

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1225 Sanford Airport Authority, Seminole County

**SPONSOR(S):** Smith

**TIED BILLS:**           **IDEN./SIM. BILLS:**

| REFERENCE  | ACTION    | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|--|-----------|---------|--|
| 1) Local Administration, Federal Affairs & Special<br>Districts Subcommittee | 18 Y, 0 N | Burgess | Darden                                   |
| 2) Transportation & Modals Subcommittee                                      | 16 Y, 0 N | Lewis   | Hinshelwood                              |
| 3) State Affairs Committee   | 18 Y, 0 N | Burgess | Williamson                               |

### SUMMARY ANALYSIS

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet. A “dependent special district” is a special district subject to significant control by the governing body of a single county or municipality.

The Sanford Airport Authority (Authority) is a dependent special district of the City of Sanford created by special act in 1971. The Authority is governed by a board of nine members, each appointed to serve a four-year term. The Authority’s charter provides that it may enter into exclusive or nonexclusive contracts, leases, franchises, or other arrangements with any person or persons for terms not exceeding 50 years.

The bill extends the maximum term of the Authority to enter into exclusive or nonexclusive contracts, leases, franchises, or other arrangements with any person or persons from 50 years to 99 years.

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> A special district may be created by general law, special act, local ordinance, or rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter.<sup>3</sup> Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>4</sup>

A “dependent special district” is a special district meeting at least one of the following criteria:

- The membership of the district’s governing body is identical to the governing body of a single county or municipality;
- All members of the district’s governing body are appointed by the governing body of a single county or municipality;
- Members of the district’s governing body are removable at will by the governing body of a single county or municipality; or
- The district’s budget is subject to approval by the governing body of a single county or municipality.<sup>5</sup>

An “independent special district” is any district that is not a dependent special district or one that includes more than one county unless the district lies wholly within a single municipality.<sup>6</sup>

##### The Sanford Airport Authority

The Sanford Airport Authority (Authority) is a dependent special district of the City of Sanford created by the Legislature in 1971.<sup>7</sup> The Authority is governed by a nine-member board, with each member appointed to serve a four-year term.<sup>8</sup> Members are appointed by the city commission of the City of Sanford.<sup>9</sup>

The board has the power to hire employees, acquire property, maintain and operate airport facilities, enter into contracts, and issue revenue bonds.<sup>10</sup> Currently, the Authority may enter into exclusive or nonexclusive contracts, leases, franchises, or other arrangements with any person or persons for terms not exceeding 50 years.<sup>11</sup>

---

<sup>1</sup> S. 189.012(6), F.S. See also *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547-48 (Fla. 2019).

<sup>2</sup> S. 189.012(6), F.S.

<sup>3</sup> See ss. 189.02(4)-(5) and 189.031(3), F.S. Counties and municipalities have “home rule” powers allowing them to enact ordinances not inconsistent with general or special law for governmental, corporate, or proprietary purposes. Special districts do not possess home rule powers and are permitted to impose only those taxes, assessments, or fees authorized by special or general law. See art. VIII, ss. 1(f) and (g), 2(b), s. 6(e), Fla. Const. and ss. 125.01 and 166.021, F.S. See also *Local Gov’t Formation Manual* 62, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3227> (last visited Mar. 6, 2023).

<sup>4</sup> *Local Gov’t Formation Manual* at 62.

<sup>5</sup> S. 189.012(2), F.S.

<sup>6</sup> S. 189.012(3), F.S. Independent special districts are created by the Legislature, unless another mechanism is authorized by general law. See, e.g. s. 190.005, F.S. (community development districts may be created by a county, municipality, or the Florida Land and Water Adjudicatory Commission, depending on the size and location of the district).

<sup>7</sup> Ch. 71-924, Laws of Fla.

<sup>8</sup> Ch. 71-924, s. 4, Laws of Fla. See Orlando Sanford Intl. Airport, *Board of Directors*, <https://flsfb.com/saa/board-of-directors/> (last visited Mar. 12, 2023).

<sup>9</sup> Ch. 71-924, s. 4, Laws of Fla.

<sup>10</sup> Ch. 71-924, s. 11, Laws of Fla.

<sup>11</sup> Ch. 71-924, s. 11(4)(i), Laws of Fla., as amended by ch. 2005-306, Laws of Fla.

## Effect of the Bill

The bill extends the maximum term of the Authority to enter into exclusive or nonexclusive contracts, leases, franchises, or other arrangements with any person or persons from 50 years to 99 years.

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact.

### B. SECTION DIRECTORY:

Section 1: Amends ch. 71-924, Laws of Fla., as amended by ch. 2005-306, Laws of Fla., revising contract and other arrangement terms.

Section 2: Provides an effective date of upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 28, 2023

WHERE? The *Orlando Sentinel*, a daily newspaper of general circulation in Seminole and Orange counties.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.