

1 A bill to be entitled
2 An act relating to the Hillsborough County Aviation
3 Authority; codifying, reenacting, and amending the
4 Authority's special acts; providing that the act is a
5 reviser; deleting provisions which have expired, have
6 had their effect, have served their purpose, or have
7 been impliedly repealed or superseded; replacing
8 incorrect cross references and citations; correcting
9 grammatical, typographical, and like errors; removing
10 inconsistencies and redundancies; improving clarity
11 and facilitating correct interpretation; clarifying
12 definitions; providing that independent special
13 districts operate to serve a public purpose;
14 incorporating specific references to existing
15 practices; clarifying procedure for election of
16 members; clarifying that advertisement provisions
17 pertain to sealed bids and other competitive selection
18 processes when and as required; clarifying employment
19 responsibilities; clarifying procedures for manual
20 execution of instruments on behalf of the Authority;
21 providing that the Authority can dispose of personal
22 property, derelict or abandoned aircraft, and derelict
23 or abandoned vehicles in accordance with existing
24 statutory law; deleting the requirement that the
25 Authority may not hold alcoholic beverage licenses
26 exceeding a certain number; clarifying the
27 requirements for award of contracts and clarifying
28 when such requirements do not apply; providing for

HB 575

2012

29 recodification; repealing chapters 2003-370 and 2007-
 30 292, Laws of Florida, relating to the Authority;
 31 providing a savings clause; providing an effective
 32 date.

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

36 Section 1. Pursuant to s. 189.429, Florida Statutes, this
 37 act constitutes the codification of all special acts relating to
 38 the Hillsborough County Aviation Authority. It is the intent of
 39 the Legislature in enacting this law to provide a single,
 40 comprehensive special act charter for the Authority, including
 41 all current legislative authority granted to the Authority by
 42 its several legislative enactments and any additional authority
 43 granted by this act.

44 Section 2. Chapters 2003-370 and 2007-292, Laws of
 45 Florida, relating to the Hillsborough County Aviation Authority,
 46 are codified, reenacted, amended, and repealed as provided in
 47 this act.

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

50 Section 1. Short title.—This act may be cited as the
 51 "Hillsborough County Aviation Authority Act."

52 Section 2. General provisions.—

53 (1) It is the intent of the Legislature that this act
 54 supersede chapters 2003-370 and 2007-292, Laws of Florida,
 55 relating to the Hillsborough County Aviation Authority, and is a
 56 codification, a compilation of previously existing legislation

57 relating to the Authority.

58 (2) The codification is also to act as a reviser's bill,
59 deleting provisions which have expired, have had their effect,
60 have served their purpose, or have been impliedly repealed or
61 superseded; replacing incorrect cross references and citations,
62 correcting grammatical, typographical, and like errors; removing
63 inconsistencies and redundancies; and improving clarity and
64 facilitating correct interpretation. It is the intent of the
65 Legislature to define frequently used terms and to reflect
66 standard business practices required for an independent special
67 district to conduct its business which have not been previously
68 enumerated.

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

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

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

78 (6) This act provides an additional, alternative, and
79 complete method for the exercise of the powers granted and
80 authorized by this act and shall be regarded as supplemental to
81 powers conferred by other laws and shall not be regarded as a
82 derogation of any powers now existing.

83 (7) The Legislature declares that independent special
84 districts operate to serve a public purpose and are a legitimate

85 method available for use by the public sector to manage, own,
86 operate, construct, and finance basic capital infrastructure,
87 facilities, and services.

88 (8) Regarding the airport facilities and concessions, the
89 Legislature finds and declares:

90 (a) The proper operation of the publicly owned or operated
91 airports in the County is essential to the welfare of the people
92 of the Tampa Bay area, the state, and its people.

93 (b) The publicly owned or operated airports in the County
94 establish a vital transportation link between the state and the
95 economic systems of the nation and the world and enable the
96 state to enjoy and provide the benefits of an international
97 tourist and commercial center.

98 (c) The economic validity and stability of the publicly
99 owned or operated airports in the County is a matter of
100 statewide importance.

101 (d) The policy of this state is to promote the development
102 of commerce and tourism to secure to the people of this state
103 the benefits of those activities conducted in the state.

104 (e) The proper operation of the publicly owned or operated
105 airports in the County is essential to the welfare of the state
106 and its people, and the Legislature recognizes and affirms such
107 operation as a governmental function to be discharged in
108 furtherance of the policy of securing the benefits of commerce
109 and tourism for the state and its people.

110 (9) The Authority shall manage airport facilities and
111 grant airport concessions to further the development of commerce
112 and tourism in or affecting the Tampa Bay area and the state. In

113 managing its facilities and granting concessions for services to
 114 the public, the Authority shall promote the development of
 115 commerce and tourism by:

- 116 (a) Securing a diversity of airport services.
- 117 (b) Avoiding wasteful duplication of such services.
- 118 (c) Securing to the users of airports safe, courteous, and
 119 quality service.
- 120 (d) Limiting or prohibiting business competition which is
 121 destructive to the ends of promoting commerce and tourism in the
 122 state.
- 123 (e) Allocating limited airport resources to promote such
 124 ends.
- 125 (f) Fostering Florida's image as a commercial and tourist
 126 center.

127 Section 3. Definitions.—As used in this act, unless
 128 otherwise specifically defined or unless another intention
 129 clearly appears:

- 130 (1) "Advertisement" means a notice published at least once
 131 a week for 2 consecutive weeks in at least two newspapers of
 132 general circulation in the County, as defined in general law, as
 133 may be amended from time to time.
- 134 (2) "Air navigation" means the operation or navigation of
 135 aircraft in the air space over the County or upon any airport or
 136 restricted landing area within the County.
- 137 (3) "Air navigation facility" means any facility used in,
 138 available for use in, or designed for use in aid of air
 139 navigation, including airports, restricted landing areas, and
 140 any structures, mechanisms, lights, beacons, marks,

141 communicating systems, or other instrumentalities or devices
 142 used or useful as an aid or constituting an advantage or
 143 convenience to the safe taking off, navigation, and landing of
 144 aircraft or the safe and efficient operation or maintenance of
 145 an airport or restricted landing area, and any combination of
 146 any or all of such facilities.

147 (4) "Airport" means any area of land or water which is
 148 designed for the landing and taking off of aircraft, whether or
 149 not facilities are provided for the shelter, servicing, or
 150 repair of aircraft or for receiving, servicing, and discharging
 151 passengers or cargo, all appurtenant areas used or suitable for
 152 airport buildings or other airport facilities, and all
 153 appurtenant rights-of-way.

154 (5) "Airports and other aviation facilities and facilities
 155 related thereto and any portion thereof" means and includes
 156 airports, buildings, structures, terminal buildings, parking
 157 garages and lots, space, hangars, lands, warehouses, shops,
 158 hotels, other aviation facilities of any kind or nature, or any
 159 other facilities of any kind or nature related to or connected
 160 with said airports and other aviation facilities which the
 161 Authority is authorized by law to construct, acquire, own,
 162 lease, or operate, together with all fixtures, equipment, and
 163 property, real or personal, tangible or intangible, necessary,
 164 appurtenant, or incidental thereto.

165 (6) "Airport purposes" means and includes airport,
 166 restricted landing area, and other air navigation facility
 167 purposes.

168 (7) "Authority" means the Hillsborough County Aviation

169 Authority.

170 (8) "Authority facility" means an airport, airports and
 171 other aviation facilities and facilities related thereto and any
 172 portion thereof, air navigation facilities, and special purpose
 173 facilities and any portion thereof.

174 (9) "Board" means the Board of County Commissioners of
 175 Hillsborough County.

176 (10) "Bond" means notes, bonds, certificates, refunding
 177 bonds, and other obligations.

178 (11) "Clerk" means Clerk of the Court of Hillsborough
 179 County.

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

181 (13) "Division" means the Florida Department of Business
 182 and Professional Regulation, Division of Alcoholic Beverages and
 183 Tobacco or any successor agency.

184 (14) "Federal" or "Federal Government" means the United
 185 States government, the President of the United States, and any
 186 department, corporation, commission, agency, or other
 187 instrumentality thereof.

188 (15) "Governor" means the Governor of the State of
 189 Florida.

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

192 (17) "Members" means the governing body of the Authority,
 193 and the term "member" means one of the individuals constituting
 194 such governing body.

195 (18) "Municipality" means a municipality created pursuant
 196 to general or special law authorized or recognized pursuant to

197 s. 2 or s. 6, Art. VIII of the State Constitution and located in
 198 the County.

199 (19) "Officer of the Authority" means a member who has
 200 been elected by the other members to serve as the Chairperson,
 201 Vice Chairperson, Secretary, Treasurer, or Assistant Secretary
 202 and Treasurer.

203 (20) "Person" means any individual, firm, partnership,
 204 corporation, company, association, joint stock association, or
 205 body politic and includes any trustee, receiver, assignee, or
 206 other similar representative thereof.

207 (21) "Policy" means a general principle adopted by the
 208 members and by which the Authority conducts its internal
 209 governance.

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

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

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

217 (25) "Rule" means each statement of general applicability
 218 adopted by the members that implements, interprets, or
 219 prescribes law or policy or describes the procedure or practice
 220 requirements of the Authority and includes any form which
 221 imposes any requirement or solicits any information not
 222 specifically required by statute or by an existing rule and may
 223 be used interchangeably with the word "regulation."

224 (26) "Special purpose facilities and any portion thereof"

225 means facilities related to or to be used in connection with the
 226 airports and other aviation facilities of the Authority and
 227 located on lands at or adjacent to the airports and other
 228 aviation facilities under the control, management, and
 229 jurisdiction of the Authority and includes all property,
 230 structures, rights, easements, and franchises relating thereto
 231 and deemed necessary or convenient therefor.

232 (27) "Standard procedure" means the method and manner
 233 established or approved by the Chief Executive Officer or a
 234 designee of the Chief Executive Officer that implements policy
 235 for the day-to-day management of the Authority's operations.

236 (28) "State government" means the government of the State
 237 of Florida, the Governor, and any department, commission,
 238 corporation, agency, or other instrumentality thereof.

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

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

247 Section 4. Creation; purpose.—

248 (1) The Hillsborough County Aviation Authority is created,
 249 and the powers granted by this act are declared to be public and
 250 governmental functions, exercised for public purposes, and are
 251 matters of public necessity. Lands and other real and personal
 252 property, easements, and privileges acquired and used by the

253 Authority are declared to have been acquired for and used for
 254 public and governmental purposes and as a matter of public
 255 necessity. The Authority is a public body corporate and is an
 256 independent special district.

257 (2) The Authority has exclusive jurisdiction, control,
 258 supervision, and management over all airports in the County and
 259 each municipality, except any airport owned, controlled, and
 260 operated by a private person. Said jurisdiction, control,
 261 supervision, and management are in the best interest of the
 262 County and each municipality.

263 Section 5. Membership.—

264 (1) The Authority shall consist of five members: one
 265 member who is the Mayor of the City of Tampa, ex officio; one
 266 member who is a member of and selected by the Board, ex officio;
 267 and three members who are appointed by the Governor. No member
 268 shall receive any compensation for services as a member. Each
 269 member appointed by the Governor shall be appointed for a term
 270 of 4 years. The Board shall appoint one of its members annually
 271 at the time of its organizational session who shall serve until
 272 its next annual appointment, provided that he or she continues
 273 to serve as a county commissioner during that time. Each member
 274 shall qualify by taking an oath to faithfully perform the duties
 275 of the office, and the oath shall be filed with the Clerk. To be
 276 eligible for appointment as a member of the Authority by the
 277 Governor, the person appointed must be a resident and citizen of
 278 the County and may not be employed by or be an elected official
 279 of the County or municipality. Each member may continue to serve
 280 until a successor has been commissioned.

281 (2) A majority of the members constitutes a quorum.
 282 (3) The Governor has the power to remove any member for
 283 good cause. Within 15 days after any vacancy occurs a successor
 284 shall be appointed in the same manner as that member for which a
 285 vacancy has occurred and shall serve for the unexpired term of
 286 his or her predecessor.

287 Section 6. Powers.—

288 (1) The Authority has the power to and shall:
 289 (a) Elect officers as follows: one member as Chairperson,
 290 one member as Vice Chairperson, one member as Secretary, one
 291 member as Treasurer, and one member as Assistant Secretary and
 292 Assistant Treasurer, each of whom shall hold office until new
 293 elections are held after any gubernatorial appointee has been
 294 commissioned. In the event of a vacancy prior to a gubernatorial
 295 appointment, the Authority will hold an election for that
 296 vacancy.

297 (b) Approve, file with the Clerk, and pay any surety bond
 298 required of any member and any employee of the Authority.

299 (c) Exclusively control, supervise, and manage all
 300 airports in the County and each municipality, except any airport
 301 owned, controlled, or operated by a private person.

302 (d) Advertise for sealed bids and other competitive
 303 selection processes when and as required by law; provided,
 304 however, the Authority may reject all bids, proposals, or
 305 responses and readvertise or select a single item from any bid,
 306 proposal, or response as further provided in this act.

307 (e) Adopt before October 1 an annual budget which has been
 308 prepared by the Chief Executive Officer and which must include

HB 575

2012

309 an estimate of all revenues and anticipated expenditures for the
310 following fiscal year.

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

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

315 (2) The Authority has the power to and may:

316 (a) Rely on the provisions of this act, without reference
317 to other laws, in exercising its powers.

318 (b) Establish and maintain such airports in, over, and
319 upon any public waters of this state within the limits of
320 jurisdiction of, or bordering on any municipality, any submerged
321 land under such public waters, and any artificial or reclaimed
322 land which, before the artificial making or reclamation thereof,
323 constituted a portion of the submerged land under such public
324 waters.

325 (c) Construct and maintain terminal buildings, landing
326 floats, causeways, roadways, bridges for approach to or
327 connecting with the airport, and land floats and breakwaters for
328 the protection of any such airport.

329 (d) Require the Treasurer and other officers or employees
330 of the Authority to execute an adequate surety bond, conditioned
331 upon the faithful performance of the duties of the office or
332 employment and in a penal sum fixed by the Authority.

333 (e) Employ, pay, and provide benefits, which may include a
334 bonus scheme, for personnel, including law enforcement officers
335 with full police powers and a Chief Executive Officer, formerly
336 known as the Executive Director, who shall establish positions,

HB 575

2012

337 duties, and a pay plan, which may include a bonus scheme, for
338 and promote, discipline, and terminate personnel; be responsible
339 for the day-to-day administration, management, and operation of
340 the Authority in accordance with policy established by the
341 members; and perform other duties as may be authorized by the
342 members.

343 (f) By policy or resolution, authorize the Chief Executive
344 Officer to perform any of the powers of the Authority in whole
345 or in part and with whatever other limitations it may find
346 appropriate, provided that said authorization does not result in
347 an invalid exercise of delegated legislative authority as
348 defined in general law.

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

352 (h) Reimburse for all travel expenses incurred while on
353 business for the Authority, upon requisition, any member, its
354 attorneys, the Chief Executive Officer, and any employee of the
355 Authority traveling under the direction of the Chief Executive
356 Officer or the Chief Executive Officer's designee in accordance
357 with the Authority's policies.

358 (i) Create, appoint, and prescribe the duties of any
359 committee.

360 (j) Sue and be sued.

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

362 (l) Publish advertisements.

363 (m) Waive advertisement when the Chief Executive Officer
364 determines an emergency exists and purchases must be immediately

365 made by the Authority.

366 (n) Negotiate and enter into contracts, agreements,
 367 exclusive or limited agreements, and cooperation agreements of
 368 any kind necessary for the Authority to fulfill the purposes of
 369 this act.

370 (o) Include contract specifications maximizing the
 371 employment of persons whose protected group has been
 372 underutilized in the past.

373 (p) Enter into exclusive or limited agreements with a
 374 single operator or a limited number of operators. The Authority
 375 shall grant exclusive or limited agreements to displace business
 376 competition by rule or policy whenever the Authority determines,
 377 in consideration of the factors set forth below, that any such
 378 agreement is necessary to further the purposes of this act.
 379 Before entering into any exclusive or limited agreement, the
 380 Authority shall, under authority expressly delegated by the
 381 state, determine the necessity for such an exclusive or limited
 382 agreement to further the policies and objectives stated in this
 383 act, which include public safety, public convenience, quality of
 384 service, the need to conserve airport space, the need to avoid
 385 duplication of services, the impact on the environment or
 386 facilities of the airport as an essential commercial and tourist
 387 service center, and the need to avoid destructive competition
 388 which may impair the quality of airport services to the public,
 389 lead to uncertainty, disruption, or instability in the rendering
 390 of such services, or detract from the Tampa Bay area and the
 391 state's attractiveness as a center of tourism and commerce. In
 392 making its determination, the Authority shall take evidence or

HB 575

2012

393 make findings of fact and establish such policies it deems
394 necessary. Nothing in this paragraph shall excuse the Authority
395 from complying with applicable state or local requirements for
396 competitive bidding or public hearings which may be required
397 prior to awarding or entering into any contract or other
398 agreement.

399 (q) Provide for the manual execution of any instrument on
400 behalf of the Authority by the signature of the Chairperson or
401 Vice Chairperson, and attested to by the Secretary or the
402 Assistant Secretary or, if delegated by the members to do so,
403 the Chief Executive Officer or any other Authority personnel to
404 whom the Chief Executive Officer has delegated authority, or by
405 their facsimile signature in accordance with the Uniform
406 Facsimile Signature of Public Officials Act.

407 (r) Purchase and sell equipment, supplies, and services
408 required for its purposes.

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

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

414 (u) Dispose of personal property, derelict or abandoned
415 aircraft, and derelict or abandoned motor vehicles found on
416 airport premises in accordance with chapter 705, Florida
417 Statutes, as may be amended from time to time.

418 (v) Grant concessions.

419 (w) Advertise, promote, and encourage the use and
420 expansion of facilities under its jurisdiction.

HB 575

2012

421 (x) Enact airport zoning regulations in accordance with
422 chapter 333, Florida Statutes, as may be amended from time to
423 time, to ensure the safe operation of airports under its
424 jurisdiction; however, any such airport zoning regulations may
425 not affect the zoning use regulations imposed by the County or
426 any municipality.

427 (y) Issue a written permit, before the County or any
428 municipality issues a building permit and upon request of the
429 affected local government in accordance with the provisions of
430 this act, that any construction proposed on land affected by
431 airport zoning regulations conforms to airport zoning
432 regulations.

433 (z) Acquire, own, construct, install, maintain, and
434 operate lands and Authority facilities by purchase, gift,
435 devise, lease, or any other means, including by eminent domain
436 in accordance with chapters 73 and 74, Florida Statutes, as may
437 be amended from time to time. For the purposes of making surveys
438 and examinations relative to any condemnation proceedings, the
439 Authority may lawfully enter upon any land, doing no unnecessary
440 damage. The Authority may take possession of property to be
441 acquired by condemnation at any time after the filing of the
442 petition describing the same in condemnation proceedings as
443 provided in general law. The Authority is not precluded from
444 abandoning the condemnation of any such property in any case
445 where possession has not been taken.

446 (aa) Reimburse the owner of any structure for which the
447 Authority may require removal, relocation, or reconstruction
448 located in, on, under, or across any private property, public

HB 575

2012

449 street, highway, or other public or private places for the
450 estimated or actual expense of the removal, relocation, or
451 reconstruction.

452 (bb) Supplement and coordinate in design and operation air
453 navigation facilities with those established and operated by the
454 federal and state governments.

455 (cc) Request the County or any municipality to convey to
456 the Authority the fee simple title to any airport or other
457 property owned by the County or any municipality and needed for
458 airport purposes.

459 (dd) Relinquish jurisdiction, control, supervision, and
460 management over any airport or part of any airport which is
461 under its jurisdiction but which is owned by a municipality,
462 county, or other governmental agency, upon determining that any
463 such airport or part of any such airport is no longer required
464 for airport purposes; provided, however, that the consent and
465 approval of any revenue bondholders is first obtained and
466 necessary authorizations or approvals are received from federal
467 agencies regulating airports.

468 (ee) Expend revenues for the cost of investigating,
469 surveying, planning, acquiring, establishing, constructing,
470 enlarging, improving, equipping, and erecting Authority
471 facilities by appropriation of revenues or wholly or partly from
472 the proceeds of bonds of the Authority. The term "cost" includes
473 awards in condemnation proceedings, rentals where an acquisition
474 is by lease, and amounts paid to utility companies for
475 relocation of their wires, poles, and other facilities.

476 (ff) Incur expenses as provided in its annual budget and

HB 575

2012

477 any amended budget.

478 (gg) Assess against and collect from the owner or operator
479 of each airplane using any Authority facility a landing fee or
480 service charge sufficient to cover the cost of the service
481 furnished to airplanes using any such facility, which cost may
482 include the liquidation of bonds or other indebtedness for
483 construction and improvement.

484 (hh) Accept federal, state, and any other public or
485 private moneys, grants, contributions, or loans for the
486 acquisition, construction, enlargement, improvement,
487 maintenance, equipment, or operation of Authority facilities, or
488 any other lawful purpose.

489 (ii) Fix, alter, charge, establish, and collect rates,
490 fees, rentals, and other charges, such as, but not limited to,
491 customer facility charges, for the services of Authority
492 facilities at reasonable and uniform rates.

493 (jj) Adopt a resolution as may be required to levy an ad
494 valorem tax and submit it to the Board.

495 (kk) Apply for, hold, and periodically transfer alcoholic
496 beverage licenses as provided by this act.

497 (ll) Adopt and amend rules, regulations, and policies
498 reasonably necessary for the implementation of this act.

499 (mm) By resolution, fix and enforce penalties for the
500 violation of this act or a rule, regulation, or policy adopted
501 in accordance with this act.

502 (nn) Amend the budget after its adoption.

503 (oo) Receive, deposit, secure, and pay out moneys as
504 provided by this act.

HB 575

2012

505 (pp) Designate one or more depositories which are
506 qualified as public depositories pursuant to section 280.04,
507 Florida Statutes, as may be amended from time to time, and
508 thereafter establish and open an account or accounts into which
509 revenues collected are to be deposited and from which
510 expenditures may be made.

511 (qq) Establish and deposit into and expend moneys from a
512 surplus fund by using funds other than those derived from ad
513 valorem taxation, that may remain unexpended at the end of the
514 fiscal year and may be set aside in a separate fund to be known
515 as the Capital Improvement Fund and accumulated and expended
516 from year to year solely for the purpose of building and
517 constructing permanent improvements, replacements, alterations,
518 buildings, and other structures, including runways, taxi strips,
519 and aprons.

520 (rr) By resolution, borrow money and issue bonds in the
521 manner and within the limitation, except as otherwise provided
522 in this act, prescribed by general law for the issuance and
523 authorization of bonds; however, any bonds issued by the
524 Authority shall be self-liquidating or otherwise payable from
525 revenues of the Authority and shall not be a lien against the
526 general taxing powers of the County or any municipality.

527 (ss) Enter into any deeds of trust, indentures, or other
528 agreements with any bank or trust company as security for its
529 bonds, and assign and pledge any or all of its revenues. Such
530 deeds of trust, indentures, or other agreements may contain
531 provisions customary in such instruments or as authorized by the
532 Authority.

533 (tt) Secure the payment of bonds or any part thereof by
 534 pledging all or any part of its revenues and provide for the
 535 security of said bonds and the rights and remedies of the
 536 bondholders.

537 (uu) Pending the preparation of definitive bonds, issue
 538 certificates or temporary bonds to the purchaser of bonds.

539 (vv) Transact the business of the Authority and exercise
 540 all powers necessarily incidental to the exercise of the general
 541 and special powers granted in this act and under any other law.

542 (ww) Exercise all powers of a local agency granted
 543 pursuant to part II of chapter 159, Florida Statutes, as may be
 544 amended from time to time, and to a governmental unit granted
 545 pursuant to part VII of chapter 159, Florida Statutes, as may be
 546 amended from time to time.

547 (xx) Do all acts and things necessary or convenient for
 548 the promotion of its business and the general welfare of the
 549 Authority.

550 Section 7. Alcoholic beverage licenses.—

551 (1) Alcoholic beverage licenses, as provided for in
 552 section 561.17, Florida Statutes, as may be amended from time to
 553 time, shall be issued to the Authority or other governmental
 554 agency operating TIA as provided in this section.

555 (a) Each such beverage license shall be issued upon the
 556 written or printed application for licenses to conduct such
 557 business, made to the Division stating the character of the
 558 business to be engaged in, the address of the building wherein
 559 the establishment sought to be licensed is or will be located,
 560 and the kind of license as defined in chapter 561, Florida

HB 575

2012

561 Statutes, as may be amended from time to time, which the
562 applicant desires. The application shall be in the name of the
563 Authority or other governmental agency operating TIA and when
564 issued shall be issued in the name of such applicant. The
565 applicant shall pay to the Division the license fees for the
566 kind of license that the applicant desires.

567 (b) Each license is renewable as provided by general law.
568 Each beverage license shall be for the term and subject to the
569 same privileges or renewal as provided in sections 561.26 and
570 561.27, Florida Statutes, as may be amended from time to time.

571 (c) Any business operated under any beverage license shall
572 be operated only by a lessee of the restaurants and cocktail
573 lounge or cocktail lounges or bars in the airlines terminal,
574 administration building, or hotel at the airport to whom the
575 license may be transferred. The Authority or governmental agency
576 operating TIA and each authorized lessee shall make application
577 to the Division for the transfer of the license to the lessee,
578 and the application shall be approved by the Division if it
579 meets the requirements of law to do so. Upon termination of a
580 lease for any reason, the lessee shall immediately notify the
581 Division to retransfer the beverage licenses to the Authority or
582 the governmental agency operating TIA. Upon failure of a lessee
583 to notify the Division, the Authority or the governmental agency
584 operating TIA shall immediately notify the Division in writing
585 to transfer the license back to the Authority or other
586 governmental agency operating TIA which may then transfer it to
587 another authorized lessee. Thereafter, the beverage license may
588 be transferred to any new lessee or the restaurants and cocktail

HB 575

2012

589 lounge, cocktail lounges, or bars upon the same terms and
590 conditions. Any alcoholic beverage license issued in accordance
591 with this section is the property of the Authority or the
592 governmental agency operating TIA, subject to transfer as
593 provided by this act.

594 (2) This section does not preclude persons operating on
595 property of the Authority from acquiring an alcoholic beverage
596 license for use on its premises pursuant to general law and the
597 rules of the Division.

598 Section 8. County and municipal powers and
599 responsibilities; private ownership transfers.-

600 (1) Each municipality is empowered to appropriate moneys
601 for acquiring, establishing, constructing, enlarging, improving,
602 maintaining, equipping, or operating airports and other air
603 navigation facilities under the provisions of this act, and each
604 municipality is authorized to appropriate and to raise by
605 taxation or otherwise moneys to assist in carrying out the
606 provisions of this act as to airports partly or wholly within
607 the limits of each municipality.

608 (2) It is lawful for any municipality, and full power and
609 authority is hereby conferred upon each municipality, to
610 cooperate and share in the exercise of the powers and
611 authorities conferred upon the Authority under the provisions of
612 this act, when mutually agreed upon between any such
613 municipality and the Authority.

614 (3) (a) The County and each municipality are authorized to
615 aid and cooperate with the Authority in carrying out any
616 authorized purpose of the Authority by:

HB 575

2012

617 1. Entering into cooperation agreements with the Authority
618 and providing in any such cooperation agreement for the making
619 of a loan, gift, grant, or contribution to the Authority.

620 2. Granting and conveying to the Authority real or
621 personal property, of any kind or nature, or any interest
622 therein.

623 3. Covenanting in any such cooperation agreement made
624 pursuant to this section to pay all or any part of:

625 a. The costs of operation and maintenance of Authority
626 facilities from moneys derived from ad valorem taxation or from
627 any other available funds of the County or a municipality.

628 b. The principal of and interest on any revenue bonds of
629 the Authority.

630 c. The deposits required to be made into any reserve, the
631 Capital Improvement Fund, or other funds established by the
632 Authority, any indenture, deed of trust, or other instrument
633 securing said revenue bonds from any available funds of the
634 County or a municipality other than moneys derived from ad
635 valorem taxes.

636 (b) Any cooperation agreement may be made and entered into
637 for such time or times not to exceed 40 years or for such longer
638 time as any revenue bonds of the Authority, including refunding
639 thereof, remain outstanding and unpaid, and may contain such
640 other details, terms, provisions, and conditions as may be
641 agreed upon.

642 (c) Any cooperation agreement may be made and entered into
643 for the benefit of the holders of any revenue bonds of the
644 Authority as well as the parties thereto and is enforceable in

HB 575

2012

645 any court of competent jurisdiction by the holders of any such
646 revenue bonds or of the coupons appertaining thereto.

647 (4) The County and each municipality are authorized and
648 empowered to convey the fee simple title to any real property
649 needed for airport purposes and owned by either the County or a
650 municipality to the Authority.

651 (5) Before the County or any municipality issues a
652 building permit authorizing building on land affected by airport
653 zoning regulations, it must obtain a written permit from the
654 Authority to certify that the construction conforms to the
655 regulations required by the airport zoning regulations.

656 (6) (a) Any municipality, the County, or any private owner
657 may, and each is authorized to, sell, lease, lend, grant, or
658 convey to the Authority any interest in real or personal
659 property which may be used by the Authority in the construction,
660 improvement, maintenance, leasing, or operation of Authority
661 facilities. Any municipality, the County, or any other owner is
662 additionally authorized to transfer, assign, and set over to the
663 Authority any contract or contracts which may have been awarded
664 by said municipality, the County, or said owner for the
665 construction of Authority facilities not begun or, if begun, not
666 completed.

667 (b) Any such action by the County or any municipality must
668 be approved by the governing body of the County or the
669 municipality expressed by resolution or ordinance.

670 (c) Notwithstanding any other provision of law, this
671 section is complete authority for the acquisition by agreement
672 of airports and other aviation facilities and facilities related

673 thereto and any portion thereof and no other action is required.

674 Section 9. Bonds.—

675 (1) Bonds may be issued to finance one or more or a
 676 combination of Authority facilities. Subject to any prior rights
 677 of bondholders, proceeds of such bonds may be pledged and used
 678 to pay the cost of the acquisition, construction, or improvement
 679 of one or more or a combination of Authority facilities or to
 680 refund bonds previously issued for such purpose. Revenues of the
 681 Authority, regardless of the airport project or other source
 682 from which they are derived, may be pledged to pay bonds issued
 683 to finance the cost of Authority facilities and to pay refunding
 684 bonds and ancillary costs associated with such financings.

685 (2) Except as otherwise provided by this act, security,
 686 payment provisions, contracts, terms, and other attributes of
 687 bonds issued by the Authority shall be specified by the
 688 Authority by initial or amendatory resolution, trust agreement,
 689 or other bond documentation.

690 (3) The bonds shall be executed by manual or facsimile
 691 signature by the officers the Authority has designated, provided
 692 that such bonds bear at least one signature which is manually
 693 executed to the extent required by general law. Any coupons
 694 attached to the bonds shall bear the facsimile signature or
 695 signatures of the officer or officers designated by the
 696 Authority. If any member or officer whose manual or facsimile
 697 signature appears on any bond or coupon ceases to be a member or
 698 an officer before the delivery of the bonds, such signature
 699 shall be valid and sufficient for all purposes as if that member
 700 or officer had remained in office until delivery. The bonds

701 shall bear the seal of the Authority affixed as provided by
 702 resolution.

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

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

708 (6) The pledge by the Authority of its revenues to the
 709 payment of its bonds by the terms of a resolution or through any
 710 deed of trust, indenture, or other agreement creates a valid and
 711 binding lien thereon and a prior perfected security interest
 712 therein from the time the pledge is made. Any revenues so
 713 pledged are immediately subject to a lien of such pledge without
 714 any physical delivery thereof or further act, and the lien of
 715 any such pledge shall be valid and binding against all parties
 716 having claims of any kind against the Authority, irrespective of
 717 whether such parties have notice thereof. No resolution, deed of
 718 trust, indenture, or other agreement by which a pledge is
 719 created need be filed or recorded, except in the records of the
 720 Authority, and notice is not required to be given to any obligor
 721 of such revenues. No filings under the Florida Uniform
 722 Commercial Code are required in order to perfect any pledge
 723 granted.

724 (7) No approval of the qualified electors or qualified
 725 freeholders of the state or of the County may be required for
 726 the issuance of any bonds by the Authority unless such approval
 727 is required by the provisions of the Constitution of the State
 728 of Florida.

HB 575

2012

729 (8) Notwithstanding any other provision of law, bonds
730 issued by the Authority are legal investments for banks, savings
731 banks, trustees, executors, all other fiduciaries, and all
732 state, municipal, and other public funds. Any such bonds are
733 securities eligible for deposit for the securing of all state,
734 municipal, and other public funds.

735 Section 10. Bondholder rights and remedies.—

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

739 (2) (a) In addition to any other rights and remedies
740 lawfully granted to bondholders in law, unless otherwise
741 provided by the resolution or resolutions providing for the
742 issuance of bonds, or by any deed of trust, indenture, or other
743 agreement under which the bonds have been issued, holders of 25
744 percent or such other percentage as may be specified in any deed
745 of trust, indenture, or other agreement under which the bonds
746 were issued in the aggregate principal amount of the bonds then
747 outstanding are entitled to appoint a trustee, upon notice as
748 provided in this act and for the purpose provided in this act,
749 if the Authority defaults in the payment of principal or
750 interest for a period of 30 days after either becomes due,
751 whether at maturity or upon call for redemption, or if the
752 Authority fails to comply with the provisions of this act, its
753 resolution or resolutions, or the requirements of any deed of
754 trust, indenture, or other agreement under which the bonds were
755 issued. Any such bondholders must first give written notice of
756 their intention to appoint a trustee to the Authority by

HB 575

2012

757 certified United States mail addressed to the chairperson of the
758 Authority at the principal office of the Authority and to the
759 holders of all other bonds then outstanding at their addresses
760 shown on the registration books maintained by the Authority or
761 the bond registrar. For purposes of this paragraph, any trustee
762 appointed to serve in that capacity pursuant to a deed of trust,
763 trust agreement, indenture, or other document by which bonds of
764 the Authority have been issued is deemed to have been selected
765 by the holders of bonds issued under that instrument. If more
766 than one trustee is designated, either by two or more written
767 instruments or pursuant to the provisions of this paragraph, the
768 group of bondholders owning the highest percentage of bonds
769 outstanding has the right to designate the single trustee to
770 serve in that capacity for purposes of this act.

771 (b) Unless otherwise provided in any instrument pursuant
772 to which such bonds were issued, any trustee, whether appointed
773 by bondholders in accordance with the provisions of this act or
774 in accordance with the terms of any deed of trust, indenture, or
775 other agreement, may, upon written request of the holders of 25
776 percent or such other percentage as may be specified in any deed
777 of trust, indenture, or other agreement under which the bonds
778 were issued in the aggregate principal amount of the bonds then
779 outstanding may, in any court of competent jurisdiction, in his,
780 her, or its own name:

781 1. By mandamus or other suit, action, or proceeding at law
782 or in equity, enforce all rights of the bondholders, including
783 the right to require the Authority to fix, establish, maintain,
784 collect, and charge rates, fees, rentals, and other charges

785 adequate to carry out any agreement as to, or pledge of, the
 786 revenues of the Authority, and to require the Authority to carry
 787 out any other agreements with or for the benefit of the
 788 bondholders, and to perform its and their duties under this act.

789 2. Bring suit upon the bonds.

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

793 4. By action or suit in equity, enjoin any acts or things
 794 which may be unlawful or in violation of the rights of the
 795 bondholders.

796 5. By written notice given in the same manner as provided
 797 by this act to the Authority declare all bonds due and payable
 798 and, if all defaults are made good and with the consent of the
 799 holders of 25 percent or such other percentage as may be
 800 specified in any deed of trust, indenture, or other agreement
 801 under which the bonds were issued in the aggregate principal
 802 amount of the bonds then outstanding, annul such declaration and
 803 its consequences.

804 (3) Unless otherwise provided in any bond resolution, deed
 805 of trust, indenture, or other agreement pursuant to which bonds
 806 were issued, if a default continues for more than 60 days after
 807 written notice to the Authority, any trustee when appointed as
 808 aforesaid, or acting under a deed of trust, indenture, or other
 809 agreement, and whether or not all bonds have been declared due
 810 and payable, upon the happening of any of the events of default
 811 specified in this section, shall be entitled as of right to
 812 appoint a receiver. The receiver may enter and take possession

813 of any of the Authority facilities for which the Authority is in
 814 default as provided herein, or any part or parts thereof and the
 815 revenues which are or may be applicable to the payment of the
 816 bonds in default and operate and maintain the same, for and on
 817 behalf of and in the name of the Authority and the bondholders.
 818 The receiver shall collect revenues in the same manner as the
 819 Authority might, and shall use and apply such funds in
 820 accordance with the applicable bond documents or, if not so
 821 specified into a separate account, as directed by the court.

822 (4) Nothing in this section or any other section of this
 823 act authorizes any receiver appointed to sell, assign, mortgage,
 824 or otherwise dispose of any assets of the Authority. The powers
 825 of such receiver are limited to the operation and maintenance of
 826 the Authority facilities as the court may direct, in the name of
 827 and for and on behalf of the Authority and the bondholders. No
 828 holder of bonds or any court or any trustee is empowered by this
 829 act to sell, assign, mortgage, or otherwise dispose of any
 830 assets of whatever kind or character belonging to the Authority.

831 Section 11. Award of contracts.-

832 (1) (a) All Authority purchases of construction,
 833 improvements, repairs, equipment, supplies, materials, services,
 834 or work of any nature, where the entire cost or value exceeds
 835 \$30,000, shall be done only under contract or contracts approved
 836 and awarded by the Authority with the lowest responsive and
 837 qualified responsible bidder, respondent, or proposer, upon
 838 proper terms, after advertisement has been given asking for
 839 competitive bids, responses, or proposals, provided that the
 840 Authority may reject any and all bids, responses, or proposals.

HB 575

2012

- 841 (b) These requirements do not apply to:
- 842 1. Purchases made pursuant to the Consultants' Competitive
843 Negotiation Act;
- 844 2. Purchases of required equipment, supplies, materials,
845 or services that are highly specialized or proprietary, or when
846 no other authorized vendor can supply the required equipment,
847 supplies, materials, or services;
- 848 3. Purchases of equipment, supplies, materials, or
849 services through a contract issued by a federal, state, or local
850 government if such contract was procured using a full and open
851 competitive process;
- 852 4. Emergency purchases necessary to mitigate a situation
853 which threatens the safety of employees or passengers, the
854 operation of the airport, or loss of airport property;
- 855 5. Certain recurring, mandatory, day-to-day expenditures
856 such as utilities, government fees, and taxes;
- 857 6. Work performed by employees of the Authority;
- 858 7. Labor supplied by the federal, state, or local
859 government;
- 860 8. Contracts or establishment and compliance with rules
861 concerning labor and materials and other related matters in
862 connection with any project, or portion thereof, as the
863 Authority may deem desirable or as may be requested by the
864 federal or state government assisting in the financing of
865 Authority facilities;
- 866 9. Any situation in which the Authority has taken over by
867 transfer or assignment any contract authorized to be assigned to
868 it under the provisions relating to the transfer of existing

HB 575

2012

869 facilities to the Authority as provided by this act;

870 10. Any contract in connection with the construction of
871 Authority facilities which the Authority has had transferred to
872 it; and

873 11. Any contract or agreement between the Authority and
874 any engineers, architects, attorneys, agents, or other
875 professional services.

876 (c) Any contract subject to section 255.05, Florida
877 Statutes, as may be amended from time to time, in excess of
878 \$15,000 shall not be entered into for construction, improvement,
879 or repair of Authority facilities unless the contractor has
880 sufficient surety or sureties, approved by the Authority, and in
881 an amount fixed by the Authority, for the faithful performance
882 of the contract. Any such contract shall include provisions that
883 the person entering into the contract with the Authority will
884 pay for all materials furnished and services rendered for the
885 performance of the contract and may maintain an action to
886 recover for the same against the obligor in the undertaking, as
887 though such person was named therein, provided the action is
888 brought within 1 year after the time the cause of action
889 accrued. Nothing in this section shall be construed to limit the
890 power of the Authority to construct, repair, or improve
891 Authority facilities or any addition, betterment, or extension
892 thereto, directly by the officers, agents, and employees of the
893 Authority, or otherwise than by contract.

894 (2) The Authority may use, as an alternative, the
895 provisions of section 255.20, Florida Statutes, as may be
896 amended from time to time, to satisfy the competitive

897 procurement requirements of this section.

898 Section 12. Legal effects.—Any acquisition of property or
 899 rights therein for Authority facilities, or for airport
 900 protection privileges, including the conveyance and acceptance
 901 thereof, and any bonds issued and sold up to and including the
 902 effective date of this act are validated.

903 Section 13. Ad valorem tax.—When the Authority prepares
 904 its annual budget and finds it necessary to levy an ad valorem
 905 tax, it shall adopt a resolution determining the estimated
 906 amounts to be expended by the Authority in the ensuing fiscal
 907 year, exclusive of the proceeds of any bonds or other
 908 obligations of the Authority, for acquiring, establishing,
 909 constructing, enlarging, operating, and maintaining Authority
 910 facilities or for any other corporate purpose of the Authority,
 911 and request the Board to levy the tax, not to exceed 1.5 mills
 912 per annum, on all the taxable real and personal property in the
 913 County for the exclusive use of the Authority and for the
 914 purposes provided in this section. The Authority shall submit a
 915 certified copy of any such resolution to the Board at the same
 916 time it submits its annual budget to the Clerk. The Board has no
 917 right or authority to alter either the amount of the levy
 918 request or the use of its proceeds or to in any way alter the
 919 budget of the Authority. The Board shall authorize the levy
 920 requested. The tax collector of the County shall collect and
 921 promptly pay over to the Authority the proceeds of such tax.

922 Section 14. Prohibition on the use of the taxing power of
 923 the state.—The Authority has no power to pledge the taxing power
 924 of the state, or any political subdivision or agency thereof,

925 nor shall any of the obligations issued by the Authority be
 926 deemed to be obligations of the state, or any political
 927 subdivision or agency thereof, secured by and payable from the
 928 ad valorem taxes thereof. The state, or any political
 929 subdivision or agency thereof, is not liable for the payment of
 930 principal of or interest on such obligations, except from the
 931 special funds provided for in this act.

932 Section 15. Covenant of the state.—The state pledges and
 933 agrees with the Federal Government and any person acquiring any
 934 bonds issued by the Authority for the construction, extension,
 935 improvement, or enlargement of Authority facilities that the
 936 state will not limit or alter the rights vested in the Authority
 937 until all bonds at any time issued, together with the interest
 938 thereon, are fully paid and discharged. The state further
 939 pledges and agrees with the Federal Government that if the
 940 Federal Government contributes any funds for the construction,
 941 extension, improvement, or enlargement of Authority facilities
 942 the state will not alter or limit the rights and powers of the
 943 Authority in any manner which would be inconsistent with the
 944 continued maintenance, operation, or the improvement of
 945 Authority facilities or which would be inconsistent with the due
 946 performance of any agreements between the Authority and the
 947 Federal Government. The Authority shall continue to have and may
 948 exercise all powers granted in this act, so long as the same are
 949 necessary or desirable for the carrying out of the purposes of
 950 this act and the purposes of the Federal Government in the
 951 construction, improvement, maintenance, or enlargement of
 952 Authority facilities.

953 Section 16. Exemption from taxation.—Any property owned or
 954 otherwise acquired by the Authority is exempt from taxation to
 955 the same extent as other property used for public purposes. The
 956 effectuation of the authorized purposes of the Authority shall
 957 and will be, in all respects, for the benefit of the people of
 958 the state and the County for the increase of their commerce and
 959 prosperity, and for the improvement of their welfare, health,
 960 and living conditions and, since the Authority will be
 961 performing essential governmental functions in effectuating such
 962 purposes, the Authority is not required to pay any taxes or
 963 assessments of any kind or nature whatsoever upon any property
 964 required or used by it for such purposes, or any rates, fees,
 965 rentals, receipts, or incomes at any time received by it, and
 966 the bonds issued by the Authority, their transfer and the income
 967 therefrom, including any profits made in the sale thereof, and
 968 any security instruments or agreements securing the repayment
 969 thereof, are free from taxation of any kind by the state or any
 970 political subdivision or taxing agency or instrumentality
 971 thereof.

972 Section 17. Discrimination prohibited.—

973 (1) (a) The Authority and its lessees, including successors
 974 in interest, shall not because of race, color, sex, religion,
 975 national origin, age, handicap, or marital status of any
 976 individual refuse to hire, employ, bar, or discharge from
 977 employment such individual or otherwise discriminate against
 978 such individual with respect to compensation, hire, tenure,
 979 terms, conditions, or privileges of employment.

980 (b) No person on the grounds of race, color, sex,

981 religion, national origin, age, handicap, or marital status
982 shall be excluded from the participation in, denied the benefits
983 of, or otherwise subjected to discrimination in the use of
984 leased premises of the Authority.

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

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

993 Section 18. Recodification.—Prior to July 1, 2022, and
994 every 10 years thereafter, The Hillsborough County Legislative
995 Delegation shall review this chapter, and all acts which amend
996 or otherwise modify this chapter, for the purpose of determining
997 whether there is a need for recodification of same. If it is
998 determined that there is such a need, the legislative delegation
999 may require the Authority to accomplish same, and to prepare or
1000 cause to be prepared such legislation as may be necessary for
1001 such purpose by preparing such legislation.

1002 Section 19. Grammatical usage.—The singular includes the
1003 plural and vice versa, and gender-specific language includes the
1004 other gender and neuter.

1005 Section 20. Severability.—The provisions of this act are
1006 severable, and if any of the provisions hereof shall be held to
1007 be unconstitutional or invalid, such determination shall not
1008 affect the constitutionality or validity of any of the remaining

HB 575

2012

1009 provisions of this act.

1010 Section 4. Chapters 2003-370 and 2007-292, Laws of
1011 Florida, are repealed. Such repeal does not affect the
1012 prosecution of any cause of action that accrued before the
1013 effective date of the repeal and does not affect rules,
1014 regulations, policies, actions, and decisions, contracts,
1015 agreements, obligations, and properties of the Authority
1016 existing prior to the effective date of this act. Nothing in
1017 this act is intended, nor shall any provision hereof be
1018 construed so as to repeal, abrogate, impair, or adversely affect
1019 the rights and remedies of the holders of any obligations of the
1020 Authority issued pursuant to the existing acts or any other
1021 applicable provision of law.

1022 Section 5. This act shall take effect upon becoming a law.