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CS/HB 787

2021 Legislature

1
 2 An act relating to the St. Augustine-St. Johns County
 3 Airport Authority, St. Johns County; amending chapter
 4 2002-347, Laws of Florida; renaming the St. Augustine-
 5 St. Johns County Airport Authority as the St. Johns
 6 County Airport Authority; authorizing the authority to
 7 conduct airport operations under a specified name;
 8 making a technical change; providing an effective
 9 date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Sections 1 through 3 of section 3 of chapter
 14 2002-347, Laws of Florida, are amended to read:

15 Section 1. Status of the St. Johns ~~St. Augustine-St. Johns~~
 16 County Airport Authority.—The St. Johns ~~St. Augustine-St. Johns~~
 17 County Airport Authority is declared to be an independent
 18 special district pursuant to chapter 189, Florida Statutes, as
 19 it may be amended from time to time. The St. Johns County
 20 Airport Authority may conduct airport operations under the name
 21 "Northeast Florida Regional Airport."

22 Section 2. Boundaries of the St. Johns ~~St. Augustine-St.~~
 23 ~~Johns~~ taxing district.—All lands lying within St. Johns County,
 24 Florida, shall constitute the boundaries of the St. Johns ~~St.~~
 25 ~~Augustine-St. Johns~~ County special taxing district.

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26 Section 3. Minimum charter requirements.—In accordance
 27 with section 189.031(3) ~~189.404(3)~~, Florida Statutes, the
 28 following subsections constitute the charter of the St. Johns
 29 ~~St. Augustine-St. Johns~~ County Airport Authority:

30 (1) There is hereby created an authority to be known as
 31 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority
 32 with the power to sue and be sued and with the additional powers
 33 specified herein.

34 (2) There is also created a special taxing district in St.
 35 Johns County, which district shall be a body politic and
 36 corporate and political subdivision of the state under the name
 37 of "St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority
 38 District." The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 39 Authority shall be the governing body and shall exercise its
 40 powers and jurisdiction within the territory of said district,
 41 which shall comprise all of St. Johns County.

42 (3) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 43 Authority shall be governed by a board of five members known as
 44 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority
 45 board. The expiration of each 4-year term for each seat is
 46 staggered, such that two or three of the five seats are elected
 47 every 2 years. At the general election held prior to the
 48 expiration of each of said terms, successors shall be elected by
 49 the qualified electors residing within the boundaries of the St.
 50 Johns ~~St. Augustine-St. Johns~~ County Airport Authority District

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51 for a term of 4 years, to expire the first Tuesday after the
52 first Monday in January following the election. Vacancies in
53 office shall be filled by appointment of the Governor and
54 confirmed by the Senate for the remainder of the unexpired
55 terms. No member of the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County
56 Airport Authority board shall be an officer or employee of the
57 City of St. Augustine, St. Johns County, or the State of
58 Florida, except members of the militia or notaries public. Not
59 more than two of the members shall be persons who are primarily
60 engaged in the aviation business, and no person shall be
61 eligible for appointment or election as a board member except
62 persons residing within the boundaries of the St. Johns ~~St.~~
63 ~~Augustine~~ ~~St. Johns~~ County Airport Authority District. The
64 members constituting the St. Johns ~~St. Augustine~~ ~~St. Johns~~
65 County Airport Authority board shall select one of their number
66 as chair, and the term of office of the chair shall be 1 year.
67 The members shall receive no compensation for their services,
68 but they are authorized to be reimbursed for verified travel and
69 other expenses, which shall be paid from the funds of the
70 Authority. Three members shall constitute a quorum for the
71 purpose of conducting business, exercising powers, and all other
72 purposes. Notices of election shall be given through the Office
73 of the Secretary of State, as provided by the general laws of
74 the state. Members of the St. Johns ~~St. Augustine~~ ~~St. Johns~~
75 County Airport Authority board shall be identified on such board

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76 | by numbered groups, and candidates for election to such board
77 | shall qualify in particular groups, and otherwise as provided by
78 | the laws of the state.

79 | (4) The St. Johns ~~St. Augustine~~~~St. Johns~~ County Airport
80 | Authority is empowered to employ an executive director, a legal
81 | counsel, and other such permanent or temporary employees,
82 | including, but not limited to, technical experts, secretaries,
83 | and clerical help, as may be needed to operate the Authority.
84 | The St. Johns ~~St. Augustine~~~~St. Johns~~ County Airport Authority
85 | board is empowered to determine the qualifications, duties, and
86 | compensation of said employees, the compensation to be fixed by
87 | resolution of the members of the board and to be paid from the
88 | income of the Authority.

89 | (5) The St. Johns ~~St. Augustine~~~~St. Johns~~ County Airport
90 | Authority as hereby created is authorized and empowered to own
91 | and acquire property by purchase, lease, lease-purchase, eminent
92 | domain, gift, or transfer from the City of St. Augustine, the
93 | United States of America, the State of Florida, or any agencies
94 | thereof, and other entities or individuals, and to acquire,
95 | construct, maintain, and operate airport facilities, warehouses,
96 | hangars, repair facilities, seaplane bases, and all other
97 | facilities incident to the operation of airport facilities for
98 | both foreign and domestic air transportation, either by land
99 | planes or seaplanes, including multimodal transportation
100 | facilities which interconnect with the airport facility. The

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101 Authority is authorized and empowered to own, acquire, and
 102 operate airplanes, seaplanes, and lighter-than-air craft, and to
 103 engage in instruction in aviation, research in aeronautical
 104 fields, and promotion of aeronautical development. Property of
 105 the St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority
 106 may be utilized for purposes which are not related to aviation.

107 (6) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 108 Authority is authorized and empowered to conduct activities
 109 necessary to create and support a multimodal transportation
 110 system to interconnect with and support the airport activities
 111 and to serve the district and the region.

112 (7) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 113 Authority shall have the right and power of eminent domain over
 114 real and personal property and to maintain eminent domain
 115 proceedings in the form and in the manner as prescribed by the
 116 general laws of the state, provided that the power of eminent
 117 domain shall be exercised to carry out the purposes of this act.

118 (8) The St. Johns ~~St. Augustine-St. Johns~~ County Airport
 119 Authority is authorized and empowered to enter into contracts
 120 with any individual, corporation, or political subdivision or
 121 agency of the state, and the United States of America, and to
 122 enter into operating contracts or leases for facilities owned by
 123 the Authority and any and all other contracts for furthering the
 124 business, operation, and maintenance of the facilities as herein
 125 provided, including the right to lease any or all airport

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126 facilities and appurtenances to individuals, corporations, or
 127 government entities. The Authority is further authorized to fix
 128 and revise from time to time rates, fees, and other charges for
 129 the use of and for the services furnished or to be furnished by
 130 any airport facility owned or operated by the Authority. Such
 131 rates, fees, and charges shall be fixed and revised so that the
 132 revenues of the Authority, together with any other available
 133 funds, will be sufficient at all times:

134 (a) To pay the costs, including salaries, for maintaining,
 135 operating, and repairing the airport facilities owned or
 136 operated by the Authority, including reserves for such purposes.

137 (b) To pay the principal of and interest on all bonds or
 138 revenue certificates issued by the Authority under the
 139 provisions of this act as the same become due and payable and to
 140 provide reserves therefor.

141
 142 Notwithstanding any of the foregoing provisions of this section,
 143 the Authority may enter into contracts relating to the use of or
 144 for the services furnished or to be furnished by any airport
 145 facility, which contracts shall not be subject to revision
 146 except in accordance with the terms of such contracts.

147 (9) Within the limits of its budget, the St. Johns County
 148 ~~St. Augustine-St. Johns~~ Airport Authority is authorized to
 149 borrow money and give its notes as evidence of indebtedness

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150 therefor in order to carry out the purposes and authorizations
151 of this act.

152 (10) To carry out the purposes of this act, the Authority
153 is authorized, for the purpose of construction, acquiring,
154 paying for, and improving its properties and facilities, to
155 raise moneys by the issuance and sale of revenue bonds or
156 certificates or general obligation bonds or combined revenue and
157 general obligation bonds.

158 (a) Revenue bonds or certificates issued pursuant to this
159 act shall be payable from and secured by a pledge of all or any
160 part of the income, rents, and revenues derived by the Authority
161 from any of its properties or facilities now or hereafter owned
162 or operated by the Authority. The Authority may further pledge
163 its full faith and credit and taxing power for the payment of
164 such revenue bonds or certificates to the full extent that the
165 revenues derived from the operation of the properties and
166 facilities of the Authority are insufficient for the payment of
167 the principal of and interest on and reserves for such revenue
168 bonds or certificates, provided that the issuance of such
169 revenue bonds or certificates, if the full faith and credit of
170 the Authority are pledged therefor, have been first approved by
171 the qualified electors residing in the district in the manner
172 provided in Section 12 of Article VII of the State Constitution.

173 (b) The Authority may also issue its general obligation
174 bonds for the purposes aforesaid and may pledge its full faith

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175 | and credit and taxing power for the payment of the principal of
 176 | and interest on said bonds and reserves therefor as the same
 177 | become due, provided that the issuance of such general
 178 | obligation bonds has been first approved by the qualified
 179 | electors residing in the district in the manner provided in
 180 | Section 12 of Article VII of the State Constitution.

181 | (c) Any bond election of the qualified electors residing
 182 | in the district shall be called and held in the manner provided
 183 | in the applicable Florida Statutes for the holding of bond
 184 | elections.

185 | (d) After the issuance of any revenue bonds, which are
 186 | additionally secured by the full faith and credit of the
 187 | Authority as provided above, or of any general obligation bonds,
 188 | the Authority shall have the power and shall be irrevocably
 189 | obligated to levy ad valorem taxes on all taxable property
 190 | within the district to the full extent necessary to pay the
 191 | principal of and interest on and reserves for any general
 192 | obligation bonds issued, as the same mature and become due, and
 193 | to pay the principal of and interest on and reserves therefor
 194 | due on any revenue bonds or certificates to the full extent that
 195 | the revenues derived from the operation of the Authority's
 196 | properties and facilities are insufficient for the payment
 197 | thereof.

198 | (e) Any of said revenue bonds or certificates or general
 199 | obligation bonds may be authorized by resolution or resolutions

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200 adopted by the Authority, which may be adopted at the same
201 meeting at which they are introduced, by a majority of all the
202 members of the Authority then in office and need not be
203 published or posted. The bonds shall bear interests at the rate
204 or rates allowable by general law, may be in one or more series,
205 may bear such date or dates, may mature at such time or times
206 not exceeding 40 years from their respective dates, may be
207 payable in such medium of payment, at such place or places
208 within or without the state, may carry such registration
209 privileges, may be subject to such terms or prior redemption,
210 with or without premium, may be executed in such manner, may
211 contain such terms, covenants, and conditions, and may be in
212 such form, all as such resolution or subsequent resolutions
213 shall provide. The bonds may be sold or exchanged for refunding
214 bonds or delivered to contractors in payment for any part of the
215 works or improvements financed by such bonds, or delivered in
216 exchange for any properties, either real, personal, or mixed,
217 including franchises, to be acquired for such works or
218 improvements, all at one time or in blocks from time to time, in
219 such manner and at such price or prices, as the board of the
220 Authority in its discretion shall determine and in accordance
221 with Florida Statutes.

222 (f) Pending the preparation of the definitive bonds,
223 interim certificates or receipts or temporary bonds in such form
224 and with such provisions as the Authority board may determine

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225 | may be issued to the purchaser or purchasers of the bonds issued
226 | hereunder. The bonds and such interim certificates or receipts
227 | or temporary bonds shall be fully negotiable and shall be and
228 | constitute negotiable instruments within the meaning of and for
229 | all purposes of the law merchant and the negotiable-instruments
230 | law of the state.

231 | (g) Said bonds may be issued to refund any obligations
232 | therefor issued pursuant to this act or any other law to finance
233 | the construction or acquisition of properties or facilities of
234 | the Authority at or before the maturity of such outstanding
235 | obligations, or for the combined purposes of refunding such
236 | outstanding obligations and the construction or acquisition of
237 | properties or facilities of the Authority.

238 | (h) In the event the Authority issues revenue bonds or
239 | certificates, whether payable from the revenues of the
240 | properties and facilities of the Authority or secured by a
241 | pledge of the full faith and credit of the Authority as provided
242 | above, the Authority may make valid and legally binding
243 | covenants with the holders of said revenue bonds or certificates
244 | as to the purposes for which the proceeds of the revenue bonds
245 | or certificates may be applied and the securing, use, and
246 | disposition thereof; the creation and maintenance of reserve
247 | funds, the fixing, establishing, collection, and maintenance of
248 | fees, rentals, or other charges for the use of the services and
249 | facilities of the Authority; limitations or restrictions on the

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250 issuance of additional revenue bonds or other certificates
251 payable from the revenues derived from the properties and
252 facilities of the Authority; the appointment of a trustee to
253 hold and apply any funds of the Authority; the appointment of a
254 receiver upon default of the Authority in the payment of the
255 principal of or interest on any such revenue bonds or
256 certificates or in the performance of any covenants relating
257 thereto; and such other and additional covenants as is deemed
258 necessary and desirable for the security of the holders of such
259 revenue bonds or certificates issued pursuant to this act.

260 (i) All revenue bonds or certificates and general
261 obligation bonds issued hereunder shall be and constitute legal
262 investments for saving banks, banks, trust companies, executors,
263 administrators, trustees, guardians, and other fiduciaries and
264 for any board, body, agency, or instrumentality of the state, or
265 of any county, municipality, or other political subdivision of
266 the state, and shall be and constitute securities which may be
267 deposited by any bank or trust company as security for the
268 deposit of state, county, municipal, and other public funds.

269 (j) All property of and all revenues derived from the
270 properties and facilities of the Authority shall be exempt from
271 all taxation by the state or by any county, municipality, or
272 other political subdivision thereof. Revenue bonds or
273 certificates and general obligation bonds issued pursuant to
274 this act, shall, together with the income therefrom, be exempt

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275 | from all taxation by the state, or by any county, municipality,
 276 | or other political subdivision thereof.

277 | (k) Whenever any debt has been incurred or bonds have been
 278 | issued by the St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport
 279 | Authority, the board shall determine annually by resolution the
 280 | amount necessary to be raised by taxation for the payment of
 281 | principal of and interest on any indebtedness or bonds maturing
 282 | in such year for such purposes. A certified copy of the
 283 | resolution shall be filed annually with the Board of County
 284 | Commissioners of St. Johns County and the board of county
 285 | commissioners shall order annually the property appraiser to
 286 | assess property in the district sufficient to pay the principal
 287 | of and interest on any indebtedness in said year, together with
 288 | any delinquency for prior years. The board of county
 289 | commissioners shall order annually the property appraiser to
 290 | assess and the tax collector to collect such other taxes as may
 291 | be certified to the board of county commissioners by the board
 292 | of the Authority, as authorized by provisions of this act for
 293 | other purposes.

294 | (11) In addition to the powers enumerated above, the
 295 | Authority shall for general purposes have the authority to levy
 296 | an ad valorem tax on all taxable property situated within the
 297 | district, said ad valorem tax not to exceed .5 mill.

298 | (12) The St. Johns ~~St. Augustine~~ ~~St. Johns~~ County Airport
 299 | Authority shall have no power or authority to bind or commit the

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300 City of St. Augustine, a municipal corporation, in any manner
 301 directly or indirectly and the City of St. Augustine shall not
 302 be liable or responsible in any manner for any of the debts,
 303 liabilities, obligations, acts, or omissions of the St. Johns
 304 ~~St. Augustine-St. Johns~~ County Airport Authority, or any of its
 305 officers or employees. All persons dealing with the Authority
 306 are hereby charged with full notice of this limitation of its
 307 powers.

308 (13) The fiscal year of the St. Johns ~~St. Augustine-St.~~
 309 ~~Johns~~ County Airport Authority shall be the same as that of St.
 310 Johns County, being October 1 to September 30 of each year. The
 311 St. Johns ~~St. Augustine-St. Johns~~ County Airport Authority shall
 312 maintain acceptable books of account reflecting all income and
 313 expenditures and said books shall be open to reasonable public
 314 inspection.

315 (a) In addition, the St. Johns ~~St. Augustine-St. Johns~~
 316 County Airport Authority shall prepare a budget on or before the
 317 first day of each fiscal year, and no money shall be spent or
 318 obligations incurred by the board or Authority except in
 319 accordance with the terms of the budget.

320 (b) An audit of the affairs of the Authority shall be
 321 conducted annually by a certified public accountant and shall be
 322 submitted to the state auditor for review in accordance with the
 323 general laws of Florida.

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324 (14) St. Johns County and the City of St. Augustine are
 325 empowered to appropriate and contribute to the St. Johns St.
 326 ~~Augustine-St. Johns~~ County Airport Authority such sums of money
 327 for the operating expenses of the Authority as the commission of
 328 the city or the county may from year to year determine
 329 necessary. Such sums of money so appropriated and contributed by
 330 the city or the county shall be paid to the St. Johns St.
 331 ~~Augustine-St. Johns~~ County Airport Authority upon its
 332 requisition. The City of St. Augustine and St. Johns County are
 333 further authorized to convey by sale, lease, or gift any city-
 334 owned or county-owned properties that the city or county deems
 335 appropriate to convey to the Authority.

336 (15) The St. Johns St. ~~Augustine-St. Johns~~ County Airport
 337 Authority shall, with the consent of the City Commission of St.
 338 Augustine, evidenced by resolution of the commission, exercise
 339 any powers relating to aviation conferred upon municipalities by
 340 general law, including the provisions of chapter 332, Florida
 341 Statutes, known as the Airport Act of 1945.

342 Section 2. This act shall take effect upon becoming a law.