

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 1463 Dunnellon Airport Authority, Marion County

SPONSOR(S): Stone

TIED BILLS: **IDEN./SIM. BILLS:**

FINAL HOUSE FLOOR ACTION: 113 Y's

0 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 1463 passed the House on February 26, 2020, and subsequently passed the Senate on March 11, 2020.

The Dunnellon Airport Authority (Authority) was created in 1981. The Authority is a dependent special district, governed by the Marion County Board of County Commissioners (BOCC). The Authority oversees the Marion County Airport, a 792-acre airport, which features two active lighted runways. Revenues are generated primarily through fuel sales, the rental of county-owned real property, and grants received from the Florida Department of Transportation. The BOCC is authorized to levy an ad valorem tax for the purpose of contributing funds to the Authority, though no levy has been approved as of January 2020.

The bill abolishes the Dunnellon Airport Authority and transfers all of its assets and liabilities to Marion County.

According to the Economic Impact Statement filed for the bill, the BOCC will be responsible for the Authority's expenses and liabilities. There are no financial impacts associated with abolishing the Authority.

The bill was approved by the Governor on June 9, 2020, ch. 2020-199, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law,² special act,³ local ordinance,⁴ or rule of the Governor and Cabinet.⁵ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁶

A “dependent special district” is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district’s governing body are removable at will by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality.⁷

An “independent special district” is a special district that is not a dependent special district.⁸ Additionally, a district that includes more than one county is an independent special district, unless that district lies wholly within a single municipality’s boundaries.⁹

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.¹⁰

Dunnellon Airport Authority

The Dunnellon Airport Authority (Authority) was created in 1981.¹¹ The Authority is a dependent special district with the Marion County Board of County Commissioners (BOCC) serving as its board.¹² The Authority’s purpose is to acquire, construct, improve, finance, operate, and maintain airport facilities in Marion County.¹³ The Authority operates the Marion County Airport, a 792-acre airport with two active lighted runways.¹⁴

¹ S. 189.012(6), F.S.

² S. 189.031(3), F.S.

³ *Id.*

⁴ S. 189.02(1), F.S.

⁵ S. 190.005(1), F.S. *See, generally*, s. 189.012(6), F.S.

⁶ *2018-2020 Local Government Formation Manual*, p. 60,

<https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3025> (last visited Jan. 24, 2020).

⁷ S. 189.012(2), F.S.

⁸ S. 189.012(3), F.S.

⁹ *Id.*

¹⁰ Art. VII, s. 9(a), Fla. Const.

¹¹ Ch. 81-436, Laws of Fla.

¹² *Id.*

¹³ Marion County, *Dunnellon Airport Authority*, marioncountyfl.org/departments-a-n/airport/Dunnellon-airport-authority (last visited Jan. 24, 2020).

¹⁴ Marion County, *Marion County Airport*, marioncountyfl.org/departments-agencies/departments-a-n/airport (last visited Jan. 24, 2020).

The Authority may:

- Adopt bylaws for the regulation of its affairs and conduct its business;
- Adopt an official seal and alter the same;
- Maintain an office at such place as it may designate;
- Sue and be sued in its own name, plead and be impleaded;
- Acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, equip, repair, maintain and operate any airport facilities;
- Lease, sell or dispose of any land or other airport facilities which it has determined are no longer used or useful for airport purposes, subject to any limitations by any bonds issued by the Authority;
- Issue bonds to pay the cost of acquisition, construction, reconstruction, improvement, extension, enlargement or equipment;
- Issue refunding bonds;
- Combine any airport facilities for the purpose of operation and financing;
- Collect rates, fees and other charges for the use of or for the services furnished by any airport facilities;
- Exercise the right of eminent domain in accordance with Florida law;
- Make and enter into contracts and agreements necessary to the performance of its duties and powers;
- Accept grants of money, materials, or property for airport facilities from federal and state agencies;
- Purchase money mortgages on any additional property purchased by the Authority;
- Borrow money and procure lines of credit;
- Exercise all powers and prerogatives conferred upon political subdivisions¹⁵ of the state;
- Construct, maintain, operate, lease and regulate motor vehicle parking facilities for the agents, employees, guests and business invitees of the Authority;
- Adopt a budget prior to September 30 of each year for the ensuing fiscal year; and
- Employ an airport manager to manage the airport.¹⁶

The BOCC may levy an annual ad valorem tax on all taxable property within Marion County for the purpose of contributing funds to the Authority.¹⁷ As of 2020, the BOCC has not levied a tax for this purpose and revenue for airport operations is generated primarily through fuel sales, the rental of county-owned property, and grants from the Florida Department of Transportation.¹⁸ In fiscal year 2018, the Authority's budget expenditures were \$826,530, with revenues of \$1,163,783.¹⁹ Revenues and expenditures related to the operation of the airport are accounted for in the Dunnellon Airport Fund, a special revenue fund.²⁰

The Authority is considered an agency subject to the Administrative Procedure Act.²¹

Statutory Provisions Pertaining to Dissolving Dependent Special Districts

A dependent special district may be merged or dissolved by an ordinance of the local governmental entity where the special district is located.²² A county may not dissolve a special district that is

¹⁵ Ch. 333, F.S.

¹⁶ Ch. 81-436, Laws of Fla.

¹⁷ *Id.*

¹⁸ *Dunnellon Airport Authority, supra* note 13; Marion County Florida, *Comprehensive Annual Financial Report* (Sept. 30, 2018), <https://frontrunner-mccc.s3.amazonaws.com/f27d2e8d-5096-907d-8d6e-42e5ce245096.pdf> (last visited Jan. 24, 2020).

¹⁹ Marion County Board of County Commissioners, *Fiscal Year 2020 Adopted Budget*, available at sire.marioncountyfl.org/sirepub/mtgviewer.aspx?meetid=2579&doctype=Agenda (last visited Jan. 24, 2020). FY 2018 revenues included \$37,399 in administrative transfers and \$372,285 in balances forward.

²⁰ *Id.*

²¹ Ch. 81-436, Laws of Fla.; *see* ch. 120, F.S.

²² S. 189.071(1), F.S.

dependent to a municipality or vice versa.²³ If an active dependent special district was created and operating pursuant to a special act, it may only be dissolved or merged by further act of the Legislature, unless general law provides otherwise.²⁴

Created by special act, the Authority may only be abolished by the Legislature.

Effect of the Bill

The bill abolishes the Dunnellon Airport Authority and transfers all assets and liabilities of the Authority to the Marion County BOCC. According to the Economic Impact Statement filed, the bill has no financial impacts.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes [X] No []

D. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? December 17, 2019.

WHERE? The *Star-Banner*, a daily newspaper of general circulation in Marion County, Florida.

E. REFERENDUM(S) REQUIRED? Yes [] No [X]

F. IF YES, WHEN?

²³ *Id.*

²⁴ S. 189.071(2), F.S.