

House Bill No. 271

An act relating to the Sarasota-Manatee Airport Authority; providing for codification of special laws regarding special districts pursuant to s. 189.429, Florida Statutes, relating to the Sarasota-Manatee Airport Authority, a special district in Manatee and Sarasota Counties; providing legislative intent; codifying, amending, and reenacting chapters 91-358, 92-242, 95-493, 97-322, and 2000-480, Laws of Florida; omitting provisions that have had their effect and other obsolete provisions; omitting redundant provisions; revising cross references; providing a saving clause in the event any provision of the act is deemed invalid; repealing chapters 91-358, 92-242, 95-493, 97-322, and 2000-480, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the Sarasota-Manatee Airport Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the authority, including all current legislative authority granted to the authority by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 91-358, 92-242, 95-493, 97-322, and 2000-480, Laws of Florida, relating to the Sarasota-Manatee Airport Authority, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter for the Sarasota-Manatee Airport Authority Act is re-created and reenacted to read:

Section 1. Short title.—This act shall be known by the popular name the “Sarasota-Manatee Airport Authority Act.”

Section 2. Definitions.—As used in this act, the following terms have the following meanings, unless the context indicates another or different meaning or intent:

(1) “Airport facilities” means airport facilities of all kinds, including, but not limited to, landing fields, hangars, shops, restaurants and catering facilities, terminals, buildings, and parking facilities and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing, and parking of aircraft, the unloading and handling of mail, express, and freight, and the accommodation, convenience, and comfort of passengers, together with related transportation facilities, all necessary appurtenances, machinery, and equipment, and all lands, properties, rights, easements, and franchises relating thereto and considered necessary or convenient by the authority in connection therewith.

(2) “Authority” means the authority created by this act or, if such authority is abolished, the board, body, or commission succeeding to the principal

functions thereof or to which the powers given by this act to the authority are given by law.

(3) “Cost” means the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping airport facilities and includes financing charges, interest prior to and during construction and for 1 year after completion of construction, cost of engineering, legal, and other professional services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to the determining of the feasibility or practicability of any such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment of airport facilities, administrative expenses, and such other expenses, including reasonable provision for working capital and reserves, as may be necessary or incident to the financing herein authorized, to the acquisition, construction, reconstruction, improvement, extension, enlargement, and equipment of airport facilities, and to the placing of the same in operation by the authority. Any obligation or expense incurred by the authority or by any political subdivision prior to the issuance of bonds under the provisions of this act in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, and equipment of any airport facilities may be regarded as a part of such cost.

Section 3. Creation and membership of authority.—

(1) There is hereby created a body politic and corporate to be known as the “Sarasota-Manatee Airport Authority” for the purpose of acquiring, constructing, improving, financing, operating, and maintaining airport facilities. The authority is constituted a public instrumentality, and the exercise by the authority of its powers conferred by this act is deemed and held to be the performance of essential governmental functions.

(2)(a) The governing board of the authority shall consist of six members, three of whom must be residents of Manatee County and three of whom must be residents of Sarasota County.

(b) The three positions on the governing board assigned to residents of Manatee County shall be designated as seats “M-1,” “M-2,” and “M-3,” respectively, and the three positions on the governing board assigned to residents of Sarasota County shall be designated as seats “S-1,” “S-2,” and “S-3,” respectively.

(c) Those persons appointed in 2000 and 2001 to seats M-2 and S-2, respectively, shall serve until their terms expire in 2004. Those persons appointed in 2002 to seats M-1, M-3, and S-1 shall serve until their terms expire in 2006. The person appointed in 2002 to seat S-3 shall serve until his or her term expires in 2004.

(d) At least 30 days prior to the date of expiration of the term of any member of the authority, or within 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 by the Governor. Any appointed member is eligible for reappointment. However, a member may

not serve more than 8 consecutive years. Other than for an appointment to fill a vacancy in the seat of a member whose term has not yet expired, all appointments shall be for a 4-year term, except that the appointment to seat S-3 for the term commencing on November 19, 2002, shall be for 2 years, terminating on November 15, 2004. Thereafter, the term of office for seat S-3 shall be for 4 years. Other than those persons appointed to fill an unexpired term, all appointed members of the authority shall assume office on the third Tuesday of November in the year of appointment.

(e) Each appointed member of the authority must be a person of integrity, responsibility, and business ability who is competent and knowledgeable in one or more fields, including, but not limited to, public affairs, law, economics, accounting, engineering, finance, natural-resources conservation, energy, or another field substantially related to the duties and functions of the authority. The membership of the authority shall fairly represent the specified fields and shall be nonpartisan. It is desirable, but not essential, that one or more appointed members be experienced in an aviation-related field. A person who is serving in another public office is not eligible for appointment unless that person resigns from the other office before being appointed to the authority. A person who, at the time of an anticipated appointment by the Governor, is transacting business with the authority or who is reasonably expected to transact business with the authority, either for himself or herself or as an employee of, agent for, or consultant to any other person or legal entity, may not be appointed as a member of the authority.

(f) Any appointed member of the authority may be suspended or removed from office by the Governor for good cause affecting his or her ability to perform his or her duties as a member; for misfeasance, malfeasance, or nonfeasance in office; or for violating his or her duty to avoid conduct tending to undermine decisions of the authority, exposing the authority to liability for damages, injuring the good name of the authority, or disturbing the well-being of the authority's staff or employees.

Section 4. Organization and conduct of business of authority.—

(1) The authority shall select one of its members as chair, who shall serve as such at the pleasure of the authority. The authority shall also select one of its members to act as secretary of the authority. The authority shall employ a treasurer and may employ an assistant treasurer, neither of whom may be employed as airport manager. The treasurer or, in his or her absence, the assistant treasurer shall sign all checks paid out by the authority, which shall be countersigned by the chair of the authority or, in the absence of the chair, by the vice chair as provided in subsection (19) of section 5. The treasurer shall assist the airport manager in the preparation of the annual airport budget, which budget must be approved by the authority prior to becoming effective. Such persons shall act as secretary of the authority and as treasurer of the authority, respectively, at the pleasure of the authority.

(2) A majority of the members of the authority constitutes a quorum, and the affirmative vote of a majority of a quorum of the members of the authority is necessary for any action taken by the authority.

(3) Each member may be paid an annual salary of \$2,000, to be paid in equal monthly installments. Members shall be reimbursed for the amount of actual expenses incurred by them in the performance of their duties. Members shall be reimbursed for mileage as provided in section 112.061, Florida Statutes, from their places of residence to the place of meeting and return and for vicinity mileage incurred in the performance of their duties. The members shall also be reimbursed for, or the authority may purchase on a member's behalf, insurance covering a member while traveling on official business. The proceeds of such insurance shall be payable to such beneficiary as the member directs. The travel expenses, subsistence, and lodging expenses of a member of the authority or of an authority employee may not exceed those prescribed by section 112.061, Florida Statutes, unless actual reasonable expenses in excess of those prescribed by section 112.061, Florida Statutes, are specifically authorized, prior to the incurring of such expenses, by action of the authority taken at a regular monthly meeting at which the question of such expenses appears as a separate item on the agenda.

(4) All medical and dental records and medical and dental claims records in the custody of the authority relating to authority employees, former authority employees, or eligible dependents of such employees enrolled in an authority group insurance plan or self-insurance plan shall be kept confidential and are exempt from the provisions of section 119.07(1), Florida Statutes. Such records may not be furnished to any person other than the employee or his or her legal representative, except upon written authorization of the employee, but may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the employee or his or her legal representative by the party seeking such records.

Section 5. Powers of the authority.—The authority is authorized and empowered:

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

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

(3) To maintain an office at such place or places as it may designate, within Sarasota and Manatee Counties only.

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

(5) To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport facilities within either or both of the Counties of Sarasota and Manatee.

(6) To lease as lessor for other than airport purposes, or to sell or otherwise dispose of, any land or other airport facilities that it has determined are no longer used or useful for airport purposes, subject, however, to any limitations imposed on such leasing or disposition by any bonds issued by the authority hereunder or by any proceedings taken in connection with the

issuance of such bonds or by any contracts entered into hereunder with either or both of the Counties of Sarasota and Manatee.

(7) To issue bonds of the authority, as provided in this act, to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment.

(8) To issue refunding bonds of the authority as provided in this act.

(9) To combine any airport facilities for the purpose of operation and financing.

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

(11) To acquire real property in the name of the authority by gift, purchase, or the exercise of the power of eminent domain in accordance with the laws of this state which may be applicable to the exercise of such powers by counties or municipalities, including, without limitation, the leasehold interest of lessees under leases made by the authority as lessor; to acquire such personal property as it considers necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, equipment, operation, maintenance, or repair of any airport facilities; and to hold and dispose of all such real and personal property under its control. The power granted in this subsection, and under subsection (5) for acquisition of lands, is limited to lands or interests therein needed for airport purposes for the existing Sarasota-Bradenton International Airport; however, such limitation does not apply to any other lands or interests therein if:

(a) The acquisition is for a general aviation facility that is not acquired for purposes of accommodating major certified air carriers and the acquisition is approved by resolutions of the county and municipality, if any, within which such lands lie; or

(b) The acquisition is for use by major certified air carriers and has been approved in a referendum of electors in each of the Counties of Manatee and Sarasota.

(12) To exercise the power of eminent domain in accordance with the provisions of chapter 74, Florida Statutes, as from time to time amended, or any successor statute, in the same manner as therein provided for the acquiring of rights-of-way for the state highway system and to take title to lands in fee simple absolute or such lesser estate as may be specified in the declaration of taking, upon the deposit of such sum as the court determines will fully secure and fully compensate the persons lawfully entitled to compensation.

(13) To 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, including a trust agreement or trust agreements securing any bonds issued under this act, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts,

accountants and attorneys, and employees and agents as are, in the judgment of the authority, necessary, and to fix and pay their compensation, and, with regard to such superintendents, managers, accountants, and employees, to provide for deferred compensation, health, accident, and disability payments, and other fringe benefits; to provide for health, accident, and disability payments for members of the authority; and to remove any employee at any time upon such notice as the authority considers fair and reasonable by a majority vote of the members of the authority; however, all such expenses must be payable solely from funds made available under the provisions of this act.

(14) To accept grants of money or materials or property of any kind for any airport facilities from any federal or state agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed, and to enter into contracts and grants agreements with the Federal Aviation Administration, or any successor or successors thereof, and with the State of Florida or any of its agencies, in the capacity of sponsor or cosponsor of any airport development project involving the acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment of any airport facilities owned or operated by the authority, pursuant to any federal or state law providing for aid to airports.

(15) To purchase money mortgages on any additional property purchased by the authority, or to purchase property subject to mortgages; however, the security instrument evidencing any such mortgage must expressly limit and confine the lien of the mortgage to the property so purchased.

(16) To borrow money from time to time, and to procure one or more lines of credit from time to time in furtherance thereof, for any corporate purpose of the authority and to secure any such loan by executing a promissory note or notes in the name of the authority pledging any revenues of the authority; however, any such promissory note is, and must state on its face that it is, subordinate and subject in right to payment from the revenues of any airport facilities (but not subordinate and subject in right to payment from federal or state grants unless so provided in any resolution or trust agreement as mentioned hereinafter) to all bonds and bond anticipation notes theretofore or thereafter issued by the authority pursuant to this act or any other statute for the purpose of paying the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping any airport facilities, except to the extent otherwise provided in any resolution or trust agreement authorizing or securing, respectively, such bonds or bond anticipation notes.

(17) To exercise and perform all powers and prerogatives conferred upon political subdivisions by chapter 333, Florida Statutes, as from time to time amended, or any successor statute, with respect to the adoption and enforcement of airport zoning regulations under the provisions of that chapter, and, if the authority adopts or causes to be adopted airport zoning regulations pursuant to that chapter, the regulations so adopted supersede the regulations theretofore adopted by the airport zoning board of Sarasota and Manatee Counties, insofar as such regulations of the airport zoning board of

Sarasota and Manatee Counties pertain to airports that are under the jurisdiction of the authority.

(18) To construct, maintain, operate, lease, and regulate motor vehicle parking facilities for the agents, employees, guests, and business invitees of the authority or its tenants and the visiting public.

(a) The authority may enter into lease and franchise agreements with private persons or corporations as tenants or operators of such facilities upon such terms and for such periods of time as the authority considers appropriate. The authority shall hold a public hearing, after the publication of a notice of such hearing in a newspaper of general circulation in Sarasota County and in a newspaper of general circulation in Manatee County at least one time no less than 10 days or more than 25 days prior to such hearing, to:

1. Consider the establishment of rates or fees, if any, that will be charged to persons who use any such parking facility; or

2. Consider any subsequent revisions therein that increase such rates or fees. The authority may pledge the income and revenues derived from such leases and franchise agreements as security for the repayment of loans extended to the authority or as security for the payment of any bonds of the authority issued pursuant to section 6 of this act as it considers necessary or desirable from time to time.

(b) The authority may cause any motor vehicle parked on authority property without its permission to be removed by a person regularly engaged in the business of towing motor vehicles, without liability for the cost of removal, transportation, or storage or damages caused by such removal, transportation, or storage, if notice is prominently posted on the property or has been personally given to the owner or driver of the motor vehicle that the area in which such vehicle is parked is reserved or is otherwise unavailable for unauthorized vehicles. Whenever any motor vehicle is so removed, the authority shall, upon request, immediately and without demanding compensation, inform the owner or lessor of such motor vehicle of the name and location of the person or company that removed the vehicle. The person causing the removal of the motor vehicle shall forthwith notify the nearest police department of the removal and the name and location of the person who removed the vehicle.

(19) To adopt a budget prior to September 30 of each year for the ensuing fiscal year commencing October 1. The budget, after adoption, may be amended or altered only by action of the authority taken at a regular or special meeting. In any fiscal year, the authority may not authorize the expenditure of authority funds in excess of those budgeted, except to the extent that the actual or anticipated receipts exceed the budgeted income. All checks for disbursement of funds of the authority must be signed by the treasurer or, in the absence of the treasurer, by the assistant treasurer, and must be countersigned by the chair or, in the absence of the chair, by the vice chair. The authority, through its bylaws, shall establish the procedure for determining the absence of the chair or treasurer for purposes of the countersigning of checks by the vice chair or the assistant treasurer, respectively.

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

(21) To invest and reinvest any surplus public funds in its control or possession in such investments as are authorized by law or ordinance for the investment of surplus public funds by the Board of County Commissioners of Sarasota County or Manatee County. Every security purchased on behalf of the authority shall be properly earmarked and:

(a) If registered with the issuer or its agents, shall be immediately placed for safekeeping in a location which protects the authority's interest in the security;

(b) If in book entry form, shall be held for the credit of the authority by a depository chartered by either the Federal Government or the state and shall be kept by the depository in an account separate and apart from the assets of the financial institution; or

(c) If physically issued to the authority but not registered with the issuer or its agents, shall be immediately placed for safekeeping in a safety-deposit box in a financial institution in this state that maintains adequate safety-deposit box insurance.

Section 6. Bonds.—

(1) The authority may issue, at one time or from time to time, bonds of the authority for the purpose of paying all or any part of the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping any airport facilities. The bonds of each issue shall be dated, shall mature at such time or times, not exceeding 40 years after their date or dates, and shall bear interest at such rate or rates as are determined by the authority, not exceeding the maximum rate then specified in section 215.84, Florida Statutes, unless a higher rate is approved by the State Board of Administration pursuant to that section, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature must appear on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or such facsimile is nevertheless valid and sufficient for all purposes, the same as if he or she had remained in office until such delivery. Notwithstanding any other provisions of this act or any recitals in any bond issued under the provisions of this act, all such bonds are deemed to be investment securities under chapter 678, Florida Statutes. The bonds may be issued in coupon form or registered form without coupons or both, as the authority determines, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The authority may sell such bonds in such

manner, either at public or private sale, and for such price as it determines to be in the best interest of the authority.

(2) The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds were authorized and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same. Unless otherwise provided in the authorizing resolution or in the trust agreement securing such bonds, if the proceeds of such bonds, by error of estimates or otherwise, is less than the amount required for such purpose, additional bonds may in like manner be issued to provide the amount of such deficit and are entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

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

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

(5) Bonds may be issued under this act without obtaining the consent of any commission, board, bureau, or agency of the state or of any political subdivision, and without any other proceeding or the happening of other conditions or things than those proceedings, conditions, or things that are specifically required by this act.

Section 7. Rates, fees, and other charges.—The authority may fix and revise from time to time, either by agreement with a user or by resolution of the authority, rates, fees, including, without limitation, landing fees, and other charges for the use of and for the services furnished or to be furnished by any airport facilities owned or operated by the authority. Such rates, fees, and charges are not subject to supervision or regulation by any bureau, board, commission, or other agency of the state or of any political subdivision. Such rates, fees, and charges shall be fixed and revised so that the revenues of the authority, together with any other available funds, will be sufficient at all times:

(1) To pay the cost of maintaining, repairing, and operating the airport facilities owned or operated by the authority, including reserves for such purposes; and

(2) To pay the principal of and premium, if any, and interest on all bonds issued by the authority under this act to pay for the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping

any airport facilities as the same become due and payable and to provide reserves therefor.

Notwithstanding any of the foregoing provisions of this section, the authority may enter into contracts relating to the use of, or for the services furnished or to be furnished by, any airport facilities, which contracts are not subject to revision except in accordance with their terms.

Section 8. Trust agreement or resolution.—

(1) In the discretion of the authority, each or any issue of bonds may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. It is lawful for any bank or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or of revenues, to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. The resolution authorizing the issuance of bonds or any trust agreement securing such bonds may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. Such resolution or trust agreement may contain such other provisions in addition to the foregoing as the authority considers reasonable and proper for the security of the bondholders. The authority may provide for the payment of the proceeds of the sale of the bonds and the revenues of any airport facilities to such officer, board, or depository as it designates for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it determines. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as a part of the cost of operation.

(2) The resolution authorizing the issuance of bonds to pay the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping any airport facilities or any trust agreement securing bonds issued for such purpose may pledge the revenues to be received from any airport facilities of the authority, but may not convey or mortgage any of such facilities, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including, without limitation, covenants setting forth the duties of the authority in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any such facilities, the fixing and revising of rates, fees, and charges, and the custody, safeguarding, and application of all moneys, and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, operation, or insurance.

(3) Any pledge of revenues of any airport facilities under this act is valid and binding from the time such pledge is made. Any such revenues so pledged and thereafter received by the authority are immediately subject to the lien of such pledge without any physical delivery thereof or further action, and the lien of such pledge is valid and binding as against all parties

having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof.

Section 9. Contributions of certain political subdivisions.—

(1) The governing body of each of the Cities of Sarasota and Bradenton and each of the Counties of Sarasota and Manatee may make grants of money to the authority and may lease, lend, grant, or convey to the authority, with or without consideration, real or personal property for use by the authority for the acquisition, construction, reconstruction, improvement, extension, enlargement, equipment, maintenance, or operation of any airport facilities; however, if the approval at an election by the qualified electors of any such city or county is required by the constitution of the state, such election must be called, noticed, and conducted and the result thereof determined and declared in the manner required by the Florida Election Code, chapters 97 through 106, Florida Statutes, as from time to time amended, or any successor statute.

(2) The board of county commissioners of each of the Counties of Sarasota and Manatee may:

(a) Levy annually an ad valorem tax on all the taxable property in such county for the purpose of providing funds for contribution to the authority for use by the authority for the acquisition, construction, reconstruction, improvement, extension, enlargement, equipment, maintenance, or operation of any airport facilities and for the payment of the principal of and premium, if any, and interest on any bonds issued by the authority under this act other than bonds issued pursuant to section 10 of this act.

(b) Enter into contracts, with or without consideration, for such periods of time as such board of county commissioners determines, providing for the making of annual or other contributions from any non-ad valorem tax revenues or any ad valorem tax revenues available for such contributions to the authority for use by the authority for the acquisition, construction, reconstruction, improvement, extension, enlargement, equipment, maintenance, repair, or operation of any airport facilities and for the payment of the principal of and premium, if any, and interest on any bonds issued by the authority under this act other than bonds issued pursuant to section 10 of this act or for making up any deficiencies in the revenues of the authority necessary for any such purposes; and pledge the taxing power of such county to the payment of such contributions.

(c) Issue bonds of the county payable from the taxes authorized in this section to be levied or from any other source available to the county, for the purpose of providing funds to be granted to the authority for application to the payment of the cost of acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment of any airport facilities, such bonds to be issued under the provisions of any law applicable to the issuance of bonds or other obligations by the county; however, in any case in which the approval at an election by the qualified electors residing in the county is required by the State Constitution for the exercise of any of the powers conferred by this section, such approval must be obtained before such powers are exercised. Any election to be held for the purpose of obtaining the

approval of such qualified electors shall be held and the result thereof determined and declared in the manner provided by the Florida Election Code.

(d) Enter into contracts and grant agreements with the Federal Aviation Administration, or any successor or successors thereof, the State of Florida or any of its agencies, and the authority in the capacity of sponsor or cosponsor of any airport development project involving the acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment of any airport facilities owned or operated by the authority, pursuant to any federal or state law providing for aid to airports.

(3) The governing body of each of the Cities of Sarasota and Bradenton and each of the Counties of Sarasota and Manatee may purchase, from time to time from any moneys of such city or county which are made available therefor, bonds issued by the authority pursuant to the provisions of this act other than bonds issued pursuant to section 10 of this act; however, not one of such cities or counties may at any one time hold such bonds in a principal amount exceeding \$100,000.

Section 10. Industrial development revenue bonds.—

(1) It is the purpose of this section to authorize the authority to foster and encourage the development of industrial facilities, including pollution control facilities, to create or preserve employment opportunities, to protect the physical environment, to preserve and increase the prosperity of the Counties of Sarasota and Manatee, and to promote the general welfare of all their citizens without the use of public funds by issuing industrial development revenue bonds to assist the financing of such facilities. It is declared that there are a number of industrial facilities on lands presently owned by the authority which are greatly in need of reconstruction, improvement, remodeling, replacement, or enlargement in order that these lands and facilities may be best utilized pending any future use of such lands and facilities for airport purposes and that the financing of such reconstruction, improvement, remodeling, replacement, or enlargement, as provided in this section, will enable the authority to maintain or increase its income from such lands and facilities. It is further declared that the actions authorized by this section serve a public purpose and that in carrying out the provisions of this section the authority is regarded as performing an essential governmental function. The outstanding industrial development revenue bonds authorized by this section may not at any time exceed \$3 million in the aggregate.

(2) As used in this section, the following terms have the following meanings, unless the context indicates another or different meaning or intent:

(a) “Bond” means an evidence of indebtedness issued by the authority under this act to finance an industrial project in whole or in part or to refund indebtedness incurred for that purpose.

(b) “Debt service” means the amounts required to pay bonds according to their terms and includes amounts representing principal, premium, and interest.

(c) "Financing document" means a written instrument establishing the rights and responsibilities of the authority and the user with respect to an industrial facility financed by the issue of bonds under this act.

(d) "Industrial facility" means any property financed or to be financed under the provisions of this section, which may include structures and appurtenances incidental to any of the hereinafter detailed purposes such as utility lines, storage accommodations, or transportation facilities on any property owned by the authority on the effective date of this act, whether real or personal or a combination of both types of property, which is suitable for:

1. Manufacturing, processing, assembling, or warehousing goods or materials for sale or distribution, but does not include raw materials, work in process, or stock in trade;

2. The conduct of research and development activities;

3. Collecting or processing any kind of waste material for reuse or disposal;

4. Reducing, mitigating, or eliminating pollution of land, air, or water by substances, heat, or sound; or

5. Any combination of the foregoing activities, uses, or purposes.

(e) "Industrial project" means the creation, establishment, acquisition, construction, expansion, remodeling, or replacement of an industrial facility financed by the issue of bonds under this act.

(f) "Project costs" means any costs or expenses reasonably incidental to an industrial project and may, without limitation, include the costs of:

1. Issuing bonds to finance an industrial project;

2. Acquiring land, buildings, structures, and facilities, whether by lease, purchase, construction, or otherwise;

3. Acquiring rights in or over land, air, or water;

4. Improving land and improving buildings, structures, and facilities by remodeling, reconstruction, replacement, or enlargement;

5. Acquiring and installing machinery and equipment;

6. Obtaining professional or advisory services;

7. Paying interest prior to and during construction and until 1 year after completion of a project; and

8. Creating reserves.

(g) "Security document" means a written instrument establishing the rights and responsibilities of the authority and the holders of bonds issued to finance an industrial facility.

(h) "User" means the person entitled to the use or occupancy of an industrial facility and primarily responsible for making payments sufficient to meet the debt service on the bonds issued to finance the facility.

(3) The authority may:

(a) Engage in industrial projects and acquire and dispose of ownership or possessory interests in industrial facilities located on land owned by the authority on the effective date of this act; however, in the exercise of its powers granted under this section, the authority has no power to sell or convey such land or to encumber the fee simple title to such land by way of mortgage, deed of trust, subordination agreement, or other similar instrument.

(b) Issue bonds to:

1. Pay project costs;

2. Reimburse a user or a related person for payment of project costs made before or after bonds are issued; or

3. Refund bonds previously issued.

(c) Execute financing documents and security documents and perform obligations and exercise powers created thereby.

(d) Dispose of all or part of any industrial facility by sale or otherwise for the benefit of the bondholders in the event of default by a user under a financing document, but only to the extent authorized by the financing document or security document.

(e) Make contracts or take any other action that is necessary or desirable in connection with the exercise of the powers granted under this section.

(4) This section does not authorize the authority to operate an industrial facility itself or to conduct any business enterprise therewith except to the extent the authority is authorized to do so by any other provision of this act or by any other law.

(5) The authority's ownership or possessory interest in the industrial facility under a financing document may, subject to the provisions of paragraph (3)(c), be that of owner, lessor, lessee, conditional or installment vendor, mortgagee, or otherwise.

(6) Every financing document must:

(a) Provide for payments by the user at such times and in such amounts as are necessary in order to pay the debt service on all bonds issued to finance the industrial project as they become due.

(b) Obligate the user to pay all the costs and expenses of operation, maintenance, and upkeep of the industrial facility and to pay reasonable rentals to the authority for the use of any lands and other property of the authority not constituting an industrial facility or part thereof.

(7) Any financing document may:

(a) Bear any appropriate title.

(b) Involve property in addition to the property financed by the bonds.

(c) Be in the nature of a lease, a sale and leaseback, a lease purchase, a conditional sale, or an installment sales secured by a purchase money mortgage or any other similar transaction.

(d) Provide for payments by the user which include amounts in addition to the amounts required to pay debt service.

(e) Obligate a user to make payments before the industrial facility exists or becomes functional and to make payments after the industrial facility has ceased to exist or be functional to any extent and from any cause whatsoever.

(f) Obligate a user to make payments regardless of whether the user is in possession or is entitled to be in possession of the industrial facility.

(g) Allocate responsibility between the authority and the user for making purchases and contracts required for the project.

(h) Provide that some or all of the user's obligations are unconditional and binding and enforceable in all circumstances whatsoever notwithstanding any other provision of law.

(i) Contain such other provisions and covenants relating to the use, maintenance, and replacement of the industrial facility as the authority and the user consider necessary for the protection of themselves or others.

(8) A security document may:

(a) Contain an assignment, pledge, mortgage, or other encumbrance of all or part of the authority's interest in, or right to receive payments with respect to, an industrial facility under a financing document.

(b) Bear any appropriate title.

(c) Provide for a trustee for the benefit of holders of bonds issued to finance an industrial facility.

(d) Be combined with a financing document as one instrument.

(e) Contain covenants of the authority as to:

1. The creation and maintenance of reserves;

2. The issuance of other bonds with respect to the industrial facility;

3. The custody, investment, and application of moneys;

4. The disposition of insurance or condemnation proceeds;

5. The use of surplus bond proceeds;

6. Action by the authority in the event of a default by the user under the financing document;

7. The subjecting of additional property to the lien of the security document; and

8. Any other matter that affects the security of the bonds in any way.

(f) Limit the rights of bondholders to enforce obligations of the authority thereunder or under the financing document.

(9) Any assignment, pledge, mortgage, or other encumbrance of all or part of the authority's right to receive payments with respect to an industrial facility contained in a security document is valid and binding from the time such security document is executed or adopted; and the payments so assigned, pledged, mortgaged, or otherwise encumbered and thereafter received by the authority are immediately subject to the lien of such assignment, pledge, mortgage, or other encumbrance, with or without any physical delivery thereof or further action; and the lien of such pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof.

(10) Bonds of the authority may be issued pursuant to this section in the same manner as provided in sections 6, 11, 12, and 13 of this act. The term "trust agreement," as used in such sections, means and includes, in the case of bonds issued pursuant to this section, any security document.

(11) Bonds issued under this section do not constitute debts of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any political subdivision; however, such bonds are obligations of the authority payable solely from the funds herein provided therefor, and a statement to that effect must be recited on the face of the bonds.

(12) The financing document and the security document must provide that under no circumstances is the authority obligated, directly or indirectly, to pay the cost of any industrial project, the expenses of operation or maintenance of any industrial facility, or the debt service on any bonds issued to finance an industrial project except from the proceeds of such bonds or from funds received under the financing document, exclusive of any funds received thereunder by the authority for its own use.

Section 11. Trust funds.—All moneys received pursuant to the authority of this act are deemed to be trust funds and must be held and applied solely as provided in this act. The resolution authorizing the issuance of bonds or the trust agreement securing such bonds must provide that any officer to whom, or bank, trust company, or fiscal agent to which, such moneys are paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as the act and such resolution or trust agreement may provide.

Section 12. Remedies.—Any holder of bonds issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee

under any trust agreement, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds or such trust agreement, may by suit, action, mandamus, or other proceeding protect and enforce any and all rights under the laws of the state or granted hereunder or under such resolution or trust agreement and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the authority or by any officer thereof, including the fixing, charging, and collecting of rates, fees, and charges for the use of or for the services furnished by any airport facilities.

Section 13. Refunding bonds.—The authority may issue from time to time refunding bonds for the purpose of refunding any bonds of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The authority may issue from time to time bonds of the authority for the combined purpose of refunding any bonds of the authority then outstanding, including the payment or any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and paying all or any part of the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping any airport facilities or engaging in any additional industrial project, as the case may be, provided no refunding bonds issued with respect to any industrial project are payable from the revenues of any airport facilities. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the authority with respect to the same, are governed by the foregoing provisions of this act insofar as the same are applicable.

Section 14. Law enforcement functions of the authority.—

(1) Definitions.—As used in this section, the term:

(a) “Air operations area” means a portion of the airport designed and used for landing, taking off, or surface maneuvering of airplanes.

(b) “Airport” means any real property the fee simple title to which is vested in the airport authority.

(c) “Airport grounds” includes all of the airport except for any property or facilities that are under the guidance, supervision, regulation, or control of the University of South Florida.

(d) “Traffic,” when used as a noun, means the use or occupancy of, and the movement in, on, or over, streets, ways, walks, roads, alleys, parking areas, and air operations areas by vehicles, pedestrians, or ridden or herded animals.

(2) Traffic, parking, and security laws and ordinances; applicability to airport grounds.—All provisions of chapters 316 and 318, Florida Statutes, apply to the airport grounds. The ordinances of Sarasota County, Manatee County, and the City of Sarasota that relate to traffic control, the parking of vehicles, including the towing away of unlawfully parked or abandoned vehicles, or the security of air operations areas apply within that part of the

airport grounds that lies within the territorial boundaries of the respective county or municipality, provided that no such ordinance is applicable within the airport grounds unless the airport authority by its resolution first requested the respective county or city to adopt such an ordinance, pointing out the general matters or circumstances to be covered by the ordinance, and that any such ordinance adopted at the request of the airport authority must be reasonable and in furtherance of the public health, safety, welfare, and interest. Copies of such applicable ordinances must be posted at the airport on public bulletin boards where notices are customarily posted and must be made available to any person requesting a copy of such ordinances.

(3) Airport authority police.—

(a) The airport authority may provide for police officers for the airport authority, who shall be designated “airport authority police.”

(b) The airport authority police are declared to be law enforcement officers of the state and conservators of the peace with the authority to arrest, in accordance with the laws of this state, any person for a violation of state or federal law or an applicable county or municipal ordinance if the violation occurs on airport grounds. Airport authority police may also make arrests in fresh pursuit off airport grounds for such violations if pursuit originated on airport grounds. Airport authority police have full authority to bear arms in the performance of their duties and to execute search warrants within the airport grounds. Airport authority police, when requested by the Sheriff of Sarasota County, the Sheriff of Manatee County, or the chief administrative police officer of the City of Sarasota, may serve subpoenas or other legal process and may make arrests of persons against whom arrest warrants have been issued or charges have been made for violations of federal or state laws or county or municipal ordinances.

(c) An airport authority police officer may enforce all applicable laws or ordinances pertaining to traffic, parking, or security on the airport grounds and may issue citations for such violations.

(d) Airport authority police must meet the requirements of the Federal Aviation Administration prescribed in Title 14, Chapter 1, Parts 107 and 108, of the Code of Federal Regulations, relating to airport security and airplane operator security. An airport authority police officer has the authority to enforce each security program, and each passenger-screening program, required by the Aviation and Transportation Security Act, Public Law 107-71, or any successor statute.

(e) An airport authority police officer shall promptly deliver each person arrested and charged with a felony to the sheriff of the county within which the offense occurred and each person arrested and charged with a misdemeanor to the applicable authority as may be provided by law, but otherwise to the sheriff of the county in which the offense occurred.

(f) Each airport authority police officer must meet the minimum standards established by the Criminal Justice Standards and Training Commission of the Department of Law Enforcement and chapter 943, Florida Statutes, for law enforcement officers. Each airport authority police officer must,

before entering into the performance of his or her duties, take the oath of office established by the airport authority. The airport authority shall enter into a good and sufficient bond on each airport authority police officer, payable to the Governor and his successors in office, in the penal sum of \$5,000 with a surety company authorized to do business in this state as surety thereon and conditioned on the faithful performance of the duties of the officer. The airport authority shall provide a uniform set of identifying credentials to each airport authority police officer it employs.

(g) In the performance of any of the powers, duties, and functions authorized by law, airport authority police have the same rights, protections, and immunities afforded other law enforcement officers by general law.

(h) The airport authority may exercise and perform all the powers and prerogatives conferred upon law enforcement agencies by sections 932.701-932.704, Florida Statutes, with respect to forfeiture of contraband.

(i) The airport authority, with the approval of the Department of Law Enforcement, shall adopt rules, including, but not limited to, the appointment, employment, and removal of airport authority police and shall establish in writing a police manual, including examples of how to handle a routine law enforcement situation and an emergency law enforcement situation. The airport authority shall furnish a copy of the police manual to each of the airport authority police officers it employs.

(4) Airport authority parking enforcement specialists.—

(a) The airport authority may provide for parking enforcement specialists for the airport authority, who shall be designated “airport authority parking enforcement specialists.”

(b)1. An airport authority parking enforcement specialist may enforce, on the airport grounds, all applicable laws and ordinances relating to parking and may issue citations for parking in violation of such laws or ordinances.

2. An airport authority parking enforcement specialist may not carry a firearm or other weapon and does not have the authority to make arrests.

(c) Each airport authority parking enforcement specialist must meet the minimum standards established by the Criminal Justice Standards and Training Commission of the Department of Law Enforcement for parking enforcement specialists.

Section 15. Supplemental rules, regulations, and ordinances.—

(1) The City of Sarasota, the County of Sarasota, and the County of Manatee, and their respective governing authorities, are each empowered and authorized to adopt all needful rules, regulations, and ordinances regarding the operation, guidance, docking, storing, parking, fueling, repairing, handling, loading, unloading, and conduct of all aircraft and motor vehicles of any kind with respect to their use or operation over, upon, and within the airport facilities or using airport facilities owned or operated by

the authority, provided that such rules, regulations, or ordinances may not be enacted or adopted until the authority by its resolution has first requested the City of Sarasota, the County of Sarasota, or the County of Manatee, as the case may be, to enact and adopt such rules, regulations, and ordinances, pointing out the general matters or circumstances to be covered, and all rules, regulations, and ordinances that are adopted and enacted pursuant to this act must be reasonable and in furtherance of the public health, safety, welfare, and interest.

(2) The authority may adopt resolutions requesting the City of Sarasota, the County of Sarasota, and the County of Manatee to enact rules, regulations, and ordinances pursuant to the authority of this act.

(3) All rules, regulations, and ordinances adopted and enacted pursuant to the authority of this act, whether enacted by the City of Sarasota, by the County of Sarasota, or by the County of Manatee, operate and are of effect throughout the territory comprising the lands of the authority and the airspace thereover, including the portions of that territory situated within the City of Sarasota and the portions of that territory outside that city in the Counties of Sarasota and Manatee.

(4) The City of Sarasota, the County of Sarasota, and the County of Manatee each have full police powers throughout the territory comprising the lands of the authority and the airspace thereover, and each may appoint guards or police to assist in the enforcement of such rules, regulations, and ordinances as it adopts pursuant to the authority of this act.

(5) Rules and regulations enacted and adopted by either the County of Sarasota or the County of Manatee pursuant to the authority of this act shall be enforced as are the criminal laws. A violation of such rules and regulations is a misdemeanor.

(6) The City of Sarasota may fix by ordinance penalties for the violation of the rules, regulations, and ordinances that it adopts pursuant to the authority of this act.

Section 16. Beverage license.—

(1) A beverage license, as is provided in sections 561.17 and 561.19, Florida Statutes, shall be issued to the authority.

(2) Such beverage license shall be issued upon proper application for license to conduct business, as provided by law. The application must be in the name of the Sarasota-Manatee Airport Authority, and when issued it must be issued in the name of such applicant. The applicant shall pay to the tax collector the license fee for the kind of license that the applicant desires, as provided by the Beverage Law.

(3) The beverage license shall be for the term provided by, and subject to all provisions of, the Beverage Law and, in any proceeding for suspension or revocation of the license involved, notice and hearing shall be provided the authority to the same extent as provided licensees under the Beverage Law. Any business operated under such beverage license may be operated

only by the authority or its lessee of the restaurant and cocktail lounge in the airline terminal building or administration building at the airport operated by the authority, and the license may be transferred to the lessee of that restaurant and cocktail lounge. The authority may make application for the transfer of the license, and the application must be approved by the Division of Alcoholic Beverages and Tobacco in accordance with the same procedure provided for in sections 561.18 and 561.19, Florida Statutes; however, any transfer of the beverage license to the lessee must be on the condition that if the lease is terminated at any time and for any cause, the lessee shall immediately retransfer the beverage license to the authority, and in the event of failure and refusal of the lessee to so retransfer the beverage license, it shall be retransferred to the authority upon proper request made in writing by the authority. Thereafter, the beverage license may be again transferred to any new lessee of the restaurant and cocktail lounge upon the same terms and conditions. The beverage license is at all times the property of the authority, subject to its transfer from time to time to enable the lessee of the restaurant and cocktail lounge to operate business under the beverage license authorized by this act.

Section 17. Administrative procedure.—The authority is not an agency subject to the Administrative Procedure Act under chapter 120, Florida Statutes.

Section 18. Tax exemption.—

(1) The authority as a public body corporate is deemed a political subdivision within the meaning of the exemptions granted under section 196.199, Florida Statutes.

(2) Any bonds issued under this act, their transfer, and the income therefrom (including any profit made on the sale thereof) are at all times free from taxation within the state, except that income derived from such bonds is subject to any tax imposed on such bonds by chapter 220, Florida Statutes, as from time to time amended, or any successor statute.

Section 19. Additional method.—This act provides an additional and alternative method for the doing of the things authorized by this act, is supplemental and additional to powers conferred by other laws, and is not in derogation of or repealing of any powers now existing under any other law, whether general, special, or local; however, the issuance of bonds or refunding bonds under the provisions of this act shall comply with the requirements of any other general law applicable to the issuance of bonds.

Section 20. Existing resolutions, contracts, and other obligations preserved.—

(1) All existing resolutions of the authority and all existing bylaws, rules, and regulations of the authority not inconsistent with the provisions of this act continue in full force and effect until repealed, modified, or amended.

(2) All contracts, orders, leases, bonds, notes, and other obligations or instruments entered into by the authority or for its benefit prior to the effective date of this act continue in full force and effect.

(3) No action or proceeding of any nature (whether judicial or administrative) pending at the effective date of this act by or against the authority is abated or otherwise affected by the adoption of this act, and no judgment validating any bonds or notes of the authority may be set aside, annulled, or otherwise rendered ineffective by or on account of the adoption of this act.

(4) Nothing in this act impairs the rights or incumbency of those who are authority members upon its effective date.

Section 4. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 5. Chapters 91-358, 92-242, 95-493, 97-322, and 2000-480, Laws of Florida, are repealed.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 26, 2003.

Filed in Office Secretary of State June 26, 2003.