

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1217 Titusville-Cocoa Airport District
SPONSOR(S): Poppell
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>8 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Local Government & Veterans' Affairs</u>	<u>16 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the Titusville-Cocoa Airport District (District) in Brevard County into a single act and repeals all prior special acts relating to the District's charter. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District.

No fiscal impacts are anticipated for either fiscal year 2003-04 or 2004-05 according to the Economic Impact Statement.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Titusville-Cocoa Airport District (District) in Brevard County into a single act and repeals all prior special acts relating to the District's charter. The bill also makes other changes that do not appear to alter the effect of existing law pertaining to the District. The governing Authority of Titusville-Cocoa Airport District consists of seven members. Currently, the District levies an annual tax, not exceeding one-half (1/2) mill on all of the taxable property in the District.

C. SECTION DIRECTORY:

Section 1. Provides that this act is the District's charter codification required under section 189.429, Florida Statutes; provides Legislative intent; preserves all District authority.

Section 2. Codifies, reenacts, amends, and repeals chapters 63-1143, 67-1151, 69-863, 70-600, 72-472, 80-457, 81-348, 82-267, and 83-374, Laws of Florida.

Section 3. Re-creates the Titusville-Cocoa Airport District and re-creates and re-enacts the charter as follows:

Section 1. Provides for the creation of the District; states District's boundaries.

Section 2. Provides for the Titusville-Cocoa Airport Authority [created by ch. 59-1933, L.O.F.] to manage and control the District.

Section 3. Provides for definitions.

Section 4. Provides for the purpose of the District.

Section 5. Preserves a seven member governing board of the District; provides for the appointments of the board; provides for 3 year term limits; provides for the organization of the board; provides for vacancies; provides for a quorum; provides board members receive no compensation, but reimbursed for expenses.

Section 6. Defines the rights, powers and duties of the District; granting to the District the power to acquire, lease, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate airport facilities and such buildings, structures, roads, alleyways, railroad loading and unloading facilities and any other development of land as the District shall determine to be necessary and proper in the performance of the duties and purposes of the act; provides for the combination of any airport for the purpose of operation and

financing; provides for the collection of rates, fees, and other charges for the use of or for the service and facilities furnished by any airport facilities; provide for the appointment of a chief executive officer and states duties of officer.

- Section 7. Provides for an annual budget; preserves the annual levy, of a tax, not exceeding one-half (1/2) mill on all of the taxable property in the District to finance the cost of acquiring, establishing, constructing, enlarging, improving, equipping, operating and maintaining airports and other aviation facilities or any other corporate purpose of the District; provides for the transfer of residues in the annual budget to a "renewal and replacement fund" and the expenditures of such funds.
- Section 8. Maintains authorization of the District to issue bonds of the District payable from ad valorem taxes not exceeding one mill levied on the total assessed valuation of all taxable property in the geographical limits of the District, after approval by freeholders within the geographical limits of the District.
- Section 9. Provides for the state pledge to the bondholders of the District and to the Federal Government.
- Section 10. Provides for the cooperation between municipalities, the county, and the District.
- Section 11. Authorizes the District to issue revenue bonds; provides revenue bonds not bear interest at a higher rates of interest than provided by general law; authorizes by resolution(s) the issuance of bonds.
- Section 12. Authorizes the District to fix and revise rates, fees, and other charges for certain services.
- Section 13. Provides for the issuance of bonds of the District, payable solely from funds provided under this act, to pay the cost of acquiring, constructing, or reconstructing any facilities and the cost of improvements, extensions, enlargements, and equipment.
- Section 14. Provides all moneys received pursuant to the authority of this act are deemed to be trust funds.
- Section 15. Provides for the protection and enforcement of bond holders.
- Section 16. Provides for the refunding of bonds.
- Section 17. Provides for additional and alternative methods for the implementation of this act.
- Section 18. Provides for the regulation of height of and prohibiting any structures within the District that impede air navigation.
- Section 19. Provides for act's control if there are conflicting provisions.
- Section 20. Provides for the severability of any invalid provision.
- Section 21. Provides for the exemption of District property from taxes and assessments.
- Section 22. Provides Board of County Commissioners of Brevard County, authority to adopt, administer and enforce airport zoning regulations for airport hazard areas, and provides for the administration and enforcement.

Section 23. Provides for limiting the use of certain real property owned by The District; prohibiting the Authority from constructing or erecting any building or improvement which will have the effect of impairing the use of certain property as a public well field.

Section 4. Repeals chapters 63-1143, 67-1151, 69-863, 70-600, 72-472, 80-457, 81-348, 82-267, and 83-374, Laws of Florida.

Section 5. Provides that the act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 1 and 2, 2003

WHERE? Florida Today, Melbourne, Brevard County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not Applicable.

B. RULE-MAKING AUTHORITY: Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The following e-mails were sent on April 2, 2003,¹ to staff and committee members of the Committee on Local Government & Veterans' Affairs and have been included in this document at the request of the sender:

"I am writing up a summary of things the TICO airport authority has been doing with state FDOT monies and will try and get it in the E mail to you before the hearing at 5:30 this date.

Basically they are spending millions of tax dollars with no oversight from any elected official with no return to the tax payer.

It is why I appeared before the Brevard county legislative Dec 4,2002 with a petition with 150 signatures asking for changes in the legislation before you.

None of the recommendations was included nor where we asked to participate in this bill."

"RE: HB 1217

Ladies and Gentlemen:

1) I would like to make the following comments on HB 1217 which is to be discussed in committee today, April 02, 2003, at 5:30 p.m.:

¹ Mr. Kenneth Rivard, 230 Merritt Island, FL 32953, telephone/FAX 321-453-6700.

- 2) The Titusville-Cocoa (TICO) Airport Authority is spending millions of taxpayer dollars without oversight from any elected official or government agency. When authority members are appointed by their respective county commissioners they basically do as they please. They cannot be asked, or told, to resign.
- 3) The airport authority is presently spending \$2,700,000 for a new authority office under the guise of a new corporate terminal at Space Coast Regional airport at Titusville. The current corporate terminal is under utilized and has not been bringing in revenue.
- 4) A new corporate hangar, cost of \$600,000, is being built at the Space Coast Regional. There are two existing corporate hangars that have been vacant for at least eighteen months.
- 5) West of the Space Coast Regional airport the authority is spending \$2,800,000 for 412 acres of land. The purpose of this land acquisition has not been explained.
- 6) The authority has given FDOT grant moneys of \$480,000 to a private company to build rental hangars at Arthur Dunn Airport. That company has been given a year extension on their contract.
- 7) There is a list of at least 150 tenants waiting to lease hangars: 48 at Space Coast Regional, 34 at Arthur Dunn, and 68 at Merritt Island. If new hangars were built at these three airports the airport authority would have an immediate source of revenue.

On December 04, 2002, I personally presented a petition to the Brevard Legislative delegation requesting the following changes be made to the enabling legislation.

- 1) Appoint one pilot and/or tenant from each district representing one of the three affected airports, which are Arthur Dunn, Space Coast Regional, and Merritt Island Airport.
- 2) The at large position shall be a pilot and/or tenant of one of the three airports.
- 3) Of the pilot and/or tenant appointee's only one shall be a commercial tenant.

Not on the petition itself, but generally agreed upon, is that the appointed term to the TICO Airport Authority board should be changed from 3 years to 1 year. The Valkaria Airport board members serve only 1 year.

Representative Allen made the suggestion that upon HB 1217 becoming law all seven members currently on the board should be up for reappointment.”

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.