

FINAL BILL ANALYSIS

BILL #: CS/HB 1345

FINAL HOUSE FLOOR ACTION:

117 Y's 0 N's

SPONSOR: Rep. Kreegel

GOVERNOR'S ACTION: Approved

COMPANION BILLS: N/A

SUMMARY ANALYSIS

CS/HB 1345 was passed by the House on April 27, 2011, and subsequently passed the Senate on May 2, 2011. The bill was approved by the Governor on June 21, 2011, chapter 2011-263, Laws of Florida, and took effect on June 21, 2011. The bill expands the authority of the Charlotte County Airport Authority (CCAA) permitting it to own and operate more than one airport. The bill also clarifies the authority of the CCAA relating to the range of projects for which it is permitted to manage, operate, maintain, plan, and develop. The bill also:

- Revises the powers of the CCAA to incorporate its authority to own and operate more than one airport.
- Authorizes the CCAA to provide for the manual execution or facsimile signature of any instrument or expenditure of funds in accordance with the Uniform Facsimile Signature of Public Officials Act.
- Permits the board to hold regular meetings as necessary and generally once each month unless canceled by emergency, majority vote, or by consensus of the CCAA board members.
- Makes technical changes and removes obsolete language.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

The Charlotte County Airport Authority (CCAA) is an independent special district created to manage, operate, maintain, plan, and develop the Charlotte County Airport and is governed by a five member elected board.¹ The CCAA is funded by revenues from leases and the sale of aviation fuel. In 2010, the CCAA served 182,000 airline passengers and a third airline will begin service in March 2011.²

The CCAA's charter provides that "project" means and includes "the acquisition of lands or any interest therein or improvements thereon, personal property of any nature or description, intangible personal property, or buildings, structures, or other improvements or facilities or any portion thereof or any interest therein, for the development, expansion, and promotion of the Charlotte County Airport, and commerce park and the construction or acquisition of buildings, plants, industrial parks, or areas and any and all facilities relating to the development of industry, commerce, recreation, agriculture, or natural resources of the Charlotte County Airport Authority for the purpose of selling, leasing, or renting such buildings, parks, areas, or facilities owned by the Charlotte County Airport Authority to public or private corporations, persons, or firms."

"Airport facilities" include, but are not limited to, landing fields; runways; taxiways; hangars; shops; restaurants and catering facilities; parking facilities; facilities necessary for the unloading and handling of passengers, mail, express, and freight, and all lands, properties, rights, easements, and franchises relating to the CCAA.

Effect of the Bill:

The bill expands the authority of the CCAA, revises its powers, makes technical changes, and removes obsolete language relating to the operations of the CCAA.

Definitions

The bill revises the definition of "project" to include the plural of airports and commerce parks, as well as facilities, or real estate owned, operated, or managed by the CCAA.

Purpose and Powers of the CCAA

The bill expands the authority of the CCAA permitting it to own and operate more than one airport. The bill also clarifies the authority of the CCAA relating to the range of projects for which it is permitted to manage, operate, maintain, plan, and develop.

The bill modifies the CCAA's powers to incorporate the authority to own and operate more than one airport regarding:

¹ Chapter 98-508, L.O.F., as amended by ch. 2004-405, L.O.F.

² Charlotte County Airport Authority, *Summary of Changes to the Charlotte County Airport Authority*, email to House Community & Military Affairs Subcommittee staff, March 21, 2011.

- Fixing rates of warehousing, storage, and terminal charges for the use of airport facilities.
- Soliciting business and promoting commerce.
- Entering into contracts with the state or any state agency and the federal government or any federal agency for assistance, appropriations, construction, enlargement or improvement of airports owned and operated by the CCAA.

The bill also amends the powers of the CCAA to provide that no general obligation bonds may be issued unless the Florida Constitution and all other applicable laws regarding the issuance are satisfied, including, but not limited to, approval by a majority of Charlotte County’s electorate, which casts votes in a duly held bond election, rather than referendum. State law uses the term “referendum”³ as opposed to “election” when referring to bonding authority and bond issuance.⁴

The Uniform Facsimile Signature of Public Officials Act⁵ provides that any authorized officer, after filing his or her manual signature certified under oath, may execute or cause to be executed with a facsimile signature in lieu of a manual signature.⁶ A facsimile signature is a reproduction by engraving, imprinting, stamping, or other means of manual signature by an authorized officer.⁷

The bill authorizes the CCAA to provide for the manual execution of any instrument on behalf of the CCAA by the signature of the chairperson or vice chairperson and attested by the secretary-treasurer or, in his or her absence, by the assistant secretary-treasurer or, if delegated by the board to do so, the executive director or any other CCAA personnel, or by their facsimile signature in accordance with the Uniform Facsimile Signature of Public Officials Act.

Qualifications of Members

The bill removes the requirement for a newly elected or appointed board member to file the oath to faithfully perform his or her duties with the Clerk of the Circuit Court. This provision is obsolete as the oath is filed with the Department of State. The bill also removes the provision requiring the official bond to be approved by the Clerk of the Circuit Court. This provision is obsolete as the bond for each member is managed by the CCAA.

Quorum; Transaction of Business

The bill removes a requirement that the CCAA board meet at least once each month unless canceled by an emergency or a majority vote to give the board flexibility for conducting business. The bill requires the board to hold regular meetings as necessary and generally once each month unless canceled by emergency, majority vote, or by consensus of the CCAA board members. This would give the board more flexibility as to when meetings are held to conduct business.

Expenditure of Funds

The bill amends the charter’s provisions related to the expenditure of funds to authorize checks drawn by the CCAA must be signed by the chairperson or vice chairperson of the board and attested by the

³ “Referendum” means “the process of referring a state legislative act, a state constitutional amendment, or an important public issue to the people for final approval by popular vote.” Black’s Law Dictionary, Second Pocket Edition, 2001.

⁴ See ss. 100.201 and 100.211, F.S.

⁵ Section 116.34, F.S.

⁶ Section 116.34(3), F.S.

⁷ Section 116.34(2)(e), F.S.

secretary-treasurer, the assistant secretary-treasurer or, if delegated by the board to do so, the executive director or other CCAA personnel, or by their facsimile signature in accordance with the Uniform Facsimile Signature of Public Officials Act.

The bill has an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 22, 2011.

WHERE? The notices were published in the Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, and the Venice Gondolier Sun located in Charlotte, Sarasota, and DeSoto Counties, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2011-12 or 2012-2013.