

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1383 Hillsborough Co. Aviation Authority
SPONSOR(S): Murman
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	_____	<u>Nelson</u>	<u>Highsmith-Smith</u>
2) <u>Finance & Tax</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill codifies all prior special acts relating to the Hillsborough County Aviation Authority (HCAA) into a single act. The bill maintains current language granting the Authority power to issue bonds, and regarding ad valorem taxation.

According to the Economic Impact Statement, the bill will not have a fiscal impact on state or local governments.

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:

The bill codifies, reenacts and amends all prior special acts relating to the Hillsborough County Aviation Authority into a single act.

Present Situation

The Hillsborough County Aviation Authority (Authority) was created in 1945 by ch. 23339, Laws of Florida, which has subsequently been amended by special act. The Authority is an independent special district which has exclusive jurisdiction and management over all airports in the county, except those owned by private persons. This bill is a codification of all special acts relating to the district.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature and is codified in s.189.429 and 191.015, F.S. The 1998 Legislature subsequently amended both sections. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended s. 189.429, F. S. to provide that reenactment of existing law pursuant to s. 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Since the enactment of s.189.429 and 191.015, F.S., 122 special districts have codified their charters.

Status Statement Language

Section 189.404(5), F.S., provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to

contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the Department of Community Affairs' determination or declaratory statement regarding the status of the district.

C. SECTION DIRECTORY:

Section 1: Provides that the act constitutes a codification of all special acts relating to the Hillsborough County Aviation Authority.

Section 2: Codifies, reenacts, amends and repeals, chapters 23339 (1945), 24579 (1947), 27599 (1951), 57-1379, 59-1379, 59-1356, 61-2261, 61-2263, 67-1474, 72-561, 74-496, 75-388, 75-398, 75-401, 83-424, and 96-455, Laws of Florida.

Section 3: Recreates and reenacts the Hillsborough County Aviation Authority charter as follows:

Section 1. Provides title for act.

Section 2. Provides legislative intent that the act is a codification of previously existing legislation relating to the Authority.

Provides that the codification is also to act as a reviser's bill.

Clarifies and simplifies language stating that the Authority shall comply with Federal law regarding expenditure of Federal monies.

Provides new language stating that the act shall not be construed as impairing any rights or benefits enjoyed by persons employed by the Authority on the effective date of this act.

Expands language requiring Authority employees to comply with Florida's Code of Ethics (chapter, 112, Part III, F.S.)

Maintains current language providing that the act shall be regarded as supplemental to powers conferred by other laws.

Maintains current language relating to legislative declaration regarding the airport facilities and concessions.

Section 3. Provides for definitions.

Section 4. Re-creates the Hillsborough County Aviation Authority; provides that such authority is an independent special district in accordance with s. 189.404(5), F.S.

Section 5. Provides for Authority membership. Maintains language regarding appointment, compensation and terms of members. Provides that a majority of the members constitutes a quorum.

Section 6. Defines Authority powers.

Section 7. Maintains current language relating to alcoholic beverage licenses. Increases number of licenses from three to not exceeding four (to reflect current licenses) to be issued to the Authority or other governmental agency operating the Tampa International Airport. Maintains language providing for transfer of licenses. Adds language providing that persons operating on the property of the Authority are not precluded from acquiring an alcoholic beverage license for use on its premises.

Section 8. Maintains current language relating to county and municipal powers and responsibilities and private ownership transfers.

Section 9. Maintains current language providing for the issuance of bonds by the Authority. Clarifies that the Authority determines the attributes of bonds except as otherwise provided by the act. Provides that the signature of a former officer on a bond or coupon remains valid.

Section 10. Maintains current language relating to bondholder rights and remedies. Clarifies the selection of one trustee to serve and exercise powers.

Section 11. Updates language relating to the award of contracts.

Section 12. Provides that all land transactions and bond sales which have occurred prior to the effective date of this act are valid.

Section 13. Provides language regarding ad valorem taxation and clarifying that ad valorem taxes may be used for special purpose facilities.

Section 14. Maintains current language prohibiting the use of the state's taxing power.

Section 15. Maintains current language providing for a covenant on the part of the state.

Section 16. Maintains current language proving for the exemption of Authority property from from taxation.

Section 17. Updates current language prohibiting discrimination.

Section 18. Provides for recodification.

Section 19. Provides for grammatical usage.

Section 20. Provides a severability clause.

Section 4: Provides for repeal of previous special acts. Provides that such repeal does not affect causes of action accruing before the effective date of the repeal.

Section 5: Provides an effective date of upon becoming law.

I. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 19, 2002

WHERE? *The Tampa Tribune*, a daily newspaper of general circulation in Hillsborough County.

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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.