

House Bill No. 1613

An act relating to Orange County; creating and establishing an independent special district in said county to be known as the West Orange Airport Authority; providing definitions; providing boundaries of said district; providing for the governmental body of said district and membership thereof, conferring upon said district the authority to acquire, finance, and operate an airport or airports, an industrial park and commercial park, and such industry, commerce, and business necessary and incidental thereto, within the boundaries of said district; authorizing said district to issue revenue bonds or other obligations to finance the various projects that the district is authorized to undertake; providing for the payment of the expenses of the district out of the revenues generated by the operations of authority projects and such other revenues as may be made available by law; authorizing said district to contract with governmental agencies; providing that the district shall have power to enter into contracts, leases, mortgages, and other agreements and to exercise all incidental powers necessary to carry out the purposes of this act, including the creation of certain special districts; providing for financial reports and budget procedure; authorizing the creation of such development districts as may be appropriate and authorized by law to support the commercial development of the airport and the service area to the authority; providing for severability; providing an effective date.

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

Section 1. The West Orange Airport Authority charter is created to read:

Section 1. Short title.—This act may be cited as the “West Orange Airport Authority Act.”

Section 2. Definitions.—When used in this act, unless a different meaning appears clearly from the context:

(1) “Authority” means the West Orange Airport Authority created as an independent special district by this act.

(2) “Project” means and includes:

(a) An airport or airports, runways, taxiways, air navigation facilities, maintenance and service facilities, passenger terminals, buildings and structures, offices, warehouses, storage facilities, training facilities, conference facilities, lodging, food service facilities, parking areas, and all appurtenant and related facilities necessary or convenient for the complete management, operation, and maintenance of such airport, airports, and commerce, industrial, and business facilities incidental thereto; and

(b) Industrial and manufacturing plants, including water, sewage, pollution, waste control and appurtenant facilities, and such other capital proj-

ects as may otherwise be provided or authorized by the Florida Industrial Development Financing Act and other general law, all appurtenant to and located on and within the special district.

(3) “Cities” means the City of Apopka, the City of Ocoee, and the City of Winter Garden.

(4) “Cost of project” means the cost of construction, the cost of all lands, properties, easements, licenses, rights, and franchises acquired, the cost of machinery and equipment, all improvements, financing, and refinancing charges, interest prior to and during construction and for a period of time after such construction, cost of engineering, architectural, and legal expenses, and plans and specifications and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized for the construction of any project, the placing of same in operation, and the leasing, renting, or sale thereof.

(5) “District,” unless the context indicates otherwise, means the special district created by this act and identified in section 3 to be known as the authority and the territory included within the special district.

Section 3. Authority; creation and purpose.—For the purpose of performing such acts as shall be necessary for the sound planning for and development and maintenance of an airport for the area and the territory included within the district, including industry, commerce, and business necessary and incidental thereto, an independent special district is hereby created and incorporated, to be known as the authority, in Orange County, which special district shall be a public body corporate and politic and shall embrace and include the territory described as:

Lots 1 through 40, inclusive, SHELL POND ESTATES, according to the plat thereof as recorded in Plat Book 22, Pages 86 through 90, Public Records of Orange County.

Section 4. Membership; appointment, terms of office.—

(1) The governing board of the authority shall be composed of nine (9) members, each of whom shall be a resident and elector of the state. The authority members shall be appointed as follows: three (3) by the Board of County Commissioners of Orange County, one (1) by the City of Apopka, one (1) by the City of Ocoee, one (1) by the City of Winter Garden, and three (3) by the Governor. Four members shall be appointed for an initial term of 2 years and five members shall be appointed for an initial term of 4 years. Thereafter, all successive appointments shall be made for 4-year terms. The cities’ initial appointments shall be for 2-year terms; the Orange County Board of County Commissioners’ initial appointments shall be for 4-year terms, and one of the Governor’s initial appointments shall be for a 2-year term and two of the Governor’s initial appointments shall be for 4-year terms. All terms of members shall be measured from the date this act becomes a law. Any member of the authority may be removed by a majority vote of the authority for misfeasance, malfeasance, or neglect of duty. Each member shall serve until his or her successor is appointed and qualified.

(2) At least thirty (30) days prior to the date of expiration of the term of any member of the authority, or within thirty (30) days after the creation of any vacancy in the membership of the authority resulting from the death, resignation, change of residence, or removal of any such member or from any other cause, the successor of such member shall be appointed in the same manner as his or her predecessor.

Section 5. Chair, vice chair, executive director, and airport manager.—The authority shall annually at its first meeting in January elect its chair, a vice chair, secretary, and such other officers as the authority shall deem advisable, and, when deemed appropriate by the authority, shall hire an executive director and an airport manager who shall serve for such terms and for such remuneration as may be provided by the authority. The Secretary of the authority need not be a member of the authority's governing board.

Section 6. Compensation.—The members of the authority shall serve without compensation; however, they shall be reimbursed by the authority for their reasonable out-of-pocket, travel, and per diem expenses incurred in attending meetings of or on behalf of the authority, or otherwise engaging in the business of the authority. The secretary shall receive such salary as may be fixed by the authority, or, in case such officer shall be a member of the authority, shall receive such salary for the services rendered by such officer as may be fixed by the authority.

Section 7. Quorum; transaction of business.—A majority of the members of the authority qualified and serving shall constitute a quorum for the transaction of the business of the authority.

Section 8. Meetings; rules of procedure.—As soon as practicable after this act shall take effect, the authority shall meet and arrange a time for holding meetings of the authority. It may adopt such rules of organization and procedure as it may deem necessary and expedient.

Section 9. Duties.—It shall be the duty of the authority to make a study of the advantages, facilities, resources, products, attractions, conditions, and all other data concerning the district with relation to the airport and air navigation needs, and for the development, construction, operation, and maintenance of airports and related facilities, including an industrial park and commercial park with education and conference facilities, and for the encouragement of commerce and industry located on the airport in the district; to use such means and media as the authority deems advisable to publicize and to make known such data and material to such persons, firms, corporations, agencies, and institutions which, in the discretion of the authority, would reasonably result in encouraging commerce and industry to locate on and use the airport; to cooperate with any and all other governmental agencies in accomplishing this purpose and to do all other things it deems advisable in its effort to effectively maintain an airport and the location of commerce and industry thereon. The encouragement of the above-mentioned in the manner contemplated by this act is hereby declared to be a valid district, authority, and public purpose.

Section 10. Expenses; gifts.—The authority is hereby authorized to borrow, expend, and appropriate funds for use to pay the expenses of the authority and the special district, including the cost of carrying out the purposes of this act. Such expenditures of funds by the authority are hereby deemed and determined to be for a public purpose for the benefit of the general welfare of the citizens of said area of Orange County. The authority shall be empowered and authorized to accept, receive, and expend, for carrying out the purposes of this act, such sums as may be offered as gifts, donations, grants, loans, or bequests, from any source whatever.

Section 11. Lease or sale of government property for airport and industrial purposes.—The state or any political subdivision of the state is hereby granted the power to lease or sell to the authority any property which, in the reasonable discretion of the cabinet or the governing body of the political subdivision, is available for authority purposes. The normal procedures for disposing of government or surplus property may be suspended to facilitate the transfer to the authority.

Section 12. Powers.—The authority shall have all of the powers which are necessary to carry out the purposes of this act. Without limiting in any manner or restricting such general powers, the authority shall have the following specific powers:

- (1) To have a seal and alter the same at pleasure and to sue and be sued.
- (2) To acquire, hold, and dispose of personal property and real property for authority purposes.
- (3) To enter into contracts with any or all of the cities and other governmental agencies and subdivisions of the State of Florida and of the United States.
- (4) To acquire property, real and personal, for the purpose of establishing, constructing, enlarging, managing, and operating airports, runways, navigational facilities, buildings, structures, industrial parks, commercial parks, passenger terminals, fuel storage facilities, roadways, taxiways, utility systems, conference facilities, lodging facilities, food service facilities, and all other facilities and improvements necessary or desirable for the servicing of aircraft, the comfort and accommodation of air travelers, and the operation of said airport facilities and facilities incidental thereto.
- (5) The authority may acquire by the power of eminent domain land and the improvements thereon for public airport purposes in the manner provided by applicable Florida Statutes and other applicable laws. In addition to acquiring land for airport purposes by eminent domain, the authority may also acquire land and other property for airport purposes by grant, donation, purchase, or lease in the manner otherwise provided in this act.
- (6) The authority may establish such rates, charges, rents, fees, and use fees for use of the airport and all authority facilities incidental thereto, as the authority deems necessary.
- (7) The authority may construct or provide for the construction of special purpose facilities as are required for the repair and servicing of aircraft and

for the comfort and convenience of the public, including, but not limited to, fueling equipment and storage, concessions, restaurants, food and beverage facilities, hotels and other lodging facilities, parking lots, and similar facilities. The authority may lease or sell such special purpose facilities to private operators or concessionaires, or such facilities may be operated by the authority in its discretion. The authority may also construct and operate conference facilities, or the authority may participate in joint ventures to operate such facilities.

(8) The authority may appoint, fix the compensation of, and make provision for the discharge of an executive director who, under the supervision of the authority, shall be responsible for the operation, management, and promotion of all activities with which the authority is charged under this act, together with such other duties as may be prescribed by the authority. The executive director shall have such powers as are incident to the performance of his or her duties and such others as may be prescribed by the authority. The authority may also employ such other officers, agents, and employees under such terms and conditions as it shall consider necessary and appropriate to effectuate its purposes under this act.

(9) In the operation of management of the airports, the authority may employ such managers, supervisors, technicians, and other personnel as may be necessary for the economical and efficient management thereof, and shall have the power to adopt rules and regulations with reference to all projects and matters under its control. All rules and regulations of the authority shall be a matter of public record, and copies thereof shall be dispensed by the authority at cost to all applicants therefor.

(10) The authority may establish a plan for retirement, disability, death, hospitalization, and other appropriate fringe benefits for officers and employees of the authority and may provide by resolution that such officers and employees shall be covered under any plan of the authority or the state available to them under the laws of the authority or the state.

(11) In acquiring property from any public or governmental body or agency for airport purposes or in the operation of any airport, the authority shall have full power to contract with the Federal Aviation Authority or any federal agency exercising any function with respect to aviation, air navigation, or air transportation, and the authority shall have full power to abide by all rules and regulations of such federal agencies, including the uses to which land may be put for the operation of airports, air navigation facilities, and aircraft. The authority shall further have power to assume any obligations, covenants, or agreements heretofore imposed by any public or governmental body or agency by deed, deed restriction, or contract on such public body or governmental agency therein with respect to airports or aviation.

(12) The authority, in the acquisition, financing, and operation of airports and air navigation facilities, may exercise the authority and powers, except taxation as provided in section 332.07, Florida Statutes, provided for cities, counties, villages, or towns of Florida by chapter 332, Florida Statutes, known as the Airport Law of 1945.

(13) The authority may advertise and publicize the use of any airport constructed or operated by it and may expend its funds for such purpose.

(14) The authority shall have full power to finance or refinance the acquisition or construction of airport projects by issuing its revenue bonds or other debt obligations in the manner provided by chapter 332, Florida Statutes, known as the Airport Law of 1945, or as provided by any other applicable general law.

(15) The authority may make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, architects, superintendents, managers, aviation consultants, accountants, and attorneys, and such other consultants and advisors as may be necessary in its judgment to accomplish the purposes of this act, and to fix their compensation, provided that all such expenses shall be paid solely from the proceeds of revenue bonds issued under the provision of this act, or from revenues of projects of the authority, or from any other funds legally available to the authority.

(16) The authority may make contracts, and execute all instruments necessary or convenient, including contracts for construction, lease, rental, and sale of projects or contracts with respect to the use of projects which it erects or acquires.

(17) The authority may borrow money for any authority purpose and may execute notes, mortgages, deeds to secure debt, trust deeds, trust agreements, and such other instruments as may be necessary or convenient to evidence and secure such borrowing.

(18) The authority may construct, acquire, own, maintain, extend, improve, equip, operate, and manage projects located on property owned or leased by the authority, and may pay the cost of any such project from the proceeds of revenue bonds of or any other such funds as may be legally available to the authority.

(19) The authority may implement such districts as may be authorized by state or local law in order to facilitate the economic development and rehabilitation of the special district.

(20) The authority may initiate all applications associated with the filing of amendments to the Orange County Comprehensive Policy Plan and with the filing of applications for development approval (ADA) for a development of regional impact, rezoning applications, and all other types of development applications. Orange County shall be responsible for the review and consideration of all said applications and shall issue all local development orders.

(21) The authority may exercise each and every power not inconsistent with the express provisions of this act which any authority of this state may now or hereafter exercise with respect to the operation, acquisition, construction, or financing of airports or airport projects under the provisions of the general laws of this state.

Section 13. Financial reports; audits.—The authority shall comply with laws of Florida in filing an annual audited financial report each fiscal year. The authority shall also approve a detailed budget for its operations in the succeeding fiscal year at least thirty (30) days prior to the beginning of such fiscal year. The authority shall fix a date and time, on or before sixty (60) days prior to the commencement of the succeeding fiscal year, for a public hearing on the budget of the authority, notice of which hearing shall be advertised one (1) time in a newspaper of general circulation published in Orange County. The authority shall meet upon the date fixed in the advertisement and from day to day thereafter if deemed necessary for the purposes of holding such public hearing and making whatever revisions in the budget as are deemed necessary. Upon approval by the authority, the budget shall become fixed and the total thereof only may be amended by formal action of the authority. All expenses incurred for the fiscal year for which the budget is made shall be vouchered and charged on the financial records against the budget of that year, and to carry out this provision the authority may hold its books open for thirty (30) days after the expiration of the fiscal year. It is unlawful for the authority to expend or contract expenditures in any fiscal year more than the amount budgeted for each item, and in no case shall the total appropriations be exceeded. It is unlawful for the authority to incur indebtedness against the authority in excess of the expenditures provided in said budget, or to pay any illegal charge against the authority, or to pay any claim against the authority not authorized by law, and any member of the authority concurring in any such act shall be guilty of malfeasance in office, and subject to suspension and removal from office.

Section 14. Notice of meetings.—The authority shall give notice of its proposed special meetings by publication in a newspaper in Orange County of the place and time of such meeting at least seven (7) days prior thereto; however, failure to publish such notice shall not affect the validity of any proceedings had at any such meeting, and, in case of emergency meetings, such notice may be waived by a vote of two-thirds ($\frac{2}{3}$) of the members of the authority. No published notice need be given of regularly scheduled meetings.

Section 15. Creation of state, municipal, or district debts; prohibited.—The authority shall not be empowered or authorized in any manner to create a debt as against the state, county, or any or all of the cities, and may not pledge the faith and credit of the state, county, or any of the cities. All revenue bonds or debt obligations shall contain on the face thereof a statement to the effect that the state, county, or any of the cities shall not be obligated to pay the same or the interest and that they are only payable from revenues of the project or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledge to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the state, county, or any of the cities to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

Section 16. Liberal construction of act.—This act, being for the purpose of developing and promoting the public good and the welfare of the author-

ity, the territory included in the special district, and the citizens, inhabitants, and taxpayers residing therein, shall be liberally construed to effect the purposes of the act.

Section 17. Powers.—The powers conferred by this act shall be in addition and supplemental to existing powers and statutes, and this act shall not be construed as repealing any of the provisions of any other law, general or local, except as herein provided, but to provide an alternative for the exercise of the powers granted in this act.

Section 18. Limitation of state authority.—The state does hereby pledge to and agree with the holders of any debt obligations issued under this act, and with those parties who may enter into contracts with the authority pursuant to the provision of this act, that the state will not limit or alter the rights hereby vested in the authority until such obligations, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the authority.

Section 19. Authority and benefit of the people of the state.—The exercise of the powers granted by this act in all respects will be for the benefit of the people of this state and the area, for the increase of their industry and prosperity, for the improvement of their health and living conditions, and for the provision of gainful employment, and will constitute the performance of essential public functions.

Section 20. Powers under Florida Industrial Development Financing Act.—Subject to the limitations set forth herein and specifically as set forth in section 15 hereof, the authority shall be endowed with and authorized to exercise all the powers in connection with the authorization, issuance, and sale of revenue bonds to finance the cost of capital projects and conferred on counties, municipalities, special districts, and other local governmental bodies by the Florida Industrial Development Financing Act and all the privileges, benefits, powers, and terms, including definitions, of such act shall be fully applicable to the authority.

Section 21. Bond issue for purposes of financing projects authorized by this act.—In addition to any powers granted in this act, the authority is hereby authorized to issue revenue bonds and refunding bonds, and to issue and borrow against bond anticipation notes, for the purpose of financing any of the projects authorized by this act in the same manner and subject to the same restrictions as any of the cities may be permitted by general or special law.

Section 22. Execution of contracts, leases, and other legal instruments.—Any and all contracts, leases, obligations, agreements, or other legal instruments of the authority shall be approved by resolution of the authority, and shall be executed by those individuals designated in such resolution and, in the absence of such designation, by the chair or vice chair. Nothing in this provision shall prohibit general resolutions authorizing the executive director or other officers, agents, or employees to execute such contracts, leases, or other legal documents as the authority may prescribe.

Section 23. Conflicts of interest prohibited.—No member, officer, agent, or employee of the authority, either for himself or herself, or as agent for anyone else, or as a stockholder or owner in any other legal entity, shall participate or benefit directly or indirectly in or from any sale, purchase, lease, franchise, contract, or other transaction entered into by the authority. If any such person violates the provisions of this section, he or she shall be guilty of a misdemeanor. The provisions of this section shall be cumulative to any general laws of the state which are from time to time applicable to members, officers, agents, or employees of the authority, and which require the disclosure of, or prohibit, conflicts of interest.

Section 24. Termination of authority.—If for any reason, the authority or its successors shall terminate, be terminated, or cease operation or existence for any cause or reason, then upon such termination or cessation all property, real, personal, or mixed, tangible or intangible, of whatsoever kinds and wheresoever located, shall immediately become the property of the state, which is hereby authorized to exercise any or all powers herein granted the authority for the purposes expressed herein, or for any other legal purpose.

Section 2. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 3. In the event of a conflict of the provisions of this act with the provisions of any other act the provisions of this act shall control to the extent of such conflict.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 4, 1999.

Filed in Office Secretary of State June 4, 1999.