

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 575 Hillsborough County Aviation Authority  
**SPONSOR(S):** Community & Military Affairs Subcommittee; Young  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 0 N, As CS	Nelson	Hoagland
2) Economic Affairs Committee	17 Y, 0 N	Nelson	Tinker

### SUMMARY ANALYSIS

The Hillsborough County Aviation Authority is an independent special district that has exclusive jurisdiction and management over all airports in Hillsborough County, except those owned by private persons. The Authority's airports include Tampa International Airport and three general aviation airports: Peter O. Knight Airport in Davis Islands, Plant City Airport in Plant City, and Tampa Executive (formerly Vandenberg Airport) in Tampa.

The CS for HB 575 codifies and revises the existing special acts relating to the Authority. The bill provides a public purpose statement; clarifies language regarding the election of authority officers; removes a 40-year maturity date limitation on bonds and a requirement for semiannual payment; deletes a cap of four alcoholic beverage licenses; and updates and reorganizes various provisions.

According to the Economic Impact Statement, the bill will have no fiscal effect.

The bill has an effective date of upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### The Hillsborough County Aviation Authority

The Hillsborough County Aviation Authority was created in 1945 by ch. 23339, L.O.F. The numerous special acts relating to the authority were codified by ch. 2003-370, L.O.F., which subsequently was amended by ch. 2007-292, L.O.F. The Authority is an independent special district that has exclusive jurisdiction and management over all airports in Hillsborough County, except those owned by private persons. The Authority's airports include Tampa International Airport and three general aviation airports: Peter O. Knight Airport in Davis Islands, Plant City Airport in Plant City, and Tampa Executive (formerly Vandenberg Airport) in Tampa.

The Authority consists of five members: the Mayor of the City of Tampa, ex officio; a member of and selected by the Board of County Commissioners, ex officio; and three members who are appointed by the Governor for four-year terms. To be eligible for gubernatorial appointment, a person must be a resident and citizen of the county, and may not be employed by or be an elected official of the county or one of its municipalities. The Governor has the power to remove any member for good cause.

The Authority has the power and is required to:

- elect officers;
- pay any surety bond required of any member and employee of the Authority;
- exclusively control, supervise and manage all airports in the county, except any airport owned, controlled, or operated by a private person;
- advertise for sealed bids when required by law;
- adopt an annual budget;
- require in bond documents that moneys derived from such bonds be paid to or upon order of the Authority; and
- have the Authority's finances audited in the same manner as other independent special districts.

The Authority has the power to and may:

- rely on the provisions of its special act, without reference to other laws, in exercising its powers;
- establish and maintain airports on public waters and submerged land;
- construct and maintain terminal buildings, landing floats, causeways, roadways, bridges for approach to or connecting with an airport, and land floats and breakwaters for the protection of an airport;
- require officers or employees of the Authority to execute an adequate surety bond, conditioned upon the faithful performance of the duties of the office or employment and in a penal sum fixed by the Authority;
- establish positions, duties and a pay plan and employ, pay and provide benefits for, promote, discipline and terminate personnel, including law enforcement officers with full police powers and an Executive Director, who is responsible for the day-to-day administration, management and operation of the Authority in accordance with policy established by the members, and perform other duties as may be authorized by the members;
- by policy or resolution, authorize the Executive Director to perform any of the powers of the Authority;
- employ or contract with technical and professional experts;
- reimburse members and employees for all travel expenses incurred while on Authority business;
- create, appoint and prescribe the duties of any committee;

- sue and be sued;
- adopt, use and alter a corporate seal;
- publish advertisements;
- waive advertisement when an emergency exists and purchases must be made immediately;
- negotiate and enter into contracts, agreements, exclusive or limited agreements, and cooperation agreements;
- include contract specifications maximizing the employment of persons whose protected group has been underutilized in the past;
- enter into exclusive or limited agreements with a single operator or a limited number of operators;
- provide for the manual execution of any instrument on behalf of the Authority by the signature of the Chairperson or Vice Chairperson, and attested to by the Secretary or the Assistant Secretary or, if delegated by the members to do so, the Executive Director or any other Authority personnel to whom the Executive Director has delegated authority;
- purchase and sell equipment, supplies and services;
- sell, lease, transfer, dispose of, or grant a lesser interest in any of its properties;
- dispose of tangible personal property in accordance with ch. 274, F.S.;
- grant concessions;
- advertise, promote and encourage the use and expansion of facilities under its jurisdiction;
- enact airport zoning regulations in accordance with ch. 333, F.S.;
- issue a written permit, before the county or any municipality issues a building permit and upon request of the affected local government, that any construction proposed on land affected by airport zoning regulations conforms to airport zoning regulations;
- acquire, own, construct, install, maintain and operate Authority facilities by purchase, gift, devise, lease, or any other means, including eminent domain;
- reimburse the owner of any structure for which the Authority may require removal, relocation, or reconstruction located in, on, under, or across any private property, public street, highway, or other public or private places for the estimated or actual expense of the removal, relocation, or reconstruction;
- supplement and coordinate in design and operation air navigation facilities with those established and operated by the federal and state governments;
- request the county or any municipality to convey to the Authority the fee simple title to any airport or other property needed for airport purposes;
- relinquish jurisdiction, control, supervision and management over any airport or part of any airport which is under its jurisdiction but which is owned by a municipality, county, or other governmental agency, upon determining that any such airport or part of any such airport is no longer required for airport purposes;
- expend revenues for the cost of investigating, surveying, planning, acquiring, establishing, constructing, enlarging, improving, equipping and erecting Authority facilities by appropriation of revenues or wholly or partly from the proceeds of Authority bonds;
- incur expenses as provided in its annual budget and any amended budget;
- assess against and collect from the owner or operator of each airplane using any Authority facility a landing fee or service charge sufficient to cover the cost of the service furnished to airplanes using any such facility;
- accept federal, state and any other public or private moneys, grants, contributions, or loans for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of Authority facilities, or any other lawful purpose;
- fix, alter, charge, establish and collect rates, fees, rentals and other charges for the services of Authority facilities at reasonable and uniform rates;
- adopt a resolution as may be required to levy an ad valorem tax (not to exceed 1.5 mills) and submit it to the Board of County Commissioners;
- apply for, hold and periodically transfer alcoholic beverage licenses as provided by its special act;<sup>1</sup>

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<sup>1</sup> The Authority or another governmental agency operating Tampa International Airport is authorized to acquire up to four alcoholic beverage licenses, as provided for in s. 561.17, F.S.

- adopt and amend rules, regulations and policies reasonably necessary for the implementation of its act;
- by resolution, fix and enforce penalties for the violation of its act or a rule, regulation, or policy adopted in accordance with its act;
- amend its budget after adoption;
- receive, deposit, secure and pay out moneys as provided by its act;
- designate one or more depositories which are qualified as public depositories pursuant to s. 280.04, F.S., and thereafter establish and open an account or accounts into which revenues collected are deposited and from which expenditures may be made;
- establish and deposit into and expend moneys from a surplus fund by using funds other than those derived from ad valorem taxation, that may remain unexpended at the end of the fiscal year and may be set aside in a separate fund to be known as the "Capital Improvement Fund" and accumulated and expended from year-to-year solely for the purpose of building and constructing permanent improvements, replacements, alterations, buildings and other structures;
- by resolution, borrow money and issue bonds;
- enter into deeds of trust, indentures, or other agreements with any bank or trust company as security for its bonds, and assign and pledge any or all of its revenues;
- secure the payment of bonds or any part thereof by pledging all or part of its revenues;
- pending the preparation of definitive bonds, issue certificates or temporary bonds to the purchaser of bonds;
- transact the business of the Authority and exercise all powers necessarily incidental to the exercise of the general and special powers granted by its act and under any other law;
- exercise all powers of a local agency granted pursuant to part II of ch. 159, F.S., and to a governmental unit granted pursuant to part VII of ch. 159, F.S.; and
- do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Authority.

The Hillsborough County Legislative Delegation is required to review the special act(s) of the Authority prior to July 1, 2012 (and every 10 years thereafter) to determine whether there is a need for codification.<sup>2</sup> If it is determined that there is such a need, the delegation may require the Authority to prepare applicable legislation.

### **Effect of Proposed Changes**

The CS for HB 575 codifies, reenacts, amends and repeals the special acts relating to the Hillsborough County Aviation Authority, chs. 2003-370 and 2007-292, L.O.F. The bill provides a public purpose statement; corrects typographical errors; clarifies definitions; updates language; and reorganizes certain provisions of the Authority's special acts.

Additionally, the bill clarifies the procedure for the election of board officers, and provides that the authority will hold elections for all officer positions whenever a new member is appointed to the board by the Governor.

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<sup>2</sup> Codification is the process of compiling, updating and systematically arranging the special acts that comprise a special district's charter. Original provisions may be amended by subsequent special acts after these charters are created by the Legislature. Because special act amendments are not automatically incorporated into one special act, it is necessary to locate all special acts amending an original charter in order to determine its current status. This can be a difficult and time-consuming process for persons interested in ascertaining the law governing a district. Codification of special district charters allows readers to refer to one special act to identify these charters.

Codification of special district charters initially was authorized by the 1997 Legislature in ss. 189.429 and 191.015, F.S. These laws currently provide for each district that has more than one special act to submit a draft codified charter, at its own expense, to the Legislature by December 1, 2004. Any codified act relating to a special district must provide for the repeal of all prior special acts relating to the district, and be filed with the Department of Economic Opportunity within 30 days after adoption pursuant to s. 189.418(2), F.S.

The bill also eliminates a current requirement that Authority bonds have a maturity date not exceeding 40 years and be payable semiannually. This change will allow the Authority to proceed with its bond financing activities pursuant to general and federal laws.<sup>3</sup> In certain cases, the 40-year maturity constraint could prove unnecessarily restrictive, and the requirement for semiannual payments prevents finance deals from being structured monthly, quarterly, or otherwise.

Lastly, the bill deletes a requirement that the Authority hold no more than four alcoholic beverage licenses. This change also allows the Authority to operate in accordance with general law with regard to these licenses.<sup>4</sup>

The bill has an effective date of upon becoming law.

**B. SECTION DIRECTORY:**

Section 1: Provides for Legislative intent.

Section 2: Provides for codifying, reenacting, amending and repealing chs. 2003-370 and 2007-292, L.O.F., relating to the Hillsborough County Aviation Authority.

Section 3: Provides for recreating and reenacting the charter for the Hillsborough County Aviation Authority.

Section 4: Repeals chs. 2003-370 and 2007-292, L.O.F.

Section 5: Provides an effective date.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 11, 2011.

WHERE? *The Times*, an edition of the *St. Petersburg Times*, a daily newspaper published in Hillsborough 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

According to the Economic Impact Statement, this bill will have no fiscal effect.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

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<sup>3</sup> In particular, *see*, ch. 159, F.S.

<sup>4</sup> *See*, ch. 561, F.S.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 11, 2012, the Community & Military Affairs Subcommittee adopted an amendment which made technical changes clarifying the election of board officers for the Hillsborough County Aviation Authority.

This analysis is drafted to the Committee Substitute.