

**Codification Language Approved by GACRAA Board
on October 20, 2005**

Section 1. Short title -- This act shall be known and may be cited as the "Gainesville-Alachua County Regional Airport Authority Act."

Section 2. General Provisions

- (1) It is the intent of the Legislature that this act supersede chapter _____, Laws of Florida, relating to the Gainesville-Alachua County Regional Airport, and is a codification, a compilation of previously existing legislation relating to the Authority.**
- (2) The codification is also to act as a reviser's bill, deleting provisions which have expired, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross references and citations, correcting grammatical, typographical, and like errors; removing inconsistencies and redundancies; and improving clarity and facilitating correct interpretation. It is the intent of the Legislature to define frequently used terms and to reflect standard business practices required for an independent special district to conduct its business which have not been previously enumerated.**
- (3) The Authority shall comply with federal law regarding expenditure of federal monies.**
- (4) This act shall not be construed as impairing or infringing upon any rights, privileges, or benefits enjoyed by any employee of the Authority who is so employed on the effective date of this act.**
- (5) The members and employees of the Authority shall comply with part III of chapter 112, Florida Statutes, as may be amended from time to time.**
- (6) This act provides an additional, alternative, and complete method for the exercise of the powers granted and authorized by this act and shall be regarded as supplemental to powers conferred by other laws and shall not be regarded as a derogation of any powers now existing.**
- (7) Regarding the airport facilities and concessions, the Legislature finds and declares:**
- (a) The proper operation of a publicly owned or operated airport in the County is essential to the welfare of the people of the Gainesville-Alachua County area, the state, and its people.**
 - (b) A publicly owned or operated airport in the County establish a vital transportation link between the state and the economic systems of the nation**

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and the world and enable the state to enjoy and provide the benefits of an international tourist and commercial center.

(c) The economic validity and stability of a publicly owned or operated airport in the County is a matter of statewide importance.

(d) The policy of this state is to promote the development of commerce and tourism to secure to the people of this state the benefits of those activities conducted in the state.

(e) The proper operation of a publicly owned or operated airport in the county is essential to the welfare of the state and its people, and the Legislature recognizes and affirms such operation as a governmental function to be discharged in furtherance of the policy of securing the benefits of commerce and tourism for the state and its people.

(f) The Authority shall manage airport facilities and grant airport concessions to further the development of commerce and tourism in or affecting the Gainesville-Alachua County area and the state. In managing its facilities and granting concessions for services to the public, the Authority shall promote the development of commerce and tourism by:

1. Securing a diversity of airport services.

2. Avoiding wasteful duplication of such services.

3. Securing to the users of the airport, safe, courteous, and quality service.

4. Limiting or prohibiting business competition that is destructive to the ends of promoting commerce and tourism in the state.

5. Allocating limited airport resources to promote such ends.

6. Fostering Florida's image as a commercial and tourist center.

Section 3. Definitions -- As used in this act, unless the context otherwise requires:

- (1) "Airport" means any area, of land or water, which is designed for the landing and taking off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving and discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way at the area now known, and which may hereinafter be known as the Gainesville Regional Airport.

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- (2) “Airport facilities” means airport facilities at the area now known as the Gainesville Regional Airport, including, but not limited to, runways, taxiways, taxi lanes, aprons, hangars, shops, terminals, buildings and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing and parking of aircraft, and the unloading and handling of passengers, mail, express and freight, together with all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the Authority in connection therewith. This shall also include the area known on the effective date of this act as the “Airport Industrial Park” and all appurtenant facilities related thereto.
- (3) “Airport Lands” means any area of land or water, which is described on the Airport Property Map and used for the operation of the Airport, protection of the Airport, or for aeronautical or non-aeronautical revenue generation for the benefit of the Airport.
- (4) “Authority” means the Gainesville-Alachua County Regional Airport Authority created herein.
- (5) “Authorized project” means an undertaking, including a capital project, approved by the Authority and includes all property rights, easements, and franchises related thereto and deemed necessary or convenient for the construction, acquisition or operation thereof, and embraces any capital expenditure which it deems to be made for a public purpose, including the refunding of any bonded indebtedness which may be outstanding on any existing project which is to be improved by means of a new project.
- (6) “Board of County Commissioners” means the Board of County Commissioners of the County of Alachua.
- (7) “Bond” includes bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidences of indebtedness of any type or character.
- (8) “City” means the City of Gainesville.
- (9) “City Commission” means the City Commission of the City of Gainesville.
- (10) “County” means the County of Alachua.
- (11) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.
- (12) “Revenue bonds” means obligations of the Authority which are payable from revenues derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of the Authority or the City.

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- (13) “Refunding bonds” means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and payable in the same manner as the refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution.

Section 3. Gainesville-Alachua County Regional Airport Authority

Section 4. Creation; purpose

- ~~(1) CREATION AND PURPOSE— For the purpose of managing and operating the airport and airport facilities, there is hereby created a dependent special district to be known as the Gainesville-Alachua County Regional Airport Authority. The exercise by the Authority of the powers conferred upon it by this act will be deemed to be for an essential and proper purpose.~~

(1) The Gainesville-Alachua County Regional Airport is created, and the powers granted by this act are declared to be public and governmental functions, exercised for public purposes, and are matters of public necessity. Lands and other real and personal property, easements, and privileges acquired and used by the Authority are declared to have been acquired for and used for public and governmental purposes and as a matter of public necessity. The Authority is a public body corporate and is an independent special district.

(2) The Authority has exclusive jurisdiction, control, supervision, and management over all airports in Alachua County except any airport owned, controlled, and operated by a private person. Said jurisdiction, control, supervision, and management are in the best interest of the County and each municipality.

Section 5. Membership

- ~~(1) MEMBERSHIP— The powers of the Authority shall be vested in its members in office from time to time. There shall be nine members. As a condition of eligibility for appointment and to hold office, each member shall reside within the City or County. No person shall serve as a member of the Authority and, at the same time, hold any publicly elected office in the State of Florida.~~

~~(3) INITIAL APPOINTMENTS; EXPIRATION OF TERMS— Initial appointments shall be as follows:~~

~~(a) The initial members of the Authority shall consist of:~~

~~1. All members of the preexisting Authority; and~~

~~2. The four members separately appointed by the Governor and the county to the Authority created by chapter 85-378, Laws of Florida.~~

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~~(b) — If any of the members designated in paragraph (a) declines to serve, such office shall be filled within 30 days of the effective date of this act, as follows:~~

- ~~1. — The Governor shall replace by appointment any of the three members appointed by him under chapter 85-378, Laws of Florida;~~
- ~~2. — The board of county commissioners shall replace by appointment the member appointed thereby under chapter 35-378, Laws of Florida; and~~
- ~~3. — The city commission shall replace by appointment any of the remaining members.~~

~~(c) — The term of any member initially appointed under this act shall expire on July 31 of the year such member's term was scheduled to expire under chapter 85-378, Laws of Florida, or under Gainesville City Ordinance No. 2721/0-82-33, as appropriate, except that the term of any such member previously appointed by the city who was also subsequently appointed to the Authority created under chapter 85-378, Laws of Florida, shall expire on July 31 of the year which represents the later expiration date of the two appointments.~~

~~(4) — SUBSEQUENT APPOINTMENTS; TERMS — Upon expiration of initial terms of office:~~

~~(a) — Subsequent appointments shall be made by the appropriate appointing entity on or prior to the date of expiration of the preceding term in the same manner as described in paragraph (3)(b). In the event an appointment has not been made by such date, the Governor shall make the appointment within 20 days thereafter.~~

~~(b) — All members shall serve 3-year terms of office, beginning on August 1 and expiring on July 31 of the appropriate year.~~

~~(5) — FILLING OF VACANCIES — Except as may be otherwise provided herein, vacancies in office shall be filled for the balance of the term by the appropriate appointing entity, in the same manner as set forth in paragraph (3)(b). In such cases, the appointment shall be made no later than 30 days after the office has become vacant. In the event an appointment has not been made by such date, the Governor shall make the appointment within 20 days thereafter.~~

~~(2) Upon expiration of initial terms of office subsequent appointments shall be made as follows:~~

~~(a) The Governor shall replace by appointment any of the three members appointed by him under chapter 95-457, Laws of Florida, on or prior to the date of expiration of the preceding term.~~

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(b) The Board of County Commissioners shall replace by appointment the member appointed by it under chapter 95-457, Laws of Florida, on or prior to the date of expiration of the preceding term.

(c) The City Commission shall replace by appointment any of the remaining five (5) members on or prior to the expiration of the preceding term.

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(3) If, upon expiration of a member's term of office, the appointing entity fails to replace by appointment it's member, and the member is willing to continue to serve, the member with the expired term shall continue to serve until a replacement appointment is made.

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(4) The term of any member initially appointed prior to this act shall expire on July 31 of the year such member's term was scheduled to expire under chapter 95-457, Laws of Florida. No member shall serve more than two successive terms.

(5) All members appointed subsequent to the effective date of this legislation shall serve 4-year terms of office, beginning on August 1 and expiring on July 31 of the appropriate year.

(6) Except as may be otherwise provided herein, vacancies in office shall be filled for the balance of the term by the appropriate appointing entity, in the same manner as set forth in sub-paragraph (2). A vacant position shall remain vacant until a successor has been appointed by the appropriate appointing entity.

(7) A member may be removed by the entity appointing such member upon grounds constituting misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties. Conviction of a felony shall automatically remove a member. The unexcused failure to attend three consecutive regular meetings of the Authority shall be deemed neglect of duty, without limiting the meaning of the term, "neglect of duty".

~~(6) ORGANIZATION; MEETINGS; NOTICE; QUORUM~~
Section 6. Organization; Meetings; Notice; Quorum

(1) A chair, vice-chair, and secretary/treasurer shall be chosen by and from the Authority membership. The chair, vice chair, and secretary/treasurer shall each serve a term of office of 1 year, and no member shall hold the same office for more than 2 consecutive terms.

(a) The Authority shall meet at the call of the chair, at the request of three or more of its members, and at such other times as may be prescribed by rule of the Authority.

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- (b) The Authority shall give reasonable notice of all meetings at least 48 hours prior thereto, which shall be published in a newspaper in general circulation in Alachua County, and shall include agenda items whenever such items involve leasing of any airport property. ~~All meetings of the Authority shall be so noticed except~~ Emergency meetings ~~which shall only be called when there is an immediate danger to the public health, safety or welfare,~~ **and do not require public notice.**
- (c) The presence of five members is required to constitute a quorum, and the affirmative vote of a majority of the members present and eligible to vote, but no fewer than four of the members present and eligible to vote, is required for any action or recommendation by the Authority.

~~(7) — REMOVAL FROM OFFICE — A member may be removed by the entity appointing such member, but only upon grounds constituting misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or commission of a felony. The unexcused failure to attend three consecutive regular meetings of the Authority shall be deemed neglect of duty, without limiting the meaning of that term.~~

~~(8) — RESTRICTIONS~~

Section 7. Restrictions

- (a) No person who has transacted business with the Authority shall be eligible for appointment to the Authority until 3 years after the last transaction. No person who has served on the Authority shall be eligible to transact business with the Authority **or be employed directly or indirectly by an entity transacting business with the Authority** until 3 years after ~~the~~ **his** last date of ~~service termination of membership.~~ Said transactions include **all business dealings, representation of business entities and submission of proposals for doing business with the Authority** transactions either for oneself or as an employee of, agent for, or consultant to any other person or legal entity. However, nothing in this paragraph shall be construed as prohibiting an appointed member from purchasing supplies or services from any fixed-base operators or tenants at the airport or Airport Industrial Park, **or for renting individual aircraft hangars or tie-downs offered to the general public and owned by the Authority.**
- (b) No member, officer, agent, or employee of the Authority, either for himself or as agent for anyone else, or as a stockholder or owner in any other legal entity, shall participate in or benefit directly or indirectly from any sale, purchase, lease, franchise, contract, or other transaction, entered into by the Authority or the City. The provisions of this paragraph shall be cumulative to any general laws of the state which may from time to time be applicable to members, officers, agents or employees of the Authority and which require the disclosure of, or prohibit, conflicts of interest.

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(c) No member, as an individual, may represent the Authority, speak for the Authority, or speak on behalf of the Authority without being directed through a formal action of the Governing Board to do so.

~~(9) EXPENSES — The members of the Authority shall receive no salary or other compensation for their services. The Authority shall, however, be authorized to pay reasonable costs and expenses necessarily incurred by the members in performance of their duties.~~

Section 8. Powers and duties

(1) The Authority shall have exclusive jurisdiction over the operation and maintenance of, and improvements to, the airport and airport facilities, and pursuant thereto shall have the following powers and duties, which are in addition to all other powers granted by other provisions of this act:

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

~~(2) — To acquire real property in fee simple or any lesser interest or easement by purchase, gift, devise, lease or other means if the Authority is able to agree with the owners of said property on the terms of such acquisition. To acquire real property in fee simple or any lesser interest or easement as it may deem necessary for the property managing and operation of the airport and airport facilities, by condemnation in the manner provided by the law under which municipalities are authorized to acquire property for public purposes, with full power to exercise the right of eminent domain for such purposes being hereby granted to said Authority as specified in and including all the powers, rights, and privileges of chapters 73 and 74, Florida Statutes, or any succeeding legislation. For the purposes of making surveys and examinations relative to any condemnation proceedings, it shall be lawful to enter upon any land, doing no unnecessary damage. The Authority may take possession of any such property to be acquired at any time after the filing of the petition describing the same in condemnation proceedings, as provided in chapters 73 and 74, Florida Statutes. It shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken. To acquire or lease personal property in the name of the Authority.~~

~~(3) — To let or lease the airport and the airport facilities or any portion thereof and to grant concessions upon such terms and conditions as it shall deem proper.~~

~~(4) — To employ an airport manager and other personnel as provided in section 6.~~

~~(5) — To accept revenues from the operation of the airport and airport facilities and, independently, or in conjunction with the City of Gainesville if required by a granting agency, to accept gifts, grants, and other revenues.~~

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- (6) ~~To prepare and propose a budget annually, and to amend it during the fiscal year, as provided in section 5.~~
- (7) ~~To adopt rules for the regulation of its affairs and the conduct of its business, and rules for the operation of the airport, airport facilities, and aircraft, including, but not limited to, safety and noise abatement rules, and to enforce an administer all such rules.~~
- (8) ~~To name and rename the airport and airport facilities.~~
- (9) ~~To adopt and alter an official seal.~~
- (10) ~~To maintain an office within the city.~~
- (11) ~~To undertake capital projects and repair, equip, maintain, and operate this airport and such buildings, structures, roads, alleyways, and any other develop merit of land or improvements as the Authority shall determine to be necessary am proper in the performance of the duties and purposes of this act.~~
- (12) ~~To issue revenue bonds or refunding bonds of the Authority pursuant to section 9. Further, to borrow money from available sources to finance airport operations and facilities, excluding the Airport Industrial Park.~~
- (13) ~~To fix and revise from time to time and to collect rates, fees, and other charges for the use of the airport and airport facilities.~~
- (14) ~~To pay operating and debt service costs of the airport and airport facilities.~~
- (15) ~~When deemed desirable by the Authority, and, when agreed to by the city to utilize the purchasing authority and capability of the city for such things as, but not limited to, computer services, supplies, equipment, labor, and contractual services. However, all such material and services shall be paid by the Authority out of its own budget.~~
- (16) ~~To do all acts necessary in order to carry out the purposes of this act.~~
- (17) ~~To appoint or employ and constitute its own airport guards or police officers, or to contract with the city, county, or agency of the state to provide law enforcement services and protection through its duly sworn officers, and all such officers shall have full power of arrest to prevent or abate the commission of an offense against the ordinances of the city or county, the laws of this state, or the laws of the United States, when any such offense, or threatened offense occurs upon any airport lands.~~
- (18) ~~To expend funds to advertise and promote the airport, its operations, airport facilities and issues affecting the airport.~~
- (19) ~~To privatize any operation of the airport when deemed in the best interest of the public.~~

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- (a) Approve, file with the clerk, and pay any surety bond required of any member or of any employee of the Authority.
- (b) Exclusively control, supervise, and manage all airports in the county and each municipality, except any airport owned, controlled, or operated by a private person.
- (c) Advertise for sealed bids when required by law; provided, however, the Authority may reject all bids and readvertise or select a single item from any bid as further provided in this act.
- (d) Adopt before October 1 an annual budget which has been prepared by the CEO and which must include an estimate of all revenues and anticipated expenditures for the following fiscal year.
- (e) Require in all bond documents that monies derived from such bonds be paid to or upon order of the Authority.
- (f) Have the Authority's finances audited in the same manner as other independent special districts are audited.

(2) The Authority has the power to and may:

- (a) Rely on the provisions of this act, without reference to other laws, in exercising its powers.
- (b) To appoint or employ and constitute its own airport guards or police officers, or to contract with the City, County, or agency of the state to provide law enforcement services and protection through its duly sworn officers, and all such officers shall have full power of arrest to prevent or abate the commission of an offense against the ordinances of the City, County, the laws of this state, or the laws of the United States, when any such offense, or threatened offense occurs upon any airport lands.
- (c) Construct and maintain terminal buildings, causeways, roadways, bridges for approach to or connecting with the airport.
- (d) Require the Secretary/Treasurer and other 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.

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- (e) Establish positions, duties, and a pay plan, and employ, pay, provide benefits for, promote, discipline, and terminate personnel and a CEO, who shall be 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.
- (f) By policy or resolution, authorize the CEO to perform any of the powers of the Authority in whole or in part and with whatever other limitations it may find appropriate, provided that said authorization does not result in an invalid exercise of delegated legislative authority as defined in general law.
- (g) Employ or contract with technical and professional experts necessary to assist the Authority in carrying out or exercising any powers granted by this act.
- (h) Reimburse for all travel expenses incurred while on business for the Authority, upon requisition, any member, its attorneys, the CEO, and any employee of the Authority traveling under the direction of the CEO or the CEO's designee in accordance with the Authority's policies.
- (i) Create, appoint, and prescribe the duties of any committee.
- (j) Sue and be sued.
- (k) Adopt, use, and alter a corporate seal.
- (l) Publish advertisements.
- (m) Waive advertisement when the Authority determines an emergency exists and supplies and materials must be immediately acquired by the Authority.
- (n) Negotiate and enter into contracts, agreements, exclusive or limited agreements, and cooperation agreements of any kind necessary for the Authority to fulfill the purposes of this act.
- (o) Include contract specifications maximizing the employment of persons whose protected group has been underutilized in the past.
- (p) Enter into exclusive or limited agreements with a single operator or a limited number of operators. The Authority shall grant exclusive or limited agreements to displace business competition by rule or policy whenever the Authority determines, in consideration of the factors set forth below, that any such agreement is necessary to further the purposes of this act. Before entering into any exclusive or limited agreement, the Authority shall, under authority expressly delegated by the state, determine the necessity for such

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an exclusive or limited agreement to further the policies and objectives stated in this act, which include public safety, public convenience, quality of service, the need to conserve airport space, the need to avoid duplication of services, the impact on the environment or facilities of the airport as an essential commercial and tourist service center, and the need to avoid destructive competition which may impair the quality of airport services to the public, lead to uncertainty, disruption, or instability in the rendering of such services, or detract from the Gainesville-Alachua County area and the state's attractiveness as a center of tourism and commerce. In making its determination, the Authority shall take evidence or make findings of fact and establish such policies it deems necessary. Nothing in this paragraph shall excuse the Authority from complying with applicable state or local requirements for competitive bidding or public hearings which may be required prior to awarding or entering into any contract or other agreement.

- (q) Provide for the manual execution of any instrument on behalf of the Authority by the signature of the Chair or Vice-Chair, and attested to by the Secretary or the Assistant Secretary or, if delegated by the members to do so, the CEO 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.
- (r) Purchase and sell equipment, supplies, and services required for its purposes.
- (s) Sell, lease, transfer, dispose of, or grant a lesser interest in any of its properties.
- (t) Dispose of tangible personal property in accordance with chapter 274, Florida Statutes, as may be amended from time to time.
- (u) Grant concessions.
- (v) Advertise, promote, and encourage the use and expansion of facilities under its jurisdiction.
- (w) Enact airport zoning regulations in accordance with chapter 333, Florida Statutes, as may be amended from time to time, to ensure the safe operation of airports under its jurisdiction; however, any such airport zoning regulations may not affect the zoning use regulations imposed by the County or any municipality.
- (x) Issue a written permit, before the County or any municipality issues a building permit and upon request of the affected local government in accordance with the provisions of this act, that specifically finds that any

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construction proposed on land affected by airport zoning regulations conforms to airport zoning regulations.

- (v) Acquire, own, construct, install, maintain, and operate Authority facilities by purchase, gift, devise, lease, or any other means, including by eminent domain in accordance with chapters 73 and 74, Florida Statutes, as may be amended from time to time. For the purposes of making surveys and examinations relative to any condemnation proceedings, the Authority may lawfully enter upon any land, doing no unnecessary damage. The Authority may take possession of property to be acquired by condemnation at any time after the filing of the petition describing the same in condemnation proceedings as provided in general law. The Authority is not precluded from abandoning the condemnation of any such property in any case where possession has not been taken.
- (z) 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.
- (aa) Supplement and coordinate in design and operation air navigation facilities with those established and operated by the federal and state governments.
- (bb) Request the County or any municipality to convey to the Authority the fee simple title to any airport or other property owned by the County or any municipality and needed for airport purposes.
- (cc) Relinquish jurisdiction, control, supervision, and management over any airport property or part of any airport property 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; provided, however, that the consent and approval of any revenue bondholders is first obtained and necessary authorizations or approvals are received from federal agencies regulating airports.
- (dd) 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 bonds of the Authority. The term "cost" includes awards in condemnation proceedings, rentals where an acquisition is by lease, and amounts paid to utility companies for relocation of their wires, poles, and other facilities.
- (ee) Incur expenses as provided in its annual budget and any amended budget.

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- (ff) 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, which cost may include the liquidation of bonds or other indebtedness for construction and improvement.
- (gg) Accept federal, state, and any other public or private monies, grants, contributions, or loans for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of Authority facilities, or any other lawful purpose.
- (hh) Fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services of Authority facilities at reasonable and uniform rates.
- (ii) Apply for, hold, and periodically transfer alcoholic beverage licenses as provided by this act.
- (ji) Adopt and amend rules, regulations, and policies reasonably necessary for the implementation of this act.
- (kk) By resolution, fix and enforce penalties for the violation of this act or a rule, regulation, or policy adopted in accordance with this act.
- (ll) Amend the budget after its adoption.
- (mm) Receive, deposit, secure, and pay out monies as provided by this act.
- (nn) Designate a depository or depositories which is qualified as a public depository pursuant to section 280.04, Florida Statutes, as may be amended from time to time, and thereafter establish and open an account or accounts into which revenues collected are to be deposited and from which expenditures may be made.
- (oo) Establish and deposit into and expend monies from a surplus fund by using funds 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, including runways, taxi strips, and aprons.
- (pp) By resolution, borrow money and issue bonds in the manner and within the limitation, except as otherwise provided in this act, prescribed by general law for the issuance and authorization of bonds; however, any bonds issued by

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the Authority shall have a maturity date not exceeding 40 years from the date of issuance, shall be self-liquidating or otherwise payable from revenues of the Authority, shall be payable semiannually, and shall not be a lien against the general taxing powers of the county or any municipality.

- (qq) Enter into any 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. Such deeds of trust, indentures, or other agreements may contain provisions customary in such instruments or as authorized by the Authority.
- (rr) Secure the payment of bonds or any part thereof by pledging all or any part of its revenues and provide for the security of said bonds and the rights and remedies of the bondholders.
- (ss) Pending the preparation of definitive bonds, issue certificates or temporary bonds to the purchaser of bonds.
- (tt) Transact the business of the Authority and exercise all powers necessarily incidental to the exercise of the general and special powers granted in this act and under any other law.
- (uu) Exercise all powers of a local agency granted pursuant to part II of chapter 159, Florida Statutes, as may be amended from time to time, and to a governmental unit granted pursuant to part VII of chapter 159, Florida Statutes, as may be amended from time to time.
- (vv) Do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Authority.

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Section 9. Budget

~~INITIAL BUDGET PROCEDURES~~ — The Authority shall operate under the annual budget of the Authority for the 1994 — 1995 fiscal year, but may submit budget amendments pursuant to this section. The fiscal year for the Authority shall be October 1 through September 30 of each year. **For each fiscal year after the effective date of this act:**

~~(2) GENERAL BUDGET PROCEDURES~~ — For the 1995 — 1996 fiscal year and each fiscal year thereafter:

- (1) Prior to preparation of the annual budget as provided in paragraph (b), the Authority shall develop an annual proposed budget consisting of the elements described in paragraph (b), which shall be presented for a public hearing before the citizens of Alachua County. This public hearing shall be noticed as a budget hearing.
- (2) Following the public hearing conducted pursuant to paragraph (a), the Authority shall prepare an annual budget, consisting of an operating revenue/operating expense account, capital outlay account, and capital project account for its operations in the ensuing fiscal year. At the time the Authority prepares its annual budget, it shall adopt a resolution determining and finding the estimated amounts to be expended by the Authority in the ensuing year in each account, exclusive of any bonds or other indebtedness of the Authority, used to acquire, establish, construct, enlarge, operate and maintain the airport and airport facilities and other facilities related thereto, or for any other corporate purpose of the Authority.
- (3) The Authority may, at any time within a fiscal year, adopt budget amendments.
- (4) All anticipated revenues to be derived from the operation of the airport and airport facilities shall be included in the budget; provided, however, that any amounts of money, anticipated or actual, including funds in the Authority's budget for the preceding fiscal year which remain unencumbered and unexpended from the revenue derived under the budget for the preceding fiscal year, may, by resolution of the Authority, be set aside in a separate fund, to be known and described as a "Renewal and Replacement Fund," and accumulated in said fund from year to year for the purpose purchasing real and tangible personal property, and building and constructing permanent improvements, replacements, alterations, buildings, and other structure including, but not limited to, runways, taxi strips and aprons. Such funds may be disbursed from time to time out of the Renewal and Replacement Fund, upon proper resolution of the Authority solely for the payment of the cost of purchasing real and tangible personal property, and building and constructing permanent improvements, replacements, alterations, buildings, and other structures, including, but not limited to, runways, taxi strips and aprons.
- (5) The Authority shall adopt budget procedures to establish the direct and indirect costs of operating and maintaining the airport and airport facilities, as well as the direct income derived therefrom. However, the budget of the Authority shall not include the

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maintenance and upkeep of navigational aids as performed and funded directly by the Federal Aviation Administration.

- (6) The City, the County and its other political subdivisions may by loan or grant, fund budget deficits of the Authority, and all may guarantee bonds issued by the Authority.

~~Section 6. Employees~~

- ~~(1) —The Authority shall employ an aviation-experienced manager to administer and manage all operations of the airport and airport facilities and to supervise all airport projects. The manager shall employ, supervise, and remove all other employees of the Authority. All personnel actions of the Authority shall be based upon merit and cause and implemented pursuant to personnel policies of the Authority.~~
- ~~(2) —The Authority shall provide terms and conditions of employment for its employees.~~
- ~~(3) —Nothing in this act shall interfere with the rights of the parties to that certain agreement between the Authority and the City pursuant to sections 6(c) and (d) of chapter 86-469, Laws of Florida.~~

Section 10. Relationship between the Authority, City, County

- (1) The Authority shall have the power and responsibility to operate the airport and airport facilities in a manner consistent with applicable federal, state, county, and city law. The City has no power to operate or maintain the airport and airport facilities. 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. All construction upon the airport shall be subject to inspection by the City on behalf of the state and the city inspectors may ensure compliance with applicable state regulation for such construction in addition to applicable City regulations.

Section 11. Title to airport land

- (1) The City may convey title to the land comprising the Gainesville Regional Airport to the Authority for no monetary consideration. Nothing in this act shall be construed to impair the obligations of any original agreements with the Federal Government or of any agreement between the City or any of its agencies and fixed-base operators of the airport entered into as of the effective date of this act.

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Section 9. Bonding power

Section 12. Bonds

- ~~(1) The Authority is empowered and authorized to issue revenue or refund bonds. The purpose of the bonds shall be to pay all or any part of the cost for acquisition and development of property by the Authority for the design and construction or reconstruction of any authorized project, for equipment, or for refunding of bonds for the same purpose.~~
- ~~(2) Bonds issued under this section shall be authorized by resolution of the Authority. Such bonds may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, be in such nomination or denominations, be in such form, registered or not, with or without coupon, carry such conversion or registration privileges, have such rank or priority be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or trust indenture or mortgage issued pursuant thereto. Such bonds shall bear interest at such rate or rates allowed by s. 215.84, Florida Statutes.~~
- ~~(3) The Authority shall determine the terms and manner of sale and distribution or other disposition of any and all bonds it may issue and shall have any as all powers necessary or convenient to such disposition.~~
- ~~(4) The Authority may establish and administer such sinking funds as it deems necessary or convenient for the payment, purchase, or redemption of any outstanding bonded indebtedness of the Authority.~~

(1) Bonds may be issued to finance one or more or a combination of Authority facilities. Subject to any prior rights of bondholders, proceeds of such bonds may be pledged and used to pay the cost of the acquisition, construction, or improvement of one or more or a combination of Authority facilities or to refund bonds previously issued for such purpose. Revenues of the Authority, regardless of the airport project or other source from which they are derived, may be pledged to pay bonds issued to finance the cost of Authority facilities and to pay refunding bonds and ancillary costs associated with such financings.

(2) Except as otherwise provided by this act, security, payment provisions, contracts, terms, and other attributes of bonds issued by the Authority shall be specified by the Authority by initial or amendatory resolution, trust agreement, or other bond documentation.

(3) The bonds shall be executed by manual or facsimile signature by the officers the Authority has designated, provided that such bonds bear at least one signature which is manually executed to the extent required by general law. Any coupons

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attached to the bonds shall bear the facsimile signature or signatures of the officer or officers designated by the Authority. If any member or officer whose manual or facsimile signature appears on any bond or coupon ceases to be a member or an officer before the delivery of the bonds, such signature shall be valid and sufficient for all purposes as if that member or officer had remained in office until delivery. The bonds shall bear the seal of the Authority affixed as provided by resolution.

- (4) Bonds may be sold either at public or private sale at such price or prices determined by the Authority.
- (5) Any bonds issued pursuant to this act are negotiable instruments and investment securities under chapter 678, Florida Statutes, as may be amended from time to time.
- (6) The pledge by the Authority of its revenues to the payment of its bonds by the terms of a resolution or through any deed of trust, indenture, or other agreement creates a valid and binding lien thereon and a prior perfected security interest therein from the time the pledge is made. Any revenues so pledged are immediately subject to a lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind against the Authority, irrespective of whether such parties have notice thereof. No resolution, deed of trust, indenture, or other agreement by which a pledge is created need be filed or recorded, except in the records of the Authority, and notice is not required to be given to any obligor of such revenues. No filings under the Florida Uniform Commercial Code are required in order to perfect any pledge granted.
- (7) No approval of the qualified electors or qualified freeholders of the state or of the county may be required for the issuance of any bonds by the Authority unless such approval is required by the provisions of the Constitution of the State of Florida.
- (8) Notwithstanding any other provision of law, bonds issued by the Authority are legal investments for banks, savings banks, trustees, executors, all other fiduciaries, and all state, municipal, and other public funds. Any such bonds are securities eligible for deposit for the securing of all state, municipal, and other public funds.

~~Section 10. Bonding rights — The State of Florida does pledge to, and agree with, the Federal Government and any person, firm or corporation, subscribing to or acquiring the bonds to be issued by the Authority for the construction, acquisition, extension, improvement or enlargement of projects, or any part thereof, that the state will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued, together with the interest therein, are fully paid and discharged or until provision is made therefore. The State of Florida does further pledge to, and agree with, the Federal Government that in the event that the Federal Government shall construct or contribute any funds for the construction, acquisition, extension, improvement or enlargement of said projects, or any part thereof, the state will not alter or limit the rights and powers of the~~

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~~Authority in any manner which would be inconsistent with the continued maintenance and operation of the projects, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the Authority and the Federal Government, and the Authority shall continue to have and may exercise all powers herein granted, so long as the same may be necessary or desirable for the carrying out of the purposes of this act and the purposes of the Federal Government in the construction, or acquisition or improvement or enlargement of said projects, or any part thereof.~~

Section 13. Bondholder rights and remedies

(1) The Authority may not do anything that will impair the security of the bondholders of the Authority or violate any agreement with them for their benefit.

(a) In addition to any other rights and remedies lawfully granted to bondholders in law, unless otherwise provided by the resolution or resolutions providing for the issuance of bonds, or by any deed of trust, indenture, or other agreement under which the bonds have been issued, holders of 25 percent or such other percentage as may be specified in any deed of trust, indenture, or other agreement under which the bonds were issued in the aggregate principal amount of the bonds then outstanding are entitled to appoint a trustee, upon notice as provided in this act and for the purpose provided in this act, if the Authority defaults in the payment of principal or interest for a period of 30 days after either becomes due, whether at maturity or upon call for redemption, or if the Authority fails to comply with the provisions of this act, its resolution or resolutions, or the requirements of any deed of trust, indenture, or other agreement under which the bonds were issued. Any such bondholders must first give written notice of their intention to appoint a trustee to the Authority by certified United States mail addressed to the chair of the Authority at the principal office of the Authority and to the holders of all other bonds then outstanding at their addresses shown on the registration books maintained by the Authority or the bond registrar. For purposes of this paragraph, any trustee appointed to serve in that capacity pursuant to a deed of trust, trust agreement, indenture, or other document by which bonds of the Authority have been issued is deemed to have been selected by the holders of bonds issued under that instrument. If more than one trustee is designated, either by two or more written instruments or pursuant to the provisions of this paragraph, the group of bondholders owning the highest percentage of bonds outstanding has the right to designate the single trustee to serve in that capacity for purposes of this act.

(b) Unless otherwise provided in any instrument pursuant to which such bonds were issued, any trustee, whether appointed by bondholders in accordance with the provisions of this act or in accordance with the terms of any deed of trust, indenture, or other agreement, may, upon written request of the holders 25 percent or such other percentage as may be specified in any deed

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of trust, indenture, or other agreement under which the bonds were issued in the aggregate principal amount of the bonds then outstanding may, in any court of competent jurisdiction, in his, her, or its own name:

1. By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the Authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate to carry out any agreement as to, or pledge of, the revenues of the Authority, and to require the Authority to carry out any other agreements with or for the benefit of the bondholders, and to perform its and their duties under this act.
2. Bring suit upon the bonds.
3. By action or suit in equity, require the Authority to account as if it were the trustee of an express trust for the bondholders.
4. By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.
5. By written notice given in the same manner as provided by this act to the Authority declare all bonds due and payable and, if all defaults are made good and with the consent of the holders of 25 percent or such other percentage as may be specified in any deed of trust, indenture, or other agreement under which the bonds were issued in the aggregate principal amount of the bonds then outstanding, annul such declaration and its consequences.

(3) Unless otherwise provided in any bond resolution, deed of trust, indenture, or other agreement pursuant to which bonds were issued, if a default continues for more than 60 days after written notice to the Authority, any trustee when appointed as aforesaid, or acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, upon the happening of any of the events of default specified in this section, shall be entitled as of right to appoint a receiver. The receiver may enter and take possession of any of the Authority facilities for which the Authority is in default as provided herein, or any part or parts thereof and the revenues which are or may be applicable to the payment of the bonds in default and operate and maintain the same, for and on behalf of and in the name of the Authority and the bondholders. The receiver shall collect revenues in the same manner as the Authority might, and shall use and apply such funds in accordance with the applicable bond documents or, if not so specified into a separate account, as directed by the court.

(4) Nothing in this section or any other section of this act authorizes any receiver appointed to sell, assign, mortgage, or otherwise dispose of any assets of the

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Authority. The powers of such receiver are limited to the operation and maintenance of the Authority facilities as the court may direct, in the name of and for and on behalf of the Authority and the bondholders. No holder of bonds or any court or any trustee is empowered by this act to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the Authority.

Section 14. Covenant of the State

- (1) The State of Florida does pledge to, and agree with, the Federal Government and any person, firm or corporation, subscribing to or acquiring the bonds to be issued by the Authority for the construction, acquisition, extension, improvement or enlargement of projects, or any part thereof, that the state will not limit or alter the rights hereby vested in the Authority until all bonds at any time issued, together with the interest therein, are fully paid and discharged or until provision is made therefore. The State of Florida does further pledge to, and agree with, the Federal Government that in the event that the Federal Government shall construct or contribute any funds for the construction, acquisition, extension, improvement or enlargement of said projects, or any part thereof, the state will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of the projects, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the Authority and the Federal Government, and the Authority shall continue to have and may exercise all powers herein granted, so long as the same may be necessary or desirable for the carrying out of the purposes of this act and the purposes of the Federal Government in the construction, or acquisition or improvement or enlargement of said projects, or any part thereof.

Section 15. Alcoholic beverage license

- (1) One beverage license as provided for in section 561.17, Florida Statutes, as may be amended from time to time, shall be issued to the Authority or other governmental agency operating Gainesville-Alachua County Regional Airport as provided in this section.
- (a) The beverage license shall be issued upon the written or printed application for licenses to conduct such business, made to the division stating the character of the business to be engaged in, the address of the building wherein the establishment sought to be licensed is or will be located, and the kind of license as defined in chapter 561, Florida Statutes, as may be amended from time to time, which the applicant desires. The application shall be in the name of the Authority or other governmental agency operating Gainesville-Alachua County Regional Airport and when issued shall be issued in the name of such applicant. The applicant shall pay to the division the license fees for the kind of license that the applicant desires.

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(b) Each license is renewable as provided by general law. Each beverage license shall be for the term and subject to the same privileges or renewal as provided in sections 561.26 and 561.27, Florida Statutes, as may be amended from time to time.

(c) Any business operated under any beverage license shall be operated only by a lessee of the restaurants and cocktail lounge or cocktail lounges or bars in the airlines terminal, administration building, or hotel at the airport to whom the license may be transferred. The Authority or governmental agency operating Gainesville-Alachua County Regional Airport and each authorized lessee shall make application to the division for the transfer of the license to the lessee, and the application shall be approved by the division if it meets the requirements of law to do so. Upon termination of a lease for any reason, the lessee shall immediately notify the division to retransfer the beverage licenses to the Authority or the governmental agency operating Gainesville-Alachua County Regional Airport. Upon failure of a lessee to notify the division, the Authority or the governmental agency operating Gainesville-Alachua County Regional Airport shall immediately notify the division in writing to transfer the license back to the Authority or other governmental agency operating Gainesville-Alachua County Regional Airport which may then transfer it to another authorized lessee. Thereafter, the beverage license may be transferred to any new lessee or the restaurants and cocktail lounge, cocktail lounges, or bars upon the same terms and conditions. Any alcoholic beverage license issued in accordance with this section is the property of the Authority or the governmental agency operating Gainesville-Alachua County Regional Airport, subject to transfer as provided by this act.

(2) This section does not preclude persons operating on property of the Authority from acquiring an alcoholic beverage license for use on its premises pursuant to general law and the rules of the division.

Section 16. Purchasing and Award of Contracts

Purchasing and award of contracts shall be consistent with the Authority's Purchasing Policy and the State of Florida statutes.

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~~(1) Except when done by employees of the Authority or by labor supplied under agreement with the federal, state, or local government or when required by or using the Consultants' Competitive Negotiation Act, all construction, improvements, repairs, or work of any nature done by the Authority, where the entire cost or value exceeds \$15,000, shall be done only under contract or contracts entered into by the Authority with the lowest responsive bid from a qualified responsible bidder upon proper terms, after advertisement has been given asking for competitive bids, provided that the Authority may reject any and all bids.~~

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- (2) ~~Any contract subject to section 255.05, Florida Statutes, as may be amended from time to time, in excess of \$15,000 shall not be entered into for construction, improvement, or repair of Authority facilities unless the contractor has sufficient surety or sureties, approved by the Authority, and in an amount fixed by the Authority, for the faithful performance of the contract. Any such contract shall include provisions that the person entering into the contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract and may maintain an action to recover for the same against the obligor in the undertaking, as though such person was named therein, provided the action is brought within 1 year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the Authority to construct, repair, or improve Authority facilities or any addition, betterment, or extension thereto, directly by the officers, agents, and employees of the Authority, or otherwise than by contract.~~ Deleted: ¶
- (3) ~~All supplies and materials costing in excess of \$15,000 shall be purchased only after advertisement. The Authority shall accept the lowest responsive bid from a responsible bidder, kind, quality, and material being equal, but the Authority has the right to reject any or all bids or select a single item from any bid.~~ Deleted: ¶
- (4) ~~Except as otherwise provided, the Authority may enter into and carry out such contract, or establish or comply with such rules concerning labor and materials and other related matters in connection with any project, or portion thereof, as the Authority may deem desirable or as may be requested by the Federal Government or state government assisting in the financing of Authority facilities. It is further provided, however, that the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract authorized to be assigned to it under the provisions relating to the transfer of existing facilities to the Authority as provided by this act. This section shall not apply to any contract in connection with the construction of Authority facilities which the Authority has had transferred to it. Furthermore, the provisions of this section shall not apply to any contract or agreement between the Authority and any engineers, architects, attorneys, agents, or other professional services.~~ Deleted: ¶
- (5) ~~The Authority may use, as an alternative, the provisions of section 255.20, Florida Statutes, as may be amended from time to time, to satisfy the competitive bidding requirements of this section.~~ Deleted: ¶
- (6) ~~The advertisement and bidding requirements of this section do not apply when the Authority purchases goods, supplies, materials, or services through a contract issued by federal, state, or local government if such contract was issued using a competitive process.~~
- (7) ~~This section does not apply to the purchase of patented and manufactured products and services offered in a noncompetitive market or solely by a manufacturer's authorized dealer.~~

Section 17. Exemption from taxation

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(1) Any property owned or otherwise acquired by the Authority is exempt from taxation to the same extent as other property used for public purposes. The effectuation of the authorized purposes of the Authority shall and will be, in all respects, for the benefit of the people of the state and the county for the increase of their commerce and prosperity, and for the improvement of their welfare, health, and living conditions and, since such Authority will be performing essential governmental functions in effectuating such purposes, such Authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property required or used by it for such purposes, or any rates, fees, rentals, receipts, or incomes at any time received by it, and the bonds issued by the Authority, their transfer and the income therefrom, including any profits made in the sale thereof, and any security instruments or agreements securing the repayment thereof, are free from taxation of any kind by the state or any political subdivision or taxing agency or instrumentality thereof.

Section 18. Discrimination prohibited

(1) The Authority and its lessees, including successors in interest, shall not because of race, color, sex, religion, national origin, age, handicap, or marital status of any individual refuse to hire, employ, bar, or discharge from employment such individual or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions, or privileges of employment.

(2) No person on the grounds of race, color, sex, religion, national origin, age, handicap, or marital status shall be excluded from the participation in, denied the benefits of, or otherwise subjected to discrimination in the use of leased premises of the Authority.

(3) In furnishing services or materials, or in the construction of any improvements, no person shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination with respect thereto.

(4) There is no right to apply to the court for relief on account of any order, requirement, decision, determination, or action of the Authority pursuant to this section unless there has been an appeal to the Authority.

~~Section 12. Building restriction—The erection of any new structures or the alteration of any existing structures on the airport that would constitute a hazard to air navigation affecting any facility operated by the authority as the same is defined by the criteria set forth in Regulations of the Administrator, Federal Aviation Agency, Washington, D.C., is hereby prohibited.~~

Section 19. Litigation

Nothing herein shall interfere with any legal action filed by or against the City or predecessor or predecessors of the Authority. The Authority may become a party in any such action as provided

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by law. Nothing herein shall impair the right of the City and/or the Authority to initiate, pursue, or defend litigation.

Section 20. Severability

If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared severable.

Section 21. Effect on other laws

This act shall supersede any law, whether general, special or local, establishing an airport Authority, and, to the extent inconsistent with this act, any local ordinance or resolution regarding the operation of the airport facility.

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