

CHAPTER 2004-468

House Bill No. 1675

An act relating to the Boca Raton Airport Authority; providing for a codified charter for the Boca Raton Airport Authority; creating the Boca Raton Airport Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for reimbursement of travel expenses; providing for budgets; providing for transfer of funds; providing for an airport manager; defining the relationship between the authority, the City of Boca Raton, Palm Beach County, and the State of Florida; providing for continued vesting of title to the land comprising the Boca Raton Airport in the Board of Trustees of the Internal Improvement Trust Fund; providing the authority is liable for certain obligations and damages; declaring the authority to be an agency of the state; repealing chapters 82-259, 83-371, 91-381, and 99-421, Laws of Florida; providing an effective date.

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

Section 1. In accordance with section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Boca Raton Airport Authority. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 82-259, 83-371, 91-381, and 99-421, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 1. Short title.—This act may be cited as the “Boca Raton Airport Authority Act.”

Section 2. Definitions.—As used in this act:

(1) “Airport” means the state-owned land within the territorial limits of the City of Boca Raton now known as the Boca Raton Airport.

(2) “Authority” means the Boca Raton Airport Authority.

(3) “City” means the City of Boca Raton.

(4) “City council” means the governing body of the City of Boca Raton.

(5) “County” means Palm Beach County.

(6) “County commission” means the Board of County Commissioners of Palm Beach County.

(7) “Project” means and includes the acquisition, improvement, or maintenance of real or personal property within the boundaries of the Boca Raton Airport.

Section 3. Authority; creation and purpose.—There is hereby created a body politic and corporate to be known as the Boca Raton 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 public purpose.

Section 4. Membership; terms of office; officers; quorum; meetings; removal.—

(1) The authority shall consist of seven members. As a condition of eligibility for appointment and to hold office, five members must reside within the municipality, and two members must reside within the Greater Boca Raton Reserve Area, as defined in chapter 67-1112, Laws of Florida. Of the five municipal residents, three must reside east of the airport, one must reside west of the airport, and one may reside anywhere in the municipality.

(2) The county commission shall appoint two members, each of whom must reside within the Greater Boca Raton Reserve Area. The city council shall appoint the five members who must reside within the limits of the municipality as specified in subsection (1).

(3) The term of office for each member shall be 2 years. Each term shall expire on June 1 in the year of expiration of the term. The county members' terms shall expire in odd years and the other members' terms shall expire in even years.

(4) A chair, vice chair, and secretary shall be chosen by and from the authority membership. The term of office for the chair, vice chair, and secretary shall be 1 year, and no member shall hold the same office for more than two consecutive terms.

(5) A quorum shall consist of four members, but the affirmative vote of not less than four members shall be necessary to take any action except to adjourn.

(6) The authority shall meet at least once each month at such times and places within the city as shall be determined by the authority.

(7) Any member may be removed by the commission or council which appointed that member, but only for grounds constituting misfeasance, malfeasance, or nonfeasance in office, or upon conviction of any crime. The unexcused failure to attend three consecutive regular meetings of the authority shall be deemed nonfeasance, without limiting the meaning of that term.

(8) Vacancies in office shall be filled by the appropriate appointing entity for the balance of the term. Each appointment to fill a vacancy shall be made from a list of nominees furnished by the entity which nominated the member who held the office. In such cases, the list of nominees shall be filed not later than 30 days after notice of the vacancy has been given to the nominating entity.

Section 5. Powers and duties.—The authority shall have jurisdiction over the operation and maintenance of and improvements to the Boca Raton Airport. The authority shall have the following specific powers and duties:

- (1) To enter into contracts and to sue and be sued in its own name.
- (2) To acquire real and personal property.
- (3) To let or lease the airport or any portion of the airport, including the buildings and hangars thereon, and to grant concessions upon such terms and conditions as it shall deem proper.
- (4) To employ necessary personnel, including an airport manager, whose duties and salaries shall be prescribed by the authority.
- (5) To accept revenues from the operation of the airport and to accept gifts, grants, and other revenues; but the authority shall not have the power to levy or collect ad valorem taxes.
- (6) To adopt a budget annually, and to amend it during the fiscal year.
- (7) To adopt rules for the regulation of its affairs and the conduct of its business, and rules for the operation of the airport and aircraft, including, but not limited to, safety and noise abatement rules, and to enforce and administer all such rules.
- (8) To adopt and alter an official seal.
- (9) To maintain an office within the city.
- (10) To construct, reconstruct, improve, equip, repair, maintain, and operate the airport and such buildings, structures, roads, alleyways, and any other development of land as the authority shall determine to be necessary and proper in the performance of the duties and purposes of this act, within the boundaries of the airport.
- (11) To issue revenue bonds or refunding bonds of the authority to pay the cost of such acquisition, construction, reconstruction, improvement, or equipment.
- (12) To fix and revise from time to time and to collect rates, fees, and other charges for the use of or for the services and facilities furnished by or at the airport.
- (13) To do all acts and things necessary or convenient to carry out the purposes of the authority.

Section 6. Compensation and travel expenses.—The members shall receive no salary or other compensation for their services as members of the authority except a fee of \$100 for attending each regular monthly meeting of the authority. Compensation of members shall be limited to \$1,200 per member per annum. The authority shall also have authority to pay reasonable costs and expenses necessarily incurred by the members in performance of their duties. The rate for travel expenses shall not exceed the rate for state employees.

Section 7. Budget.—The authority shall during each fiscal year prepare and adopt an annual budget for such revenue and expense accounts as the

authority shall prescribe for its operations in the ensuing fiscal year. The fiscal year of the authority shall be the same as that of the city. The budget shall include all estimated revenues and all estimated expenditures for the ensuing fiscal year.

Section 8. Airport manager.—The authority shall employ an aviation-experienced airport manager to administer all airport operations and to supervise all airport projects. The decision to employ or terminate the employment of the airport manager shall require the four-fifths vote of the members of the authority.

Section 9. Relationship between the authority, city, county, and state.—The authority shall have the power and responsibility to operate the airport in a manner consistent with applicable federal and state law and the objectives of the county and the city. The authority shall comply with appropriate police powers of the county or of the city respecting the operation and development of an airport. 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 insure compliance with applicable state regulations for such construction in addition to applicable city regulations.

Section 10. Title to airport land.—The title to the land comprising the Boca Raton Airport shall continue to be vested in the Board of Trustees of the Internal Improvement Trust Fund of the state. The airport is leased to the authority by the Board of Trustees of the Internal Improvement Trust Fund. Nothing in this act shall be construed to impair the obligations of any agreement between the state or any of its agencies and the fixed base operator of the airport entered into as of effective date of this act.

Section 11. Liabilities.—The authority shall be liable for its obligations and for damages caused by the negligent acts or omissions of the authority. The authority shall be deemed to be an agency of the state for the purposes of section 768.28, Florida Statutes.

Section 3. Chapters 82-259, 83-371, 91-381, and 99-421, Laws of Florida, are repealed.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.