

House Bill No. 1217

An act relating to Titusville-Cocoa Airport District, a dependent special district in Brevard County; codifying the District's charter pursuant to s. 189.429, Florida Statutes; providing for codification of special laws relating to Titusville-Cocoa Airport District pursuant to s. 189.429, F.S.; providing legislative intent; amending, codifying, repealing, and reenacting all prior special acts; declaring the status of the District; providing an effective date.

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

Section 1. Intent.—Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to Titusville-Cocoa Airport District. It is the intent of the Legislature to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act and chapter 189, Florida Statutes, as they may be amended from time to time. It is further the intent of this act to preserve all district authority.

Section 2. Codification.—Chapters 63-1143, 67-1151, 69-863, 70-600, 72-472, 80-457, 81-348, 82-267, and 83-374, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Titusville-Cocoa Airport District is re-created and the charter is re-created and reenacted to read:

Section 1. There is hereby created and established a dependent airport district in Brevard County, Florida, which shall also be a special taxing district, to be known as the "Titusville-Cocoa Airport District," which shall consist of so much of Brevard County, Florida, as lies North of that line described as follows:

Beginning at a point where the West boundary line of said Brevard County, Florida, intersects with the South boundary line of Township 25 South, Range 35 East, and proceeding thence easterly along the South boundary line of Township 25 South to the intersection of the East boundary line of Brevard County, Florida, with the South boundary line of Township 25 South.

Section 2. That the title, rights, and ownership of all property, both real and personal, rights, powers, facilities, privileges, easements, franchises, rights-of-way, contracts, uncollected taxes, dues, claims, judgments, decrees, choses in action, and all property and property rights held or owned by the Titusville-Cocoa Airport Authority established by chapter 63-1143, Laws of Florida, shall pass to and be vested in the Titusville-Cocoa Airport Authority, the governing body of the Titusville-Cocoa Airport District, established and organized under this Act to take the place of and succeed the Titusville-Cocoa Airport Authority hereby abolished. All lawful debts,

bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other undertakings of the Titusville-Cocoa Airport Authority created by chapter 59-1933, Laws of Florida, which is abolished hereby, are hereby validated, and same shall continue to be valid and binding in accordance with their respective terms, conditions, covenants, and tenor on the Titusville-Cocoa Airport District and the Titusville-Cocoa Airport Authority established and organized by this Act. Any proceeding heretofore begun for the construction of any improvements, or port facilities, or for the borrowing of money shall not be impaired or avoided by this chapter, but may be continued and completed and binding upon the Titusville-Cocoa Airport District and Titusville-Cocoa Airport Authority established by this Act.

Section 3. As used in this Act the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The term “airport facilities” shall mean airport facilities of all kinds including, but not limited to, landing fields, hangars, shops, terminals, buildings, and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing, and parking of aircraft, and the unloading and handling of passengers, mail, express, and freight, together with all necessary appurtenances and equipment and all properties, rights, easements, and franchises relating thereto and deemed necessary or convenient by the Authority in connection therewith.

(b) The word “Authority” shall mean the Authority created by this Act, or, if such Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Authority shall be given by law.

(c) The word “costs” shall mean and include the cost of acquiring or constructing airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities, and any other development of land as the Authority shall determine to be necessary and proper in the performance of the duties and purposes of this Act, the cost of improvements, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for 1 year after completion of construction, cost of engineering and legal 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, or improvement, administrative expenses, and such other expenses, including reasonable provision for working capital, as may be necessary or incident to the financing herein authorized, to the acquisition, construction, and improvement of airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities, and any other development of land as the authority shall determine to be necessary and proper in the performance of the duties and purposes of this Act and the placing of the same in operation by the District. Any obligation or expense incurred by the District or by any participating political subdivision prior to the issuance of bonds under the provisions of this Act

in connection with the acquisition or construction of any airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities, and any other development of land as the Authority shall determine to be necessary and proper in the performance of the duties and purposes of this Act or any improvements thereof may be regarded as a part of such cost.

(d) The word “improvements” shall mean such repairs, replacements, additions, extensions, and betterments of and to any facilities as are deemed necessary to place or to maintain such facilities in proper condition for the safe, efficient, and economic operation thereof.

(e) The term “participating political subdivisions” shall mean the Cities of Titusville and Cocoa, Florida, the Board of County Commissioners of Brevard County, Florida, and all other political subdivisions or governments within the geographical limits of the Airport District.

Section 4. The District is created for the purpose of acquiring, constructing, improving, financing, operating, and maintaining airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities, and any other development of land owned or leased by the Authority and essential to the economic welfare of the inhabitants of the Authority and which will promote the economic, commercial, and industrial development of the Authority. The District is hereby constituted a public instrumentality and body corporate and politic and the exercise by the District of the powers conferred by this Act shall be deemed and held to be the performance of essential governmental functions.

Section 5. The governing Authority of said Titusville-Cocoa Airport District shall be known as the Titusville-Cocoa Airport Authority; and said Titusville-Cocoa Airport Authority shall constitute a body politic and a body corporate; it shall have perpetual existence.

The Authority shall consist of seven members, one of whom shall be appointed by the County Commissioner for District One, who shall reside within the boundaries of the Titusville-Cocoa Airport District but not within the city limits of Titusville; one shall be appointed by the City of Titusville and shall reside within the city limits of Titusville; two shall be appointed by the County Commissioner for District Two, both of whom shall reside within the boundaries of the Titusville-Cocoa Airport District and at least one of whom shall reside either within the City of Cape Canaveral, Florida, or the City of Cocoa Beach, Florida; two of whom shall be appointed by the County Commissioner for District Four, both of whom shall reside within the boundaries of the Titusville-Cocoa Airport District and at least one of whom shall reside either within the City of Cocoa, Florida, or the City of Rockledge, Florida; and one of whom shall be appointed jointly by the County Commissioners for Districts One, Two, and Four and such appointee shall reside within the Titusville-Cocoa Airport District. The cities within the District are encouraged to participate in the appointing process by making recommendations to the appropriate County Commissioner involved in the appointment. The terms of each appointment shall be for a period of 3 years. Upon expiration of the term the member shall continue to serve

pending reappointment or until a successor is appointed for his or her position. The Authority shall select from its members a Chair, a Vice Chair, a Secretary, and a Treasurer to serve as such at the pleasure of the Authority. Any person may hold two or more offices, except that the Chair may not also serve as the Secretary. When any vacancy shall occur, the vacancy shall be filled by the appointing authority which originally appointed the previous incumbent of the vacancy and such appointment shall be for the remainder of said term being filled. Members of the Authority shall be qualified freeholders residing in the District.

Four of the members of the Authority shall constitute a quorum and the affirmative vote of four of the members of the Authority shall be necessary for any action taken by the Authority. The members of the Authority shall serve without compensation but shall be reimbursed for the amount of actual expenses incurred by them in the performance of their duties.

Section 6. The Authority is hereby authorized and empowered:

(a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office at such place or places as it may designate;

(d) To sue and be sued in its own name and to plead and be impleaded;

(e) To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities, and any other development of land as the Authority shall determine to be necessary and proper in the performance of the duties and purposes of this Act, within the District and within the participating political subdivisions in the District, but within the boundaries of the District;

(f) To issue bonds of the authority as hereinafter provided to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment, provided, however, that approval of the Board of County Commissioners of Brevard County shall be secured prior to the issuance of such bonds;

(g) To issue refunding bonds of the Authority as hereinafter provided, provided, however, that approval of the Board of County Commissioners of Brevard County shall be secured prior to the issuance of such bonds;

(h) To combine any airport facilities for the purpose of operation and financing; specifically the Authority is authorized and empowered to combine the operation and financing of Space Coast Regional Airport, Merritt Island Airport, and Arthur Dunn Airpark, and said Authority is hereby authorized to operate said three airports as a single unit and the acquisition of real and personal property for all of said airports be and the same is hereby validated, confirmed, and approved;

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

(j) To acquire in the name of the Authority by gift, purchase, or the exercise of the right of eminent domain in accordance with the laws of the State of Florida which may be applicable to the exercise of such powers by counties or municipalities, any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, or operation of any airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities, and any other development of land as the Authority shall determine to be necessary and proper in the performance of the duties and purposes of this Act, and to hold and dispose of all real and personal property under its control;

(k) To make and enter 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 hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants and attorneys, and such employees and agents as may, in the judgment of the Authority, be deemed necessary and to fix their compensation, provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this Act;

(l) To accept grants of money or materials or property of any kind for any airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities, and any other development of land as the Authority shall determine to be necessary and proper in the performance of the duties and purposes of this Act from any Federal or State agency, political subdivision, municipality, or other public body, or from any other persons;

(m) To do all acts and things necessary or convenient to carry out the powers granted by this Act;

(n) To lease as lessee or lessor any real property or to sell or otherwise dispose of any personal property which it has determined is no longer used or useful for purposes set forth herein, subject, however, to any limitations which may be 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;

(o) To make purchase money mortgages on any additional property purchased by the Authority, or to purchase property subject to purchase money mortgages, provided, however, that other property of the Authority is in no way subject to the lien of such purchase money mortgages or subject to any deficiency decree foreclosing any such purchase money mortgages; and

(p) To provide for the appointment of a chief executive officer to act as operations officer and head administrator of the operation of the Airport District. He or she shall be responsible to the Airport Authority for the

proper administration of all affairs of the Authority and to that end he or she shall have the power and shall be required to:

(1) Appoint when authorized by the Authority, and, if necessary for the good of the Authority, remove all employees of the Authority, other than the Authority's Attorney and Engineer.

(2) Fix the salary of employees of the Authority, or within the budget of the Authority.

(3) Endorse on all contracts, bonds, and other instruments in writing in which the Authority is interested, his or her approval of the substance thereof.

(4) Prepare the annual budget for the Authority and submit it to the Authority, and be responsible for its administration after adoption.

(5) Prepare and submit to the Authority, as of the end of the fiscal year, a complete report on the finances and administrative activities of the Authority for the preceding year.

(6) Keep the Authority advised of the financial condition and future needs of the Authority, and make such recommendations as may seem to him or her desirable.

(7) He or she shall be purchasing agent for the Authority, by whom all purchases of supplies shall be made, subject to the rules and regulations to be prescribed by the Authority, and he or she shall approve all vouchers for payment of same.

(8) Perform such other duties as may be necessary in the proper administration, excluding policy decisions, of the facilities operated by the Authority.

Section 7. The Authority shall in each fiscal year, which fiscal year shall be the same as that of Brevard County, prepare an annual budget for operating revenue accounts and operating expense accounts and such other accounts as the Board of County Commissioners of Brevard County shall prescribe, for its operations in the ensuing fiscal year and, on or before the first day of September of each year, submit such budget to the Board of County Commissioners of Brevard County, Florida, verified upon information and belief by the Chair of the Authority. At the time the Authority prepares its annual budget, it shall adopt a resolution determining and finding the estimated amounts to be expended by the District in the ensuing year, exclusive of any bonds or other obligations of the District, for acquiring, establishing, constructing, enlarging, operating, and maintaining said airports and other aviation facilities and other facilities related thereto of the District, or for any other corporate purposes of the District, and requesting the Board of County Commissioners of Brevard County, Florida, to levy a tax, not exceeding in any event ½ mill per annum on all the taxable real and personal property in that portion of the county within the geographical limits of the District. A certified copy of said resolution shall be submitted to the Board of County Commissioners of Brevard County, Florida, at the same time that it submits its annual budget referred to above.

The Board of County Commissioners of Brevard County, Florida, shall examine said budget and said certified copy of said resolution and may increase or reduce the total amount requested under the provisions in said budget and resolution for the expenditure of such amounts for said purposes in such an amount as said Board of County Commissioners deems advisable in its sole discretion. Thereafter, said Board of County Commissioners shall approve the budget of the District, either as submitted or as increased or reduced, as aforesaid. Upon approval of such budget, said Board of County Commissioners shall levy, assess, and collect taxes not exceeding in any event $\frac{1}{2}$ mill per annum on all the taxable real and personal property in that portion of the county within the geographical limits of the District, sufficient to pay the estimated amount for said purposes contained in such budget and shall promptly upon receipt thereof remit and pay over to the Authority the proceeds to the payment of the costs of the purposes provided in such budget.

All anticipated revenues to be derived from the operation of the airports and airport facilities shall be included in the budget of the Authority, provided, however, that any amounts of money, including funds derived from ad valorem taxation and appropriated in the Authority's budget for the preceding fiscal year that remain unexpended from the revenue derived under the budget for the preceding fiscal year may, by resolution duly adopted by the Authority and approved by said Board of County Commissioners, be set aside in a separate fund to be known and described as a "renewal and replacement fund" and accumulated in said fund from year to year for the purpose of purchasing property, real and personal, building and constructing permanent improvements, replacements, alterations, buildings, and other structures, including runways, taxi strips, and aprons, and such funds may be disbursed from time to time out of the renewal and replacement fund, upon proper resolution of the Authority and approval by said Board of County Commissioners, and solely for the payment of the cost of purchasing property, real and personal, permanent improvements, replacements, alterations, buildings, and other structures, including runways, taxi strips, and aprons, as hereinbefore provided.

The Authority shall adopt budget procedures to establish the direct and indirect costs of operating and maintaining each airport in the Titusville-Cocoa Airport District as well as the direct income derived from each airport.

Section 8. The Titusville-Cocoa Airport District, through the Authority created herein, is hereby empowered and authorized to issue bonds of the District, in an aggregate principal amount of not exceeding an amount equal to 5 percent of the assessed valuation of all of the taxable property within the geographical limits of the District at the effective date of this Act, payable as to both principal and interest from ad valorem taxes not exceeding 1 mill per dollar of assessed valuation within the boundaries of the District for the purpose of paying all or any part of the cost of construction or acquisition of property, by the District, of any authorized project, and such acquisition or construction is hereby determined legislatively to be a lawful and essential District purpose.

No such bonds of the District herein authorized shall be issued unless and until the issuance thereof shall have been, first, approved at an election of

the qualified electors who are freeholders residing in the geographical limits of the District, duly called and held, in the manner provided by the Constitution and statutes of the State of Florida.

Section 9. The State of Florida does hereby pledge to, and agree with, the Federal Government and any person, firm, or corporation, subscribing to, or acquiring the bonds to be issued by, the District for the construction, acquisition, extension, improvement, or enlargement of projects, or any part thereof, that the state will not limit or alter the rights hereby vested in the District until all bonds at any time issued, together with the interest thereon, are fully paid and discharged. The State of Florida does further pledge to, and agree with, the Federal Government that, in the event that the Federal Government shall construct or contribute any funds for the construction, acquisition, extension, improvement, or enlargement of said projects, or any part thereof, the state will not alter or limit the rights and powers of the District in any manner which would be inconsistent with the continued maintenance and operation of the projects, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the District and the Federal Government, and the District shall continue to have and may exercise all powers herein granted, so long as the same may be necessary or desirable for the carrying out of the purposes of this Act and the purposes of the Federal Government in the construction or acquisition or improvement or enlargement of said projects, or any part thereof.

Section 10. Cooperation between municipalities, county, and District: the Effectuation of the authorized purposes of the Authority being in all respects for the benefit of the people of the State of Florida and the County of Brevard as well as the municipalities within the geographical limits of the Titusville-Cocoa Airport District, the county and each municipality in the District are hereby authorized to aid and cooperate with the District in carrying out any authorized purposes of the District.

The county and each municipality in the District are hereby authorized to enter into cooperation agreements with the District and to provide in any such cooperation agreement for the making of a loan, gift, grant, or contribution to the District for the carrying out of its authorized purposes.

The county and each municipality in the District are hereby, further, authorized to grant and convey to the Authority real or personal property, of any kind or nature, or any interest therein, for the carrying out of its authorized purposes.

The county and each municipality in the District are, further and additionally, authorized to covenant in any such cooperation agreement made pursuant to this Section to pay all or any part of the costs of operation and maintenance of the projects of the District from any available funds of the county or municipality in the District, except revenues derived from ad valorem taxation and cigarette taxes, and to pay all or any part of the principal and interest on any revenue bonds of the District and all or any part of the deposits required to be made into any reserve, renewal, and replacement or other funds created and established by the resolution, inden-

ture, deed of trust, or other instrument securing said revenue bonds from any available funds of the county or any municipality.

Any such cooperation agreement may be made and entered into pursuant to this Act for such time or times not exceeding 40 years as shall be agreed by the parties thereto or for such longer time as any revenue bonds of the District, including refundings thereof, remain outstanding and unpaid and may contain such other details, terms, provisions, and conditions as shall be agreed upon by the parties thereto.

Any such cooperation agreement may be made and entered into for the benefit of the holders of any revenue bonds of the Authority as well as the parties thereto and shall be enforceable in any court of competent jurisdiction by the holders of any such revenue bonds or of the coupons appertaining thereto.

Section 11. The Authority is hereby further authorized to issue at one time, or from time to time, ad valorem bonds of the District as hereinbefore provided, or revenue bonds as hereinafter provided, for the purpose of paying the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping any airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities, and any other development of land as the Authority shall determine to be necessary and proper in the performance of the duties and purposes of this Act. The bonds of each issue shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, and shall bear interest at such rate or rates not exceeding 8 percent per annum, as may be determined by the Authority, provided that revenue bonds shall not bear interest at a higher rate of interest than provided by general law, 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 of any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until such delivery. Notwithstanding any of the other provisions of this Act or any recitals in any bonds issued under the provisions of this Act, all such bonds shall be deemed to be negotiable instruments under the laws of the state. The bonds may be issued in coupon or registered form, or both, as the Authority may determine, 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 bonds shall be sold at public sale and the net interest cost to the Authority on such bonds shall not exceed the limits hereinbefore specified. If all bids received on the public sale are rejected, the Authority may then proceed to negotiate for the sale of the

bonds at a net interest cost, which shall be less than the lowest net interest cost stated in the bids rejected at the public sale.

The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the Authority shall provide in the resolution authorizing the issuance of such bonds or in the trust agreement herein mentioned securing the same. Unless otherwise provided in the authorizing resolution or in the trust agreement securing such, if the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

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 may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

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 shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost.

Except as specifically provided in this Act which requires the prior approval of the Board of County Commissioners of Brevard County, bonds may be issued under the provisions of this Act without obtaining the consent of any other commission, board, bureau, or agency of the state or of any political subdivisions, and without any other proceeding or the happening of other conditions.

Bonds issued by the Authority under the provisions of this Section shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, but such bonds shall be obligations of the District payable solely from the funds herein provided therefor, and a statement to that effect shall be recited on the face of the bonds.

Section 12. The District is hereby authorized to fix and revise from time to time rates, fees, and other charges for the use of and for the services furnished or to be furnished by any facilities owned or operated by the District, and such rates, fees, and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the state or any political subdivision. Such rates, fees, and charges shall be fixed and revised so that the revenues of the District, together with any other funds provided by this Act, will be sufficient at all times:

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

(b) To pay the principal of and the interest on all bonds issued by the Authority under the provisions of this Act as the same shall 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 facilities which shall not be subject to revision except in accordance with their terms.

Section 13. In the discretion of the Authority, each or any issue of bonds may be secured by a trust agreement by and between the District and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be resolved from any facilities of the District but shall 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 may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the District in relation to the acquisition, construction, reconstruction, improvement, maintenance, repairs, operation, and insurance of any such facilities, the fixing and revising of the rates, fees and charges, and the custody, safeguarding, and application of all moneys, and for the employment of counseling engineers in connection with such acquisition, construction, reconstruction, or operation. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as a 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 District. Such resolution or trust agreement 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 may deem 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 facilities to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. 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.

All pledges of revenues under the provisions of this Act shall be valid and binding from the time when such pledges are made. All such revenues so pledged and thereafter received by the District shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise, against the District, irrespective of whether such parties have notice thereof.

Section 14. All moneys received pursuant to the authority of this Act shall be deemed to be trust funds, to be held and applied solely as provided in this Act. The resolution authorizing the issuance of bonds or the trust agreement securing such bonds shall provide that any officer to whom, or

bank, trust company, or fiscal agent to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and supply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Section 15. 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, either at law or in equity, 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 the rates, fees, and charges for the use of or for the services and facilities furnished by any facilities.

Section 16. The Authority is hereby authorized to 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 is further authorized to issue from time to time bonds of the Authority for the combined purpose of:

(a) 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; and

(b) Paying all or any part of the cost of acquiring or constructing any additional facilities or of any improvements. 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 obligation of the Authority with respect to the same, shall be governed by the foregoing provisions of this Act, insofar as the same may be applicable.

Section 17. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, whether general, special, or local, provided, however, that the issuance of revenue bonds or refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Section 18. The erection of any new structures or the alteration of any existing structures that would constitute a hazard to air navigation affecting any facility operated by the District as the same as defined by applicable federal laws, be and the same is hereby prohibited.

Section 19. All other general, special, or local laws or parts thereof inconsistent herewith are hereby declared to be inapplicable to the provision of this Act and are repealed as they affect the power and authority of the

Titusville-Cocoa Airport Authority to levy, assess, collect, and enforce ad valorem taxes as set forth in this Act.

Section 20. 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 21. As the facilities provided for herein are essential to the economic welfare of the inhabitants of the District, and will promote the economic, commercial, industrial, and residential development of said District, and as the exercise of the powers conferred by this Act to effect such purposes constitutes the performance of essential public functions, and as such facilities acquired or constructed under the provisions of this Act will constitute public property used for public purposes, no taxes or assessments shall be levied upon any such facilities. The Legislature hereby finds that the benefits to be derived by properties within the District are equal to the taxes herein imposed, and that all properties within the District shall derive benefits from the operations of the Titusville-Cocoa Airport District.

Section 22. The Board of County Commissioners of Brevard County, Florida, and the City of Titusville, Florida, are hereby authorized to regulate the height of structures and natural growth in the vicinity of airports, to create approach zones and other zones for airports, and to adopt airport zoning regulations for airport hazard areas. In adopting such airport zoning regulations, the Board of County Commissioners and the City of Titusville are authorized to make them applicable only to lands within the Titusville-Cocoa Airport District or to the county as a whole. The Board of County Commissioners is authorized, at its option, to delegate the administration and enforcement of said airport zoning law to the Titusville-Cocoa Airport Authority or to such other administrative board as it may choose.

Section 23. The following described real property acquired by the Titusville-Cocoa Airport District pursuant to authority granted the Titusville-Cocoa Airport Authority as governing body of said District under Section 6(e) of this Charter shall be used solely for public purposes:

A part of the E ½ of Section 32, Township 21 South, Range 35 East, and a part of the South 30 acres of the NW ¼ of the SW ¼ of Section 33, Township 21 South, Range 35 East, all in Brevard County, Florida, described as follows:

Commencing at the point of intersection of the North line of the S ½ of the S ½ of the SW ¼ of the NW ¼ of said Section 32, and the East right-of-way line of SINGLETON AVENUE, said point being the Southwest corner of LUNA HEIGHTS, according to the plat thereof, as recorded in Plat Book 18, Page 133, of the public records of Brevard County, Florida, and said point lying 167.98 feet North and 33 feet East of the Northwest corner of the SW ¼ of the NE ¼ of said Section 32; from said point of commencement run thence along the boundary of said LUNA HEIGHTS, South 89 degrees 53 minutes 51 seconds East, a distance of 5.44 feet to the POINT OF BEGINNING of the lands herein described; thence continue South 89 degrees 53 minutes 51 seconds East, 627.07 feet to the

Northeast corner of said S $\frac{1}{2}$ of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32; thence North 0 degrees 09 minutes 24 seconds East, 167.44 feet to the Northwest corner of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 32; thence South 89 degrees 53 minutes 06 seconds East, 665.58 feet to the Northeast corner of the last mentioned parcel, being also the Southeast corner of said LUNA HEIGHTS; thence South 0 degrees 14 minutes 34 seconds West, 335.62 feet to the Southeast corner of said S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32; thence South 89 degrees 52 minutes 58 seconds East along the North line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 32, a distance of 946.06 feet to a point; thence South 0 degrees 12 minutes 23 seconds West along the East line of lands described in Deed Book 313, Page 101, a distance of 645.00 feet; thence South 89 degrees 52 minutes 58 seconds East, 75.00 feet to the Northeast of corner of lands described in Deed Book 343, page 143; thence South 0 degrees 12 minutes 23 seconds West 694.25 feet to an iron pipe at the Southeast corner thereof, said point lying on the South line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 32; thence South 89 degrees 54 minutes 46 seconds East along said line, 112.732 feet to an iron pipe; thence South 0 degrees 05 minutes 19 seconds East, 330.00 feet; thence South 89 degrees 46 minutes 18 seconds East, 200.00 feet to the Southeast corner of the East 200 feet of the South 330 feet of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32; thence South 88 degrees 57 minutes 23 seconds East, 483.73 feet to a point in the centerline of OLD DIXIE HIGHWAY; thence along said centerline, South 8 degrees 57 minutes 23 seconds East, 126.15 feet to the Point of Curvature of a circular curve concave Northeasterly, having a radius of 320.11 feet; thence Southeast-erly along the arc of said curve through a central angle of 34 degrees 52 minutes 38 seconds, a distance of 194.86 feet to a point; thence South 89 degrees 54 minutes 41 seconds West, along the South line of AIRPORT ROAD, 590.37 feet to a point on the East line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32; thence South 0 degrees 05 minutes 19 seconds East along said line, 699.10 feet to the Southeast corner of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32; thence North 89 degrees 40 minutes 23 seconds West along the South line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 32, a distance of 2321.00 feet; thence North 0 degrees 19 minutes seconds East 170.00 feet; thence North 89 degrees 40 minutes 23 seconds West, 229.47 feet to a point 117.60 feet East of the West line of the SE $\frac{1}{4}$ of said Section 32; thence North 0 degrees 08 minutes 53 seconds East, parallel to said West line of the SE $\frac{1}{4}$ of Section 32, and along the East right-of-way line of SINGLETON AVENUE, as now located, 757.62 feet; thence South 89 degrees 51 minutes 07 seconds East, 400.00 feet; thence North 0 degrees 08 minutes 53 seconds East, 225.00 feet; thence North 89 degrees 51 minutes 07 seconds West, 400.00 feet; thence North 0 degrees 08 minutes 53 seconds East along said East line of SINGLETON AVENUE, 15.00 feet; thence South 89 degrees 51 minutes 07 seconds East, 400.00 feet; thence North 0 degrees 08 minutes 53 Seconds East 808.23 feet; thence North 89 degrees 51 minutes 07 seconds West, 400.00 feet to a point 690 feet South of the North line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 32; thence North 0 degrees 08 minutes 53 seconds East, along said East right-of-way line of SINGLETON AVENUE, 290.00 feet to the Point of Curvature of a circular curve concave Westerly having a radius of 1633

feet, and a central angle of 14 degrees 10 minutes 48 seconds; thence Northerly along the arc of said curve, 404.15 feet to the Point of Reverse Curvature of a circular curve concave Easterly, having a radius of 1142.15 feet, said point lying on the North line of the SW ¼ of the NE ¼ of said Section 32; thence Northerly along the arc of said curve through a central angle of 8 degrees 33 minutes 40 seconds, a distance of 170.66 feet to the POINT OF BEGINNING, less the right-of-way of OLD DIXIE HIGHWAY. And less the parcel of land occupied by the office and yard of District One, Brevard County Board of County Commissioners, described as follows:

Commencing at the Northwest corner of the SW ¼ of the NE ¼ of said Section 32, run thence South 89 degrees 52 minutes 58 seconds East along the North line of said SW ¼ of the NE ¼, 1196.29 feet; thence South degrees 42 minutes 30 seconds East 123.93 feet to the POINT OF BEGINNING of the lands herein described; thence North 86 degrees 17 minutes 30 seconds East, 515.00 feet; thence South 3 degrees 42 minutes 30 seconds East 165.00 feet; thence South 86 degrees 17 minutes 30 seconds West 515.00 feet; thence North 3 degrees 42 minutes 30 seconds West 165.00 feet to the Point of Beginning.

And Less a parcel of land described in Official Records Book 686, page 431.

And in addition to the above, the right-of-way described in Official Records Book 686, Page 432, public records of Brevard County, Florida.

And less a parcel of land occupied by the NORTH BREVARD ANIMAL SHELTER, described as follows: Commencing at the Northwest corner of the SW ¼ of the NE ¼ of said Section 32, run thence South 89 degrees 52 minutes 58 seconds East along the North line of said SW ¼ of the NE ¼, 1196.29 feet; thence South 3 degrees 42 minutes 30 seconds East, 123.93 feet to the Northwest corner of the land occupied by the office and yard of DISTRICT ONE, BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS; thence North 86 degrees 17 minutes 30 seconds East along the Northerly boundary of said lands occupied by the office and yard of DISTRICT ONE, a distance of 515.00 feet to the POINT OF BEGINNING of the lands herein described; thence continue North 86 degrees 17 minutes 30 seconds East, 175.00 feet; thence South 3 degrees 42 minutes 30 seconds East 165.00 feet; thence South 86 degrees 17 minutes 30 seconds West, 175.00 feet to the Southeast corner of the aforementioned lands occupied by DISTRICT ONE; thence North 3 degrees 42 minutes 30 seconds West along the East boundary of said lands, 165.00 feet to the POINT OF BEGINNING.

No building or improvement may be constructed or erected on said property which will impair or interfere with the use of the property as a well field for public water supply.

Section 4. Except as specifically reenacted herein, chapters 63-1143, 67-1151, 69-863, 70-600, 72-472, 80-457, 81-348, 82-267, and 83-374, Laws of Florida, are repealed.

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

Approved by the Governor July 16, 2003.

Filed in Office Secretary of State July 16, 2003.