

By Senator Posey

24-1136-03

See HB 1217

1 A bill to be entitled
2 An act relating to Titusville-Cocoa Airport
3 District, a dependent special district in
4 Brevard County; codifying the District's
5 charter pursuant to s. 189.429, F.S.; providing
6 for codification of special laws relating to
7 Titusville-Cocoa Airport District pursuant to
8 s. 189.429, F.S.; providing legislative intent;
9 amending, codifying, repealing, and reenacting
10 all prior special acts; declaring the status of
11 the District; providing an effective date.

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

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

26 Section 2. Codification.--Chapters 63-1143, 67-1151,
27 69-863, 70-600, 72-472, 80-457, 81-348, 82-267, and 83-374,
28 Laws of Florida, are codified, reenacted, amended, and
29 repealed as herein provided.

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

4 Section 1. There is hereby created and established a
5 dependent airport district in Brevard County, Florida, which
6 shall also be a special taxing district, to be known as the
7 "Titusville-Cocoa Airport District," which shall consist of so
8 much of Brevard County, Florida, as lies North of that line
9 described as follows:

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11 Beginning at a point where the West boundary
12 line of said Brevard County, Florida,
13 intersects with the South boundary line of
14 Township 25 South, Range 35 East, and
15 proceeding thence easterly along the South
16 boundary line of Township 25 South to the
17 intersection of the East boundary line of
18 Brevard County, Florida, with the South
19 boundary line of Township 25 South.

20
21 Section 2. That the title, rights, and ownership of
22 all property, both real and personal, rights, powers,
23 facilities, privileges, easements, franchises, rights-of-way,
24 contracts, uncollected taxes, dues, claims, judgments,
25 decrees, choses in action, and all property and property
26 rights held or owned by the Titusville-Cocoa Airport Authority
27 established by chapter 63-1143, Laws of Florida, shall pass to
28 and be vested in the Titusville-Cocoa Airport Authority, the
29 governing body of the Titusville-Cocoa Airport District,
30 established and organized under this Act to take the place of
31 and succeed the Titusville-Cocoa Airport Authority hereby

1 abolished. All lawful debts, bonds, obligations, contracts,
2 franchises, promissory notes, audits, minutes, resolutions,
3 and other undertakings of the Titusville-Cocoa Airport
4 Authority created by chapter 59-1933, Laws of Florida, which
5 is abolished hereby, are hereby validated, and same shall
6 continue to be valid and binding in accordance with their
7 respective terms, conditions, covenants, and tenor on the
8 Titusville-Cocoa Airport District and the Titusville-Cocoa
9 Airport Authority established and organized by this Act. Any
10 proceeding heretofore begun for the construction of any
11 improvements, or port facilities, or for the borrowing of
12 money shall not be impaired or avoided by this chapter, but
13 may be continued and completed and binding upon the
14 Titusville-Cocoa Airport District and Titusville-Cocoa Airport
15 Authority established by this Act.

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

19 (a) The term "airport facilities" shall mean airport
20 facilities of all kinds including, but not limited to, landing
21 fields, hangars, shops, terminals, buildings, and all other
22 facilities necessary or desirable for the landing, taking off,
23 operating, servicing, repairing, and parking of aircraft, and
24 the unloading and handling of passengers, mail, express, and
25 freight, together with all necessary appurtenances and
26 equipment and all properties, rights, easements, and
27 franchises relating thereto and deemed necessary or convenient
28 by the Authority in connection therewith.

29 (b) The word "Authority" shall mean the Authority
30 created by this Act, or, if such Authority shall be abolished,
31 the board, body, or commission succeeding to the principal

1 functions thereof or to whom the powers given by this Act to
2 the Authority shall be given by law.

3 (c) The word "costs" shall mean and include the cost
4 of acquiring or constructing airport facilities and such
5 buildings, structures, roads, alleyways, railroad loading and
6 unloading facilities, and any other development of land as the
7 Authority shall determine to be necessary and proper in the
8 performance of the duties and purposes of this Act, the cost
9 of improvements, the cost of all lands, properties, rights,
10 easements, and franchises acquired, the cost of all machinery
11 and equipment, financing charges, interest prior to and during
12 construction and for 1 year after completion of construction,
13 cost of engineering and legal services, plans, specifications,
14 surveys, estimates of cost and of revenues, other expenses
15 necessary or incident to the determining of the feasibility or
16 practicability of any such acquisition, construction, or
17 improvement, administrative expenses, and such other expenses,
18 including reasonable provision for working capital, as may be
19 necessary or incident to the financing herein authorized, to
20 the acquisition, construction, and improvement of airport
21 facilities and such buildings, structures, roads, alleyways,
22 railroad loading and unloading facilities, and any other
23 development of land as the authority shall determine to be
24 necessary and proper in the performance of the duties and
25 purposes of this Act and the placing of the same in operation
26 by the District. Any obligation or expense incurred by the
27 District or by any participating political subdivision prior
28 to the issuance of bonds under the provisions of this Act in
29 connection with the acquisition or construction of any airport
30 facilities and such buildings, structures, roads, alleyways,
31 railroad loading and unloading facilities, and any other

1 development of land as the Authority shall determine to be
2 necessary and proper in the performance of the duties and
3 purposes of this Act or any improvements thereof may be
4 regarded as a part of such cost.

5 (d) The word "improvements" shall mean such repairs,
6 replacements, additions, extensions, and betterments of and to
7 any facilities as are deemed necessary to place or to maintain
8 such facilities in proper condition for the safe, efficient,
9 and economic operation thereof.

10 (e) The term "participating political subdivisions"
11 shall mean the Cities of Titusville and Cocoa, Florida, the
12 Board of County Commissioners of Brevard County, Florida, and
13 all other political subdivisions or governments within the
14 geographical limits of the Airport District.

15 Section 4. The District is created for the purpose of
16 acquiring, constructing, improving, financing, operating, and
17 maintaining airport facilities and such buildings, structures,
18 roads, alleyways, railroad loading and unloading facilities,
19 and any other development of land owned or leased by the
20 Authority and essential to the economic welfare of the
21 inhabitants of the Authority and which will promote the
22 economic, commercial, and industrial development of the
23 Authority. The District is hereby constituted a public
24 instrumentality and body corporate and politic and the
25 exercise by the District of the powers conferred by this Act
26 shall be deemed and held to be the performance of essential
27 governmental functions.

28 Section 5. The governing Authority of said
29 Titusville-Cocoa Airport District shall be known as the
30 Titusville-Cocoa Airport Authority; and said Titusville-Cocoa
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1 Airport Authority shall constitute a body politic and a body
2 corporate; it shall have perpetual existence.
3 The Authority shall consist of seven members, one of
4 whom shall be appointed by the County Commissioner for
5 District One, who shall reside within the boundaries of the
6 Titusville-Cocoa Airport District but not within the city
7 limits of Titusville; one shall be appointed by the City of
8 Titusville and shall reside within the city limits of
9 Titusville; two shall be appointed by the County Commissioner
10 for District Two, both of whom shall reside within the
11 boundaries of the Titusville-Cocoa Airport District and at
12 least one of whom shall reside either within the City of Cape
13 Canaveral, Florida, or the City of Cocoa Beach, Florida; two
14 of whom shall be appointed by the County Commissioner for
15 District Four, both of whom shall reside within the boundaries
16 of the Titusville-Cocoa Airport District and at least one of
17 whom shall reside either within the City of Cocoa, Florida, or
18 the City of Rockledge, Florida; and one of whom shall be
19 appointed jointly by the County Commissioners for Districts
20 One, Two, and Four and such appointee shall reside within the
21 Titusville-Cocoa Airport District. The cities within the
22 District are encouraged to participate in the appointing
23 process by making recommendations to the appropriate County
24 Commissioner involved in the appointment. The terms of each
25 appointment shall be for a period of 3 years. Upon expiration
26 of the term the member shall continue to serve pending
27 reappointment or until a successor is appointed for his or her
28 position. The Authority shall select from its members a Chair,
29 a Vice Chair, a Secretary, and a Treasurer to serve as such at
30 the pleasure of the Authority. Any person may hold two or more
31 offices, except that the Chair may not also serve as the

1 Secretary. When any vacancy shall occur, the vacancy shall be
2 filled by the appointing authority which originally appointed
3 the previous incumbent of the vacancy and such appointment
4 shall be for the remainder of said term being filled. Members
5 of the Authority shall be qualified freeholders residing in
6 the District.

7 Four of the members of the Authority shall constitute a
8 quorum and the affirmative vote of four of the members of the
9 Authority shall be necessary for any action taken by the
10 Authority. The members of the Authority shall serve without
11 compensation but shall be reimbursed for the amount of actual
12 expenses incurred by them in the performance of their duties.

13 Section 6. The Authority is hereby authorized and
14 empowered:

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

17 (b) To adopt an official seal and alter the same at
18 pleasure;

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

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

23 (e) To acquire, lease as lessee or lessor, construct,
24 reconstruct, improve, extend, enlarge, equip, repair,
25 maintain, and operate any airport facilities and such
26 buildings, structures, roads, alleyways, railroad loading and
27 unloading facilities, and any other development of land as the
28 Authority shall determine to be necessary and proper in the
29 performance of the duties and purposes of this Act, within the
30 District and within the participating political subdivisions
31 in the District, but within the boundaries of the District;

1 (f) To issue bonds of the authority as hereinafter
2 provided to pay the cost of such acquisition, construction,
3 reconstruction, improvement, extension, enlargement, or
4 equipment, provided, however, that approval of the Board of
5 County Commissioners of Brevard County shall be secured prior
6 to the issuance of such bonds;

7 (g) To issue refunding bonds of the Authority as
8 hereinafter provided, provided, however, that approval of the
9 Board of County Commissioners of Brevard County shall be
10 secured prior to the issuance of such bonds;

11 (h) To combine any airport facilities for the purpose
12 of operation and financing; specifically the Authority is
13 authorized and empowered to combine the operation and
14 financing of Space Coast Regional Airport, Merritt Island
15 Airport, and Arthur Dunn Airpark, and said Authority is hereby
16 authorized to operate said three airports as a single unit and
17 the acquisition of real and personal property for all of said
18 airports be and the same is hereby validated, confirmed, and
19 approved;

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

23 (j) To acquire in the name of the Authority by gift,
24 purchase, or the exercise of the right of eminent domain in
25 accordance with the laws of the State of Florida which may be
26 applicable to the exercise of such powers by counties or
27 municipalities, any lands or rights in land, and to acquire
28 such personal property as it may deem necessary in connection
29 with the acquisition, construction, reconstruction,
30 improvement, extension, enlargement, or operation of any
31 airport facilities and such buildings, structures, roads,

1 alleyways, railroad loading and unloading facilities, and any
2 other development of land as the Authority shall determine to
3 be necessary and proper in the performance of the duties and
4 purposes of this Act, and to hold and dispose of all real and
5 personal property under its control;

6 (k) To make and enter all contracts and agreements
7 necessary or incidental to the performance of its duties and
8 the execution of its powers under this Act, including a trust
9 agreement or trust agreements securing any bonds issued
10 hereunder, and to employ such consulting and other engineers,
11 superintendents, managers, construction and financial experts,
12 accountants and attorneys, and such employees and agents as
13 may, in the judgment of the Authority, be deemed necessary and
14 to fix their compensation, provided, however, that all such
15 expenses shall be payable solely from funds made available
16 under the provisions of this Act;

17 (l) To accept grants of money or materials or property
18 of any kind for any airport facilities and such buildings,
19 structures, roads, alleyways, railroad loading and unloading
20 facilities, and any other development of land as the Authority
21 shall determine to be necessary and proper in the performance
22 of the duties and purposes of this Act from any Federal or
23 State agency, political subdivision, municipality, or other
24 public body, or from any other persons;

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

27 (n) To lease as lessee or lessor any real property or
28 to sell or otherwise dispose of any personal property which it
29 has determined is no longer used or useful for purposes set
30 forth herein, subject, however, to any limitations which may
31 be imposed on such leasing or disposition by any bonds issued

1 by the Authority hereunder or by any proceedings taken in
2 connection with the issuance of such bonds;

3 (o) To make purchase money mortgages on any additional
4 property purchased by the Authority, or to purchase property
5 subject to purchase money mortgages, provided, however, that
6 other property of the Authority is in no way subject to the
7 lien of such purchase money mortgages or subject to any
8 deficiency decree foreclosing any such purchase money
9 mortgages; and

10 (p) To provide for the appointment of a chief
11 executive officer to act as operations officer and head
12 administrator of the operation of the Airport District. He or
13 she shall be responsible to the Airport Authority for the
14 proper administration of all affairs of the Authority and to
15 that end he or she shall have the power and shall be required
16 to:

17 (1) Appoint when authorized by the Authority, and, if
18 necessary for the good of the Authority, remove all employees
19 of the Authority, other than the Authority's Attorney and
20 Engineer.

21 (2) Fix the salary of employees of the Authority, or
22 within the budget of the Authority.

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

26 (4) Prepare the annual budget for the Authority and
27 submit it to the Authority, and be responsible for its
28 administration after adoption.

29 (5) Prepare and submit to the Authority, as of the end
30 of the fiscal year, a complete report on the finances and
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1 administrative activities of the Authority for the preceding
2 year.

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

6 (7) He or she shall be purchasing agent for the
7 Authority, by whom all purchases of supplies shall be made,
8 subject to the rules and regulations to be prescribed by the
9 Authority, and he or she shall approve all vouchers for
10 payment of same.

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

14 Section 7. The Authority shall in each fiscal year,
15 which fiscal year shall be the same as that of Brevard County,
16 prepare an annual budget for operating revenue accounts and
17 operating expense accounts and such other accounts as the
18 Board of County Commissioners of Brevard County shall
19 prescribe, for its operations in the ensuing fiscal year and,
20 on or before the first day of September of each year, submit
21 such budget to the Board of County Commissioners of Brevard
22 County, Florida, verified upon information and belief by the
23 Chair of the Authority. At the time the Authority prepares its
24 annual budget, it shall adopt a resolution determining and
25 finding the estimated amounts to be expended by the District
26 in the ensuing year, exclusive of any bonds or other
27 obligations of the District, for acquiring, establishing,
28 constructing, enlarging, operating, and maintaining said
29 airports and other aviation facilities and other facilities
30 related thereto of the District, or for any other corporate
31 purposes of the District, and requesting the Board of County

1 Commissioners of Brevard County, Florida, to levy a tax, not
2 exceeding in any event 1/2 mill per annum on all the taxable
3 real and personal property in that portion of the county
4 within the geographical limits of the District. A certified
5 copy of said resolution shall be submitted to the Board of
6 County Commissioners of Brevard County, Florida, at the same
7 time that it submits its annual budget referred to above.

8 The Board of County Commissioners of Brevard County,
9 Florida, shall examine said budget and said certified copy of
10 said resolution and may increase or reduce the total amount
11 requested under the provisions in said budget and resolution
12 for the expenditure of such amounts for said purposes in such
13 an amount as said Board of County Commissioners deems
14 advisable in its sole discretion. Thereafter, said Board of
15 County Commissioners shall approve the budget of the District,
16 either as submitted or as increased or reduced, as aforesaid.
17 Upon approval of such budget, said Board of County
18 Commissioners shall levy, assess, and collect taxes not
19 exceeding in any event 1/2 mill per annum on all the taxable
20 real and personal property in that portion of the county
21 within the geographical limits of the District, sufficient to
22 pay the estimated amount for said purposes contained in such
23 budget and shall promptly upon receipt thereof remit and pay
24 over to the Authority the proceeds to the payment of the costs
25 of the purposes provided in such budget.

26 All anticipated revenues to be derived from the
27 operation of the airports and airport facilities shall be
28 included in the budget of the Authority, provided, however,
29 that any amounts of money, including funds derived from ad
30 valorem taxation and appropriated in the Authority's budget
31 for the preceding fiscal year that remain unexpended from the

1 revenue derived under the budget for the preceding fiscal year
2 may, by resolution duly adopted by the Authority and approved
3 by said Board of County Commissioners, be set aside in a
4 separate fund to be known and described as a "renewal and
5 replacement fund" and accumulated in said fund from year to
6 year for the purpose of purchasing property, real and
7 personal, building and constructing permanent improvements,
8 replacements, alterations, buildings, and other structures,
9 including runways, taxi strips, and aprons, and such funds may
10 be disbursed from time to time out of the renewal and
11 replacement fund, upon proper resolution of the Authority and
12 approval by said Board of County Commissioners, and solely for
13 the payment of the cost of purchasing property, real and
14 personal, permanent improvements, replacements, alterations,
15 buildings, and other structures, including runways, taxi
16 strips, and aprons, as hereinbefore provided.

17 The Authority shall adopt budget procedures to
18 establish the direct and indirect costs of operating and
19 maintaining each airport in the Titusville-Cocoa Airport
20 District as well as the direct income derived from each
21 airport.

22 Section 8. The Titusville-Cocoa Airport District,
23 through the Authority created herein, is hereby empowered and
24 authorized to issue bonds of the District, in an aggregate
25 principal amount of not exceeding an amount equal to 5 percent
26 of the assessed valuation of all of the taxable property
27 within the geographical limits of the District at the
28 effective date of this Act, payable as to both principal and
29 interest from ad valorem taxes not exceeding 1 mill per dollar
30 of assessed valuation within the boundaries of the District
31 for the purpose of paying all or any part of the cost of

1 construction or acquisition of property, by the District, of
2 any authorized project, and such acquisition or construction
3 is hereby determined legislatively to be a lawful and
4 essential District purpose.

5 No such bonds of the District herein authorized shall
6 be issued unless and until the issuance thereof shall have
7 been, first, approved at an election of the qualified electors
8 who are freeholders residing in the geographical limits of the
9 District, duly called and held, in the manner provided by the
10 Constitution and statutes of the State of Florida.

11 Section 9. The State of Florida does hereby pledge to,
12 and agree with, the Federal Government and any person, firm,
13 or corporation, subscribing to, or acquiring the bonds to be
14 issued by, the District for the construction, acquisition,
15 extension, improvement, or enlargement of projects, or any
16 part thereof, that the state will not limit or alter the
17 rights hereby vested in the District until all bonds at any
18 time issued, together with the interest thereon, are fully
19 paid and discharged. The State of Florida does further pledge
20 to, and agree with, the Federal Government that, in the event
21 that the Federal Government shall construct or contribute any
22 funds for the construction, acquisition, extension,
23 improvement, or enlargement of said projects, or any part
24 thereof, the state will not alter or limit the rights and
25 powers of the District in any manner which would be
26 inconsistent with the continued maintenance and operation of
27 the projects, or any part thereof, or the improvement thereof,
28 or which would be inconsistent with the due performance of any
29 agreements between the District and the Federal Government,
30 and the District shall continue to have and may exercise all
31 powers herein granted, so long as the same may be necessary or

1 desirable for the carrying out of the purposes of this Act and
2 the purposes of the Federal Government in the construction or
3 acquisition or improvement or enlargement of said projects, or
4 any part thereof.

5 Section 10. Cooperation between municipalities,
6 county, and District: the Effectuation of the authorized
7 purposes of the Authority being in all respects for the
8 benefit of the people of the State of Florida and the County
9 of Brevard as well as the municipalities within the
10 geographical limits of the Titusville-Cocoa Airport District,
11 the county and each municipality in the District are hereby
12 authorized to aid and cooperate with the District in carrying
13 out any authorized purposes of the District.

14 The county and each municipality in the District are
15 hereby authorized to enter into cooperation agreements with
16 the District and to provide in any such cooperation agreement
17 for the making of a loan, gift, grant, or contribution to the
18 District for the carrying out of its authorized purposes.

19 The county and each municipality in the District are
20 hereby, further, authorized to grant and convey to the
21 Authority real or personal property, of any kind or nature, or
22 any interest therein, for the carrying out of its authorized
23 purposes.

24 The county and each municipality in the District are,
25 further and additionally, authorized to covenant in any such
26 cooperation agreement made pursuant to this Section to pay all
27 or any part of the costs of operation and maintenance of the
28 projects of the District from any available funds of the
29 county or municipality in the District, except revenues
30 derived from ad valorem taxation and cigarette taxes, and to
31 pay all or any part of the principal and interest on any

1 revenue bonds of the District and all or any part of the
2 deposits required to be made into any reserve, renewal, and
3 replacement or other funds created and established by the
4 resolution, indenture, deed of trust, or other instrument
5 securing said revenue bonds from any available funds of the
6 county or any municipality.

7 Any such cooperation agreement may be made and entered
8 into pursuant to this Act for such time or times not exceeding
9 40 years as shall be agreed by the parties thereto or for such
10 longer time as any revenue bonds of the District, including
11 refundings thereof, remain outstanding and unpaid and may
12 contain such other details, terms, provisions, and conditions
13 as shall be agreed upon by the parties thereto.

14 Any such cooperation agreement may be made and entered
15 into for the benefit of the holders of any revenue bonds of
16 the Authority as well as the parties thereto and shall be
17 enforceable in any court of competent jurisdiction by the
18 holders of any such revenue bonds or of the coupons
19 appertaining thereto.

20 Section 11. The Authority is hereby further authorized
21 to issue at one time, or from time to time, ad valorem bonds
22 of the District as hereinbefore provided, or revenue bonds as
23 hereinafter provided, for the purpose of paying the cost of
24 acquiring, constructing, reconstructing, improving, extending,
25 enlarging, or equipping any airport facilities and such
26 buildings, structures, roads, alleyways, railroad loading and
27 unloading facilities, and any other development of land as the
28 Authority shall determine to be necessary and proper in the
29 performance of the duties and purposes of this Act. The bonds
30 of each issue shall be dated, shall mature at such time or
31 times not exceeding 40 years from their date or dates, and

1 shall bear interest at such rate or rates not exceeding 8
2 percent per annum, as may be determined by the Authority,
3 provided that revenue bonds shall not bear interest at a
4 higher rate of interest than provided by general law, and may
5 be made redeemable before maturity, at the option of the
6 Authority, at such price or prices and under such terms and
7 conditions as may be fixed by the Authority prior to the
8 issuance of the bonds. The Authority shall determine the form
9 and the manner of execution of the bonds, including any
10 interest coupons to be attached thereto, and shall fix the
11 denomination or denominations of the bonds and the place or
12 places of payment of principal and interest, which may be of
13 any bank or trust company within or without the state. In case
14 any officer whose signature or a facsimile of whose signature
15 shall appear on any bonds or coupons shall cease to be such
16 officer before the delivery of such bonds, such signature or
17 such facsimile shall nevertheless be valid and sufficient for
18 all purposes, the same as if he or she had remained in office
19 until such delivery. Notwithstanding any of the other
20 provisions of this Act or any recitals in any bonds issued
21 under the provisions of this Act, all such bonds shall be
22 deemed to be negotiable instruments under the laws of the
23 state. The bonds may be issued in coupon or registered form,
24 or both, as the Authority may determine, and provision may be
25 made for the registration of any coupon bonds as to principal
26 alone and also as to both principal and interest, and for the
27 reconversion into coupon bonds of any bonds registered as to
28 both principal and interest. The bonds shall be sold at public
29 sale and the net interest cost to the Authority on such bonds
30 shall not exceed the limits hereinbefore specified. If all
31 bids received on the public sale are rejected, the Authority

1 may then proceed to negotiate for the sale of the bonds at a
2 net interest cost, which shall be less than the lowest net
3 interest cost stated in the bids rejected at the public sale.

4 The proceeds of the bonds of each issue shall be used
5 solely for the purpose for which such bonds shall have been
6 authorized and shall be disbursed in such manner and under
7 such restrictions, if any, as the Authority shall provide in
8 the resolution authorizing the issuance of such bonds or in
9 the trust agreement herein mentioned securing the same. Unless
10 otherwise provided in the authorizing resolution or in the
11 trust agreement securing such, if the proceeds of such bonds,
12 by error of estimates or otherwise, shall be less than such
13 cost, additional bonds may in like manner be issued to provide
14 the amount of such deficit and shall be deemed to be of the
15 same issue and shall be entitled to payment from the same fund
16 without preference or priority of the bonds first issued for
17 the same purpose.

18 The resolution providing for the issuance of bonds, and
19 any trust agreement securing such bonds, may also contain such
20 limitations upon the issuance of additional bonds as the
21 Authority may deem proper, and such additional bonds shall be
22 issued under such restrictions and limitations as may be
23 prescribed by such resolution or trust agreement.

24 Prior to the preparation of definitive bonds, the
25 Authority may, under like restrictions, issue interim receipts
26 or temporary bonds, with or without coupons, exchangeable for
27 definitive bonds when such bonds shall have been executed and
28 are available for delivery. The Authority may also provide for
29 the replacement of any bonds which shall become mutilated or
30 be destroyed or lost.

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1 Except as specifically provided in this Act which
2 requires the prior approval of the Board of County
3 Commissioners of Brevard County, bonds may be issued under the
4 provisions of this Act without obtaining the consent of any
5 other commission, board, bureau, or agency of the state or of
6 any political subdivisions, and without any other proceeding
7 or the happening of other conditions.

8 Bonds issued by the Authority under the provisions of
9 this Section shall not be deemed to constitute a debt of the
10 state or of any political subdivision thereof or a pledge of
11 the faith and credit of the state or of any such political
12 subdivision, but such bonds shall be obligations of the
13 District payable solely from the funds herein provided
14 therefor, and a statement to that effect shall be recited on
15 the face of the bonds.

16 Section 12. The District is hereby authorized to fix
17 and revise from time to time rates, fees, and other charges
18 for the use of and for the services furnished or to be
19 furnished by any facilities owned or operated by the District,
20 and such rates, fees, and charges shall not be subject to
21 supervision or regulation by any bureau, board, commission, or
22 other agency of the state or any political subdivision. Such
23 rates, fees, and charges shall be fixed and revised so that
24 the revenues of the District, together with any other funds
25 provided by this Act, will be sufficient at all times:

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

29 (b) To pay the principal of and the interest on all
30 bonds issued by the Authority under the provisions of this Act
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1 as the same shall become due and payable and to provide
2 reserves therefor.

3 Notwithstanding any of the foregoing provisions of this
4 Section, the Authority may enter into contracts relating to
5 the use of or for the services furnished or to be furnished by
6 any facilities which shall not be subject to revision except
7 in accordance with their terms.

8 Section 13. In the discretion of the Authority, each
9 or any issue of bonds may be secured by a trust agreement by
10 and between the District and a corporate trustee, which may be
11 any trust company or bank having the powers of a trust company
12 within or without the state. The resolution authorizing the
13 issuance of the bonds or such trust agreement may pledge the
14 revenues to be resolved from any facilities of the District
15 but shall not convey or mortgage any of such facilities, and
16 may contain such provisions for protecting and enforcing the
17 rights and remedies of the bondholders as may be reasonable
18 and proper and not in violation of law, including covenants
19 setting forth the duties of the District in relation to the
20 acquisition, construction, reconstruction, improvement,
21 maintenance, repairs, operation, and insurance of any such
22 facilities, the fixing and revising of the rates, fees and
23 charges, and the custody, safeguarding, and application of all
24 moneys, and for the employment of counseling engineers in
25 connection with such acquisition, construction,
26 reconstruction, or operation. It shall be lawful for any bank
27 or trust company incorporated under the laws of the state
28 which may act as a depository of the proceeds of bonds or of
29 revenues to furnish such indemnifying bonds or to pledge such
30 securities as may be required by the District. Such resolution
31 or trust agreement may set forth the rights and remedies of

1 the bondholders and of the trustee, if any, and may restrict
2 the individual right of action by bondholders. Such resolution
3 or trust agreement may contain such other provisions in
4 addition to the foregoing as the Authority may deem reasonable
5 and proper for the security of the bondholders. The Authority
6 may provide for the payment of the proceeds of the sale of the
7 bonds and the revenues of any facilities to such officer,
8 board, or depositary as it may designate for the custody
9 thereof, and for the method of disbursement thereof, with such
10 safeguards and restrictions as it may determine. All expenses
11 incurred in carrying out the provisions of such resolution or
12 trust agreement may be treated as a part of the cost of
13 operation.

14 All pledges of revenues under the provisions of this
15 Act shall be valid and binding from the time when such pledges
16 are made. All such revenues so pledged and thereafter received
17 by the District shall immediately be subject to the lien of
18 such pledges without any physical delivery thereof or further
19 action, and the lien of such pledges shall be valid and
20 binding as against all parties having claims of any kind in
21 tort, contract, or otherwise, against the District,
22 irrespective of whether such parties have notice thereof.

23 Section 14. All moneys received pursuant to the
24 authority of this Act shall be deemed to be trust funds, to be
25 held and applied solely as provided in this Act. The
26 resolution authorizing the issuance of bonds or the trust
27 agreement securing such bonds shall provide that any officer
28 to whom, or bank, trust company, or fiscal agent to which,
29 such moneys shall be paid shall act as trustee of such moneys
30 and shall hold and supply the same for the purposes hereof,
31

1 subject to such regulations as this Act and such resolution or
2 trust agreement may provide.

3 Section 15. Any holder of bonds issued under the
4 provisions of this Act or of any of the coupons appertaining
5 thereto, and the trustee under any trust agreement, except to
6 the extent the rights herein given may be restricted by the
7 resolution authorizing the issuance of such bonds or such
8 trust agreement, may, either at law or in equity, by suit,
9 action, mandamus, or other proceeding, protect and enforce any
10 and all rights under the laws of the state or granted
11 hereunder or under such resolution or trust agreement, and may
12 enforce and compel the performance of all duties required by
13 this Act or by such resolution or trust agreement to be
14 performed by the Authority or by any officer thereof,
15 including the fixing, charging, and collecting of the rates,
16 fees, and charges for the use of or for the services and
17 facilities furnished by any facilities.

18 Section 16. The Authority is hereby authorized to
19 issue from time to time refunding bonds for the purpose of
20 refunding any bonds of the Authority then outstanding,
21 including the payment of any redemption premium thereon and
22 any interest accrued or to accrue to the date of redemption of
23 such bonds. The Authority is further authorized to issue from
24 time to time bonds of the Authority for the combined purpose
25 of:

26 (a) Refunding any bonds of the Authority then
27 outstanding, including the payment of any redemption premium
28 thereon and any interest accrued or to accrue to the date of
29 redemption of such bonds; and

30 (b) Paying all or any part of the cost of acquiring or
31 constructing any additional facilities or of any improvements.

1 The issuance of such bonds, the maturities and other details
2 thereof, the rights and remedies of the holders thereof, and
3 the rights, powers, privileges, duties, and obligation of the
4 Authority with respect to the same, shall be governed by the
5 foregoing provisions of this Act, insofar as the same may be
6 applicable.

7 Section 17. This Act shall be deemed to provide an
8 additional and alternative method for the doing of the things
9 authorized hereby and shall be regarded as supplemental and
10 additional to powers conferred by other laws, and shall not be
11 regarded as in derogation of or as repealing any powers now
12 existing under any other law, whether general, special, or
13 local, provided, however, that the issuance of revenue bonds
14 or refunding bonds under the provisions of this Act need not
15 comply with the requirements of any other law applicable to
16 the issuance of bonds.

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

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

28 Section 20. The provisions of this Act are severable,
29 and if any of its provisions shall be held unconstitutional by
30 any Court of competent jurisdiction, the decision of such
31

1 Court shall not affect or impair any of the remaining
2 provisions.

3 Section 21. As the facilities provided for herein are
4 essential to the economic welfare of the inhabitants of the
5 District, and will promote the economic, commercial,
6 industrial, and residential development of said District, and
7 as the exercise of the powers conferred by this Act to effect
8 such purposes constitutes the performance of essential public
9 functions, and as such facilities acquired or constructed
10 under the provisions of this Act will constitute public
11 property used for public purposes, no taxes or assessments
12 shall be levied upon any such facilities. The Legislature
13 hereby finds that the benefits to be derived by properties
14 within the District are equal to the taxes herein imposed, and
15 that all properties within the District shall derive benefits
16 from the operations of the Titusville-Cocoa Airport District.

17 Section 22. The Board of County Commissioners of
18 Brevard County, Florida, and the City of Titusville, Florida,
19 are hereby authorized to regulate the height of structures and
20 natural growth in the vicinity of airports, to create approach
21 zones and other zones for airports, and to adopt airport
22 zoning regulations for airport hazard areas. In adopting such
23 airport zoning regulations, the Board of County Commissioners
24 and the City of Titusville are authorized to make them
25 applicable only to lands within the Titusville-Cocoa Airport
26 District or to the county as a whole. The Board of County
27 Commissioners is authorized, at its option, to delegate the
28 administration and enforcement of said airport zoning law to
29 the Titusville-Cocoa Airport Authority or to such other
30 administrative board as it may choose.

31

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

6
7 A part of the E 1/2 of Section 32, Township 21
8 South, Range 35 East, and a part of the South
9 30 acres of the NW 1/4 of the SW 1/4 of Section
10 33, Township 21 South, Range 35 East, all in
11 Brevard County, Florida, described as follows:

12
13 Commencing at the point of intersection of the
14 North line of the S 1/2 of the S 1/2 of the SW
15 1/4 of the NW 1/4 of said Section 32, and the
16 East right-of-way line of SINGLETON AVENUE,
17 said point being the Southwest corner of LUNA
18 HEIGHTS, according to the plat thereof, as
19 recorded in Plat Book 18, Page 133, of the
20 public records of Brevard County, Florida, and
21 said point lying 167.98 feet North and 33 feet
22 East of the Northwest corner of the SW 1/4 of
23 the NE 1/4 of said Section 32; from said point
24 of commencement run thence along the boundary
25 of said LUNA HEIGHTS, South 89 degrees 53
26 minutes 51 seconds East, a distance of 5.44
27 feet to the POINT OF BEGINNING of the lands
28 herein described; thence continue South 89
29 degrees 53 minutes 51 seconds East, 627.07 feet
30 to the Northeast corner of said S1/2 of the S
31 1/2 of the SW 1/4 of the NW 1/4 of the NE 1/4

1 of Section 32; thence North 0 degrees 09
2 minutes 24 seconds East, 167.44 feet to the
3 Northwest corner of the S 1/2 of the SE 1/4 of
4 the NW 1/4 of the NE 1/4 of said Section 32;
5 thence South 89 degrees 53 minutes 06 seconds
6 East, 665.58 feet to the Northeast corner of
7 the last mentioned parcel, being also the
8 Southeast corner of said LUNA HEIGHTS; thence
9 South 0 degrees 14 minutes 34 seconds West,
10 335.62 feet to the Southeast corner of said S
11 1/2 of the SE 1/4 of the NW 1/4 of the NE 1/4
12 of Section 32; thence South 89 degrees 52
13 minutes 58 seconds East along the North line of
14 the S 1/2 of the NE 1/4 of said Section 32, a
15 distance of 946.06 feet to a point; thence
16 South 0 degrees 12 minutes 23 seconds West
17 along the East line of lands described in Deed
18 Book 313, Page 101, a distance of 645.00 feet;
19 thence South 89 degrees 52 minutes 58 seconds
20 East, 75.00 feet to the Northeast of corner of
21 lands described in Deed Book 343, page 143;
22 thence South 0 degrees 12 minutes 23 seconds
23 West 694.25 feet to an iron pipe at the
24 Southeast corner thereof, said point lying on
25 the South line of the S 1/2 of the NE 1/4 of
26 said Section 32; thence South 89 degrees 54
27 minutes 46 seconds East along said line,
28 112.732 feet to an iron pipe; thence South 0
29 degrees 05 minutes 19 seconds East, 330.00
30 feet; thence South 89 degrees 46 minutes 18
31 seconds East, 200.00 feet to the Southeast

1 corner of the East 200 feet of the South 330
2 feet of the NE 1/4 of the SE 1/4 of said
3 Section 32; thence South 88 degrees 57 minutes
4 23 seconds East, 483.73 feet to a point in the
5 centerline of OLD DIXIE HIGHWAY; thence along
6 said centerline, South 8 degrees 57 minutes 23
7 seconds East, 126.15 feet to the Point of
8 Curvature of a circular curve concave
9 Northeasterly, having a radius of 320.11 feet;
10 thence Southeasterly along the arc of said
11 curve through a central angle of 34 degrees 52
12 minutes 38 seconds, a distance of 194.86 feet
13 to a point; thence South 89 degrees 54 minutes
14 41 seconds West, along the South line of
15 AIRPORT ROAD, 590.37 feet to a point on the
16 East line of the NE 1/4 of the SE 1/4 of said
17 Section 32; thence South 0 degrees 05 minutes
18 19 seconds East along said line, 699.10 feet to
19 the Southeast corner of said NE 1/4 of the SE
20 1/4 of Section 32; thence North 89 degrees 40
21 minutes 23 seconds West along the South line of
22 the N 1/2 of the SE 1/4 of said Section 32, a
23 distance of 2321.00 feet; thence North 0
24 degrees 19 minutes seconds East 170.00 feet;
25 thence North 89 degrees 40 minutes 23 seconds
26 West, 229.47 feet to a point 117.60 feet East
27 of the West line of the SE 1/4 of said Section
28 32; thence North 0 degrees 08 minutes 53
29 seconds East, parallel to said West line of the
30 SE 1/4 of Section 32, and along the East
31 right-of-way line of SINGLETON AVENUE, as now

1 located, 757.62 feet; thence South 89 degrees
2 51 minutes 07 seconds East, 400.00 feet; thence
3 North 0 degrees 08 minutes 53 seconds East,
4 225.00 feet; thence North 89 degrees 51 minutes
5 07 seconds West, 400.00 feet; thence North 0
6 degrees 08 minutes 53 seconds East along said
7 East line of SINGLETON AVENUE, 15.00 feet;
8 thence South 89 degrees 51 minutes 07 seconds
9 East, 400.00 feet; thence North 0 degrees 08
10 minutes 53 Seconds East 808.23 feet; thence
11 North 89 degrees 51 minutes 07 seconds West,
12 400.00 feet to a point 690 feet South of the
13 North line of the SW 1/4 of the NE 1/4 of said
14 Section 32; thence North 0 degrees 08 minutes
15 53 seconds East, along said East right-of-way
16 line of SINGLETON AVENUE, 290.00 feet to the
17 Point of Curvature of a circular curve concave
18 Westerly having a radius of 1633 feet, and a
19 central angle of 14 degrees 10 minutes 48
20 seconds; thence Northerly along the arc of said
21 curve, 404.15 feet to the Point of Reverse
22 Curvature of a circular curve concave Easterly,
23 having a radius of 1142.15 feet, said point
24 lying on the North line of the SW 1/4 of the NE
25 1/4 of said Section 32; thence Northerly along
26 the arc of said curve through a central angle
27 of 8 degrees 33 minutes 40 seconds, a distance
28 of 170.66 feet to the POINT OF BEGINNING, less
29 the right-of-way of OLD DIXIE HIGHWAY. And less
30 the parcel of land occupied by the office and
31

1 yard of District One, Brevard County Board of
2 County Commissioners, described as follows:
3
4 Commencing at the Northwest corner of the SW
5 1/4 of the NE 1/4 of said Section 32, run
6 thence South 89 degrees 52 minutes 58 seconds
7 East along the North line of said SW 1/4 of the
8 NE 1/4, 1196.29 feet; thence South degrees 42
9 minutes 30 seconds East 123.93 feet to the
10 POINT OF BEGINNING of the lands herein
11 described; thence North 86 degrees 17 minutes
12 30 seconds East, 515.00 feet; thence South 3
13 degrees 42 minutes 30 seconds East 165.00 feet;
14 thence South 86 degrees 17 minutes 30 seconds
15 West 515.00 feet; thence North 3 degrees 42
16 minutes 30 seconds West 165.00 feet to the
17 Point of Beginning.
18
19 And less a parcel of land described in Official
20 Records Book 686, page 431.
21
22 And in addition to the above, the right-of-way
23 described in Official Records Book 686, Page
24 432, public records of Brevard County, Florida.
25
26 And less a parcel of land occupied by the NORTH
27 BREVARD ANIMAL SHELTER, described as
28 follows: Commencing at the Northwest corner of
29 the SW 1/4 of the NE 1/4 of said Section 32,
30 run thence South 89 degrees 52 minutes 58
31 seconds East along the North line of said SW

1 1/4 of the NE 1/4, 1196.29 feet; thence South 3
2 degrees 42 minutes 30 seconds East, 123.93 feet
3 to the Northwest corner of the land occupied by
4 the office and yard of DISTRICT ONE, BREVARD
5 COUNTY BOARD OF COUNTY COMMISSIONERS; thence
6 North 86 degrees 17 minutes 30 seconds East
7 along the Northerly boundary of said lands
8 occupied by the office and yard of DISTRICT
9 ONE, a distance of 515.00 feet to the POINT OF
10 BEGINNING of the lands herein described; thence
11 continue North 86 degrees 17 minutes 30 seconds
12 East, 175.00 feet; thence South 3 degrees 42
13 minutes 30 seconds East 165.00 feet; thence
14 South 86 degrees 17 minutes 30 seconds West,
15 175.00 feet to the Southeast corner of the
16 aforementioned lands occupied by DISTRICT ONE;
17 thence North 3 degrees 42 minutes 30 seconds
18 West along the East boundary of said lands,
19 165.00 feet to the POINT OF BEGINNING.

20
21 No building or improvement may be constructed or
22 erected on said property which will impair or interfere with
23 the use of the property as a well field for public water
24 supply.

25 Section 4. Except as specifically reenacted herein,
26 chapters 63-1143, 67-1151, 69-863, 70-600, 72-472, 80-457,
27 81-348, 82-267, and 83-374, Laws of Florida, are repealed.

28 Section 5. This act shall take effect upon becoming a
29 law.
30
31