers must meet the minimum standards established by the Florida Department of Law Enforcement and chapter 943, Florida Statutes.
- (g) States that airport authority police have the same rights, protections and immunities afforded other law enforcement officers by general law.
- (h) States that the airport authority may exercise and perform all the powers and prerogatives conferred upon law enforcement agencies with respect to forfeiture of contraband.
- (i) States that the airport authority, with the approval of the Department of Law Enforcement, shall adopt rules and establish in writing a police manual.
- (4) (a) States that the Authority may provide for "airport authority parking enforcement specialists".
- (b) 1. States that an airport authority parking enforcement specialist may enforce all applicable parking laws and ordinances on airport grounds.
2. States that an airport authority parking enforcement specialist may not carry a firearm.
- (c) States that airport authority parking enforcement specialists must meet the minimum standards established by Department of Law Enforcement for parking enforcement specialists

- Section 15: (1) Grants rulemaking authority to the City of Sarasota, County of Sarasota, the County of Manatee, and their respective governing authorities regarding airport facilities.
- (2) States that the Authority may adopt resolutions requesting to the City of Sarasota, County of Sarasota, and the County of Manatee to enact rules, regulations and ordinances pursuant to this act.
- (3) States that all rules, regulations, and ordinances adopted and enacted pursuant to the authority of this act, are of effect throughout the territory comprising the lands of the Authority.
- (4) States that the City of Sarasota, County of Sarasota and the County of Manatee each have full police powers throughout the territory comprising the lands of the Authority.
- (5) States that rules and regulations enacted and adopted by either by the City of Sarasota, County of Sarasota or the County of Manatee shall be enforced as criminal laws.
- (6) States that the City of Sarasota may fix by ordinance penalties for the violation of the rules, regulations and ordinances that it adopts pursuant to the Authority of this act.
- Section 16: (1) States that a beverage license, as is provided in sections 561.17 and 561.19, Florida Statutes, shall be issued to the Authority.
- (2) States that such beverage license shall be issued upon proper application in the name of the Sarasota-Manatee Airport Authority.
- (3) States that the Authority will abide by state and federal guidelines in regards to the use of the beverage license.
- Section 17: States that the Authority is not an agency subject to the Administrative Procedures Act.
- Section 18: (1) States that the Authority is a body corporate.
- (2) States that all bonds issued under this act are free from taxation within the state, except for income derived from bonds that are subject to chapter 220, Florida Statutes.
- Section 19: States that this act provides an additional and alternative method for doing the things authorized in this act.
- Section 20: (1) States that all existing bylaws, rules, regulations and resolutions of the authority not inconsistent with the provisions of this act are in full force and effect.
- (2) States that all existing obligations entered into by the Authority prior to the effective date shall continue in full force and effect.
- (3) States that no action of proceeding of any nature pending at the effective date of this act by or against the Authority is affected by the adoption of this act.

(4) States that nothing in this act impairs the rights or incumbency of those who are Authority members upon its effective date.

Section 4: Provides severability for this act.

Section 5: Repeals chapters 91-358, 92-242, 95-493, 97-322 and 2000-480, Laws of Florida.

Section 6: This act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 31, 2002

WHERE? Bradenton Herald, Bradenton, Manatee County, Florida, and Sarasota Herald-Tribune, Sarasota, Sarasota County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not Applicable.

B. RULE-MAKING AUTHORITY: Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.