

## House Bill No. 753

An act relating to the Sebring Airport Authority, Highlands County; codifying, amending, reenacting, and repealing special acts relating to the authority; defining the powers and duties of said authority; granting to the authority power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate airport and other facilities; providing for the issuance of bonds of the authority, payable solely from funds provided therefor under the act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment; granting to the authority power to acquire necessary real and personal property and to exercise the power of eminent domain; providing for the imposition and collection of charges for the use of and for the services furnished by any such facilities; authorizing the City of Sebring to make grants and conveyances to the authority; prescribing the powers and duties of the authority in connection with the foregoing and the rights and remedies of the holders of any bonds or revenue certificates issued under the provisions of this act; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Sebring 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. It is further the intent to preserve all authority powers and authority.

Section 2. Chapters 67-2070, 82-382, 89-484, 91-415, 95-526, and 2001-332, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Sebring Airport Authority is re-created and the charter for the authority is re-created and reenacted to read:

Section 1. This act shall be known and may be cited as the "Sebring Airport Authority Act."

Section 2. There is hereby created an authority to be known as the Sebring Airport Authority which shall be a body politic and corporate. The Sebring Airport Authority is hereby constituted a public instrumentality and the exercise of said authority of the powers conferred by this act shall be deemed and held to be the performance of essential governmental functions.

Section 3. (1)(a) The Sebring Airport Authority shall exercise its powers and jurisdiction over the property now known as "Sebring Regional Airport and Industrial Park," as follows:

The West Half (W½) of Section 4; All of Section 5, less and except that portion of the North Half (N½) lying West of the canal and the Railroad right-of-way spur; the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 6; All of Section 7, less and except that portion of the West Half (W½) lying northerly of State Road No. 623 and West of the canal; All of Section 8; the West Half (W½) of Section 9; and that part of Section 18 lying North and West of the airport access road, less and except the following land deeded to the Humane Society generally described as being a 10-acre tract lying adjacent to the westerly boundary of the Hendricks Field access road and adjacent to and South of the north boundary of Section 18, Township 35 South, Range 30 East, more particularly described as follows: Commencing as a point of beginning at the intersection of the westerly boundary of Hendricks Field access road (said road being 100 feet in width, being 50 feet on either side of said center line) with the North boundary of Section 18, Township 35 South, Range 30 East, Highlands County, Florida, thence South 89°01'45" West along the North boundary of Section 18 a distance of 505.70 feet to a point, thence South 01°54'30" East a distance of 908.84 feet to a point, thence North 88°05'30" East a distance of 500.00 feet to a point on the westerly boundary of Hendricks Field access road, thence North 01°54'30" West along the westerly boundary of the Hendricks Field access road a distance of 718.68 feet to a point of curve, thence along a curve to the right having a radius of 2,914.79 feet an arc distance of 181.32 feet to the point of beginning.

All of the above described land lying in Township 35 South, Range 30 East, Highlands County, Florida.

(b) All of that property now owned by the City of Sebring and known as Sebring Air Terminal shall be gratuitously transferred and conveyed to the Sebring Airport Authority, subject to any reservations or restrictions of record or existing leases, and subject to the restriction that none of said property may be sold at any time without the consent of the City of Sebring.

(c) The Sebring Airport Authority shall also exercise its powers and jurisdiction over the following property, subject to the power and authority of the Spring Lake Improvement District, Spring Lake Property Association, Inc., county zoning, and other restrictions:

All of Parcel C, SPRING LAKE VILLAGE IV, according to the plat thereof recorded in Plat Book 9, Page 75 of the Public Records of Highlands County.

(2) The Sebring Airport Authority is authorized to exercise its powers over properties in addition to the Sebring Regional Airport and Industrial Park so long as they are exercised pursuant to contracts with other governmental entities for the operation and supervision of other airports, airfields, and related facilities.

Section 4. The Sebring Airport Authority shall be governed by a board of seven members known as the Sebring Airport Authority Board. At the expiration of each term, a successor shall be appointed to fill such vacancies for terms of 4 years each. Vacancies in office shall be filled by appointment

of said city council for the remainder of the unexpired term. All such appointments after the initial ones provided for in this act shall be selected by the city council from a list containing at least twice as many nominees as vacancies. At least four members of the board shall be qualified electors of the City of Sebring. Should the said city council be unable by a majority vote to select a successor from the original list submitted to it by said board, the board shall submit to said city council an additional list containing at least twice as many nominees as vacancies. Upon the reconsideration, the city council may select from the initial or replacement list. The original list shall be submitted to said city council within 10 days from the expiration of the term of any member of said authority, and within 20 days from the resignation, death, or removal for cause of any member of said authority. During any vacancy or vacancies for any reason or reasons, the remaining members of said board shall constitute said board with full power and authority to act as though there were no vacancy in the membership of said board. Members shall receive such compensation for their services and reimbursement for verified travel and other expenses as shall be provided for by resolution of said board. Four members shall constitute a quorum for meetings and an affirmative vote of a majority of the members present shall be necessary for any action taken by the authority. Successive 4-year terms shall begin on the first day of May of the respective year.

Section 5. The Sebring Airport Authority shall select one of its members as chair of the authority and another of its members to act as secretary of the authority, both of whom shall serve as such at the pleasure of the authority, and the authority may select such other members for such offices as it deems necessary.

Section 6. The Sebring Airport Authority is hereby 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 pleasure.

(3) To maintain an office at such place or places as it may designate.

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

(5) To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport and other industrial facilities (including tire and automobile testing and racing) which may be located on the property of the authority. Nothing in this act shall exempt the Sebring Airport Authority from the provisions of chapter 333, Florida Statutes.

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

(7) To issue refunding bonds of the authority as hereinafter provided.

(8) 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.

(9) 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 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 to hold and dispose of all real and personal property under its control.

(10) 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 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.

(11) To accept grants or money or materials or property of any kind for any airport or other 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.

(12) To issue revenue certificates of the authority as hereinafter provided.

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

(14) To contract with other governmental entities to operate airports, airfields, and other related facilities and services, including providing all personnel, tools, equipment, supervision, and other materials and services required therefor.

Section 7. The City of Sebring, a municipal corporation under the laws of the state, acting through its duly elected city council, is hereby authorized to make grants of money to the Sebring Airport Authority and to lease, lend, grant, or convey to the Sebring Airport Authority, with or without consideration, real and personal property, or such sums of money for operating expenses as may be deemed necessary by the said city for the use by the authority for any of its corporate purposes; provided, however, that if the approval at an election by the freeholders, who are qualified electors of the City of Sebring, shall be required by the State Constitution, such election shall be called, noticed, and conducted and the results thereof determined and declared, in the manner required by general law.

Section 8. No contract for the construction, repair, or alteration of any facility or part of the same, or the purchase of equipment, services, or

supplies involving an expenditure of more than \$10,000, shall be awarded by the authority unless the authority advertises for sealed bids at least once a week for 2 consecutive weeks and such contract is awarded to the lowest responsible bidder. However, the authority may reject all bids.

Section 9. The Sebring Airport Authority, as hereby created, is authorized and empowered to enter into contracts with any individual, corporation, political subdivision, or agency of the state, and the United States of America, and to enter into operating contracts and/or leases for facilities owned by said airport authority and any and all other contracts for furthering the business, operation, and maintenance of said facilities as hereinbefore provided, including the right to lease any or all of such facilities and appurtenances to individuals, corporations, or government entities. The authority is further authorized to fix and revise from time to time rate, 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 authority. 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 to pay the cost, including salaries, for maintaining, operating, and repairing the airport facilities owned or operated by the authority, including reserves for such purposes, and to pay the principal or interest on all bonds or revenue certificates 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 such facilities which shall not be subject to revision except in accordance with their terms.

Section 10. (1) The authority is hereby authorized to issue, at one time or from time to time, bonds or revenue certificates of the authority for the purpose of paying the cost of acquiring, constructing, reconstructing, improving, extending, enlarging, or equipping any of its facilities. 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 as may be determined by the authority, not exceeding the maximum rate of interest on bonds allowed by the state, 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 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 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 this state. The bonds may be issued in coupon or registered form, or both, as the authority may determine, and provisions 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 may determine to be for the best interests of the authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than the maximum rate of interest on bonds allowed by the state, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds at more than the maximum rate of interest on bonds allowed by the state, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) 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 may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned 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, shall be less than such costs, 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.

(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 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.

(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 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.

(5) Bonds may be issued under the provisions of 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 proceedings or the happening of other conditions or things than those proceedings, conditions, or things which are specifically required by this act.

(6) Bonds issued by the authority under the provisions of this act 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 any such political subdivision, but such bonds shall be obligations of the authority payable solely from the funds herein provided therefor, and a statement to that effect shall be recited on the face of the bonds.

(7) The maximum rate of interest on bonds allowed by the state is determined pursuant to the provisions of section 215.84, Florida Statutes.

Section 11. (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 made by a 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 received from any airport facilities of the authority but shall not convey or mortgage any 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 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, or operation. It shall be lawful for any bank or trust company incorporated under the laws of the 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. 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 airport 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.

(2) All pledges of revenues under the provisions of this act shall be valid and binding from time to time when such pledges are made. All such revenues so pledged and thereafter received by the authority 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 authority, irrespective of whether such parties have notice thereof.

Section 12. 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 apply the same for the purposes hereof, subject to such regulation as the resolution or trust agreement may provide.

Section 13. 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 extend the rights herein given as 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 proceedings, 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 and facilities furnished by any airport facilities.

Section 14. 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 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 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 obligations 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 15. The Sebring Airport Authority, as hereby created, shall have no power or authority to bind or commit the City of Sebring, a municipal corporation, in any manner directly or indirectly and the City of Sebring shall not be liable or responsible in any manner for any of the debts, liabilities, obligations, acts, or omissions of the Sebring Airport Authority, or any of its officers or employees. All persons dealing with the said authority are hereby charged with full notice of this limitation of its powers.

Section 16. The Sebring Airport Authority shall maintain acceptable books of account reflecting all income and expenditures and said books shall be open to reasonable public inspection. In addition, the Sebring Airport Authority Board shall prepare on or before the first of each year a budget and no money shall be spent or obligations incurred by the board or authority except in accordance with the terms of said budget. An audit of the affairs of the Sebring Airport Authority shall be conducted annually by a certified public accountant and shall, at the option of the authority or the City of Sebring, be submitted to the Chief Financial Officer for his or her review by March of each year. Within 2 weeks after completion of said audit, the authority shall cause to be published once in a newspaper published and circulated in the City of Sebring a notice that the audit is available for public inspection at the Sebring Airport Authority's office.

Section 17. The Sebring Airport Authority shall, with the consent of the City Council of Sebring, evidenced by resolution of said council, exercise any



powers relating to aviation conferred upon municipalities by general law, including the provisions of chapter 332, Florida Statutes, or the Federal Aviation Administration.

Section 18. The Sebring Airport Authority shall hold regular meetings at least once every month and at such other times as the authority shall determine to be reasonably necessary from time to time.

Section 19. 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 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 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. The Sebring Airport Authority is authorized from time to time to issue revenue certificates of the authority to fund its operations, acquisitions, construction, or reconstruction, or the improving, enlarging, or equipping of its functions and facilities, under this act. Revenue certificates shall pay no more than the maximum interest payable upon bonds issued by the state. The interest rate paid may vary provided that it does not exceed the maximum paid by the state. Revenue certificates may pledge only the revenues generated by one or more of the authority's facilities or improvements and shall not be an obligation of the state or the City of Sebring.

Section 22. (1) The Sebring Airport Authority is authorized to budget and use the funds accruing to it from auxiliary enterprises, gifts, and concessions for promotion and public relations, including expenditures for hospitality of business guests, and industry recruitment (including funds for travel, meals, and lodging at the actual expense, rather than the otherwise legally established per diem rates).

(2) The accrual and expenditures of said funds shall be considered part of the authority's budget and shall be answerable to the provisions as stated in section 16 of this act.

Section 4. Chapters 67-2070, 82-382, 89-484, 91-415, 95-526, and 2001-332, Laws of Florida, are repealed.

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

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.