

By Senator Alexander

17-1672A-05

See HB 753

1 A bill to be entitled

2 An act relating to the Sebring Airport

3 Authority, Highlands County; codifying,

4 amending, reenacting, and repealing special

5 acts relating to the authority; defining the

6 powers and duties of said authority; granting

7 to the authority power to acquire, lease,

8 construct, reconstruct, improve, extend,

9 enlarge, equip, repair, maintain, and operate

10 airport and other facilities; providing for the

11 issuance of bonds of the authority, payable

12 solely from funds provided therefor under the

13 act, to pay the cost of acquiring,

14 constructing, or reconstructing any facilities

15 and the cost of improvements, extensions,

16 enlargements, and equipment; granting to the

17 authority power to acquire necessary real and

18 personal property and to exercise the power of

19 eminent domain; providing for the imposition

20 and collection of charges for the use of and

21 for the services furnished by any such

22 facilities; authorizing the City of Sebring to

23 make grants and conveyances to the authority;

24 prescribing the powers and duties of the

25 authority in connection with the foregoing and

26 the rights and remedies of the holders of any

27 bonds or revenue certificates issued under the

28 provisions of this act; providing an effective

29 date.

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

1 Section 1. Pursuant to section 189.429, Florida
2 Statutes, this act constitutes the codification of all special
3 acts relating to the Sebring Airport Authority. It is the
4 intent of the Legislature in enacting this law to provide a
5 single, comprehensive special act charter for the authority,
6 including all current legislative authority granted to the
7 authority by its several legislative enactments and any
8 additional authority granted by this act. It is further the
9 intent to preserve all authority powers and authority.

10 Section 2. Chapters 67-2070, 82-382, 89-484, 91-415,
11 95-526, and 2001-332, Laws of Florida, are codified,
12 reenacted, amended, and repealed as herein provided.

13 Section 3. The Sebring Airport Authority is re-created
14 and the charter for the authority is re-created and reenacted
15 to read:

16 Section 1. This act shall be known and may be cited as
17 the "Sebring Airport Authority Act."

18 Section 2. There is hereby created an authority to be
19 known as the Sebring Airport Authority which shall be a body
20 politic and corporate. The Sebring Airport Authority is hereby
21 constituted a public instrumentality and the exercise of said
22 authority of the powers conferred by this act shall be deemed
23 and held to be the performance of essential governmental
24 functions.

25 Section 3. (1)(a) The Sebring Airport Authority shall
26 exercise its powers and jurisdiction over the property now
27 known as "Sebring Regional Airport and Industrial Park," as
28 follows:

29
30 The West Half (W1/2) of Section 4; All of
31 Section 5, less and except that portion of the

1 North Half (N1/2) lying West of the canal and
2 the Railroad right-of-way spur; the Southeast
3 Quarter (SE1/4) of the Southeast Quarter
4 (SE1/4) of Section 6; All of Section 7, less
5 and except that portion of the West Half (W1/2)
6 lying northerly of State Road No. 623 and West
7 of the canal; All of Section 8; the West Half
8 (W1/2) of Section 9; and that part of Section
9 18 lying North and West of the airport access
10 road, less and except the following land deeded
11 to the Humane Society generally described as
12 being a 10-acre tract lying adjacent to the
13 westerly boundary of the Hendricks Field access
14 road and adjacent to and South of the north
15 boundary of Section 18, Township 35 South,
16 Range 30 East, more particularly described as
17 follows: Commencing as a point of beginning at
18 the intersection of the westerly boundary of
19 Hendricks Field access road (said road being
20 100 feet in width, being 50 feet on either side
21 of said center line) with the North boundary of
22 Section 18, Township 35 South, Range 30 East,
23 Highlands County, Florida, thence South
24 89°01'45" West along the North boundary of
25 Section 18 a distance of 505.70 feet to a
26 point, thence South 01°54'30" East a distance
27 of 908.84 feet to a point, thence North
28 88°05'30" East a distance of 500.00 feet to a
29 point on the westerly boundary of Hendricks
30 Field access road, thence North 01°54'30" West
31 along the westerly boundary of the Hendricks

1 Field access road a distance of 718.68 feet to
2 a point of curve, thence along a curve to the
3 right having a radius of 2,914.79 feet an arc
4 distance of 181.32 feet to the point of
5 beginning.

6
7 All of the above described land lying in
8 Township 35 South, Range 30 East, Highlands
9 County, Florida.

10
11 (b) All of that property now owned by the City of
12 Sebring and known as Sebring Air Terminal shall be
13 gratuitously transferred and conveyed to the Sebring Airport
14 Authority, subject to any reservations or restrictions of
15 record or existing leases, and subject to the restriction that
16 none of said property may be sold at any time without the
17 consent of the City of Sebring.

18 (c) The Sebring Airport Authority shall also exercise
19 its powers and jurisdiction over the following property,
20 subject to the power and authority of the Spring Lake
21 Improvement District, Spring Lake Property Association, Inc.,
22 county zoning, and other restrictions:

23
24 All of Parcel C, SPRING LAKE VILLAGE IV,
25 according to the plat thereof recorded in Plat
26 Book 9, Page 75 of the Public Records of
27 Highlands County.

28
29 (2) The Sebring Airport Authority is authorized to
30 exercise its powers over properties in addition to the Sebring
31 Regional Airport and Industrial Park so long as they are

1 exercised pursuant to contracts with other governmental
2 entities for the operation and supervision of other airports,
3 airfields, and related facilities.

4 Section 4. The Sebring Airport Authority shall be
5 governed by a board of seven members known as the Sebring
6 Airport Authority Board. At the expiration of each term, a
7 successor shall be appointed to fill such vacancies for terms
8 of 4 years each. Vacancies in office shall be filled by
9 appointment of said city council for the remainder of the
10 unexpired term. All such appointments after the initial ones
11 provided for in this act shall be selected by the city council
12 from a list containing at least twice as many nominees as
13 vacancies. At least four members of the board shall be
14 qualified electors of the City of Sebring. Should the said
15 city council be unable by a majority vote to select a
16 successor from the original list submitted to it by said
17 board, the board shall submit to said city council an
18 additional list containing at least twice as many nominees as
19 vacancies. Upon the reconsideration, the city council may
20 select from the initial or replacement list. The original list
21 shall be submitted to said city council within 10 days from
22 the expiration of the term of any member of said authority,
23 and within 20 days from the resignation, death, or removal for
24 cause of any member of said authority. During any vacancy or
25 vacancies for any reason or reasons, the remaining members of
26 said board shall constitute said board with full power and
27 authority to act as though there were no vacancy in the
28 membership of said board. Members shall receive such
29 compensation for their services and reimbursement for verified
30 travel and other expenses as shall be provided for by
31 resolution of said board. Four members shall constitute a

1 quorum for meetings and an affirmative vote of a majority of
2 the members present shall be necessary for any action taken by
3 the authority. Successive 4-year terms shall begin on the
4 first day of May of the respective year.

5 Section 5. The Sebring Airport Authority shall select
6 one of its members as chair of the authority and another of
7 its members to act as secretary of the authority, both of whom
8 shall serve as such at the pleasure of the authority, and the
9 authority may select such other members for such offices as it
10 deems necessary.

11 Section 6. The Sebring Airport Authority is hereby
12 authorized and empowered:

13 (1) To adopt bylaws for the regulation of its affairs
14 and the conduct of its business.

15 (2) To adopt an official seal and alter the same at
16 pleasure.

17 (3) To maintain an office at such place or places as
18 it may designate.

19 (4) To sue and be sued in its own name, plead, and be
20 impleaded.

21 (5) To acquire, lease as lessee or lessor, construct,
22 reconstruct, improve, extend, enlarge, equip, repair,
23 maintain, and operate any airport and other industrial
24 facilities (including tire and automobile testing and racing)
25 which may be located on the property of the authority. Nothing
26 in this act shall exempt the Sebring Airport Authority from
27 the provisions of chapter 333, Florida Statutes.

28 (6) To issue bonds of the authority, as hereinafter
29 provided, to pay the cost of such acquisition, construction,
30 reconstruction, improvement, extension, enlargement, or
31 equipment.

1 (7) To issue refunding bonds of the authority as
2 hereinafter provided.

3 (8) To fix and revise from time to time and to collect
4 rates, fees, and other charges for the use of or for the
5 services and facilities furnished by any airport facilities.

6 (9) To acquire in the name of the authority by gift,
7 purchase, or the exercise of the right of eminent domain, in
8 accordance with the laws of the state which may be applicable
9 to the exercise of such powers by counties or municipalities,
10 any lands or rights in land, and to acquire such personal
11 property as it may deem necessary in connection with the
12 acquisition, construction, reconstruction, improvement,
13 extension, enlargement, or operation of any airport
14 facilities, and to hold and dispose of all real and personal
15 property under its control.

16 (10) To make and enter into all contracts and
17 agreements necessary or incidental to the performance of its
18 duties and the execution of its powers under this act,
19 including a trust agreement or trust agreements securing any
20 bonds issued hereunder, and to employ such consulting and
21 other engineers, superintendents, managers, construction and
22 financial experts, accountants, and attorneys, and such
23 employees and agents as may, in the judgment of the authority,
24 be deemed necessary, and to fix their compensation; provided,
25 however, that all such expenses shall be payable solely from
26 funds made available under the provisions of this act.

27 (11) To accept grants or money or materials or
28 property of any kind for any airport or other facilities from
29 any federal or state agency, political subdivision, or other
30 public body or from any private agency or individual, upon
31 such terms and conditions as may be imposed.

1 (12) To issue revenue certificates of the authority as
2 hereinafter provided.

3 (13) To do all acts and things necessary or convenient
4 to carry out the powers granted by this act.

5 (14) To contract with other governmental entities to
6 operate airports, airfields, and other related facilities and
7 services, including providing all personnel, tools, equipment,
8 supervision, and other materials and services required
9 therefor.

10 Section 7. The City of Sebring, a municipal
11 corporation under the laws of the state, acting through its
12 duly elected city council, is hereby authorized to make grants
13 of money to the Sebring Airport Authority and to lease, lend,
14 grant, or convey to the Sebring Airport Authority, with or
15 without consideration, real and personal property, or such
16 sums of money for operating expenses as may be deemed
17 necessary by the said city for the use by the authority for
18 any of its corporate purposes; provided, however, that if the
19 approval at an election by the freeholders, who are qualified
20 electors of the City of Sebring, shall be required by the
21 State Constitution, such election shall be called, noticed,
22 and conducted and the results thereof determined and declared,
23 in the manner required by general law.

24 Section 8. No contract for the construction, repair,
25 or alteration of any facility or part of the same, or the
26 purchase of equipment, services, or supplies involving an
27 expenditure of more than \$10,000, shall be awarded by the
28 authority unless the authority advertises for sealed bids at
29 least once a week for 2 consecutive weeks and such contract is
30 awarded to the lowest responsible bidder. However, the
31 authority may reject all bids.

1 Section 9. The Sebring Airport Authority, as hereby
2 created, is authorized and empowered to enter into contracts
3 with any individual, corporation, political subdivision, or
4 agency of the state, and the United States of America, and to
5 enter into operating contracts and/or leases for facilities
6 owned by said airport authority and any and all other
7 contracts for furthering the business, operation, and
8 maintenance of said facilities as hereinbefore provided,
9 including the right to lease any or all of such facilities and
10 appurtenances to individuals, corporations, or government
11 entities. The authority is further authorized to fix and
12 revise from time to time rate, fees, and other charges for the
13 use of and for the services furnished or to be furnished by
14 any facilities owned or operated by the authority. Such rates,
15 fees, and charges shall be fixed and revised so that the
16 revenues of the authority, together with any other available
17 funds, will be sufficient at all times to pay the cost,
18 including salaries, for maintaining, operating, and repairing
19 the airport facilities owned or operated by the authority,
20 including reserves for such purposes, and to pay the principal
21 or interest on all bonds or revenue certificates issued by the
22 authority under the provisions of this act as the same shall
23 become due and payable and to provide reserves therefor.
24 Notwithstanding any of the foregoing provisions of this
25 section, the authority may enter into contracts relating to
26 the use of or for the services furnished or to be furnished by
27 any such facilities which shall not be subject to revision
28 except in accordance with their terms.

29 Section 10. (1) The authority is hereby authorized to
30 issue, at one time or from time to time, bonds or revenue
31 certificates of the authority for the purpose of paying the

1 cost of acquiring, constructing, reconstructing, improving,
2 extending, enlarging, or equipping any of its facilities. The
3 bonds of each issue shall be dated, shall mature at such time
4 or times not exceeding 40 years from their date or dates, and
5 shall bear interest at such rate or rates as may be determined
6 by the authority, not exceeding the maximum rate of interest
7 on bonds allowed by the state, and may be made redeemable
8 before maturity, at the option of the authority, at such price
9 or prices and under such terms and conditions as may be fixed
10 by the authority prior to the issuance of the bonds. The
11 authority shall determine the form and the manner of execution
12 of the bonds, including any interest to be attached thereto,
13 and shall fix the denomination or denominations of the bonds
14 and the place or places of payment of principal and interest,
15 which may be at any bank or trust company within or without
16 the state. In case any officer whose signature or a facsimile
17 of whose signature shall appear on any bonds or coupons shall
18 cease to be such officer before the delivery of such bonds,
19 such signature or such facsimile shall nevertheless be valid
20 and sufficient for all purposes, the same as if he or she had
21 remained in office until such delivery. Notwithstanding any of
22 the other provisions of this act or any recitals in any bonds
23 issued under the provisions of this act, all such bonds shall
24 be deemed to be negotiable instruments under the laws of this
25 state. The bonds may be issued in coupon or registered form,
26 or both, as the authority may determine, and provisions may be
27 made for the registration of any coupon bonds as to principal
28 alone and also as to both principal and interest, and for the
29 reconversion into coupon bonds of any bonds registered as to
30 both principal and interest. The authority may sell such bonds
31 in such manner, either at public or private sale, and for such

1 price as it may determine to be for the best interests of the
2 authority, but no such sale shall be made at a price so low as
3 to require the payment of interest on the money received
4 therefor at more than the maximum rate of interest on bonds
5 allowed by the state, computed with relation to the absolute
6 maturity or maturities of the bonds in accordance with
7 standard tables of bond values, excluding, however, from such
8 computation the amount of any premium to be paid on redemption
9 of any bonds at more than the maximum rate of interest on
10 bonds allowed by the state, computed with relation to the
11 absolute maturity or maturities of the bonds in accordance
12 with standard tables of bond values, excluding, however, from
13 such computation the amount of any premium to be paid on
14 redemption of any bonds prior to maturity.

15 (2) The proceeds of the bonds of each issue shall be
16 used solely for the purpose for which such bonds shall have
17 been authorized and shall be disbursed in such manner and
18 under such restrictions, if any, as the authority may provide
19 in the resolution authorizing the issuance of such bonds or in
20 the trust agreement hereinafter mentioned securing the same.
21 Unless otherwise provided in the authorizing resolution or in
22 the trust agreement securing such bonds, if the proceeds of
23 such bonds, by error of estimates or otherwise, shall be less
24 than such costs, additional bonds may in like manner be issued
25 to provide the amount of such deficit and shall be deemed to
26 be of the same issue and shall be entitled to payment from the
27 same fund without preference or priority of the bonds first
28 issued for the same purpose.

29 (3) The resolution providing for the issuance of
30 bonds, and any trust agreement securing such bonds, may also
31 contain such limitations upon the issuance of additional bonds

1 as the authority may deem proper, and such additional bonds
2 shall be issued under such restrictions and limitations as may
3 be prescribed by such resolution or trust agreement.

4 (4) Prior to the preparation of definitive bonds, the
5 authority may, under like restrictions, issue interim receipts
6 or temporary bonds, with or without coupons, exchangeable for
7 definitive bonds when such bonds shall have been executed and
8 are available for delivery. The authority may also provide for
9 the replacement of any bonds which shall become mutilated or
10 be destroyed or lost.

11 (5) Bonds may be issued under the provisions of this
12 act without obtaining the consent of any commission, board,
13 bureau, or agency of the state or of any political
14 subdivision, and without any other proceedings or the
15 happening of other conditions or things than those
16 proceedings, conditions, or things which are specifically
17 required by this act.

18 (6) Bonds issued by the authority under the provisions
19 of this act shall not be deemed to constitute a debt of the
20 state or of any political subdivision thereof or a pledge of
21 the faith and credit of the state or any such political
22 subdivision, but such bonds shall be obligations of the
23 authority payable solely from the funds herein provided
24 therefor, and a statement to that effect shall be recited on
25 the face of the bonds.

26 (7) The maximum rate of interest on bonds allowed by
27 the state is determined pursuant to the provisions of section
28 215.84, Florida Statutes.

29 Section 11. (1) In the discretion of the authority,
30 each or any issue of bonds may be secured by a trust agreement
31 by and between the authority and a corporate trustee, which

1 may be made by a trust company or bank having the powers of a
2 trust company within or without the state. The resolution
3 authorizing the issuance of the bonds or such trust agreement
4 may pledge the revenues to be received from any airport
5 facilities of the authority but shall not convey or mortgage
6 any such facilities, and may contain such provisions for
7 protecting and enforcing the rights and remedies of the
8 bondholders as may be reasonable and proper and not in
9 violation of law, including covenants setting forth the duties
10 of the authority in relation to the acquisition, construction,
11 reconstruction, improvement, maintenance, repair, operation,
12 and insurance of any such facilities, the fixing and revising
13 of rates, fees, and charges, and the custody, safeguarding,
14 and application of all moneys, and for the employment of
15 consulting engineers in connection with such acquisition,
16 construction, reconstruction, or operation. It shall be lawful
17 for any bank or trust company incorporated under the laws of
18 the state which may act as depository of the proceeds of bonds
19 or of revenues to furnish such indemnifying bonds, or to
20 pledge such securities as may be required by the authority.
21 Such resolution or trust agreement may set forth the rights
22 and remedies of the bondholders and of the trustee, if any,
23 and may restrict the individual right of action by
24 bondholders. Such resolution or trust agreement may contain
25 such other provisions in addition to the foregoing as the
26 authority may deem reasonable and proper for the security of
27 the bondholders. The authority may provide for the payment of
28 the proceeds of the sale of the bonds and the revenues of any
29 airport facilities to such officer, board, or depository as it
30 may designate for the custody thereof, and for the method of
31 disbursement thereof, with such safeguards and restrictions as

1 it may determine. All expenses incurred in carrying out the
2 provisions of such resolution or trust agreement may be
3 treated as a part of the cost of operation.

4 (2) All pledges of revenues under the provisions of
5 this act shall be valid and binding from time to time when
6 such pledges are made. All such revenues so pledged and
7 thereafter received by the authority shall immediately be
8 subject to the lien of such pledges without any physical
9 delivery thereof or further action, and the lien of such
10 pledges shall be valid and binding as against all parties
11 having claims of any kind in tort, contract, or otherwise,
12 against the authority, irrespective of whether such parties
13 have notice thereof.

14 Section 12. All moneys received pursuant to the
15 authority of this act shall be deemed to be trust funds, to be
16 held and applied solely as provided in this act. The
17 resolution authorizing the issuance of bonds or the trust
18 agreement securing such bonds shall provide that any officer
19 to whom, or bank, trust company, or fiscal agent to which,
20 such moneys shall be paid shall act as trustee of such moneys
21 and shall hold and apply the same for the purposes hereof,
22 subject to such regulation as the resolution or trust
23 agreement may provide.

24 Section 13. Any holder of bonds issued under the
25 provisions of this act or of any of the coupons appertaining
26 thereto, and the trustee under any trust agreement, except to
27 extend the rights herein given as may be restricted by the
28 resolution authorizing the issuance of such bonds or such
29 trust agreement, may, either at law or in equity, by suit,
30 action, mandamus, or other proceedings, protect and enforce
31 any and all rights under the laws of the state or granted

1 hereunder or under such resolution or trust agreement, and may
2 enforce and compel the performance of all duties required by
3 this act or by such resolution or trust agreement to be
4 performed by the authority or by any officer thereof,
5 including the fixing, charging, and collecting of rates, fees,
6 and charges for the use of or for the services and facilities
7 furnished by any airport facilities.

8 Section 14. The authority is hereby authorized to
9 issue from time to time refunding bonds for the purpose of
10 refunding any bonds of the authority then outstanding,
11 including the payment of any redemption premium thereon and
12 any interest accrued or to accrue to the date of redemption of
13 such bonds. The authority is further authorized to issue from
14 time to time bonds of the authority for the combined purpose
15 of refunding any bonds of the authority then outstanding,
16 including the payment of any redemption premium thereon and
17 any interest accrued or to accrue to the date of redemption of
18 such bonds, and paying all or any part of the cost of
19 acquiring or constructing any additional facilities or of any
20 improvements. The issuance of such bonds, the maturities and
21 other details thereof, the rights and remedies of the holders
22 thereof, and the rights, powers, privileges, duties, and
23 obligations of the authority with respect to the same, shall
24 be governed by the foregoing provisions of this act insofar as
25 the same may be applicable.

26 Section 15. The Sebring Airport Authority, as hereby
27 created, shall have no power or authority to bind or commit
28 the City of Sebring, a municipal corporation, in any manner
29 directly or indirectly and the City of Sebring shall not be
30 liable or responsible in any manner for any of the debts,
31 liabilities, obligations, acts, or omissions of the Sebring

1 Airport Authority, or any of its officers or employees. All
2 persons dealing with the said authority are hereby charged
3 with full notice of this limitation of its powers.

4 Section 16. The Sebring Airport Authority shall
5 maintain acceptable books of account reflecting all income and
6 expenditures and said books shall be open to reasonable public
7 inspection. In addition, the Sebring Airport Authority Board
8 shall prepare on or before the first of each year a budget and
9 no money shall be spent or obligations incurred by the board
10 or authority except in accordance with the terms of said
11 budget. An audit of the affairs of the Sebring Airport
12 Authority shall be conducted annually by a certified public
13 accountant and shall, at the option of the authority or the
14 City of Sebring, be submitted to the Chief Financial Officer
15 for his or her review by March of each year. Within 2 weeks
16 after completion of said audit, the authority shall cause to
17 be published once in a newspaper published and circulated in
18 the City of Sebring a notice that the audit is available for
19 public inspection at the Sebring Airport Authority's office.

20 Section 17. The Sebring Airport Authority shall, with
21 the consent of the City Council of Sebring, evidenced by
22 resolution of said council, exercise any powers relating to
23 aviation conferred upon municipalities by general law,
24 including the provisions of chapter 332, Florida Statutes, or
25 the Federal Aviation Administration.

26 Section 18. The Sebring Airport Authority shall hold
27 regular meetings at least once every month and at such other
28 times as the authority shall determine to be reasonably
29 necessary from time to time.

30 Section 19. This act shall be deemed to provide an
31 additional and alternative method for the doing of the things

1 authorized hereby and shall be regarded as supplemental and
2 additional to powers conferred by other laws, and shall not be
3 regarded as in derogation of or as repealing any powers now
4 existing under any other law, whether general, special, or
5 local, provided, however, that the issuance of bonds or
6 refunding bonds under the provisions of this act need not
7 comply with the requirements of any other law applicable to
8 the issuance of bonds.

9 Section 20. The provisions of this act are severable,
10 and if any of its provisions shall be held unconstitutional by
11 any court of competent jurisdiction, the decision of such
12 court shall not affect or impair any of the remaining
13 provisions.

14 Section 21. The Sebring Airport Authority is
15 authorized from time to time to issue revenue certificates of
16 the authority to fund its operations, acquisitions,
17 construction, or reconstruction, or the improving, enlarging,
18 or equipping of its functions and facilities, under this act.
19 Revenue certificates shall pay no more than the maximum
20 interest payable upon bonds issued by the state. The interest
21 rate paid may vary provided that it does not exceed the
22 maximum paid by the state. Revenue certificates may pledge
23 only the revenues generated by one or more of the authority's
24 facilities or improvements and shall not be an obligation of
25 the state or the City of Sebring.

26 Section 22. (1) The Sebring Airport Authority is
27 authorized to budget and use the funds accruing to it from
28 auxiliary enterprises, gifts, and concessions for promotion
29 and public relations, including expenditures for hospitality
30 of business guests, and industry recruitment (including funds
31

1 for travel, meals, and lodging at the actual expense, rather
2 than the otherwise legally established per diem rates).

3 (2) The accrual and expenditures of said funds shall
4 be considered part of the authority's budget and shall be
5 answerable to the provisions as stated in section 16 of this
6 act.

7 Section 4. Chapters 67-2070, 82-382, 89-484, 91-415,
8 95-526, and 2001-332, Laws of Florida, are repealed.

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

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