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**CHAPTER 88-439****Senate Bill No. 493**

An act relating to the City of Quincy and Gadsden County; creating a dependent special district in the county to be governed by the Quincy-Gadsden Airport Authority; providing definitions; providing for the membership of the authority; granting the authority the power to acquire, finance, and operate an airport and other projects within the district; providing for the authority to issue revenue bonds or other obligations to finance various projects; providing for the payment of the expenses of the authority from funds of the City of Quincy and the County of Gadsden; authorizing the authority to enter into contracts, leases, mortgages, and other agreements and exercise all incidental powers necessary to carry out the purposes of this act; providing for financial reports and budget procedure; requiring the authority to carry insurance and providing for indemnification of the city and county; requiring notice of meetings of the authority; prohibiting the creation of certain debts; providing for airport zoning regulations; providing for construction of the act; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act may be cited as the "Quincy-Gadsden Airport Authority Act."

Section 2. Definitions.--As used in this act, the term:

(1) "Authority" means the governing body of the Quincy-Gadsden Airport District.

(2) "Cost of project" includes the cost of construction; the cost of all lands, properties, easements, rights and franchises acquired; the cost of machinery, equipment, and all improvements; financing and refinancing charges; interest prior to and during the construction and for a period of time after such construction; cost of engineering, architectural, and legal expenses and plans and specifications and other expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; and such other expenses as may be necessary or incident to the financing authorized by this act for the construction of any project, the placing of same in operation, or the leasing or renting thereof.

(3) "District" means the dependent special district created by this act to be known as the Quincy-Gadsden Airport District.

(4) "Project" means any of the following when undertaken, owned, controlled, or operated by the authority:

(a) Any airport, runways, taxiways, air navigation facilities, maintenance and service facilities, passenger terminals, and buildings and structures and all appurtenant and related facilities necessary or convenient for the complete management, operation, and maintenance of such facilities; and

(b) Industrial and manufacturing plants including water, sewage, pollution, and waste control facilities, and all appurtenant facilities for the complete operation thereof, and such other capital projects as may otherwise be provided or authorized by the Florida Industrial Development Financing Act and other applicable general laws, all appurtenant to and located on an airport that is undertaken, owned, controlled, or operated by the authority.

Section 3. District; creation and purpose.--For the purpose of performing such acts as are necessary for the sound planning for, and development and maintenance of, an airport and for the purpose of managing and operating an airport and airport facilities, for the City of Quincy and Gadsden County and the territory included within the district, including any industry, commerce, or business necessary and incidental thereto, a dependent special district is hereby created and incorporated, to be known as the Quincy-Gadsden Airport District, in Gadsden County, which dependent special district is a public body corporate and politic and includes all territory within the county boundaries of Gadsden County.

Section 4. Membership of the authority; appointment and terms of office.--The governing body of the district shall be composed of five members, each of whom must be a resident and an elector of Gadsden County. Two members shall be appointed by the City Commission of the City of Quincy; two members shall be appointed by the Board of County Commissioners of Gadsden County; and one member shall be selected by the other four members. The initial appointments shall be for staggered terms as follows: One member appointed by the city

commission and one member appointed by the board of county commissioners shall be appointed to serve for a term of 3 years each; the other member appointed by the city commission and the other member appointed by the board of county commissioners shall be appointed to serve for a term of 2 years each; and the fifth member appointed by the other four members shall be appointed to serve for a term of 1 year. Thereafter, all subsequent appointments shall be for 3-year terms. The term of each initial member shall begin on the effective date of this act. Any member of the authority may be removed by the appropriate appointing authority for misfeasance, malfeasance, or willful neglect of duty. Each appointment made subsequent to the initial 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 the original appointment. A vacancy in office shall be filled for the balance of the term by the appropriate appointing entity in the same manner as the original appointment. A member may not serve for more than two consecutive terms.

Section 5. Chairman, vice chairman, and airport manager.--The authority shall appoint a chairman, vice chairman, secretary, such other officers as the authority deems advisable, and an airport manager, each of whom shall be appointed to serve for such term and for such remuneration as is provided by the authority.

Section 6. Quorum, transaction of business.--A majority of the members of the authority qualified and serving shall constitute a quorum for the transaction of the business of the authority.

Section 7. Meetings; rules of procedure.--As soon as practicable after the effective date of this act, the authority shall meet and arrange a time for holding meetings of the authority. It may adopt such rules of organization and procedure as it deems necessary and expedient.

Section 8. Duties.--It is the duty of the authority to make a study of the advantages, facilities, resources, products, attractions, conditions, and all other data concerning the district that relate to the airport and air navigation needs; provide for the development, construction, operation, and maintenance of the airport and related facilities; encourage industry to locate on the airport in the district and use such means and media as the authority deems advisable to make public such data and material to such persons, firms, corporations, agencies, and institutions which the authority finds could encourage industry to locate on and use the airport; cooperate with any and all other governmental agencies in accomplishing the purposes of this act; and do all other things it deems advisable in its effort to effectively maintain an airport and the location of industry thereon. The duties of the authority provided in this section are declared to be a proper district, municipal, county, and public purpose.

Section 9. Expenses; gifts; compensation.--The City Commission of the City of Quincy and Board of County Commissioners of Gadsden County are hereby authorized to pay, out of their general funds, the expenses of the authority and the costs of carrying out the purposes of this act. The City Commission of the City of Quincy and the Board of County Commissioners of Gadsden County shall each furnish 50 percent of the funds necessary to meet the expenses of the authority until such time as is mutually agreed upon by the city commission and the board of county commissioners. Thereafter, the city commission

and the board of county commissioners may each appropriate such amount of its funds to support the authority as is mutually agreed upon by the city commission and the board of county commissioners. The expenditure of funds by the city commission to carry out the purposes of this act is declared to be a proper municipal purpose and the expenditure of funds by the board of county commissioners is declared to be a proper county purpose. In addition to the funds received from the general funds of the city and of the county, the authority may accept, receive, and expend, for carrying out the purposes of this act, such sums as may be offered as gifts, donations, grants, or bequests from any source whatever. The members of the authority shall receive no salary or other compensation for their services. The authority shall, however, pay reasonable costs and expenses necessarily incurred by the members in the performance of their duties.

Section 10. Lease of property for airport and industrial purposes.--The City Commission of the City of Quincy or Board of County Commissioners of Gadsden County may lease, sell, or give to the authority any property which, in the discretion of the city commission or board of county commissioners, is not needed for its governmental purposes.

Section 11. Powers.--The Quincy-Gadsden Airport Authority shall have the following powers:

- (1) To adopt and alter an official seal.
- (2) To sue and to be sued in its own name.
- (3) To acquire, hold, and dispose of personal property and real property for its purposes.
- (4) To enter into contracts with governmental agencies and subdivisions of the state or of the United States, or with any private person, firm, or corporation, in order to carry out the purposes of this act.
- (5) To acquire property, real or personal, for the purpose of establishing, constructing, enlarging, managing, or operating an airport, runways, navigational facilities, buildings, structures, industrial parks, passenger terminals, fuel storage facilities, roadways, taxiways, utility systems, or other facilities or improvements necessary or desirable for the servicing of aircraft, the comfort or accommodation of air travelers, or the operation of airport facilities for either foreign or domestic air transportation.
- (6) To acquire, by the power of eminent domain in the manner provided in chapter 73, Florida Statutes, or chapter 74, Florida Statutes, land and the improvements thereon, but only for public airport purposes. In addition, the authority may acquire land or other property for airport purposes by grant, donation, purchase, or lease in the manner otherwise provided in this act for other projects. The authority may not sell any land acquired for airport purposes but may lease or rent such land as necessary to further the purposes of this act.
- (7) To establish such rates, charges, or user fees for the use of the airport or airport facilities as the authority deems necessary.

(8) To construct or provide for the construction of such special purpose facilities as are usually provided for the repair or servicing of aircraft or for the comfort or convenience of the public, including, but not limited to, fueling equipment and storage facilities, concessions, restaurants, food and beverage facilities, hotels or other lodging facilities, parking lots, and similar facilities. The authority may lease, but may not sell, such special purpose facilities to private operators or concessionaires, or such facilities may be operated by the authority in its discretion.

(9) To employ, in the operation and management of the airport, such managers, supervisors, technicians, or other personnel as are necessary for the economical and efficient management thereof, and to adopt rules and regulations with reference to all projects and matters under its control. All rules and regulations of the authority shall be open to public inspection and a copy thereof must be provided by the authority, at cost, to any person who requests such copy.

(10) To have full power, in acquiring property for airport purposes from the City of Quincy, Gadsden County, or any public agency or in operating an airport, to contract with the Federal Aviation Authority or any federal agency which exercises any authority with respect to aviation, air navigation, or air transportation. The authority must abide by all rules and regulations of such federal agencies including the rules and regulations governing the uses to which land acquired for airport purposes may be put and the rules and regulations governing the operation of the airport, air navigation facilities, and aircraft. The authority may assume any obligation, covenant, or agreement imposed prior to the effective date of this act by any governmental agency by deed, deed restriction, or contract on the City of Quincy, Gadsden County, or any other governmental agency therein with respect to airports or aviation.

(11) To exercise the powers granted to municipalities under chapter 332, Florida Statutes, in acquiring, financing, and operating an airport and air navigation facilities.

(12) To advertise and publicize the use of its airport and to expend its funds for such purposes.

(13) To finance or refinance the acquisition or construction of projects by issuing revenue bonds or other debt obligations in the manner provided by chapter 332, Florida Statutes, or as provided by any other applicable general law.

(14) To select and appoint agents and employees, including engineers, architects, appraisers, realtors, financial consultants, accountants, and attorneys and to fix their compensation.

(15) To enter into contracts, and to execute any instrument necessary or convenient, including a contract for the construction, lease, rental, or use of any project.

(16) To borrow money for any of its purposes and to execute any notes, mortgages, deeds to secure debt, trust deeds, trust agreements, or such other instruments as are necessary or convenient to evidence and secure such borrowing.

(17) To construct, acquire, own, maintain, extend, improve, equip, operate, and manage projects located on property owned or leased by the authority and to pay the cost of any such project from the proceeds of revenue bonds of the authority or from any other source.

(18) To report at least annually and in writing to the City Commission of the City of Quincy and the Board of County Commissioners of Gadsden County on the management and operation of its airport and airport facilities and projects.

(19) To exercise any power granted by the laws of the state to public or private corporations performing similar functions which is not in conflict with the State Constitution, to do all things necessary or convenient to carry out the powers expressly conferred by this act and the purposes of this act.

Section 12. Financial reports; audits.--The authority shall, on or before November 30 of each year, file an annual financial report for the fiscal year ending September 30 immediately preceding with the City Commission of the City of Quincy and the Board of County Commissioners of Gadsden County. The authority shall, on or before August 1 of each year, submit to the city commission and to the board of county commissioners a detailed proposed budget for its operations in the succeeding fiscal year beginning October 1. The authority shall, with approval of the city commission and the board of county commissioners, fix a date and time on or before August 31 for a public hearing on the proposed budget of the authority. Reasonable notice of the public hearing must be advertised one time in a newspaper of general circulation published in Gadsden County. The authority, the city commission, and the board of county commissioners shall convene on the date fixed in the advertisement and from day to day thereafter if deemed necessary for the purpose of holding such public hearing and making whatever revisions in the proposed budget as are deemed necessary. The city commission and the board of county commissioners, after their examination of the authority's proposed budget and at a public hearing, may approve or disapprove the budget of the authority. If the city commission and the board of county commissioners cannot agree on the budget of the authority, in order to assure the continued operation and maintenance of the airport and its facilities and projects, the matter shall be submitted to three independent arbitrators mutually selected by the city commission and the board of county commissioners, and the recommendation of a majority of such arbitrators shall be resubmitted to the city commission and the board of county commissioners for their approval. Upon approval by the city commission and the board of county commissioners, the budget shall become fixed and may not be amended except by the joint action of the city commission and the board of county commissioners. All expenses incurred for the fiscal year for which the budget is fixed shall be vouchered and charged on the financial records against the budget of that year, and, to carry out this provision, the authority may hold its books open for 30 days after the expiration of the fiscal year. The authority may not expend or contract to expend in any fiscal year more money than is budgeted. Total appropriations may not be exceeded. However, adjustments within the total budget may be made by majority vote of the authority. The authority may not incur indebtedness in excess of the expenditures authorized in the budget, pay any illegal charge against the authority, or pay any claim against the authority not authorized by law, and any member of the authority who concurs in

such act is guilty of malfeasance in office and subject to removal from office.

Section 13. Insurance and indemnification.--The authority shall carry liability and property damage insurance in amounts sufficient to reasonably cover the exposure of the operation and maintenance of its airport, facilities, and projects, and the authority shall indemnify, protect, and hold harmless the City of Quincy and Gadsden County from and against any and all claims resulting from the use, occupancy, operation, or maintenance of its airport, facilities, or projects. The authority shall furnish the City of Quincy and Gadsden County with certificates of such insurance.

Section 14. Notice of meetings.--The authority must give notice of its proposed meetings by publication in a newspaper of general circulation in Gadsden County of the place and time of such meeting at least 48 hours prior thereto. However, the failure to give such notice shall not affect the validity of any meeting, and, in the case of emergency meetings, such notice requirement may be waived by a vote of two-thirds of the members of the authority.

Section 15. Creation of state, municipal, or district debts prohibited.--The authority may not create a debt against the state, the City of Quincy, or Gadsden County. All revenue bonds or debt obligations must contain on the face thereof a statement to the effect that the state, the county, and the city are not obligated to pay the same or the interest thereon; that the bonds or obligations are payable by the authority only from revenues of the project or the portion thereof for which they are issued; and that neither the faith and credit or the taxing power of the state or of any of its political subdivisions is pledged to the payment of the principal or the interest on the bonds or obligations.

Section 16. Zoning regulations.--The authority may exercise and perform all of the powers and prerogatives conferred upon political subdivisions by chapter 333, Florida Statutes, as from time to time amended, with respect to the adoption and enforcement of airport zoning regulations. Any airport zoning regulations adopted by the authority pursuant to such chapter shall supersede prior regulations adopted by the airport zoning board of the City of Quincy and Gadsden County insofar as such prior regulations pertain to an airport under the jurisdiction of the authority.

Section 17. Construction and purpose of act.--

(1) The purpose of this act is to develop and promote the welfare of the public and of the City of Quincy and Gadsden County, and the act shall be liberally construed to effect its purpose.

(2) The powers conferred by this act are in addition and supplementary to existing powers.

(3) The exercise of the powers granted by this act are in all respects for the benefit of the people of the state, for the increase of their industry and prosperity, for the improvement of their health and living conditions, and for the provision of gainful employment and constitute the performance of essential public functions.

(4) The authority may exercise all the powers in connection with the authorization, issuance, and sale of revenue bonds to finance the cost of capital projects conferred on counties, municipalities,

special districts, and other local governmental bodies by the Florida Industrial Development Financing Act, and all of the privileges, benefits, powers, and terms of such act are fully applicable to the authority.

Section 18. 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 provision or application, and to this end the provisions of this act are declared severable.

Section 19. This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 7, 1988.

Filed in Office Secretary of State June 7, 1988.

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