

By Senators Sebesta, Lee, Miller and Crist

16-581-03

See HB 1383

1 A bill to be entitled
2 An act relating to the Hillsborough County
3 Aviation Authority; codifying, reenacting, and
4 amending the Authority's special acts; removing
5 gender specific language; providing a short
6 title; providing that the act is a reviser;
7 deleting provisions which have expired, have
8 had their effect, have served their purpose, or
9 have been impliedly repealed or superseded;
10 replacing incorrect cross-references and
11 citations; correcting grammatical,
12 typographical, and like errors; removing
13 inconsistencies and redundancies; improving
14 clarity and facilitating correct
15 interpretation; providing for compliance with
16 federal law in the expenditure of federal
17 moneys; providing for the rights of employees;
18 providing the act is an additional,
19 alternative, and complete method for the
20 exercise of powers by the Authority; providing
21 a declaration of findings relating to Authority
22 facilities and concessions; providing
23 definitions; providing the purpose of the
24 Authority; providing for members of the
25 Authority, their procedures, and for removal;
26 providing mandatory and discretionary powers
27 and adding discretionary powers which are
28 standard business practices of independent
29 special districts not previously enumerated;
30 providing for alcoholic beverage licenses owned
31 by the Authority and for others operating on

1 Authority property; providing for county and
2 municipal powers and responsibilities and for
3 private ownership transfers; providing for
4 bonds and clarifying that terms of the bonds
5 may be contained in bond documents; providing
6 for bondholder rights and clarifying that
7 bondholder rights may be contained in bond
8 documents; providing for the award of
9 contracts; providing for the legal effects of
10 the acquisition of property or rights therein
11 and for the sale of bonds; providing for an ad
12 valorem tax; prohibiting the use of the taxing
13 power of the state; providing for a covenant of
14 the state; providing for an exemption from
15 taxation; prohibiting discriminatory practices;
16 providing for recodification; providing for
17 grammatical usage; providing for severability;
18 repealing chapters 23339 (1945), 24579 (1947),
19 27599 (1951), 57-1379, 59-1356, 61-2261,
20 61-2263, 67-1474, 72-561, 74-496, 75-388,
21 75-398, 75-401, 83-424, and 96-455, Laws of
22 Florida, relating to the Authority; providing a
23 savings clause; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Pursuant to section 189.429, Florida
28 Statutes, this act constitutes the codification of all special
29 acts relating to the Hillsborough County Aviation Authority.
30 It is the intent of the Legislature in enacting this law to
31 provide a single, comprehensive special act charter for the

1 Authority, including all current legislative authority granted
2 to the Authority by its several legislative enactments and any
3 additional authority granted by this act.

4 Section 2. Chapters 23339 (1945), 24579 (1947), 27599
5 (1951), 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561,
6 74-496, 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of
7 Florida, relating to the Hillsborough County Aviation
8 Authority, are codified, reenacted, amended, and repealed as
9 herein provided.

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

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

14 Section 2. General Provisions.--

15 (1) It is the intent of the Legislature that this act
16 supersede chapter 23339 (1945), 24579 (1947), 27599 (1951),
17 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-496,
18 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of Florida,
19 relating to the Hillsborough County Aviation Authority, and is
20 a codification, a compilation of previously existing
21 legislation relating to the Authority.

22 (2) The codification is also to act as a reviser's
23 bill, deleting provisions which have expired, have had their
24 effect, have served their purpose, or have been impliedly
25 repealed or superseded; replacing incorrect cross references
26 and citations, correcting grammatical, typographical, and like
27 errors; removing inconsistencies and redundancies; and
28 improving clarity and facilitating correct interpretation. It
29 is the intent of the Legislature to define frequently used
30 terms and to reflect standard business practices required for
31

1 an independent special district to conduct its business which
2 have not been previously enumerated.

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

5 (4) This act shall not be construed as impairing or
6 infringing upon any rights, privileges, or benefits enjoyed by
7 any employee of the Authority who is so employed on the
8 effective date of this act.

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

12 (6) This act provides an additional, alternative, and
13 complete method for the exercise of the powers granted
14 and authorized by this act and shall be regarded as
15 supplemental to powers conferred by other laws and shall not
16 be regarded as a derogation of any powers now existing.

17 (7) Regarding the airport facilities and concessions,
18 the Legislature finds and declares:

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

22 (b) The publicly owned or operated airports in the
23 county establish a vital transportation link between the state
24 and the economic systems of the nation and the world and
25 enable the state to enjoy and provide the benefits of an
26 international tourist and commercial center.

27 (c) The economic validity and stability of the
28 publicly owned or operated airports in the county is a matter
29 of statewide importance.

30 (d) The policy of this state is to promote the
31 development of commerce and tourism to secure to the people of

1 this state the benefits of those activities conducted in the
2 state.

3 (e) The proper operation of the publicly owned or
4 operated airports in the county is essential to the welfare of
5 the state and its people, and the Legislature recognizes and
6 affirms such operation as a governmental function to be
7 discharged in furtherance of the policy of securing the
8 benefits of commerce and tourism for the state and its people.

9 (f) The Authority shall manage airport facilities and
10 grant airport concessions to further the development of
11 commerce and tourism in or affecting the Tampa Bay area and
12 the state. In managing its facilities and granting
13 concessions for services to the public, the Authority shall
14 promote the development of commerce and tourism by:

15 1. Securing a diversity of airport services.

16 2. Avoiding wasteful duplication of such services.

17 3. Securing to the users of airports safe, courteous,
18 and quality service.

19 4. Limiting or prohibiting business competition which
20 is destructive to the ends of promoting commerce and tourism
21 in the state.

22 5. Allocating limited airport resources to promote
23 such ends.

24 6. Fostering Florida's image as a commercial and
25 tourist center.

26 Section 3. Definitions.--As used in this act, unless
27 otherwise specifically defined or unless another intention
28 clearly appears:

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

3 (2) "Air navigation" means the operation or navigation
4 of aircraft in the air space over the county or upon any
5 airport or restricted landing area within the county.

6 (3) "Air navigation facility" means any facility used
7 in, available for use in, or designed for use in aid of air
8 navigation, including airports, restricted landing areas, and
9 any structures, mechanisms, lights, beacons, marks,
10 communicating systems, or other instrumentalities or devices
11 used or useful as an aid or constituting an advantage or
12 convenience to the safe taking off, navigation, and landing of
13 aircraft or the safe and efficient operation or maintenance of
14 an airport or restricted landing area, and any combination of
15 any or all of such facilities.

16 (4) "Airport" means any area of land or water which is
17 designed for the landing and taking off of aircraft, whether
18 or not facilities are provided for the shelter, servicing, or
19 repair of aircraft or for receiving, servicing, and
20 discharging passengers or cargo, all appurtenant areas used or
21 suitable for airport buildings or other airport facilities,
22 and all appurtenant rights-of-way.

23 (5) "Airports and other aviation facilities and
24 facilities related thereto and any portion thereof" means and
25 includes airports, buildings, structures, terminal buildings,
26 parking garages and lots, space, hangars, lands, warehouses,
27 shops, hotels, other aviation facilities of any kind or
28 nature, or any other facilities of any kind or nature related
29 to or connected with said airports and other aviation
30 facilities which the Authority is authorized by law to
31 construct, acquire, own, lease, or operate, together with all

1 fixtures, equipment, and property, real or personal, tangible
2 or intangible, necessary, appurtenant, or incidental thereto.

3 (6) "Airport purposes" means and includes airport,
4 restricted landing area, and other air navigation facility
5 purposes.

6 (7) "Authority" means the Hillsborough County Aviation
7 Authority.

8 (8) "Authority facility" means an airport, airports
9 and other aviation facilities and facilities related thereto
10 and any portion thereof, air navigation facilities, and
11 special purpose facilities and any portion thereof.

12 (9) "Board" means the Board of County Commissioners of
13 Hillsborough County.

14 (10) "Bond" means notes, bonds, certificates,
15 refunding bonds, and other obligations.

16 (11) "Clerk" means Clerk of the Court of Hillsborough
17 County.

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

19 (13) "Division" means the Florida Department of
20 Business and Professional Regulation, Division of Alcoholic
21 Beverages and Tobacco or any successor agency.

22 (14) "Federal" or "Federal Government" means the
23 United States government, the President of the United States,
24 and any department, corporation, commission, agency, or other
25 instrumentality thereof.

26 (15) "Governor" means the Governor of the State of
27 Florida.

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

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1 (17) "Members" means the governing body of the
2 Authority, and the term "member" means one of the individuals
3 constituting such governing body.

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

8 (19) "Officer of the Authority" means a member who has
9 been elected by the other members to serve as the Chairperson,
10 Vice Chairperson, Secretary, Treasurer, or Assistant Secretary
11 and Treasurer.

12 (20) "Person" means any individual, firm, partnership,
13 corporation, company, association, joint stock association, or
14 body politic and includes any trustee, receiver, assignee, or
15 other similar representative thereof.

16 (21) "Policy" means a general principle adopted by the
17 members and by which the Authority conducts its internal
18 governance.

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

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

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

27 (25) "Rule" means each statement of general
28 applicability adopted by the members that implements,
29 interprets, or prescribes law or policy or describes the
30 procedure or practice requirements of the Authority and
31 includes any form which imposes any requirement or solicits

1 any information not specifically required by statute or by an
2 existing rule and may be used interchangeably with the word
3 "regulation."

4 (26) "Special purpose facilities and any portion
5 thereof" means facilities related to or to be used in
6 connection with the airports and other aviation facilities of
7 the Authority and located on lands at or adjacent to the
8 airports and other aviation facilities under the control,
9 management, and jurisdiction of the Authority and includes all
10 property, structures, rights, easements, and franchises
11 relating thereto and deemed necessary or convenient therefor.

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

16 (28) "State government" means the government of the
17 State of Florida, the Governor, and any department,
18 commission, corporation, agency, or other instrumentality
19 thereof.

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

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

28 Section 4. Creation; purpose.--

29 (1) The Hillsborough County Aviation Authority is
30 created, and the powers granted by this act are declared to be
31 public and governmental functions, exercised for public

1 purposes, and are matters of public necessity. Lands and other
2 real and personal property, easements, and privileges acquired
3 and used by the Authority are declared to have been acquired
4 for and used for public and governmental purposes and as a
5 matter of public necessity. The Authority is a public body
6 corporate and is an independent special district.

7 (2) The Authority has exclusive jurisdiction, control,
8 supervision, and management over all airports in the county
9 and each municipality, except any airport owned, controlled,
10 and operated by a private person. Said jurisdiction, control,
11 supervision, and management are in the best interest of the
12 county and each municipality.

13 Section 5. Membership.--

14 (1) The Authority shall consist of five members: one
15 member who is the Mayor of the City of Tampa, ex officio; one
16 member who is a member of and selected by the Board, ex
17 officio; and three members who are appointed by the Governor.
18 No member shall receive any compensation for services as a
19 member. Each member appointed by the Governor shall be
20 appointed for a term of 4 years. The Board shall appoint one
21 of its members annually at the time of its organizational
22 session who shall serve until its next annual appointment,
23 provided that he or she continues to serve as a county
24 commissioner during that time. Each member shall qualify by
25 taking an oath to faithfully perform the duties of the office,
26 and the oath shall be filed with the clerk. To be eligible for
27 appointment as a member of the Authority by the Governor, the
28 person appointed must be a resident and citizen of the county
29 and may not be employed by or be an elected official of the
30 county or municipality. Each member may continue to serve
31 until a successor has been commissioned.

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

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

7 Section 6. Powers.--

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

9 (a) Elect officers as follows: one member as
10 Chairperson, one member as Vice Chairperson, one member as
11 Secretary, one member as Treasurer, and one member as
12 Assistant Secretary and Assistant Treasurer, each of whom
13 shall hold office for 2 years with new elections being held
14 after any gubernatorial appointee has been commissioned.

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

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

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

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

28 (f) Require in all bond documents that moneys derived
29 from such bonds be paid to or upon order of the Authority.

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

1 (2) The Authority has the power to and may:
2 (a) Rely on the provisions of this act, without
3 reference to other laws, in exercising its powers.
4 (b) Establish and maintain such airports in, over, and
5 upon any public waters of this state within the limits of
6 jurisdiction of, or bordering on any municipality, any
7 submerged land under such public waters, and any artificial or
8 reclaimed land which, before the artificial making or
9 reclamation thereof, constituted a portion of the submerged
10 land under such public waters.
11 (c) Construct and maintain terminal buildings, landing
12 floats, causeways, roadways, bridges for approach to or
13 connecting with the airport, and land floats and breakwaters
14 for the protection of any such airport.
15 (d) Require the Treasurer and other officers or
16 employees of the Authority to execute an adequate surety bond,
17 conditioned upon the faithful performance of the duties of the
18 office or employment and in a penal sum fixed by the
19 Authority.
20 (e) Establish positions, duties, and a pay plan, and
21 employ, pay, provide benefits for, promote, discipline, and
22 terminate personnel, including law enforcement officers with
23 full police powers and an Executive Director, formerly known
24 as the Director of Aviation, who shall be responsible for the
25 day-to-day administration, management, and operation of the
26 Authority in accordance with policy established by the members
27 and perform other duties as may be authorized by the members.
28 (f) By policy or resolution, authorize the Executive
29 Director to perform any of the powers of the Authority in
30 whole or in part and with whatever other limitations it may
31 find appropriate, provided that said authorization does not

1 result in an invalid exercise of delegated legislative
2 authority as defined in general law.

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

6 (h) Reimburse for all travel expenses incurred while
7 on business for the Authority, upon requisition, any member,
8 its attorneys, the Executive Director, and any employee of the
9 Authority traveling under the direction of the Executive
10 Director or the Executive Director's designee in accordance
11 with the Authority's policies.

12 (i) Create, appoint, and prescribe the duties of any
13 committee.

14 (j) Sue and be sued.

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

16 (l) Publish advertisements.

17 (m) Waive advertisement when the Authority determines
18 an emergency exists and supplies and materials must be
19 immediately acquired by the Authority.

20 (n) Negotiate and enter into contracts, agreements,
21 exclusive or limited agreements, and cooperation agreements of
22 any kind necessary for the Authority to fulfill the purposes
23 of this act.

24 (o) Include contract specifications maximizing the
25 employment of persons whose protected group has been
26 underutilized in the past.

27 (p) Enter into exclusive or limited agreements with a
28 single operator or a limited number of operators. The
29 Authority shall grant exclusive or limited agreements to
30 displace business competition by rule or policy whenever the
31 Authority determines, in consideration of the factors set

1 forth below, that any such agreement is necessary to further
2 the purposes of this act. Before entering into any exclusive
3 or limited agreement, the Authority shall, under authority
4 expressly delegated by the state, determine the necessity for
5 such an exclusive or limited agreement to further the policies
6 and objectives stated in this act, which include public
7 safety, public convenience, quality of service, the need to
8 conserve airport space, the need to avoid duplication of
9 services, the impact on the environment or facilities of the
10 airport as an essential commercial and tourist service center,
11 and the need to avoid destructive competition which may impair
12 the quality of airport services to the public, lead to
13 uncertainty, disruption, or instability in the rendering of
14 such services, or detract from the Tampa Bay area and the
15 state's attractiveness as a center of tourism and commerce. In
16 making its determination, the Authority shall take evidence or
17 make findings of fact and establish such policies it deems
18 necessary. Nothing in this paragraph shall excuse the
19 Authority from complying with applicable state or local
20 requirements for competitive bidding or public hearings which
21 may be required prior to awarding or entering into any
22 contract or other agreement.

23 (q) Provide for the manual execution of any instrument
24 on behalf of the Authority by the signature of the Chairperson
25 or Vice Chairperson, and attested to by the Secretary or the
26 Assistant Secretary or, if delegated by the members to do so,
27 the Executive Director or any other Authority personnel to
28 whom authority has been delegated, or by their facsimile
29 signature in accordance with the Uniform Facsimile Signature
30 of Public Officials Act.

31

1 (r) Purchase and sell equipment, supplies, and
2 services required for its purposes.

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

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

8 (u) Grant concessions.

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

11 (w) Enact airport zoning regulations in accordance
12 with chapter 333, Florida Statutes, as may be amended from
13 time to time, to ensure the safe operation of airports under
14 its jurisdiction; however, any such airport zoning regulations
15 may not affect the zoning use regulations imposed by the
16 county or any municipality.

17 (x) Issue a written permit, before the county or any
18 municipality issues a building permit and upon request of the
19 affected local government in accordance with the provisions of
20 this act, that any construction proposed on land affected by
21 airport zoning regulations conforms to airport zoning
22 regulations.

23 (y) Acquire, own, construct, install, maintain, and
24 operate Authority facilities by purchase, gift, devise, lease,
25 or any other means, including by eminent domain in accordance
26 with chapters 73 and 74, Florida Statutes, as may be amended
27 from time to time. For the purposes of making surveys and
28 examinations relative to any condemnation proceedings, the
29 Authority may lawfully enter upon any land, doing no
30 unnecessary damage. The Authority may take possession of
31 property to be acquired by condemnation at any time after the

1 filing of the petition describing the same in condemnation
2 proceedings as provided in general law. The Authority is not
3 precluded from abandoning the condemnation of any such
4 property in any case where possession has not been taken.

5 (z) Reimburse the owner of any structure for which the
6 Authority may require removal, relocation, or reconstruction
7 located in, on, under, or across any private property, public
8 street, highway, or other public or private places for the
9 estimated or actual expense of the removal, relocation, or
10 reconstruction.

11 (aa) Supplement and coordinate in design and operation
12 air navigation facilities with those established and operated
13 by the federal and state governments.

14 (bb) Request the county or any municipality to convey
15 to the Authority the fee simple title to any airport or other
16 property owned by the county or any municipality and needed
17 for airport purposes.

18 (cc) Relinquish jurisdiction, control, supervision,
19 and management over any airport or part of any airport which
20 is under its jurisdiction but which is owned by a
21 municipality, county, or other governmental agency, upon
22 determining that any such airport or part of any such airport
23 is no longer required for airport purposes; provided, however,
24 that the consent and approval of any revenue bondholders is
25 first obtained and necessary authorizations or approvals are
26 received from federal agencies regulating airports.

27 (dd) Expend revenues for the cost of investigating,
28 surveying, planning, acquiring, establishing, constructing,
29 enlarging, improving, equipping, and erecting Authority
30 facilities by appropriation of revenues or wholly or partly
31 from the proceeds of bonds of the Authority. The term "cost"

1 includes awards in condemnation proceedings, rentals where an
2 acquisition is by lease, and amounts paid to utility companies
3 for relocation of their wires, poles, and other facilities.

4 (ee) Incur expenses as provided in its annual budget
5 and any amended budget.

6 (ff) Assess against and collect from the owner or
7 operator of each airplane using any Authority facility a
8 landing fee or service charge sufficient to cover the cost of
9 the service furnished to airplanes using any such facility,
10 which cost may include the liquidation of bonds or other
11 indebtedness for construction and improvement.

12 (gg) Accept federal, state, and any other public or
13 private moneys, grants, contributions, or loans for the
14 acquisition, construction, enlargement, improvement,
15 maintenance, equipment, or operation of Authority facilities,
16 or any other lawful purpose.

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

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

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

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

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

29 (mm) Amend the budget after its adoption.

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

1 (oo) Designate a depository or depositories which is
2 qualified as a public depository pursuant to section 280.04,
3 Florida Statutes, as may be amended from time to time, and
4 thereafter establish and open an account or accounts into
5 which revenues collected are to be deposited and from which
6 expenditures may be made.

7 (pp) Establish and deposit into and expend moneys from
8 a surplus fund by using funds other than those derived from ad
9 valorem taxation, that may remain unexpended at the end of the
10 fiscal year and may be set aside in a separate fund to be
11 known as the Capital Improvement Fund and accumulated and
12 expended from year to year solely for the purpose of building
13 and constructing permanent improvements, replacements,
14 alterations, buildings, and other structures, including
15 runways, taxi strips, and aprons.

16 (qq) By resolution, borrow money and issue bonds in
17 the manner and within the limitation, except as otherwise
18 provided in this act, prescribed by general law for the
19 issuance and authorization of bonds; however, any bonds issued
20 by the Authority shall have a maturity date not exceeding 40
21 years from the date of issuance, shall be self-liquidating or
22 otherwise payable from revenues of the Authority, shall be
23 payable semiannually, and shall not be a lien against the
24 general taxing powers of the county or any municipality.

25 (rr) Enter into any deeds of trust, indentures, or
26 other agreements with any bank or trust company as security
27 for its bonds, and assign and pledge any or all of its
28 revenues. Such deeds of trust, indentures, or other agreements
29 may contain provisions customary in such instruments or as
30 authorized by the Authority.

31

1 (ss) Secure the payment of bonds or any part thereof
2 by pledging all or any part of its revenues and provide for
3 the security of said bonds and the rights and remedies of the
4 bondholders.

5 (tt) Pending the preparation of definitive bonds,
6 issue certificates or temporary bonds to the purchaser of
7 bonds.

8 (uu) Transact the business of the Authority and
9 exercise all powers necessarily incidental to the exercise of
10 the general and special powers granted in this act and under
11 any other law.

12 (vv) Exercise all powers of a local agency granted
13 pursuant to part II of chapter 159, Florida Statutes, as may
14 be amended from time to time, and to a governmental unit
15 granted pursuant to part VII of chapter 159, Florida Statutes,
16 as may be amended from time to time.

17 (ww) Do all acts and things necessary or convenient
18 for the promotion of its business and the general welfare of
19 the Authority.

20 Section 7. Alcoholic beverage licenses.--

21 (1) Beverage licenses not exceeding 4 in number, as
22 provided for in section 561.17, Florida Statutes, as may be
23 amended from time to time, shall be issued to the Authority or
24 other governmental agency operating TIA as provided in this
25 section.

26 (a) Each such beverage license shall be issued upon
27 the written or printed application for licenses to conduct
28 such business, made to the division stating the character of
29 the business to be engaged in, the address of the building
30 wherein the establishment sought to be licensed is or will be
31 located, and the kind of license as defined in chapter 561,

1 Florida Statutes, as may be amended from time to time, which
2 the applicant desires. The application shall be in the name of
3 the Authority or other governmental agency operating TIA and
4 when issued shall be issued in the name of such applicant. The
5 applicant shall pay to the division the license fees for the
6 kind of license that the applicant desires.

7 (b) Each license is renewable as provided by general
8 law. Each beverage license shall be for the term and subject
9 to the same privileges or renewal as provided in sections
10 561.26 and 561.27, Florida Statutes, as may be amended from
11 time to time.

12 (c) Any business operated under any beverage license
13 shall be operated only by a lessee of the restaurants and
14 cocktail lounge or cocktail lounges or bars in the airlines
15 terminal, administration building, or hotel at the airport to
16 whom the license may be transferred. The Authority or
17 governmental agency operating TIA and each authorized lessee
18 shall make application to the division for the transfer of the
19 license to the lessee, and the application shall be approved
20 by the division if it meets the requirements of law to do so.
21 Upon termination of a lease for any reason, the lessee shall
22 immediately notify the division to retransfer the beverage
23 licenses to the Authority or the governmental agency operating
24 TIA. Upon failure of a lessee to notify the division, the
25 Authority or the governmental agency operating TIA shall
26 immediately notify the division in writing to transfer the
27 license back to the Authority or other governmental agency
28 operating TIA which may then transfer it to another authorized
29 lessee. Thereafter, the beverage license may be transferred to
30 any new lessee or the restaurants and cocktail lounge,
31 cocktail lounges, or bars upon the same terms and conditions.

1 Any alcoholic beverage license issued in accordance with this
2 section is the property of the Authority or the governmental
3 agency operating TIA, subject to transfer as provided by this
4 act.

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

9 Section 8. County and municipal powers and
10 responsibilities; private ownership transfers.--

11 (1) Each municipality is empowered to appropriate
12 moneys for acquiring, establishing, constructing, enlarging,
13 improving, maintaining, equipping, or operating airports and
14 other air navigation facilities under the provisions of this
15 act, and each municipality is authorized to appropriate and to
16 raise by taxation or otherwise moneys to assist in carrying
17 out the provisions of this act as to airports partly or wholly
18 within the limits of each municipality.

19 (2) It is lawful for any municipality, and full power
20 and authority is hereby conferred upon each municipality, to
21 cooperate and share in the exercise of the powers and
22 authorities conferred upon the Authority under the provisions
23 of this act, when mutually agreed upon between any such
24 municipality and the Authority.

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

28 1. Entering into cooperation agreements with the
29 Authority and providing in any such cooperation agreement for
30 the making of a loan, gift, grant, or contribution to the
31 Authority.

1 2. Granting and conveying to the Authority real or
2 personal property, of any kind or nature, or any interest
3 therein.

4 3. Covenantee in any such cooperation agreement made
5 pursuant to this section to pay all or any part of:

6 a. The costs of operation and maintenance of Authority
7 facilities from moneys derived from ad valorem taxation or
8 from any other available funds of the county or a
9 municipality.

10 b. The principal of and interest on any revenue bonds
11 of the Authority.

12 c. The deposits required to be made into any reserve,
13 the Capital Improvement Fund, or other funds established by
14 the Authority, any indenture, deed of trust, or other
15 instrument securing said revenue bonds from any available
16 funds of the county or a municipality other than moneys
17 derived from ad valorem taxes.

18 (b) Any cooperation agreement may be made and entered
19 into for such time or times not to exceed 40 years or for such
20 longer time as any revenue bonds of the Authority, including
21 refunding thereof, remain outstanding and unpaid, and may
22 contain such other details, terms, provisions, and conditions
23 as may be agreed upon.

24 (c) Any cooperation agreement may be made and entered
25 into for the benefit of the holders of any revenue bonds of
26 the Authority as well as the parties thereto and is
27 enforceable in any court of competent jurisdiction by the
28 holders of any such revenue bonds or of the coupons
29 appertaining thereto.

30 (4) The county and each municipality are authorized
31 and empowered to convey the fee simple title to any real

1 property needed for airport purposes and owned by either the
2 county or a municipality to the Authority.

3 (5) Before the county or any municipality issues a
4 building permit authorizing building on land affected by
5 airport zoning regulations, it must obtain a written permit
6 from the Authority to certify that the construction conforms
7 to the regulations required by the airport zoning regulations.

8 (6)(a) Any municipality, the county, or any private
9 owner may, and each is authorized to, sell, lease, lend,
10 grant, or convey to the Authority any interest in real or
11 personal property which may be used by the Authority in the
12 construction, improvement, maintenance, leasing, or operation
13 of Authority facilities. Any municipality, the county, or any
14 other owner is additionally authorized to transfer, assign,
15 and set over to the Authority any contract or contracts which
16 may have been awarded by said municipality, the county, or
17 said owner for the construction of Authority facilities not
18 begun or, if begun, not completed.

19 (b) Any such action by the county or any municipality
20 must be approved by the governing body of the county or the
21 municipality expressed by resolution or ordinance.

22 (c) Notwithstanding any other provision of law, this
23 section is complete authority for the acquisition by agreement
24 of airports and other aviation facilities and facilities
25 related thereto and any portion thereof and no other action is
26 required.

27 Section 9. Bonds.--

28 (1) Bonds may be issued to finance one or more or a
29 combination of Authority facilities. Subject to any prior
30 rights of bondholders, proceeds of such bonds may be pledged
31 and used to pay the cost of the acquisition, construction, or

1 improvement of one or more or a combination of Authority
2 facilities or to refund bonds previously issued for such
3 purpose. Revenues of the Authority, regardless of the airport
4 project or other source from which they are derived, may be
5 pledged to pay bonds issued to finance the cost of Authority
6 facilities and to pay refunding bonds and ancillary costs
7 associated with such financings.

8 (2) Except as otherwise provided by this act,
9 security, payment provisions, contracts, terms, and other
10 attributes of bonds issued by the Authority shall be specified
11 by the Authority by initial or amendatory resolution, trust
12 agreement, or other bond documentation.

13 (3) The bonds shall be executed by manual or facsimile
14 signature by the officers the Authority has designated,
15 provided that such bonds bear at least one signature which is
16 manually executed to the extent required by general law. Any
17 coupons attached to the bonds shall bear the facsimile
18 signature or signatures of the officer or officers designated
19 by the Authority. If any member or officer whose manual or
20 facsimile signature appears on any bond or coupon ceases to be
21 a member or an officer before the delivery of the bonds, such
22 signature shall be valid and sufficient for all purposes as if
23 that member or officer had remained in office until delivery.
24 The bonds shall bear the seal of the Authority affixed as
25 provided by resolution.

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

28 (5) Any bonds issued pursuant to this act are
29 negotiable instruments and investment securities under chapter
30 678, Florida Statutes, as may be amended from time to time.

31

1 (6) The pledge by the Authority of its revenues to the
2 payment of its bonds by the terms of a resolution or through
3 any deed of trust, indenture, or other agreement creates a
4 valid and binding lien thereon and a prior perfected security
5 interest therein from the time the pledge is made. Any
6 revenues so pledged are immediately subject to a lien of such
7 pledge without any physical delivery thereof or further act,
8 and the lien of any such pledge shall be valid and binding
9 against all parties having claims of any kind against the
10 Authority, irrespective of whether such parties have notice
11 thereof. No resolution, deed of trust, indenture, or other
12 agreement by which a pledge is created need be filed or
13 recorded, except in the records of the Authority, and notice
14 is not required to be given to any obligor of such revenues.
15 No filings under the Florida Uniform Commercial Code are
16 required in order to perfect any pledge granted.

17 (7) No approval of the qualified electors or qualified
18 freeholders of the state or of the county may be required for
19 the issuance of any bonds by the Authority unless such
20 approval is required by the provisions of the Constitution of
21 the State of Florida.

22 (8) Notwithstanding any other provision of law, bonds
23 issued by the Authority are legal investments for banks,
24 savings banks, trustees, executors, all other fiduciaries, and
25 all state, municipal, and other public funds. Any such bonds
26 are securities eligible for deposit for the securing of all
27 state, municipal, and other public funds.

28 Section 10. Bondholder rights and remedies.--

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

1 (2)(a) In addition to any other rights and remedies
2 lawfully granted to bondholders in law, unless otherwise
3 provided by the resolution or resolutions providing for the
4 issuance of bonds, or by any deed of trust, indenture, or
5 other agreement under which the bonds have been issued,
6 holders of 25 percent or such other percentage as may be
7 specified in any deed of trust, indenture, or other agreement
8 under which the bonds were issued in the aggregate principal
9 amount of the bonds then outstanding are entitled to appoint a
10 trustee, upon notice as provided in this act and for the
11 purpose provided in this act, if the Authority defaults in the
12 payment of principal or interest for a period of 30 days after
13 either becomes due, whether at maturity or upon call for
14 redemption, or if the Authority fails to comply with the
15 provisions of this act, its resolution or resolutions, or the
16 requirements of any deed of trust, indenture, or other
17 agreement under which the bonds were issued. Any such
18 bondholders must first give written notice of their intention
19 to appoint a trustee to the Authority by certified United
20 States mail addressed to the chairperson of the Authority at
21 the principal office of the Authority and to the holders of
22 all other bonds then outstanding at their addresses shown on
23 the registration books maintained by the Authority or the bond
24 registrar. For purposes of this paragraph, any trustee
25 appointed to serve in that capacity pursuant to a deed of
26 trust, trust agreement, indenture, or other document by which
27 bonds of the Authority have been issued is deemed to have been
28 selected by the holders of bonds issued under that instrument.
29 If more than one trustee is designated, either by two or more
30 written instruments or pursuant to the provisions of this
31 paragraph, the group of bondholders owning the highest

1 percentage of bonds outstanding has the right to designate the
2 single trustee to serve in that capacity for purposes of this
3 act.

4 (b) Unless otherwise provided in any instrument
5 pursuant to which such bonds were issued, any trustee, whether
6 appointed by bondholders in accordance with the provisions of
7 this act or in accordance with the terms of any deed of trust,
8 indenture, or other agreement, may, upon written request of
9 the holders 25 percent or such other percentage as may be
10 specified in any deed of trust, indenture, or other agreement
11 under which the bonds were issued in the aggregate principal
12 amount of the bonds then outstanding may, in any court of
13 competent jurisdiction, in his, her, or its own name:

14 1. By mandamus or other suit, action, or proceeding at
15 law or in equity, enforce all rights of the bondholders,
16 including the right to require the Authority to fix,
17 establish, maintain, collect, and charge rates, fees, rentals,
18 and other charges adequate to carry out any agreement as to,
19 or pledge of, the revenues of the Authority, and to require
20 the Authority to carry out any other agreements with or for
21 the benefit of the bondholders, and to perform its and their
22 duties under this act.

23 2. Bring suit upon the bonds.

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

27 4. By action or suit in equity, enjoin any acts or
28 things which may be unlawful or in violation of the rights of
29 the bondholders.

30 5. By written notice given in the same manner as
31 provided by this act to the Authority declare all bonds due

1 and payable and, if all defaults are made good and with the
2 consent of the holders of 25 percent or such other percentage
3 as may be specified in any deed of trust, indenture, or other
4 agreement under which the bonds were issued in the aggregate
5 principal amount of the bonds then outstanding, annul such
6 declaration and its consequences.

7 (3) Unless otherwise provided in any bond resolution,
8 deed of trust, indenture, or other agreement pursuant to which
9 bonds were issued, if a default continues for more than 60
10 days after written notice to the Authority, any trustee when
11 appointed as aforesaid, or acting under a deed of trust,
12 indenture, or other agreement, and whether or not all bonds
13 have been declared due and payable, upon the happening of any
14 of the events of default specified in this section, shall be
15 entitled as of right to appoint a receiver. The receiver may
16 enter and take possession of any of the Authority facilities
17 for which the Authority is in default as provided herein, or
18 any part or parts thereof and the revenues which are or may be
19 applicable to the payment of the bonds in default and operate
20 and maintain the same, for and on behalf of and in the name of
21 the Authority and the bondholders. The receiver shall collect
22 revenues in the same manner as the Authority might, and shall
23 use and apply such funds in accordance with the applicable
24 bond documents or, if not so specified into a separate
25 account, as directed by the court.

26 (4) Nothing in this section or any other section of
27 this act authorizes any receiver appointed to sell, assign,
28 mortgage, or otherwise dispose of any assets of the Authority.
29 The powers of such receiver are limited to the operation and
30 maintenance of the Authority facilities as the court may
31 direct, in the name of and for and on behalf of the Authority

1 and the bondholders. No holder of bonds or any court or any
2 trustee is empowered by this act to sell, assign, mortgage, or
3 otherwise dispose of any assets of whatever kind or character
4 belonging to the Authority.

5 Section 11. Award of contracts.--

6 (1)(a) Except when done by employees of the Authority
7 or by labor supplied under agreement with the federal, state,
8 or local government or when required by or using the
9 Consultants' Competitive Negotiation Act, all construction,
10 improvements, repairs, or work of any nature done by the
11 Authority, where the entire cost or value exceeds \$15,000,
12 shall be done only under contract or contracts entered into by
13 the Authority with the lowest responsive bid from a qualified
14 responsible bidder upon proper terms, after advertisement has
15 been given asking for competitive bids, provided that the
16 Authority may reject any and all bids.

17 (b) Any contract subject to section 255.05, Florida
18 Statutes, as may be amended from time to time, in excess of
19 \$15,000 shall not be entered into for construction,
20 improvement, or repair of Authority facilities unless the
21 contractor has sufficient surety or sureties, approved by the
22 Authority, and in an amount fixed by the Authority, for the
23 faithful performance of the contract. Any such contract shall
24 include provisions that the person entering into the contract
25 with the Authority will pay for all materials furnished and
26 services rendered for the performance of the contract and may
27 maintain an action to recover for the same against the obligor
28 in the undertaking, as though such person was named therein,
29 provided the action is brought within 1 year after the time
30 the cause of action accrued. Nothing in this section shall be
31 construed to limit the power of the Authority to construct,

1 repair, or improve Authority facilities or any addition,
2 betterment, or extension thereto, directly by the officers,
3 agents, and employees of the Authority, or otherwise than by
4 contract.

5 (c) All supplies and materials costing in excess of
6 \$15,000 shall be purchased only after advertisement. The
7 Authority shall accept the lowest responsive bid from a
8 responsible bidder, kind, quality, and material being equal,
9 but the Authority has the right to reject any or all bids or
10 select a single item from any bid.

11 (d) Except as otherwise provided, the Authority may
12 enter into and carry out such contract, or establish or comply
13 with such rules concerning labor and materials and other
14 related matters in connection with any project, or portion
15 thereof, as the Authority may deem desirable or as may be
16 requested by the Federal Government or state government
17 assisting in the financing of Authority facilities. It is
18 further provided, however, that the provisions of this section
19 shall not apply to any case in which the Authority has taken
20 over by transfer or assignment any contract authorized to be
21 assigned to it under the provisions relating to the transfer
22 of existing facilities to the Authority as provided by this
23 act. This section shall not apply to any contract in
24 connection with the construction of Authority facilities which
25 the Authority has had transferred to it. Furthermore, the
26 provisions of this section shall not apply to any contract or
27 agreement between the Authority and any engineers, architects,
28 attorneys, agents, or other professional services.

29 (2) The Authority may use, as an alternative, the
30 provisions of section 255.20, Florida Statutes, as may be
31

1 amended from time to time, to satisfy the competitive bidding
2 requirements of this section.

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

8 (4) This section does not apply to the purchase of
9 patented and manufactured products and services offered in a
10 noncompetitive market or solely by a manufacturer's authorized
11 dealer.

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

17 Section 13. Ad valorem tax.--When the Authority
18 prepares its annual budget and finds it necessary to levy an
19 ad valorem tax, it shall adopt a resolution determining the
20 estimated amounts to be expended by the Authority in the
21 ensuing fiscal year, exclusive of the proceeds of any bonds or
22 other obligations of the Authority, for acquiring,
23 establishing, constructing, enlarging, operating, and
24 maintaining Authority facilities or for any other corporate
25 purpose of the Authority, and request the board to levy the
26 tax, not to exceed 1.5 mills per annum, on all the taxable
27 real and personal property in the county for the exclusive use
28 of the Authority and for the purposes provided in this
29 section. The Authority shall submit a certified copy of any
30 such resolution to the board at the same time it submits its
31 annual budget to the clerk. The board has no right or

1 authority to alter either the amount of the levy request or
2 the use of its proceeds or to in any way alter the budget of
3 the Authority. The board shall authorize the levy requested.
4 The Tax Collector of the county shall collect and promptly pay
5 over to the Authority the proceeds of such tax.

6 Section 14. Prohibition on the use of the taxing power
7 of the state.--The Authority has no power to pledge the taxing
8 power of the state, or any political subdivision or agency
9 thereof, nor shall any of the obligations issued by the
10 Authority be deemed to be obligations of the state, or any
11 political subdivision or agency thereof, secured by and
12 payable from the ad valorem taxes thereof. The state, or any
13 political subdivision or any agency thereof, is not liable for
14 the payment of principal of or interest on such obligations,
15 except from the special funds provided for in this act.

16 Section 15. Covenant of the state.--The state pledges
17 and agrees with the Federal Government and any person
18 acquiring any bonds issued by the Authority for the
19 construction, extension, improvement, or enlargement of
20 Authority facilities that the state will not limit or alter
21 the rights vested in the Authority until all bonds at any time
22 issued, together with the interest thereon, are fully paid and
23 discharged. The state further pledges and agrees with the
24 Federal Government that if the Federal Government contributes
25 any funds for the construction, extension, improvement, or
26 enlargement of Authority facilities the state will not alter
27 or limit the rights and powers of the Authority in any manner
28 which would be inconsistent with the continued maintenance,
29 operation, or the improvement of Authority facilities or which
30 would be inconsistent with the due performance of any
31 agreements between the Authority and the Federal Government.

1 The Authority shall continue to have and may exercise all
2 powers granted in this act, so long as the same are necessary
3 or desirable for the carrying out of the purposes of this act
4 and the purposes of the Federal Government in the
5 construction, improvement, maintenance, or enlargement of
6 Authority facilities.

7 Section 16. Exemption from taxation.--Any property
8 owned or otherwise acquired by the Authority is exempt from
9 taxation to the same extent as other property used for public
10 purposes. The effectuation of the authorized purposes of the
11 Authority shall and will be, in all respects, for the benefit
12 of the people of the state and the county for the increase of
13 their commerce and prosperity, and for the improvement of
14 their welfare, health, and living conditions and, since such
15 Authority will be performing essential governmental functions
16 in effectuating such purposes, such Authority is not required
17 to pay any taxes or assessments of any kind or nature
18 whatsoever upon any property required or used by it for such
19 purposes, or any rates, fees, rentals, receipts, or incomes at
20 any time received by it, and the bonds issued by the
21 Authority, their transfer and the income therefrom, including
22 any profits made in the sale thereof, and any security
23 instruments or agreements securing the repayment thereof, are
24 free from taxation of any kind by the state or any political
25 subdivision or taxing agency or instrumentality thereof.

26 Section 17. Discrimination prohibited.--

27 (1)(a) The Authority and its lessees, including
28 successors in interest, shall not because of race, color, sex,
29 religion, national origin, age, handicap, or marital status of
30 any individual refuse to hire, employ, bar, or discharge from
31 employment such individual or to otherwise discriminate

1 against such individual with respect to compensation, hire,
2 tenure, terms, conditions, or privileges of employment.

3 (b) No person on the grounds of race, color, sex,
4 religion, national origin, age, handicap, or marital status
5 shall be excluded from the participation in, denied the
6 benefits of, or otherwise subjected to discrimination in the
7 use of leased premises of the Authority.

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

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

16 Section 18. Recodification.--Prior to July 1, 2012,
17 and every 10 years thereafter, The Hillsborough County
18 Legislative Delegation shall review this chapter, and all acts
19 which amend or otherwise modify this chapter, for the purpose
20 of determining whether there is a need for recodification of
21 same. If it is determined that there is such a need, the
22 delegation may require the Authority to accomplish same, and
23 to prepare or cause to be prepared such legislation as may be
24 necessary for such purpose by preparing such legislation.

25 Section 19. Grammatical usage.--The singular includes
26 the plural and vice versa, and gender-specific language
27 includes the other gender and neuter.

28 Section 20. Severability.--The provisions of this act
29 are severable, and if any of the provisions hereof shall be
30 held to be unconstitutional or invalid, such determination
31

1 shall not affect the constitutionality or validity of any of
2 the remaining provisions of this act.

3 Section 4. Chapters 23339 (1945), 24579 (1947), 27599
4 (1951), 57-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561,
5 74-496, 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of
6 Florida, are repealed. Such repeal does not affect the
7 prosecution of any cause of action that accrued before the
8 effective date of the repeal and does not affect rules,
9 regulations, policies, actions, and decisions, contracts,
10 agreements, obligations, and properties of the Authority
11 existing prior to the effective date of this act. Nothing in
12 this act is intended, nor shall any provision hereof be
13 construed so as to repeal, abrogate, impair, or adversely
14 affect the rights and remedies of the holders of any
15 obligations of the Authority issued pursuant to the existing
16 acts or any other applicable provision of law.

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

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