

1 A bill to be entitled
 2 An act relating to the Sebring Airport Authority,
 3 Highlands County; codifying, amending, reenacting, and
 4 repealing special acts relating to the authority; defining
 5 the powers and duties of said authority; granting to the
 6 authority power to acquire, lease, construct, reconstruct,
 7 improve, extend, enlarge, equip, repair, maintain, and
 8 operate airport and other facilities; providing for the
 9 issuance of bonds of the authority, payable solely from
 10 funds provided therefor under the act, to pay the cost of
 11 acquiring, constructing, or reconstructing any facilities
 12 and the cost of improvements, extensions, enlargements,
 13 and equipment; granting to the authority power to acquire
 14 necessary real and personal property and to exercise the
 15 power of eminent domain; providing for the imposition and
 16 collection of charges for the use of and for the services
 17 furnished by any such facilities; authorizing the City of
 18 Sebring to make grants and conveyances to the authority;
 19 prescribing the powers and duties of the authority in
 20 connection with the foregoing and the rights and remedies
 21 of the holders of any bonds or revenue certificates issued
 22 under the provisions of this act; providing an effective
 23 date.

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

26
 27 Section 1. Pursuant to section 189.429, Florida Statutes,
 28 this act constitutes the codification of all special acts

29 relating to the Sebring Airport Authority. It is the intent of
30 the Legislature in enacting this law to provide a single,
31 comprehensive special act charter for the authority, including
32 all current legislative authority granted to the authority by
33 its several legislative enactments and any additional authority
34 granted by this act. It is further the intent to preserve all
35 authority powers and authority.

36 Section 2. Chapters 67-2070, 82-382, 89-484, 91-415, 95-
37 526, and 2001-332, Laws of Florida, are codified, reenacted,
38 amended, and repealed as herein provided.

39 Section 3. The Sebring Airport Authority is re-created and
40 the charter for the authority is re-created and reenacted to
41 read:

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

44 Section 2. There is hereby created an authority to be
45 known as the Sebring Airport Authority which shall be a body
46 politic and corporate. The Sebring Airport Authority is hereby
47 constituted a public instrumentality and the exercise of said
48 authority of the powers conferred by this act shall be deemed
49 and held to be the performance of essential governmental
50 functions.

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

54
55 The West Half (W1/2) of Section 4; All of Section 5,
56 less and except that portion of the North Half (N1/2)

57 | lying West of the canal and the Railroad right-of-way
58 | spur; the Southeast Quarter (SE1/4) of the Southeast
59 | Quarter (SE1/4) of Section 6; All of Section 7, less
60 | and except that portion of the West Half (W1/2) lying
61 | northerly of State Road No. 623 and West of the canal;
62 | All of Section 8; the West Half (W1/2) of Section 9;
63 | and that part of Section 18 lying North and West of
64 | the airport access road, less and except the following
65 | land deeded to the Humane Society generally described
66 | as being a 10-acre tract lying adjacent to the
67 | westerly boundary of the Hendricks Field access road
68 | and adjacent to and South of the north boundary of
69 | Section 18, Township 35 South, Range 30 East, more
70 | particularly described as follows: Commencing as a
71 | point of beginning at the intersection of the westerly
72 | boundary of Hendricks Field access road (said road
73 | being 100 feet in width, being 50 feet on either side
74 | of said center line) with the North boundary of
75 | Section 18, Township 35 South, Range 30 East,
76 | Highlands County, Florida, thence South 89°01'45" West
77 | along the North boundary of Section 18 a distance of
78 | 505.70 feet to a point, thence South 01°54'30" East a
79 | distance of 908.84 feet to a point, thence North
80 | 88°05'30" East a distance of 500.00 feet to a point on
81 | the westerly boundary of Hendricks Field access road,
82 | thence North 01°54'30" West along the westerly
83 | boundary of the Hendricks Field access road a distance
84 | of 718.68 feet to a point of curve, thence along a

85 curve to the right having a radius of 2,914.79 feet an
 86 arc distance of 181.32 feet to the point of beginning.

87
 88 All of the above described land lying in Township 35
 89 South, Range 30 East, Highlands County, Florida.

90
 91 (b) All of that property now owned by the City of Sebring
 92 and known as Sebring Air Terminal shall be gratuitously
 93 transferred and conveyed to the Sebring Airport Authority,
 94 subject to any reservations or restrictions of record or
 95 existing leases, and subject to the restriction that none of
 96 said property may be sold at any time without the consent of the
 97 City of Sebring.

98 (c) The Sebring Airport Authority shall also exercise its
 99 powers and jurisdiction over the following property, subject to
 100 the power and authority of the Spring Lake Improvement District,
 101 Spring Lake Property Association, Inc., county zoning, and other
 102 restrictions:

103
 104 All of Parcel C, SPRING LAKE VILLAGE IV, according to
 105 the plat thereof recorded in Plat Book 9, Page 75 of
 106 the Public Records of Highlands County.

107
 108 (2) The Sebring Airport Authority is authorized to
 109 exercise its powers over properties in addition to the Sebring
 110 Regional Airport and Industrial Park so long as they are
 111 exercised pursuant to contracts with other governmental entities

112 for the operation and supervision of other airports, airfields,
113 and related facilities.

114 Section 4. The Sebring Airport Authority shall be governed
115 by a board of seven members known as the Sebring Airport
116 Authority Board. At the expiration of each term, a successor
117 shall be appointed to fill such vacancies for terms of 4 years
118 each. Vacancies in office shall be filled by appointment of said
119 city council for the remainder of the unexpired term. All such
120 appointments after the initial ones provided for in this act
121 shall be selected by the city council from a list containing at
122 least twice as many nominees as vacancies. At least four members
123 of the board shall be qualified electors of the City of Sebring.
124 Should the said city council be unable by a majority vote to
125 select a successor from the original list submitted to it by
126 said board, the board shall submit to said city council an
127 additional list containing at least twice as many nominees as
128 vacancies. Upon the reconsideration, the city council may select
129 from the initial or replacement list. The original list shall be
130 submitted to said city council within 10 days from the
131 expiration of the term of any member of said authority, and
132 within 20 days from the resignation, death, or removal for cause
133 of any member of said authority. During any vacancy or vacancies
134 for any reason or reasons, the remaining members of said board
135 shall constitute said board with full power and authority to act
136 as though there were no vacancy in the membership of said board.
137 Members shall receive such compensation for their services and
138 reimbursement for verified travel and other expenses as shall be
139 provided for by resolution of said board. Four members shall

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

144 Section 5. The Sebring Airport Authority shall select one
145 of its members as chair of the authority and another of its
146 members to act as secretary of the authority, both of whom shall
147 serve as such at the pleasure of the authority, and the
148 authority may select such other members for such offices as it
149 deems necessary.

150 Section 6. The Sebring Airport Authority is hereby
151 authorized and empowered:

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

154 (2) To adopt an official seal and alter the same at
155 pleasure.

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

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

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

167 (6) To issue bonds of the authority, as hereinafter
168 provided, to pay the cost of such acquisition, construction,
169 reconstruction, improvement, extension, enlargement, or
170 equipment.

171 (7) To issue refunding bonds of the authority as
172 hereinafter provided.

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

176 (9) To acquire in the name of the authority by gift,
177 purchase, or the exercise of the right of eminent domain, in
178 accordance with the laws of the state which may be applicable to
179 the exercise of such powers by counties or municipalities, any
180 lands or rights in land, and to acquire such personal property
181 as it may deem necessary in connection with the acquisition,
182 construction, reconstruction, improvement, extension,
183 enlargement, or operation of any airport facilities, and to hold
184 and dispose of all real and personal property under its control.

185 (10) To make and enter into all contracts and agreements
186 necessary or incidental to the performance of its duties and the
187 execution of its powers under this act, including a trust
188 agreement or trust agreements securing any bonds issued
189 hereunder, and to employ such consulting and other engineers,
190 superintendents, managers, construction and financial experts,
191 accountants, and attorneys, and such employees and agents as
192 may, in the judgment of the authority, be deemed necessary, and
193 to fix their compensation; provided, however, that all such

194 expenses shall be payable solely from funds made available under
 195 the provisions of this act.

196 (11) To accept grants or money or materials or property of
 197 any kind for any airport or other facilities from any federal or
 198 state agency, political subdivision, or other public body or
 199 from any private agency or individual, upon such terms and
 200 conditions as may be imposed.

201 (12) To issue revenue certificates of the authority as
 202 hereinafter provided.

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

205 (14) To contract with other governmental entities to
 206 operate airports, airfields, and other related facilities and
 207 services, including providing all personnel, tools, equipment,
 208 supervision, and other materials and services required therefor.

209 Section 7. The City of Sebring, a municipal corporation
 210 under the laws of the state, acting through its duly elected
 211 city council, is hereby authorized to make grants of money to
 212 the Sebring Airport Authority and to lease, lend, grant, or
 213 convey to the Sebring Airport Authority, with or without
 214 consideration, real and personal property, or such sums of money
 215 for operating expenses as may be deemed necessary by the said
 216 city for the use by the authority for any of its corporate
 217 purposes; provided, however, that if the approval at an election
 218 by the freeholders, who are qualified electors of the City of
 219 Sebring, shall be required by the State Constitution, such
 220 election shall be called, noticed, and conducted and the results

221 thereof determined and declared, in the manner required by
222 general law.

223 Section 8. No contract for the construction, repair, or
224 alteration of any facility or part of the same, or the purchase
225 of equipment, services, or supplies involving an expenditure of
226 more than \$10,000, shall be awarded by the authority unless the
227 authority advertises for sealed bids at least once a week for 2
228 consecutive weeks and such contract is awarded to the lowest
229 responsible bidder. However, the authority may reject all bids.

230 Section 9. The Sebring Airport Authority, as hereby
231 created, is authorized and empowered to enter into contracts
232 with any individual, corporation, political subdivision, or
233 agency of the state, and the United States of America, and to
234 enter into operating contracts and/or leases for facilities
235 owned by said airport authority and any and all other contracts
236 for furthering the business, operation, and maintenance of said
237 facilities as hereinbefore provided, including the right to
238 lease any or all of such facilities and appurtenances to
239 individuals, corporations, or government entities. The authority
240 is further authorized to fix and revise from time to time rate,
241 fees, and other charges for the use of and for the services
242 furnished or to be furnished by any facilities owned or operated
243 by the authority. Such rates, fees, and charges shall be fixed
244 and revised so that the revenues of the authority, together with
245 any other available funds, will be sufficient at all times to
246 pay the cost, including salaries, for maintaining, operating,
247 and repairing the airport facilities owned or operated by the
248 authority, including reserves for such purposes, and to pay the

249 principal or interest on all bonds or revenue certificates
250 issued by the authority under the provisions of this act as the
251 same shall become due and payable and to provide reserves
252 therefor. Notwithstanding any of the foregoing provisions of
253 this section, the authority may enter into contracts relating to
254 the use of or for the services furnished or to be furnished by
255 any such facilities which shall not be subject to revision
256 except in accordance with their terms.

257 Section 10. (1) The authority is hereby authorized to
258 issue, at one time or from time to time, bonds or revenue
259 certificates of the authority for the purpose of paying the cost
260 of acquiring, constructing, reconstructing, improving,
261 extending, enlarging, or equipping any of its facilities. The
262 bonds of each issue shall be dated, shall mature at such time or
263 times not exceeding 40 years from their date or dates, and shall
264 bear interest at such rate or rates as may be determined by the
265 authority, not exceeding the maximum rate of interest on bonds
266 allowed by the state, and may be made redeemable before
267 maturity, at the option of the authority, at such price or
268 prices and under such terms and conditions as may be fixed by
269 the authority prior to the issuance of the bonds. The authority
270 shall determine the form and the manner of execution of the
271 bonds, including any interest to be attached thereto, and shall
272 fix the denomination or denominations of the bonds and the place
273 or places of payment of principal and interest, which may be at
274 any bank or trust company within or without the state. In case
275 any officer whose signature or a facsimile of whose signature
276 shall appear on any bonds or coupons shall cease to be such

277 officer before the delivery of such bonds, such signature or
278 such facsimile shall nevertheless be valid and sufficient for
279 all purposes, the same as if he or she had remained in office
280 until such delivery. Notwithstanding any of the other provisions
281 of this act or any recitals in any bonds issued under the
282 provisions of this act, all such bonds shall be deemed to be
283 negotiable instruments under the laws of this state. The bonds
284 may be issued in coupon or registered form, or both, as the
285 authority may determine, and provisions may be made for the
286 registration of any coupon bonds as to principal alone and also
287 as to both principal and interest, and for the reconversion into
288 coupon bonds of any bonds registered as to both principal and
289 interest. The authority may sell such bonds in such manner,
290 either at public or private sale, and for such price as it may
291 determine to be for the best interests of the authority, but no
292 such sale shall be made at a price so low as to require the
293 payment of interest on the money received therefor at more than
294 the maximum rate of interest on bonds allowed by the state,
295 computed with relation to the absolute maturity or maturities of
296 the bonds in accordance with standard tables of bond values,
297 excluding, however, from such computation the amount of any
298 premium to be paid on redemption of any bonds at more than the
299 maximum rate of interest on bonds allowed by the state, computed
300 with relation to the absolute maturity or maturities of the
301 bonds in accordance with standard tables of bond values,
302 excluding, however, from such computation the amount of any
303 premium to be paid on redemption of any bonds prior to maturity.

304 (2) The proceeds of the bonds of each issue shall be used
305 solely for the purpose for which such bonds shall have been
306 authorized and shall be disbursed in such manner and under such
307 restrictions, if any, as the authority may provide in the
308 resolution authorizing the issuance of such bonds or in the
309 trust agreement hereinafter mentioned securing the same. Unless
310 otherwise provided in the authorizing resolution or in the trust
311 agreement securing such bonds, if the proceeds of such bonds, by
312 error of estimates or otherwise, shall be less than such costs,
313 additional bonds may in like manner be issued to provide the
314 amount of such deficit and shall be deemed to be of the same
315 issue and shall be entitled to payment from the same fund
316 without preference or priority of the bonds first issued for the
317 same purpose.

318 (3) The resolution providing for the issuance of bonds,
319 and any trust agreement securing such bonds, may also contain
320 such limitations upon the issuance of additional bonds as the
321 authority may deem proper, and such additional bonds shall be
322 issued under such restrictions and limitations as may be
323 prescribed by such resolution or trust agreement.

324 (4) Prior to the preparation of definitive bonds, the
325 authority may, under like restrictions, issue interim receipts
326 or temporary bonds, with or without coupons, exchangeable for
327 definitive bonds when such bonds shall have been executed and
328 are available for delivery. The authority may also provide for
329 the replacement of any bonds which shall become mutilated or be
330 destroyed or lost.

331 (5) Bonds may be issued under the provisions of this act
332 without obtaining the consent of any commission, board, bureau,
333 or agency of the state or of any political subdivision, and
334 without any other proceedings or the happening of other
335 conditions or things than those proceedings, conditions, or
336 things which are specifically required by this act.

337 (6) Bonds issued by the authority under the provisions of
338 this act shall not be deemed to constitute a debt of the state
339 or of any political subdivision thereof or a pledge of the faith
340 and credit of the state or any such political subdivision, but
341 such bonds shall be obligations of the authority payable solely
342 from the funds herein provided therefor, and a statement to that
343 effect shall be recited on the face of the bonds.

344 (7) The maximum rate of interest on bonds allowed by the
345 state is determined pursuant to the provisions of section
346 215.84, Florida Statutes.

347 Section 11. (1) In the discretion of the authority, each
348 or any issue of bonds may be secured by a trust agreement by and
349 between the authority and a corporate trustee, which may be made
350 by a trust company or bank having the powers of a trust company
351 within or without the state. The resolution authorizing the
352 issuance of the bonds or such trust agreement may pledge the
353 revenues to be received from any airport facilities of the
354 authority but shall not convey or mortgage any such facilities,
355 and may contain such provisions for protecting and enforcing the
356 rights and remedies of the bondholders as may be reasonable and
357 proper and not in violation of law, including covenants setting
358 forth the duties of the authority in relation to the

359 acquisition, construction, reconstruction, improvement,
360 maintenance, repair, operation, and insurance of any such
361 facilities, the fixing and revising of rates, fees, and charges,
362 and the custody, safeguarding, and application of all moneys,
363 and for the employment of consulting engineers in connection
364 with such acquisition, construction, reconstruction, or
365 operation. It shall be lawful for any bank or trust company
366 incorporated under the laws of the state which may act as
367 depository of the proceeds of bonds or of revenues to furnish
368 such indemnifying bonds, or to pledge such securities as may be
369 required by the authority. Such resolution or trust agreement
370 may set forth the rights and remedies of the bondholders and of
371 the trustee, if any, and may restrict the individual right of
372 action by bondholders. Such resolution or trust agreement may
373 contain such other provisions in addition to the foregoing as
374 the authority may deem reasonable and proper for the security of
375 the bondholders. The authority may provide for the payment of
376 the proceeds of the sale of the bonds and the revenues of any
377 airport facilities to such officer, board, or depository as it
378 may designate for the custody thereof, and for the method of
379 disbursement thereof, with such safeguards and restrictions as
380 it may determine. All expenses incurred in carrying out the
381 provisions of such resolution or trust agreement may be treated
382 as a part of the cost of operation.

383 (2) All pledges of revenues under the provisions of this
384 act shall be valid and binding from time to time when such
385 pledges are made. All such revenues so pledged and thereafter
386 received by the authority shall immediately be subject to the

387 lien of such pledges without any physical delivery thereof or
388 further action, and the lien of such pledges shall be valid and
389 binding as against all parties having claims of any kind in
390 tort, contract, or otherwise, against the authority,
391 irrespective of whether such parties have notice thereof.

392 Section 12. All moneys received pursuant to the authority
393 of this act shall be deemed to be trust funds, to be held and
394 applied solely as provided in this act. The resolution
395 authorizing the issuance of bonds or the trust agreement
396 securing such bonds shall provide that any officer to whom, or
397 bank, trust company, or fiscal agent to which, such moneys shall
398 be paid shall act as trustee of such moneys and shall hold and
399 apply the same for the purposes hereof, subject to such
400 regulation as the resolution or trust agreement may provide.

401 Section 13. Any holder of bonds issued under the
402 provisions of this act or of any of the coupons appertaining
403 thereto, and the trustee under any trust agreement, except to
404 extend the rights herein given as may be restricted by the
405 resolution authorizing the issuance of such bonds or such trust
406 agreement, may, either at law or in equity, by suit, action,
407 mandamus, or other proceedings, protect and enforce any and all
408 rights under the laws of the state or granted hereunder or under
409 such resolution or trust agreement, and may enforce and compel
410 the performance of all duties required by this act or by such
411 resolution or trust agreement to be performed by the authority
412 or by any officer thereof, including the fixing, charging, and
413 collecting of rates, fees, and charges for the use of or for the
414 services and facilities furnished by any airport facilities.

415 Section 14. The authority is hereby authorized to issue
416 from time to time refunding bonds for the purpose of refunding
417 any bonds of the authority then outstanding, including the
418 payment of any redemption premium thereon and any interest
419 accrued or to accrue to the date of redemption of such bonds.
420 The authority is further authorized to issue from time to time
421 bonds of the authority for the combined purpose of refunding any
422 bonds of the authority then outstanding, including the payment
423 of any redemption premium thereon and any interest accrued or to
424 accrue to the date of redemption of such bonds, and paying all
425 or any part of the cost of acquiring or constructing any
426 additional facilities or of any improvements. The issuance of
427 such bonds, the maturities and other details thereof, the rights
428 and remedies of the holders thereof, and the rights, powers,
429 privileges, duties, and obligations of the authority with
430 respect to the same, shall be governed by the foregoing
431 provisions of this act insofar as the same may be applicable.

432 Section 15. The Sebring Airport Authority, as hereby
433 created, shall have no power or authority to bind or commit the
434 City of Sebring, a municipal corporation, in any manner directly
435 or indirectly and the City of Sebring shall not be liable or
436 responsible in any manner for any of the debts, liabilities,
437 obligations, acts, or omissions of the Sebring Airport
438 Authority, or any of its officers or employees. All persons
439 dealing with the said authority are hereby charged with full
440 notice of this limitation of its powers.

441 Section 16. The Sebring Airport Authority shall maintain
442 acceptable books of account reflecting all income and

443 expenditures and said books shall be open to reasonable public
444 inspection. In addition, the Sebring Airport Authority Board
445 shall prepare on or before the first of each year a budget and
446 no money shall be spent or obligations incurred by the board or
447 authority except in accordance with the terms of said budget.
448 An audit of the affairs of the Sebring Airport Authority shall
449 be conducted annually by a certified public accountant and
450 shall, at the option of the authority or the City of Sebring, be
451 submitted to the Chief Financial Officer for his or her review
452 by March of each year. Within 2 weeks after completion of said
453 audit, the authority shall cause to be published once in a
454 newspaper published and circulated in the City of Sebring a
455 notice that the audit is available for public inspection at the
456 Sebring Airport Authority's office.

457 Section 17. The Sebring Airport Authority shall, with the
458 consent of the City Council of Sebring, evidenced by resolution
459 of said council, exercise any powers relating to aviation
460 conferred upon municipalities by general law, including the
461 provisions of chapter 332, Florida Statutes, or the Federal
462 Aviation Administration.

463 Section 18. The Sebring Airport Authority shall hold
464 regular meetings at least once every month and at such other
465 times as the authority shall determine to be reasonably
466 necessary from time to time.

467 Section 19. This act shall be deemed to provide an
468 additional and alternative method for the doing of the things
469 authorized hereby and shall be regarded as supplemental and
470 additional to powers conferred by other laws, and shall not be

471 regarded as in derogation of or as repealing any powers now
472 existing under any other law, whether general, special, or
473 local, provided, however, that the issuance of bonds or
474 refunding bonds under the provisions of this act need not comply
475 with the requirements of any other law applicable to the
476 issuance of bonds.

477 Section 20. The provisions of this act are severable, and
478 if any of its provisions shall be held unconstitutional by any
479 court of competent jurisdiction, the decision of such court
480 shall not affect or impair any of the remaining provisions.

481 Section 21. The Sebring Airport Authority is authorized
482 from time to time to issue revenue certificates of the authority
483 to fund its operations, acquisitions, construction, or
484 reconstruction, or the improving, enlarging, or equipping of its
485 functions and facilities, under this act. Revenue certificates
486 shall pay no more than the maximum interest payable upon bonds
487 issued by the state. The interest rate paid may vary provided
488 that it does not exceed the maximum paid by the state. Revenue
489 certificates may pledge only the revenues generated by one or
490 more of the authority's facilities or improvements and shall not
491 be an obligation of the state or the City of Sebring.

492 Section 22. (1) The Sebring Airport Authority is
493 authorized to budget and use the funds accruing to it from
494 auxiliary enterprises, gifts, and concessions for promotion and
495 public relations, including expenditures for hospitality of
496 business guests, and industry recruitment (including funds for
497 travel, meals, and lodging at the actual expense, rather than
498 the otherwise legally established per diem rates).

499 (2) The accrual and expenditures of said funds shall be
500 considered part of the authority's budget and shall be
501 answerable to the provisions as stated in section 16 of this
502 act.

503 Section 4. Chapters 67-2070, 82-382, 89-484, 91-415, 95-
504 526, and 2001-332, Laws of Florida, are repealed.

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