

CHAPTER 2023-334

Committee Substitute for House Bill No. 1049

An act relating to the Boca Raton Airport Authority, Palm Beach County; amending chapter 2004-468, Laws of Florida; providing boundaries; providing definitions; providing that the authority is an independent special district; providing for title of land to be vested in the authority; revising frequency of meetings; providing additional powers and duties; providing an attendance fee for members; providing for budget amendments; requiring the Board of Trustees of the Internal Improvement Trust Fund to transfer title of such land to the authority; revising employment of airport manager; providing that the authority is a political subdivision of the state for sovereign immunity purposes; providing an effective date.

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

Section 1. Section 2 of chapter 2004-468, Laws of Florida, is amended to read:

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

Section 2. Boundaries – The boundaries of the Boca Raton Airport Authority are as follows:

A parcel of land lying in a portion of the Southwest one-quarter (S.W. ¼) of Section 7, Township 47 South, Range 43 East, and a portion of the Southeast one-quarter (S.E. ¼) of Section 12, Township 47 South, Range 42 East, and a portion of the Northeast, Northwest and Southwest one-quarters of Section 13, Township 47 South, Range 42 East, of Palm Beach County, Florida, being more particularly described as follows:

BEGINNING at the point of intersection of the Northeast limited access right-of-way line of I-95 as shown on State Road Department right-of-way map, (Job No. 93220-2411, Sheet 12a, dated 2/15/71, revised last, 8/7/72) and the Southerly right-of-way line of Northwest 40th Street (as shown on the aforementioned map) with the West line of said Section 7; thence South 79°44'47" East, along said southerly right-of-way line of Northwest 40th Street, a distance of 339.10 feet; thence South 84°05'25" East, continuing along aforementioned right-of-way line, a distance of 189.77 feet; thence North 87°44'12" East, along said right-of-way line, a distance of 205.53 feet to a point on the arc of a circular curve to the left, whose radius point bears north 04°31'04" East, from the last described point; thence Easterly, along said right-of-way line and the arc of said curve, having a radius of 3869.72 feet, a central angle of 09°52'40" for an arc distance of 667.14 feet; thence South 46°03'10" East, along a line perpendicular to the Northeast Southwest Runway pavement of the Boca Raton Airport, a distance of 487.41 feet; thence South 43°56'50"

West, along a line parallel with and 300.00 feet Southeasterly of, as measured at right angles to, said Northeast Southwest Runway, a distance of 6925.22 feet; thence North 46'03'10" West a Distance of 790.31 feet to a point on the Easterly right-of-way line of Airport Road as shown on Plat Book 6, Pages 76 & 77 of the Public Records of Palm Beach County, Florida; thence along the aforementioned line, North 14'56'16" East, a distance of 222.13 feet to a point on the arc of a non-tangent curve concave to the Southeast, a radial line of said curve through said point having a bearing of North 73'44'37" West; thence Northerly along the arc of said curve (and said Airport Road right-of-way) to the right, having a central angle of 00'09'06" and a radius of 4007.28 feet for an arc distance of 10.61 feet to a point on a non-tangent line; thence South 73'45'19" East, (along the Easterly line of a 60 foot canal right-of-way as shown on said Plat Book 6, Pages 76 & 77) a distance of 60.00 feet to a point on the arc of a non-tangent curve concave to the Southeast; a radial line of said curve through said point having a bearing of North 73'45'19" West; thence Northeasterly along the arc of said curve (and said canal right-of-way line), to the right, having a central angle of 06'09'31" and a radius of 3947.28 feet for an arc distance of 424.28 feet to a point of a compound curve of a tangent curve concave to the Southeast; thence Northeasterly along the arc of said curve (and said canal right-of-way line) to the right, an arc distance of 2055.11 feet (said curve having a radius of 5419.58 feet and a central angle of 21'43'36") to a point of tangency; thence North 44'17'32 East, (along said canal right-of-way line) a distance of 76.85 feet; then North 45'42'28" West, a distance of 60.00 feet; thence South 44'17'32" West, a distance of 76.85 feet; thence North 45'42'28" West, a distance of 99.74 feet to a point on said I-95 right-of-way line; thence north 44'17'32" East, along said I-95 right-of-way line, a distance of 3379.17 feet to the point of beginning.

Said lands situate within the City of Boca Raton, Palm Beach County, Florida, and containing 212.14 acres (9,240,799 square feet), more or less.

Section 3.2. Definitions.—As used in this act:

(1) “Airport” means those certain lands described in section 2 located within the territorial limits of the City of Boca Raton, together with such interests (real, personal, tangible, and intangible), necessary for maintenance and operation of an the state-owned land within the territorial limits of the City of Boca Raton now known as the Boca Raton airport.

(2) “Authority” means the Boca Raton Airport Authority.

(3) “Board” means the governing body of the authority.

(4)(3) “City” means the City of Boca Raton.

(5)(4) “City council” means the governing body of the City of Boca Raton.

(6)(5) “County” means Palm Beach County.

(7)(6) “County commission” means the Board of County Commissioners of Palm Beach County.

(8) “Facilities” means airport facilities of all kinds, including, but not limited to, landing fields; runways; taxiways; fuel farms; self-fueling areas; terminals; towers; hangars; all facilities necessary or desirable for the landing, taking off, operating, servicing, repairing, and parking of aircraft; observation areas; buildings; parking facilities; facilities necessary for the unloading and handling of passengers and mail (express, and freight); facilities for the accommodation, convenience, and comfort of passengers and pilots, together with related transportation facilities; all areas, buildings, appurtenances, equipment, tangible and intangible property, and machinery, necessary to support federal agencies providing services to the airport, its passengers, and pilots; equipment, improvements, real property, personal property, tangible and intangible property, and machinery necessary for the mitigation of noise, environmental, and other aviation-related impacts; shops; restaurants and catering facilities; and all necessary appurtenances, machinery, and equipment, and all lands, properties, rights, easements, partnerships, intangible property, and franchises relating to the maintenance and operation of the airport and considered necessary or convenient by the authority in connection therewith. Facilities required for the takeoff and landing of aircraft, including, but not limited to, landing fields, runways, taxiways, fuel farms, self-fueling areas, terminals, towers, and hangars, as well as facilities necessary or desirable for operating, servicing, repairing, and parking of aircraft, shall be limited to the boundaries of the authority, or adjacent thereto. Facilities related to noise mitigation, and facilities that are not required for the takeoff and landing of aircraft, or the operating, servicing, repairing, and parking of aircraft, but which otherwise support airport operations or assist the airport in remaining self-sustaining consistent with its federal grant obligations, may be located within the city limits of the City of Boca Raton, within or without the boundaries of the authority, but are subject to all city ordinances, rules, regulations, and permit requirements.

(9)(7) “Project” means and includes the acquisition, improvement, or maintenance of real or personal property within the boundaries of the Boca Raton Airport.

Section ~~4.3~~. Authority; creation and purpose.—There is hereby created an independent special district organized under Chapter 189, Florida Statutes, as may be amended from time to time, which is a body politic and corporate and political subdivision of the state, to be known as the Boca Raton Airport Authority. The purpose of the district is to operate the Boca Raton Airport and to exercise such other ~~exercise by the authority of the powers conferred upon it by this act, which shall~~ will be deemed to be for an essential and proper public purpose.

Section ~~5.4~~. Membership; terms of office; officers; quorum; meetings; removal.—

(1) The authority shall consist of seven members. As a condition of eligibility for appointment and to hold office, five members must reside within the municipality, and two members must reside within the Greater Boca Raton Reserve Area, as defined in chapter 67-1112, Laws of Florida. Of the five municipal residents, three must reside east of the airport, one must reside west of the airport, and one may reside anywhere in the municipality.

(2) The county commission shall appoint two members, each of whom must reside within the Greater Boca Raton Reserve Area. The city council shall appoint the five members who must reside within the limits of the municipality as specified in subsection (1).

(3) The term of office for each member shall be 2 years. Each term shall expire on June 1 in the year of expiration of the term. The county members' terms shall expire in odd years and the other members' terms shall expire in even years.

(4) A chair, vice chair, and secretary shall be chosen by and from the authority membership. The term of office for the chair, vice chair, and secretary shall be 1 year, and no member shall hold the same office for more than two consecutive terms.

(5) A quorum shall consist of four members, but the affirmative vote of not less than four members shall be necessary to take any action except to adjourn.

(6) The authority shall meet regularly, but no fewer than ten times per calendar year, ~~at least once each month~~ at such times and places within the city as shall be determined by the authority.

(7) Any member may be removed by the commission or council which appointed that member, but only for grounds constituting misfeasance, malfeasance, or nonfeasance in office, or upon conviction of any crime. The unexcused failure to attend three consecutive regular meetings of the authority shall be deemed nonfeasance, without limiting the meaning of that term. The board may approve a procedure for determining excused absences, consistent with general law.

(8) Vacancies in office shall be filled by the appropriate appointing entity for the balance of the term. Each appointment to fill a vacancy shall be made from a list of nominees furnished by the entity which nominated the member who held the office. In such cases, the list of nominees shall be filed not later than 30 days after notice of the vacancy has been given to the nominating entity.

Section ~~6.5~~. Powers and duties.—The authority shall have jurisdiction over the operation and maintenance of and improvements to the Boca Raton Airport. The authority shall have the following specific powers and duties,

all of which shall be exercised in compliance with general law, and shall be consistent with local, state, and federal law and the City and County’s goals and objectives and, to the extent applicable, consistent with the location of uses set forth in the definition of facilities:

(1) To enter into contracts and to sue and be sued in its own name.

(2) To acquire ~~all property, real or and personal, tangible or intangible,~~ or any estate or interest therein, upon such terms and conditions as the authority by resolution shall fix and determine ~~property.~~

(3) To solicit business and promote commerce at the airport or any airport facility.

(4) To make application for, contract with, receive and accept from any federal, state, or local agency, grants and assistance of any kind for, or in aid of, the construction, improvement or operation of any facility and operation of the authority; and to receive and accept contributions from any source of either money, property, labor, or other things of value for any lawful purpose.

(5) To select and appoint airport counsel, who shall serve at the pleasure of and be responsible to the Board.

(6) To select and appoint agents and consultants, including without limitation, surveyors, contractors, engineers, planners, designers, auditors, and architects, who shall work under the supervision of the airport manager, and to fix their compensation.

(7) To employ and appoint personnel to provide security, fire suppression, and enforcement services.

(8) To develop a written investment plan, and to invest and reinvest surplus public funds in the authority’s possession and control.

(9)(3) Consistent with the regulations of the FAA, to let or lease the airport or any portion of the airport, including the buildings and hangars thereon; to let or lease any facility within the authority’s control; to fix the rate of any lease or sublease of any portion of the airport or facility;- and to grant concessions upon such terms and conditions as it shall deem proper.

(10) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of cost and revenues as it may deem necessary; and may prepare and adopt a plan or plans, for the location, construction, and development of any facility.

(11)(4) To employ necessary personnel, including an airport manager, whose duties and salaries shall be prescribed by the authority.

(12)(5) To accept revenues from the operation of the airport and to accept gifts, grants, and other revenues; but the authority shall not have the power to levy or collect ad valorem taxes.

(13)(6) To prepare and adopt a budget annually, and to amend it during the fiscal year.

(14) To adopt by-laws that shall, at a minimum, govern the procedures for the conduct of the authority's meetings.

(15) To prepare and adopt annual financial reports, and financial audit reports.

(16)(7) To adopt rules for the regulation of its affairs and the conduct of its business, and rules for the operation of the airport and aircraft, including, but not limited to, safety and noise abatement rules, and to enforce and administer all such rules.

(17)(8) To adopt and alter an official seal.

(18)(9) To maintain an office within the city.

(19)(10) To construct; acquire through purchase and sale, lease, grant, gift, devise, exchange, or transfer of any kind; reconstruct, improve, equip, repair, maintain, establish, extend, alter, expand, develop, and operate any facility the airport and such buildings, structures, roads, alleyways, 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 boundaries of the airport.

(20) To borrow money, incur debt, and issue bonds, notes including bond anticipation notes, certificates, or any other instruments of indebtedness that promotes, enhances, or otherwise furthers the purposes of the authority, including, but not limited to, financing the cost of any facility, capitalizing interest, funding any reserves, refunding or refinancing any existing indebtedness, and paying costs and expenses associated with such indebtedness. Any such indebtedness may be secured by any revenue source or in any manner. Bonds shall be approved by resolution.

(21) To fix, regulate, and collect rates, fees, and charges for the services and facilities furnished by any facility under its control; to establish, limit, and control the use of any facility as may be deemed necessary to ensure its proper operation, and to adopt rules, regulations, and minimum standards to impose such limits or controls; and to impose sanctions to promote and enforce compliance with any rule or regulation which the authority may adopt in the regulation of the facilities under its control.

(22) To provide for the manual execution of any instrument on behalf of the authority by the signature of the chairperson or vice chairperson of the authority and attested by the secretary-treasurer or, if delegated by the members to do so, the executive director or any other authority personnel to

whom authority has been delegated, or by their facsimile signature in accordance with the Uniform Facsimile Signature of Public Officials Act.

(23) Maintain a website and post thereon such notices, reports, and information as the authority is either required to or deems appropriate to post.

(24) To engage in public private partnerships, pursuant to s. 255.065, Florida Statutes, as may be amended, as well as interlocal agreements, pursuant to s. 163.01, Florida Statutes, as may be amended, and other such joint partnerships.

(25) To take all such acts and exercise all such powers required of independent special districts for compliance with chapter 189, Florida Statutes, as may be amended from time to time.

~~(11) To issue revenue bonds or refunding bonds of the authority to pay the cost of such acquisition, construction, reconstruction, improvement, or equipment.~~

~~(12) 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 or at the airport.~~

~~(13) To do all acts and things necessary or convenient to carry out the purposes of the authority.~~

Section 7.6. Attendance fee ~~Compensation and travel expenses.~~—The members shall receive no salary or other compensation for their services as members of the authority except a fee of \$250 ~~\$100~~ for attending each regular monthly meeting of the authority. Such fee ~~Compensation of members shall be limited to \$3,000~~ \$1,200 per member per annum. The authority shall also have authority to pay reasonable costs and expenses necessarily incurred by the members in performance of their duties. The rate for travel expenses shall not exceed the rate for state employees.

Section 8.7. Budget.—The authority shall during each fiscal year prepare and adopt an annual budget for such revenue and expense accounts as the authority shall prescribe for its operations in the ensuing fiscal year. ~~The fiscal year of the authority shall be the same as that of the city.~~ The budget shall include all estimated revenues and all estimated expenditures for the ensuing fiscal year. The budget may be amended throughout the fiscal year by resolution of the authority.

Section 9.8. Airport manager.—The authority shall employ an aviation-experienced airport manager, who may be referred to as the executive director at the authority’s discretion, to administer all airport operations and to supervise all airport projects. The decision to employ or terminate the employment of the airport manager shall require the two-thirds ~~four-fifths~~ vote of the members of the authority with at least one majority vote made by a county appointee. The members shall not interfere with the day-to-day

administration of the airport by the airport manager or with staff and consultants who are subject to the airport manager's supervision.

Section ~~10.9~~. Relationship between the authority, city, county, and state. The authority shall have the power and responsibility to operate the airport in a manner consistent with applicable federal and state law and the objectives of the county and the city. The authority shall comply with appropriate police powers of the county or of the city respecting the operation and development of an airport. Applicable building codes of the city shall apply to all construction upon the airport, except to the extent that different state or federal requirements are expressly applicable, and except to the extent that the authority or the airport has been made exempt from any requirement of the city by state or federal law. To the extent not inconsistent with general law, all construction upon the airport shall be subject to inspection by the city on behalf of the state, and the city inspectors may ensure ~~insure~~ compliance with applicable state regulations for such construction in addition to applicable city regulations.

Section ~~11.10~~. Title to airport land.—The title to the land comprising the Boca Raton Airport, as set forth in section 2, shall ~~continue to be vested in the authority. The~~ Board of Trustees of the Internal Improvement Trust Fund of the state shall take all actions necessary to transfer title of the land within the boundaries of the Boca Raton Airport to the authority. ~~The airport is leased to the authority by the Board of Trustees of the Internal Improvement Trust Fund. Nothing in this act shall be construed to impair the obligations of any agreement between the state or any of its agencies and the fixed base operator of the airport entered into as of effective date of this act.~~

Section ~~12.11~~. Liabilities.—The authority shall be ~~liable for its obligations and for damages caused by the negligent acts or omissions of the authority.~~ The authority shall be deemed to be an agency of the state for the purposes of section 768.28, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 23, 2023.

Filed in Office Secretary of State June 23, 2023.