

ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

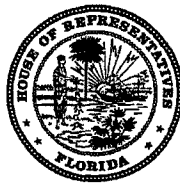
Wednesday, January 25, 2012

2:00 p.m.

Reed Hall (102 HOB)

**Dean Cannon
Speaker**

**Dorothy L. Hukill
Chair**



The Florida House of Representatives

Economic Affairs Committee

Dorothy L. Hukill, Chair

AGENDA

Wednesday, January 25, 2012

Reed Hall (102 HOB)

2:00 pm

- I. **CALL TO ORDER AND WELCOME REMARKS**
- II. **CONSIDERATION OF THE FOLLOWING BILL(S):**
 - CS/HB 575 HILLSBOROUGH COUNTY AVIATION AUTHORITY BY COMMUNITY & MILITARY AFFAIRS SUBCOMMITTEE, YOUNG
 - CS/HB 637 CITRUS COUNTY BY COMMUNITY & MILITARY AFFAIRS SUBCOMMITTEE, SMITH
 - HB 665 GASPARILLA ISLAND BRIDGE AUTHORITY, CHARLOTTE AND LEE COUNTIES BY ROBERSON, K.
 - CS/HB 867 CITY OF CLEARWATER, PINELLAS COUNTY BY COMMUNITY & MILITARY AFFAIRS SUBCOMMITTEE, HOOPER
 - HB 941 COMMERCIAL LINES INSURANCE POLICIES BY HOLDER
 - HB 1153 BROWARD COUNTY BY JENNE
- III. **CONSIDERATION OF THE FOLLOWING PROPOSED COMMITTEE BILL(S):**
 - PCB EAC 12-03 -- TAX REFUNDS FOR QUALIFIED TARGETED INDUSTRIES, QUALIFIED DEFENSE CONTRACTORS AND SPACE FLIGHT BUSINESS
- IV. **CONSIDERATION OF THE FOLLOWING PROPOSED COMMITTEE SUBSTITUTE(S):**
 - PCS FOR CS/HB 15 -- TRANSPORTATION FACILITY DESIGNATIONS
- V. **ADJOURNMENT**

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 575 Hillsborough County Aviation Authority
SPONSOR(S): Community & Military Affairs Subcommittee; Young
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 0 N, As CS	Nelson	Hoagland
2) Economic Affairs Committee		Nelson <i>JPN</i>	Tinker <i>TST</i>

SUMMARY ANALYSIS

The Hillsborough County Aviation Authority is an independent special district that has exclusive jurisdiction and management over all airports in Hillsborough County, except those owned by private persons. The Authority's airports include Tampa International Airport and three general aviation airports: Peter O. Knight Airport in Davis Islands, Plant City Airport in Plant City, and Tampa Executive (formerly Vandenberg Airport) in Tampa.

The CS for HB 575 codifies and revises the existing special acts relating to the Authority. The bill provides a public purpose statement; clarifies language regarding the election of authority officers; removes a 40-year maturity date limitation on bonds and a requirement for semiannual payment; deletes a cap of four alcoholic beverage licenses; and updates and reorganizes various provisions.

According to the Economic Impact Statement, the bill will have no fiscal effect.

The bill has an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Hillsborough County Aviation Authority

The Hillsborough County Aviation Authority was created in 1945 by ch. 23339, L.O.F. The numerous special acts relating to the authority were codified by ch. 2003-370, L.O.F., which subsequently was amended by ch. 2007-292, L.O.F. The Authority is an independent special district that has exclusive jurisdiction and management over all airports in Hillsborough County, except those owned by private persons. The Authority's airports include Tampa International Airport and three general aviation airports: Peter O. Knight Airport in Davis Islands, Plant City Airport in Plant City, and Tampa Executive (formerly Vandenberg Airport) in Tampa.

The Authority consists of five members: the Mayor of the City of Tampa, ex officio; a member of and selected by the Board of County Commissioners, ex officio; and three members who are appointed by the Governor for four-year terms. To be eligible for gubernatorial appointment, a person must be a resident and citizen of the county, and may not be employed by or be an elected official of the county or one of its municipalities. The Governor has the power to remove any member for good cause.

The Authority has the power and is required to:

- elect officers;
- pay any surety bond required of any member and employee of the Authority;
- exclusively control, supervise and manage all airports in the county, except any airport owned, controlled, or operated by a private person;
- advertise for sealed bids when required by law;
- adopt an annual budget;
- require in bond documents that moneys derived from such bonds be paid to or upon order of the Authority; and
- have the Authority's finances audited in the same manner as other independent special districts.

The Authority has the power to and may:

- rely on the provisions of its special act, without reference to other laws, in exercising its powers;
- establish and maintain airports on public waters and submerged land;
- construct and maintain terminal buildings, landing floats, causeways, roadways, bridges for approach to or connecting with an airport, and land floats and breakwaters for the protection of an airport;
- require 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;
- establish positions, duties and a pay plan and employ, pay and provide benefits for, promote, discipline and terminate personnel, including law enforcement officers with full police powers and an Executive Director, who is 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;
- by policy or resolution, authorize the Executive Director to perform any of the powers of the Authority;
- employ or contract with technical and professional experts;
- reimburse members and employees for all travel expenses incurred while on Authority business;
- create, appoint and prescribe the duties of any committee;

- sue and be sued;
- adopt, use and alter a corporate seal;
- publish advertisements;
- waive advertisement when an emergency exists and purchases must be made immediately;
- negotiate and enter into contracts, agreements, exclusive or limited agreements, and cooperation agreements;
- include contract specifications maximizing the employment of persons whose protected group has been underutilized in the past;
- enter into exclusive or limited agreements with a single operator or a limited number of operators;
- provide for the manual execution of any instrument on behalf of the Authority by the signature of the Chairperson or Vice Chairperson, and attested to by the Secretary or the Assistant Secretary or, if delegated by the members to do so, the Executive Director or any other Authority personnel to whom the Executive Director has delegated authority;
- purchase and sell equipment, supplies and services;
- sell, lease, transfer, dispose of, or grant a lesser interest in any of its properties;
- dispose of tangible personal property in accordance with ch. 274, F.S.;
- grant concessions;
- advertise, promote and encourage the use and expansion of facilities under its jurisdiction;
- enact airport zoning regulations in accordance with ch. 333, F.S.;
- issue a written permit, before the county or any municipality issues a building permit and upon request of the affected local government, that any construction proposed on land affected by airport zoning regulations conforms to airport zoning regulations;
- acquire, own, construct, install, maintain and operate Authority facilities by purchase, gift, devise, lease, or any other means, including eminent domain;
- 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;
- supplement and coordinate in design and operation air navigation facilities with those established and operated by the federal and state governments;
- request the county or any municipality to convey to the Authority the fee simple title to any airport or other property needed for airport purposes;
- relinquish jurisdiction, control, supervision and management over any airport or part of any airport 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;
- 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 Authority bonds;
- incur expenses as provided in its annual budget and any amended budget;
- 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;
- accept federal, state and any other public or private moneys, grants, contributions, or loans for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of Authority facilities, or any other lawful purpose;
- fix, alter, charge, establish and collect rates, fees, rentals and other charges for the services of Authority facilities at reasonable and uniform rates;
- adopt a resolution as may be required to levy an ad valorem tax (not to exceed 1.5 mills) and submit it to the Board of County Commissioners;
- apply for, hold and periodically transfer alcoholic beverage licenses as provided by its special act;¹

¹ The Authority or another governmental agency operating Tampa International Airport is authorized to acquire up to four alcoholic beverage licenses, as provided for in s. 561.17, F.S.

- adopt and amend rules, regulations and policies reasonably necessary for the implementation of its act;
- by resolution, fix and enforce penalties for the violation of its act or a rule, regulation, or policy adopted in accordance with its act;
- amend its budget after adoption;
- receive, deposit, secure and pay out moneys as provided by its act;
- designate one or more depositories which are qualified as public depositories pursuant to s. 280.04, F.S., and thereafter establish and open an account or accounts into which revenues collected are deposited and from which expenditures may be made;
- establish and deposit into and expend moneys from a surplus fund by using funds other than those derived from ad valorem taxation, 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;
- by resolution, borrow money and issue bonds;
- enter into 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;
- secure the payment of bonds or any part thereof by pledging all or part of its revenues;
- pending the preparation of definitive bonds, issue certificates or temporary bonds to the purchaser of bonds;
- transact the business of the Authority and exercise all powers necessarily incidental to the exercise of the general and special powers granted by its act and under any other law;
- exercise all powers of a local agency granted pursuant to part II of ch. 159, F.S., and to a governmental unit granted pursuant to part VII of ch. 159, F.S.; and
- do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Authority.

The Hillsborough County Legislative Delegation is required to review the special act(s) of the Authority prior to July 1, 2012 (and every 10 years thereafter) to determine whether there is a need for codification.² If it is determined that there is such a need, the delegation may require the Authority to prepare applicable legislation.

Effect of Proposed Changes

The CS for HB 575 codifies, reenacts, amends and repeals the special acts relating to the Hillsborough County Aviation Authority, chs. 2003-370 and 2007-292, L.O.F. The bill provides a public purpose statement; corrects typographical errors; clarifies definitions; updates language; and reorganizes certain provisions of the Authority's special acts.

Additionally, the bill clarifies the procedure for the election of board officers, and provides that the authority will hold elections for all officer positions whenever a new member is appointed to the board by the Governor.

² Codification is the process of compiling, updating and systematically arranging the special acts that comprise a special district's charter. Original provisions may be amended by subsequent special acts after these charters are created by the Legislature. Because special act amendments are not automatically incorporated into one special act, it is necessary to locate all special acts amending an original charter in order to determine its current status. This can be a difficult and time-consuming process for persons interested in ascertaining the law governing a district. Codification of special district charters allows readers to refer to one special act to identify these charters.

Codification of special district charters initially was authorized by the 1997 Legislature in ss. 189.429 and 191.015, F.S. These laws currently provide for each district that has more than one special act to submit a draft codified charter, at its own expense, to the Legislature by December 1, 2004. Any codified act relating to a special district must provide for the repeal of all prior special acts relating to the district, and be filed with the Department of Economic Opportunity within 30 days after adoption pursuant to s. 189.418(2), F.S.

The bill also eliminates a current requirement that Authority bonds have a maturity date not exceeding 40 years and be payable semiannually. This change will allow the Authority to proceed with its bond financing activities pursuant to general and federal laws.³ In certain cases, the 40-year maturity constraint could prove unnecessarily restrictive, and the requirement for semiannual payments prevents finance deals from being structured monthly, quarterly, or otherwise.

Lastly, the bill deletes a requirement that the Authority hold no more than four alcoholic beverage licenses. This change also allows the Authority to operate in accordance with general law with regard to these licenses.⁴

The bill has an effective date of upon becoming law.

B. SECTION DIRECTORY:

Section 1: Provides for Legislative intent.

Section 2: Provides for codifying, reenacting, amending and repealing chs. 2003-370 and 2007-292, L.O.F., relating to the Hillsborough County Aviation Authority.

Section 3: Provides for recreating and reenacting the charter for the Hillsborough County Aviation Authority.

Section 4: Repeals chs. 2003-370 and 2007-292, L.O.F.

Section 5: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 11, 2011.

WHERE? *The Times*, an edition of the *St. Petersburg Times*, a daily newspaper published in Hillsborough County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, this bill will have no fiscal effect.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

³ In particular, *see*, ch. 159, F.S.

⁴ *See*, ch. 561, F.S.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 11, 2012, the Community & Military Affairs Subcommittee adopted an amendment which made technical changes clarifying the election of board officers for the Hillsborough County Aviation Authority.

This analysis is drafted to the Committee Substitute.

1 A bill to be entitled
2 An act relating to the Hillsborough County Aviation
3 Authority; codifying, reenacting, and amending the
4 Authority's special acts; providing that the act is a
5 reviser; deleting provisions which have expired, have
6 had their effect, have served their purpose, or have
7 been impliedly repealed or superseded; replacing
8 incorrect cross references and citations; correcting
9 grammatical, typographical, and like errors; removing
10 inconsistencies and redundancies; improving clarity
11 and facilitating correct interpretation; clarifying
12 definitions; providing that independent special
13 districts operate to serve a public purpose;
14 incorporating specific references to existing
15 practices; clarifying procedure for election of
16 members; clarifying that advertisement provisions
17 pertain to sealed bids and other competitive selection
18 processes when and as required; clarifying employment
19 responsibilities; clarifying procedures for manual
20 execution of instruments on behalf of the Authority;
21 providing that the Authority can dispose of personal
22 property, derelict or abandoned aircraft, and derelict
23 or abandoned vehicles in accordance with existing
24 statutory law; deleting the requirement that the
25 Authority may not hold alcoholic beverage licenses
26 exceeding a certain number; clarifying the
27 requirements for award of contracts and clarifying
28 when such requirements do not apply; providing for

29 | recodification; repealing chapters 2003-370 and 2007-
 30 | 292, Laws of Florida, relating to the Authority;
 31 | providing a savings clause; providing an effective
 32 | date.

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

36 | Section 1. Pursuant to s. 189.429, Florida Statutes, this
 37 | act constitutes the codification of all special acts relating to
 38 | the Hillsborough County Aviation Authority. It is the intent of
 39 | the Legislature in enacting this law to provide a single,
 40 | comprehensive special act charter for the Authority, including
 41 | all current legislative authority granted to the Authority by
 42 | its several legislative enactments and any additional authority
 43 | granted by this act.

44 | Section 2. Chapters 2003-370 and 2007-292, Laws of
 45 | Florida, relating to the Hillsborough County Aviation Authority,
 46 | are codified, reenacted, amended, and repealed as provided in
 47 | this act.

48 | Section 3. The charter for the Hillsborough County
 49 | Aviation Authority is re-created and reenacted to read:

50 | Section 1. Short title.—This act may be cited as the
 51 | "Hillsborough County Aviation Authority Act."

52 | Section 2. General provisions.—

53 | (1) It is the intent of the Legislature that this act
 54 | supersede chapters 2003-370 and 2007-292, Laws of Florida,
 55 | relating to the Hillsborough County Aviation Authority, and is a
 56 | codification, a compilation of previously existing legislation

57 relating to the Authority.

58 (2) The codification is also to act as a reviser's bill,
 59 deleting provisions which have expired, have had their effect,
 60 have served their purpose, or have been impliedly repealed or
 61 superseded; replacing incorrect cross references and citations,
 62 correcting grammatical, typographical, and like errors; removing
 63 inconsistencies and redundancies; and improving clarity and
 64 facilitating correct interpretation. It is the intent of the
 65 Legislature to define frequently used terms and to reflect
 66 standard business practices required for an independent special
 67 district to conduct its business which have not been previously
 68 enumerated.

69 (3) The Authority shall comply with federal law regarding
 70 expenditure of federal moneys.

71 (4) This act shall not be construed as impairing or
 72 infringing upon any rights, privileges, or benefits enjoyed by
 73 any employee of the Authority who is so employed on the
 74 effective date of this act.

75 (5) The members and employees of the Authority shall
 76 comply with part III of chapter 112, Florida Statutes, as may be
 77 amended from time to time.

78 (6) This act provides an additional, alternative, and
 79 complete method for the exercise of the powers granted and
 80 authorized by this act and shall be regarded as supplemental to
 81 powers conferred by other laws and shall not be regarded as a
 82 derogation of any powers now existing.

83 (7) The Legislature declares that independent special
 84 districts operate to serve a public purpose and are a legitimate

85 method available for use by the public sector to manage, own,
 86 operate, construct, and finance basic capital infrastructure,
 87 facilities, and services.

88 (8) Regarding the airport facilities and concessions, the
 89 Legislature finds and declares:

90 (a) The proper operation of the publicly owned or operated
 91 airports in the County is essential to the welfare of the people
 92 of the Tampa Bay area, the state, and its people.

93 (b) The publicly owned or operated airports in the County
 94 establish a vital transportation link between the state and the
 95 economic systems of the nation and the world and enable the
 96 state to enjoy and provide the benefits of an international
 97 tourist and commercial center.

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

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

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

110 (9) The Authority shall manage airport facilities and
 111 grant airport concessions to further the development of commerce
 112 and tourism in or affecting the Tampa Bay area and the state. In

113 managing its facilities and granting concessions for services to
 114 the public, the Authority shall promote the development of
 115 commerce and tourism by:

- 116 (a) Securing a diversity of airport services.
- 117 (b) Avoiding wasteful duplication of such services.
- 118 (c) Securing to the users of airports safe, courteous, and
 119 quality service.
- 120 (d) Limiting or prohibiting business competition which is
 121 destructive to the ends of promoting commerce and tourism in the
 122 state.
- 123 (e) Allocating limited airport resources to promote such
 124 ends.
- 125 (f) Fostering Florida's image as a commercial and tourist
 126 center.

127 Section 3. Definitions.—As used in this act, unless
 128 otherwise specifically defined or unless another intention
 129 clearly appears:

- 130 (1) "Advertisement" means a notice published at least once
 131 a week for 2 consecutive weeks in at least two newspapers of
 132 general circulation in the County, as defined in general law, as
 133 may be amended from time to time.
- 134 (2) "Air navigation" means the operation or navigation of
 135 aircraft in the air space over the County or upon any airport or
 136 restricted landing area within the County.
- 137 (3) "Air navigation facility" means any facility used in,
 138 available for use in, or designed for use in aid of air
 139 navigation, including airports, restricted landing areas, and
 140 any structures, mechanisms, lights, beacons, marks,

141 communicating systems, or other instrumentalities or devices
 142 used or useful as an aid or constituting an advantage or
 143 convenience to the safe taking off, navigation, and landing of
 144 aircraft or the safe and efficient operation or maintenance of
 145 an airport or restricted landing area, and any combination of
 146 any or all of such facilities.

147 (4) "Airport" means any area of land or water which is
 148 designed for the landing and taking off of aircraft, whether or
 149 not facilities are provided for the shelter, servicing, or
 150 repair of aircraft or for receiving, servicing, and discharging
 151 passengers or cargo, all appurtenant areas used or suitable for
 152 airport buildings or other airport facilities, and all
 153 appurtenant rights-of-way.

154 (5) "Airports and other aviation facilities and facilities
 155 related thereto and any portion thereof" means and includes
 156 airports, buildings, structures, terminal buildings, parking
 157 garages and lots, space, hangars, lands, warehouses, shops,
 158 hotels, other aviation facilities of any kind or nature, or any
 159 other facilities of any kind or nature related to or connected
 160 with said airports and other aviation facilities which the
 161 Authority is authorized by law to construct, acquire, own,
 162 lease, or operate, together with all fixtures, equipment, and
 163 property, real or personal, tangible or intangible, necessary,
 164 appurtenant, or incidental thereto.

165 (6) "Airport purposes" means and includes airport,
 166 restricted landing area, and other air navigation facility
 167 purposes.

168 (7) "Authority" means the Hillsborough County Aviation

169 Authority.

170 (8) "Authority facility" means an airport, airports and
 171 other aviation facilities and facilities related thereto and any
 172 portion thereof, air navigation facilities, and special purpose
 173 facilities and any portion thereof.

174 (9) "Board" means the Board of County Commissioners of
 175 Hillsborough County.

176 (10) "Bond" means notes, bonds, certificates, refunding
 177 bonds, and other obligations.

178 (11) "Clerk" means Clerk of the Court of Hillsborough
 179 County.

180 (12) "County" means the County of Hillsborough.

181 (13) "Division" means the Florida Department of Business
 182 and Professional Regulation, Division of Alcoholic Beverages and
 183 Tobacco or any successor agency.

184 (14) "Federal" or "Federal Government" means the United
 185 States government, the President of the United States, and any
 186 department, corporation, commission, agency, or other
 187 instrumentality thereof.

188 (15) "Governor" means the Governor of the State of
 189 Florida.

190 (16) "Instrument" means a formal or legal document in
 191 writing, such as a contract, deed, bond, lease, or mortgage.

192 (17) "Members" means the governing body of the Authority,
 193 and the term "member" means one of the individuals constituting
 194 such governing body.

195 (18) "Municipality" means a municipality created pursuant
 196 to general or special law authorized or recognized pursuant to

197 s. 2 or s. 6, Art. VIII of the State Constitution and located in
 198 the County.

199 (19) "Officer of the Authority" means a member who has
 200 been elected by the other members to serve as the Chairperson,
 201 Vice Chairperson, Secretary, Treasurer, or Assistant Secretary
 202 and Treasurer.

203 (20) "Person" means any individual, firm, partnership,
 204 corporation, company, association, joint stock association, or
 205 body politic and includes any trustee, receiver, assignee, or
 206 other similar representative thereof.

207 (21) "Policy" means a general principle adopted by the
 208 members and by which the Authority conducts its internal
 209 governance.

210 (22) "Regulation" means the same as "rule" as defined by
 211 this act and may be used interchangeably with the word "rule."

212 (23) "Resolution" means a formal, written expression of an
 213 action adopted by the members.

214 (24) "Revenues" means rates, fees, grants, receipts,
 215 charges, and other moneys acquired through all sources by the
 216 Authority and interest income thereon.

217 (25) "Rule" means each statement of general applicability
 218 adopted by the members that implements, interprets, or
 219 prescribes law or policy or describes the procedure or practice
 220 requirements of the Authority and includes any form which
 221 imposes any requirement or solicits any information not
 222 specifically required by statute or by an existing rule and may
 223 be used interchangeably with the word "regulation."

224 (26) "Special purpose facilities and any portion thereof"

225 means facilities related to or to be used in connection with the
 226 airports and other aviation facilities of the Authority and
 227 located on lands at or adjacent to the airports and other
 228 aviation facilities under the control, management, and
 229 jurisdiction of the Authority and includes all property,
 230 structures, rights, easements, and franchises relating thereto
 231 and deemed necessary or convenient therefor.

232 (27) "Standard procedure" means the method and manner
 233 established or approved by the Chief Executive Officer or a
 234 designee of the Chief Executive Officer that implements policy
 235 for the day-to-day management of the Authority's operations.

236 (28) "State government" means the government of the State
 237 of Florida, the Governor, and any department, commission,
 238 corporation, agency, or other instrumentality thereof.

239 (29) "Surplus fund" means an unrestricted fund established
 240 by the Authority into which certain revenues of the Authority
 241 may be deposited on a monthly or more frequent basis after
 242 payment, or provision for payment, of all current expenses
 243 pursuant to its then-applicable budget and after all deposits
 244 have been made as required under its indentures, trust
 245 agreements, and other contracts.

246 (30) "TIA" means Tampa International Airport.

247 Section 4. Creation; purpose.-

248 (1) The Hillsborough County Aviation Authority is created,
 249 and the powers granted by this act are declared to be public and
 250 governmental functions, exercised for public purposes, and are
 251 matters of public necessity. Lands and other real and personal
 252 property, easements, and privileges acquired and used by the

253 Authority are declared to have been acquired for and used for
 254 public and governmental purposes and as a matter of public
 255 necessity. The Authority is a public body corporate and is an
 256 independent special district.

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

263 Section 5. Membership.-

264 (1) The Authority shall consist of five members: one
 265 member who is the Mayor of the City of Tampa, ex officio; one
 266 member who is a member of and selected by the Board, ex officio;
 267 and three members who are appointed by the Governor. No member
 268 shall receive any compensation for services as a member. Each
 269 member appointed by the Governor shall be appointed for a term
 270 of 4 years. The Board shall appoint one of its members annually
 271 at the time of its organizational session who shall serve until
 272 its next annual appointment, provided that he or she continues
 273 to serve as a county commissioner during that time. Each member
 274 shall qualify by taking an oath to faithfully perform the duties
 275 of the office, and the oath shall be filed with the Clerk. To be
 276 eligible for appointment as a member of the Authority by the
 277 Governor, the person appointed must be a resident and citizen of
 278 the County and may not be employed by or be an elected official
 279 of the County or municipality. Each member may continue to serve
 280 until a successor has been commissioned.

281 | (2) A majority of the members constitutes a quorum.
 282 | (3) The Governor has the power to remove any member for
 283 | good cause. Within 15 days after any vacancy occurs a successor
 284 | shall be appointed in the same manner as that member for which a
 285 | vacancy has occurred and shall serve for the unexpired term of
 286 | his or her predecessor.

287 | Section 6. Powers.—

288 | (1) The Authority has the power to and shall:

289 | (a) Elect officers as follows: one member as Chairperson,
 290 | one member as Vice Chairperson, one member as Secretary, one
 291 | member as Treasurer, and one member as Assistant Secretary and
 292 | Assistant Treasurer, each of whom shall hold office until new
 293 | elections are held. Elections shall be held for all officer
 294 | positions whenever a new member is appointed to the board by the
 295 | Governor.

296 | (b) Approve, file with the Clerk, and pay any surety bond
 297 | required of any member and any employee of the Authority.

298 | (c) Exclusively control, supervise, and manage all
 299 | airports in the County and each municipality, except any airport
 300 | owned, controlled, or operated by a private person.

301 | (d) Advertise for sealed bids and other competitive
 302 | selection processes when and as required by law; provided,
 303 | however, the Authority may reject all bids, proposals, or
 304 | responses and readvertise or select a single item from any bid,
 305 | proposal, or response as further provided in this act.

306 | (e) Adopt before October 1 an annual budget which has been
 307 | prepared by the Chief Executive Officer and which must include
 308 | an estimate of all revenues and anticipated expenditures for the

309 following fiscal year.

310 (f) Require in all bond documents that moneys derived from
 311 such bonds be paid to or upon order of the Authority.

312 (g) Have the Authority's finances audited in the same
 313 manner as other independent special districts are audited.

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

315 (a) Rely on the provisions of this act, without reference
 316 to other laws, in exercising its powers.

317 (b) Establish and maintain such airports in, over, and
 318 upon any public waters of this state within the limits of
 319 jurisdiction of, or bordering on any municipality, any submerged
 320 land under such public waters, and any artificial or reclaimed
 321 land which, before the artificial making or reclamation thereof,
 322 constituted a portion of the submerged land under such public
 323 waters.

324 (c) Construct and maintain terminal buildings, landing
 325 floats, causeways, roadways, bridges for approach to or
 326 connecting with the airport, and land floats and breakwaters for
 327 the protection of any such airport.

328 (d) Require the Treasurer and other officers or employees
 329 of the Authority to execute an adequate surety bond, conditioned
 330 upon the faithful performance of the duties of the office or
 331 employment and in a penal sum fixed by the Authority.

332 (e) Employ, pay, and provide benefits, which may include a
 333 bonus scheme, for personnel, including law enforcement officers
 334 with full police powers and a Chief Executive Officer, formerly
 335 known as the Executive Director, who shall establish positions,
 336 duties, and a pay plan, which may include a bonus scheme, for

337 and promote, discipline, and terminate personnel; be responsible
 338 for the day-to-day administration, management, and operation of
 339 the Authority in accordance with policy established by the
 340 members; and perform other duties as may be authorized by the
 341 members.

342 (f) By policy or resolution, authorize the Chief Executive
 343 Officer to perform any of the powers of the Authority in whole
 344 or in part and with whatever other limitations it may find
 345 appropriate, provided that said authorization does not result in
 346 an invalid exercise of delegated legislative authority as
 347 defined in general law.

348 (g) Employ or contract with technical and professional
 349 experts necessary to assist the Authority in carrying out or
 350 exercising any powers granted by this act.

351 (h) Reimburse for all travel expenses incurred while on
 352 business for the Authority, upon requisition, any member, its
 353 attorneys, the Chief Executive Officer, and any employee of the
 354 Authority traveling under the direction of the Chief Executive
 355 Officer or the Chief Executive Officer's designee in accordance
 356 with the Authority's policies.

357 (i) Create, appoint, and prescribe the duties of any
 358 committee.

359 (j) Sue and be sued.

360 (k) Adopt, use, and alter a corporate seal.

361 (l) Publish advertisements.

362 (m) Waive advertisement when the Chief Executive Officer
 363 determines an emergency exists and purchases must be immediately
 364 made by the Authority.

365 (n) Negotiate and enter into contracts, agreements,
 366 exclusive or limited agreements, and cooperation agreements of
 367 any kind necessary for the Authority to fulfill the purposes of
 368 this act.

369 (o) Include contract specifications maximizing the
 370 employment of persons whose protected group has been
 371 underutilized in the past.

372 (p) Enter into exclusive or limited agreements with a
 373 single operator or a limited number of operators. The Authority
 374 shall grant exclusive or limited agreements to displace business
 375 competition by rule or policy whenever the Authority determines,
 376 in consideration of the factors set forth below, that any such
 377 agreement is necessary to further the purposes of this act.
 378 Before entering into any exclusive or limited agreement, the
 379 Authority shall, under authority expressly delegated by the
 380 state, determine the necessity for such an exclusive or limited
 381 agreement to further the policies and objectives stated in this
 382 act, which include public safety, public convenience, quality of
 383 service, the need to conserve airport space, the need to avoid
 384 duplication of services, the impact on the environment or
 385 facilities of the airport as an essential commercial and tourist
 386 service center, and the need to avoid destructive competition
 387 which may impair the quality of airport services to the public,
 388 lead to uncertainty, disruption, or instability in the rendering
 389 of such services, or detract from the Tampa Bay area and the
 390 state's attractiveness as a center of tourism and commerce. In
 391 making its determination, the Authority shall take evidence or
 392 make findings of fact and establish such policies it deems

393 necessary. Nothing in this paragraph shall excuse the Authority
 394 from complying with applicable state or local requirements for
 395 competitive bidding or public hearings which may be required
 396 prior to awarding or entering into any contract or other
 397 agreement.

398 (q) Provide for the manual execution of any instrument on
 399 behalf of the Authority by the signature of the Chairperson or
 400 Vice Chairperson, and attested to by the Secretary or the
 401 Assistant Secretary or, if delegated by the members to do so,
 402 the Chief Executive Officer or any other Authority personnel to
 403 whom the Chief Executive Officer has delegated authority, or by
 404 their facsimile signature in accordance with the Uniform
 405 Facsimile Signature of Public Officials Act.

406 (r) Purchase and sell equipment, supplies, and services
 407 required for its purposes.

408 (s) Sell, lease, transfer, dispose of, or grant a lesser
 409 interest in any of its properties.

410 (t) Dispose of tangible personal property in accordance
 411 with chapter 274, Florida Statutes, as may be amended from time
 412 to time.

413 (u) Dispose of personal property, derelict or abandoned
 414 aircraft, and derelict or abandoned motor vehicles found on
 415 airport premises in accordance with chapter 705, Florida
 416 Statutes, as may be amended from time to time.

417 (v) Grant concessions.

418 (w) Advertise, promote, and encourage the use and
 419 expansion of facilities under its jurisdiction.

420 (x) Enact airport zoning regulations in accordance with

421 | chapter 333, Florida Statutes, as may be amended from time to
 422 | time, to ensure the safe operation of airports under its
 423 | jurisdiction; however, any such airport zoning regulations may
 424 | not affect the zoning use regulations imposed by the County or
 425 | any municipality.

426 | (y) Issue a written permit, before the County or any
 427 | municipality issues a building permit and upon request of the
 428 | affected local government in accordance with the provisions of
 429 | this act, that any construction proposed on land affected by
 430 | airport zoning regulations conforms to airport zoning
 431 | regulations.

432 | (z) Acquire, own, construct, install, maintain, and
 433 | operate lands and Authority facilities by purchase, gift,
 434 | devise, lease, or any other means, including by eminent domain
 435 | in accordance with chapters 73 and 74, Florida Statutes, as may
 436 | be amended from time to time. For the purposes of making surveys
 437 | and examinations relative to any condemnation proceedings, the
 438 | Authority may lawfully enter upon any land, doing no unnecessary
 439 | damage. The Authority may take possession of property to be
 440 | acquired by condemnation at any time after the filing of the
 441 | petition describing the same in condemnation proceedings as
 442 | provided in general law. The Authority is not precluded from
 443 | abandoning the condemnation of any such property in any case
 444 | where possession has not been taken.

445 | (aa) Reimburse the owner of any structure for which the
 446 | Authority may require removal, relocation, or reconstruction
 447 | located in, on, under, or across any private property, public
 448 | street, highway, or other public or private places for the

449 estimated or actual expense of the removal, relocation, or
 450 reconstruction.

451 (bb) Supplement and coordinate in design and operation air
 452 navigation facilities with those established and operated by the
 453 federal and state governments.

454 (cc) Request the County or any municipality to convey to
 455 the Authority the fee simple title to any airport or other
 456 property owned by the County or any municipality and needed for
 457 airport purposes.

458 (dd) Relinquish jurisdiction, control, supervision, and
 459 management over any airport or part of any airport which is
 460 under its jurisdiction but which is owned by a municipality,
 461 county, or other governmental agency, upon determining that any
 462 such airport or part of any such airport is no longer required
 463 for airport purposes; provided, however, that the consent and
 464 approval of any revenue bondholders is first obtained and
 465 necessary authorizations or approvals are received from federal
 466 agencies regulating airports.

467 (ee) Expend revenues for the cost of investigating,
 468 surveying, planning, acquiring, establishing, constructing,
 469 enlarging, improving, equipping, and erecting Authority
 470 facilities by appropriation of revenues or wholly or partly from
 471 the proceeds of bonds of the Authority. The term "cost" includes
 472 awards in condemnation proceedings, rentals where an acquisition
 473 is by lease, and amounts paid to utility companies for
 474 relocation of their wires, poles, and other facilities.

475 (ff) Incur expenses as provided in its annual budget and
 476 any amended budget.

477 (gg) Assess against and collect from the owner or operator
 478 of each airplane using any Authority facility a landing fee or
 479 service charge sufficient to cover the cost of the service
 480 furnished to airplanes using any such facility, which cost may
 481 include the liquidation of bonds or other indebtedness for
 482 construction and improvement.

483 (hh) Accept federal, state, and any other public or
 484 private moneys, grants, contributions, or loans for the
 485 acquisition, construction, enlargement, improvement,
 486 maintenance, equipment, or operation of Authority facilities, or
 487 any other lawful purpose.

488 (ii) Fix, alter, charge, establish, and collect rates,
 489 fees, rentals, and other charges, such as, but not limited to,
 490 customer facility charges, for the services of Authority
 491 facilities at reasonable and uniform rates.

492 (jj) Adopt a resolution as may be required to levy an ad
 493 valorem tax and submit it to the Board.

494 (kk) Apply for, hold, and periodically transfer alcoholic
 495 beverage licenses as provided by this act.

496 (ll) Adopt and amend rules, regulations, and policies
 497 reasonably necessary for the implementation of this act.

498 (mm) By resolution, fix and enforce penalties for the
 499 violation of this act or a rule, regulation, or policy adopted
 500 in accordance with this act.

501 (nn) Amend the budget after its adoption.

502 (oo) Receive, deposit, secure, and pay out moneys as
 503 provided by this act.

504 (pp) Designate one or more depositories which are

505 qualified as public depositories pursuant to section 280.04,
 506 Florida Statutes, as may be amended from time to time, and
 507 thereafter establish and open an account or accounts into which
 508 revenues collected are to be deposited and from which
 509 expenditures may be made.

510 (qq) Establish and deposit into and expend moneys from a
 511 surplus fund by using funds other than those derived from ad
 512 valorem taxation, that may remain unexpended at the end of the
 513 fiscal year and may be set aside in a separate fund to be known
 514 as the Capital Improvement Fund and accumulated and expended
 515 from year to year solely for the purpose of building and
 516 constructing permanent improvements, replacements, alterations,
 517 buildings, and other structures, including runways, taxi strips,
 518 and aprons.

519 (rr) By resolution, borrow money and issue bonds in the
 520 manner and within the limitation, except as otherwise provided
 521 in this act, prescribed by general law for the issuance and
 522 authorization of bonds; however, any bonds issued by the
 523 Authority shall be self-liquidating or otherwise payable from
 524 revenues of the Authority and shall not be a lien against the
 525 general taxing powers of the County or any municipality.

526 (ss) Enter into any deeds of trust, indentures, or other
 527 agreements with any bank or trust company as security for its
 528 bonds, and assign and pledge any or all of its revenues. Such
 529 deeds of trust, indentures, or other agreements may contain
 530 provisions customary in such instruments or as authorized by the
 531 Authority.

532 (tt) Secure the payment of bonds or any part thereof by

533 | pledging all or any part of its revenues and provide for the
 534 | security of said bonds and the rights and remedies of the
 535 | bondholders.

536 | (uu) Pending the preparation of definitive bonds, issue
 537 | certificates or temporary bonds to the purchaser of bonds.

538 | (vv) Transact the business of the Authority and exercise
 539 | all powers necessarily incidental to the exercise of the general
 540 | and special powers granted in this act and under any other law.

541 | (ww) Exercise all powers of a local agency granted
 542 | pursuant to part II of chapter 159, Florida Statutes, as may be
 543 | amended from time to time, and to a governmental unit granted
 544 | pursuant to part VII of chapter 159, Florida Statutes, as may be
 545 | amended from time to time.

546 | (xx) Do all acts and things necessary or convenient for
 547 | the promotion of its business and the general welfare of the
 548 | Authority.

549 | Section 7. Alcoholic beverage licenses.-

550 | (1) Alcoholic beverage licenses, as provided for in
 551 | section 561.17, Florida Statutes, as may be amended from time to
 552 | time, shall be issued to the Authority or other governmental
 553 | agency operating TIA as provided in this section.

554 | (a) Each such beverage license shall be issued upon the
 555 | written or printed application for licenses to conduct such
 556 | business, made to the Division stating the character of the
 557 | business to be engaged in, the address of the building wherein
 558 | the establishment sought to be licensed is or will be located,
 559 | and the kind of license as defined in chapter 561, Florida
 560 | Statutes, as may be amended from time to time, which the

561 applicant desires. The application shall be in the name of the
 562 Authority or other governmental agency operating TIA and when
 563 issued shall be issued in the name of such applicant. The
 564 applicant shall pay to the Division the license fees for the
 565 kind of license that the applicant desires.

566 (b) Each license is renewable as provided by general law.
 567 Each beverage license shall be for the term and subject to the
 568 same privileges or renewal as provided in sections 561.26 and
 569 561.27, Florida Statutes, as may be amended from time to time.

570 (c) Any business operated under any beverage license shall
 571 be operated only by a lessee of the restaurants and cocktail
 572 lounge or cocktail lounges or bars in the airlines terminal,
 573 administration building, or hotel at the airport to whom the
 574 license may be transferred. The Authority or governmental agency
 575 operating TIA and each authorized lessee shall make application
 576 to the Division for the transfer of the license to the lessee,
 577 and the application shall be approved by the Division if it
 578 meets the requirements of law to do so. Upon termination of a
 579 lease for any reason, the lessee shall immediately notify the
 580 Division to retransfer the beverage licenses to the Authority or
 581 the governmental agency operating TIA. Upon failure of a lessee
 582 to notify the Division, the Authority or the governmental agency
 583 operating TIA shall immediately notify the Division in writing
 584 to transfer the license back to the Authority or other
 585 governmental agency operating TIA which may then transfer it to
 586 another authorized lessee. Thereafter, the beverage license may
 587 be transferred to any new lessee or the restaurants and cocktail
 588 lounge, cocktail lounges, or bars upon the same terms and

589 conditions. Any alcoholic beverage license issued in accordance
 590 with this section is the property of the Authority or the
 591 governmental agency operating TIA, subject to transfer as
 592 provided by this act.

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

597 Section 8. County and municipal powers and
 598 responsibilities; private ownership transfers.-

599 (1) Each municipality is empowered to appropriate moneys
 600 for acquiring, establishing, constructing, enlarging, improving,
 601 maintaining, equipping, or operating airports and other air
 602 navigation facilities under the provisions of this act, and each
 603 municipality is authorized to appropriate and to raise by
 604 taxation or otherwise moneys to assist in carrying out the
 605 provisions of this act as to airports partly or wholly within
 606 the limits of each municipality.

607 (2) It is lawful for any municipality, and full power and
 608 authority is hereby conferred upon each municipality, to
 609 cooperate and share in the exercise of the powers and
 610 authorities conferred upon the Authority under the provisions of
 611 this act, when mutually agreed upon between any such
 612 municipality and the Authority.

613 (3) (a) The County and each municipality are authorized to
 614 aid and cooperate with the Authority in carrying out any
 615 authorized purpose of the Authority by:

616 1. Entering into cooperation agreements with the Authority

617 and providing in any such cooperation agreement for the making
 618 of a loan, gift, grant, or contribution to the Authority.

619 2. Granting and conveying to the Authority real or
 620 personal property, of any kind or nature, or any interest
 621 therein.

622 3. Covenanting in any such cooperation agreement made
 623 pursuant to this section to pay all or any part of:

624 a. The costs of operation and maintenance of Authority
 625 facilities from moneys derived from ad valorem taxation or from
 626 any other available funds of the County or a municipality.

627 b. The principal of and interest on any revenue bonds of
 628 the Authority.

629 c. The deposits required to be made into any reserve, the
 630 Capital Improvement Fund, or other funds established by the
 631 Authority, any indenture, deed of trust, or other instrument
 632 securing said revenue bonds from any available funds of the
 633 County or a municipality other than moneys derived from ad
 634 valorem taxes.

635 (b) Any cooperation agreement may be made and entered into
 636 for such time or times not to exceed 40 years or for such longer
 637 time as any revenue bonds of the Authority, including refunding
 638 thereof, remain outstanding and unpaid, and may contain such
 639 other details, terms, provisions, and conditions as may be
 640 agreed upon.

641 (c) Any cooperation agreement may be made and entered into
 642 for the benefit of the holders of any revenue bonds of the
 643 Authority as well as the parties thereto and is enforceable in
 644 any court of competent jurisdiction by the holders of any such

645 revenue bonds or of the coupons appertaining thereto.

646 (4) The County and each municipality are authorized and
 647 empowered to convey the fee simple title to any real property
 648 needed for airport purposes and owned by either the County or a
 649 municipality to the Authority.

650 (5) Before the County or any municipality issues a
 651 building permit authorizing building on land affected by airport
 652 zoning regulations, it must obtain a written permit from the
 653 Authority to certify that the construction conforms to the
 654 regulations required by the airport zoning regulations.

655 (6)(a) Any municipality, the County, or any private owner
 656 may, and each is authorized to, sell, lease, lend, grant, or
 657 convey to the Authority any interest in real or personal
 658 property which may be used by the Authority in the construction,
 659 improvement, maintenance, leasing, or operation of Authority
 660 facilities. Any municipality, the County, or any other owner is
 661 additionally authorized to transfer, assign, and set over to the
 662 Authority any contract or contracts which may have been awarded
 663 by said municipality, the County, or said owner for the
 664 construction of Authority facilities not begun or, if begun, not
 665 completed.

666 (b) Any such action by the County or any municipality must
 667 be approved by the governing body of the County or the
 668 municipality expressed by resolution or ordinance.

669 (c) Notwithstanding any other provision of law, this
 670 section is complete authority for the acquisition by agreement
 671 of airports and other aviation facilities and facilities related
 672 thereto and any portion thereof and no other action is required.

673 Section 9. Bonds.-

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

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

689 (3) The bonds shall be executed by manual or facsimile
 690 signature by the officers the Authority has designated, provided
 691 that such bonds bear at least one signature which is manually
 692 executed to the extent required by general law. Any coupons
 693 attached to the bonds shall bear the facsimile signature or
 694 signatures of the officer or officers designated by the
 695 Authority. If any member or officer whose manual or facsimile
 696 signature appears on any bond or coupon ceases to be a member or
 697 an officer before the delivery of the bonds, such signature
 698 shall be valid and sufficient for all purposes as if that member
 699 or officer had remained in office until delivery. The bonds
 700 shall bear the seal of the Authority affixed as provided by

701 resolution.

702 (4) Bonds may be sold either at public or private sale at
 703 such price or prices determined by the Authority.

704 (5) Any bonds issued pursuant to this act are negotiable
 705 instruments and investment securities under chapter 678, Florida
 706 Statutes, as may be amended from time to time.

707 (6) The pledge by the Authority of its revenues to the
 708 payment of its bonds by the terms of a resolution or through any
 709 deed of trust, indenture, or other agreement creates a valid and
 710 binding lien thereon and a prior perfected security interest
 711 therein from the time the pledge is made. Any revenues so
 712 pledged are immediately subject to a lien of such pledge without
 713 any physical delivery thereof or further act, and the lien of
 714 any such pledge shall be valid and binding against all parties
 715 having claims of any kind against the Authority, irrespective of
 716 whether such parties have notice thereof. No resolution, deed of
 717 trust, indenture, or other agreement by which a pledge is
 718 created need be filed or recorded, except in the records of the
 719 Authority, and notice is not required to be given to any obligor
 720 of such revenues. No filings under the Florida Uniform
 721 Commercial Code are required in order to perfect any pledge
 722 granted.

723 (7) No approval of the qualified electors or qualified
 724 freeholders of the state or of the County may be required for
 725 the issuance of any bonds by the Authority unless such approval
 726 is required by the provisions of the Constitution of the State
 727 of Florida.

728 (8) Notwithstanding any other provision of law, bonds

729 | issued by the Authority are legal investments for banks, savings
 730 | banks, trustees, executors, all other fiduciaries, and all
 731 | state, municipal, and other public funds. Any such bonds are
 732 | securities eligible for deposit for the securing of all state,
 733 | municipal, and other public funds.

734 | Section 10. Bondholder rights and remedies.-

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

738 | (2) (a) In addition to any other rights and remedies
 739 | lawfully granted to bondholders in law, unless otherwise
 740 | provided by the resolution or resolutions providing for the
 741 | issuance of bonds, or by any deed of trust, indenture, or other
 742 | agreement under which the bonds have been issued, holders of 25
 743 | percent or such other percentage as may be specified in any deed
 744 | of trust, indenture, or other agreement under which the bonds
 745 | were issued in the aggregate principal amount of the bonds then
 746 | outstanding are entitled to appoint a trustee, upon notice as
 747 | provided in this act and for the purpose provided in this act,
 748 | if the Authority defaults in the payment of principal or
 749 | interest for a period of 30 days after either becomes due,
 750 | whether at maturity or upon call for redemption, or if the
 751 | Authority fails to comply with the provisions of this act, its
 752 | resolution or resolutions, or the requirements of any deed of
 753 | trust, indenture, or other agreement under which the bonds were
 754 | issued. Any such bondholders must first give written notice of
 755 | their intention to appoint a trustee to the Authority by
 756 | certified United States mail addressed to the chairperson of the

757 Authority at the principal office of the Authority and to the
 758 holders of all other bonds then outstanding at their addresses
 759 shown on the registration books maintained by the Authority or
 760 the bond registrar. For purposes of this paragraph, any trustee
 761 appointed to serve in that capacity pursuant to a deed of trust,
 762 trust agreement, indenture, or other document by which bonds of
 763 the Authority have been issued is deemed to have been selected
 764 by the holders of bonds issued under that instrument. If more
 765 than one trustee is designated, either by two or more written
 766 instruments or pursuant to the provisions of this paragraph, the
 767 group of bondholders owning the highest percentage of bonds
 768 outstanding has the right to designate the single trustee to
 769 serve in that capacity for purposes of this act.

770 (b) Unless otherwise provided in any instrument pursuant
 771 to which such bonds were issued, any trustee, whether appointed
 772 by bondholders in accordance with the provisions of this act or
 773 in accordance with the terms of any deed of trust, indenture, or
 774 other agreement, may, upon written request of the holders of 25
 775 percent or such other percentage as may be specified in any deed
 776 of trust, indenture, or other agreement under which the bonds
 777 were issued in the aggregate principal amount of the bonds then
 778 outstanding may, in any court of competent jurisdiction, in his,
 779 her, or its own name:

780 1. By mandamus or other suit, action, or proceeding at law
 781 or in equity, enforce all rights of the bondholders, including
 782 the right to require the Authority to fix, establish, maintain,
 783 collect, and charge rates, fees, rentals, and other charges
 784 adequate to carry out any agreement as to, or pledge of, the

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785 revenues of the Authority, and to require the Authority to carry
 786 out any other agreements with or for the benefit of the
 787 bondholders, and to perform its and their duties under this act.

788 2. Bring suit upon the bonds.

789 3. By action or suit in equity, require the Authority to
 790 account as if it were the trustee of an express trust for the
 791 bondholders.

792 4. By action or suit in equity, enjoin any acts or things
 793 which may be unlawful or in violation of the rights of the
 794 bondholders.

795 5. By written notice given in the same manner as provided
 796 by this act to the Authority declare all bonds due and payable
 797 and, if all defaults are made good and with the consent of the
 798 holders of 25 percent or such other percentage as may be
 799 specified in any deed of trust, indenture, or other agreement
 800 under which the bonds were issued in the aggregate principal
 801 amount of the bonds then outstanding, annul such declaration and
 802 its consequences.

803 (3) Unless otherwise provided in any bond resolution, deed
 804 of trust, indenture, or other agreement pursuant to which bonds
 805 were issued, if a default continues for more than 60 days after
 806 written notice to the Authority, any trustee when appointed as
 807 aforesaid, or acting under a deed of trust, indenture, or other
 808 agreement, and whether or not all bonds have been declared due
 809 and payable, upon the happening of any of the events of default
 810 specified in this section, shall be entitled as of right to
 811 appoint a receiver. The receiver may enter and take possession
 812 of any of the Authority facilities for which the Authority is in

813 default as provided herein, or any part or parts thereof and the
 814 revenues which are or may be applicable to the payment of the
 815 bonds in default and operate and maintain the same, for and on
 816 behalf of and in the name of the Authority and the bondholders.
 817 The receiver shall collect revenues in the same manner as the
 818 Authority might, and shall use and apply such funds in
 819 accordance with the applicable bond documents or, if not so
 820 specified into a separate account, as directed by the court.

821 (4) Nothing in this section or any other section of this
 822 act authorizes any receiver appointed to sell, assign, mortgage,
 823 or otherwise dispose of any assets of the Authority. The powers
 824 of such receiver are limited to the operation and maintenance of
 825 the Authority facilities as the court may direct, in the name of
 826 and for and on behalf of the Authority and the bondholders. No
 827 holder of bonds or any court or any trustee is empowered by this
 828 act to sell, assign, mortgage, or otherwise dispose of any
 829 assets of whatever kind or character belonging to the Authority.

830 Section 11. Award of contracts.-

831 (1) (a) All Authority purchases of construction,
 832 improvements, repairs, equipment, supplies, materials, services,
 833 or work of any nature, where the entire cost or value exceeds
 834 \$30,000, shall be done only under contract or contracts approved
 835 and awarded by the Authority with the lowest responsive and
 836 qualified responsible bidder, respondent, or proposer, upon
 837 proper terms, after advertisement has been given asking for
 838 competitive bids, responses, or proposals, provided that the
 839 Authority may reject any and all bids, responses, or proposals.

840 (b) These requirements do not apply to:

841 | 1. Purchases made pursuant to the Consultants' Competitive
 842 | Negotiation Act;

843 | 2. Purchases of required equipment, supplies, materials,
 844 | or services that are highly specialized or proprietary, or when
 845 | no other authorized vendor can supply the required equipment,
 846 | supplies, materials, or services;

847 | 3. Purchases of equipment, supplies, materials, or
 848 | services through a contract issued by a federal, state, or local
 849 | government if such contract was procured using a full and open
 850 | competitive process;

851 | 4. Emergency purchases necessary to mitigate a situation
 852 | which threatens the safety of employees or passengers, the
 853 | operation of the airport, or loss of airport property;

854 | 5. Certain recurring, mandatory, day-to-day expenditures
 855 | such as utilities, government fees, and taxes;

856 | 6. Work performed by employees of the Authority;

857 | 7. Labor supplied by the federal, state, or local
 858 | government;

859 | 8. Contracts or establishment and compliance with rules
 860 | concerning labor and materials and other related matters in
 861 | connection with any project, or portion thereof, as the
 862 | Authority may deem desirable or as may be requested by the
 863 | federal or state government assisting in the financing of
 864 | Authority facilities;

865 | 9. Any situation in which the Authority has taken over by
 866 | transfer or assignment any contract authorized to be assigned to
 867 | it under the provisions relating to the transfer of existing
 868 | facilities to the Authority as provided by this act;

869 | 10. Any contract in connection with the construction of
 870 | Authority facilities which the Authority has had transferred to
 871 | it; and

872 | 11. Any contract or agreement between the Authority and
 873 | any engineers, architects, attorneys, agents, or other
 874 | professional services.

875 | (c) Any contract subject to section 255.05, Florida
 876 | Statutes, as may be amended from time to time, in excess of
 877 | \$15,000 shall not be entered into for construction, improvement,
 878 | or repair of Authority facilities unless the contractor has
 879 | sufficient surety or sureties, approved by the Authority, and in
 880 | an amount fixed by the Authority, for the faithful performance
 881 | of the contract. Any such contract shall include provisions that
 882 | the person entering into the contract with the Authority will
 883 | pay for all materials furnished and services rendered for the
 884 | performance of the contract and may maintain an action to
 885 | recover for the same against the obligor in the undertaking, as
 886 | though such person was named therein, provided the action is
 887 | brought within 1 year after the time the cause of action
 888 | accrued. Nothing in this section shall be construed to limit the
 889 | power of the Authority to construct, repair, or improve
 890 | Authority facilities or any addition, betterment, or extension
 891 | thereto, directly by the officers, agents, and employees of the
 892 | Authority, or otherwise than by contract.

893 | (2) The Authority may use, as an alternative, the
 894 | provisions of section 255.20, Florida Statutes, as may be
 895 | amended from time to time, to satisfy the competitive
 896 | procurement requirements of this section.

897 Section 12. Legal effects.—Any acquisition of property or
 898 rights therein for Authority facilities, or for airport
 899 protection privileges, including the conveyance and acceptance
 900 thereof, and any bonds issued and sold up to and including the
 901 effective date of this act are validated.

902 Section 13. Ad valorem tax.—When the Authority prepares
 903 its annual budget and finds it necessary to levy an ad valorem
 904 tax, it shall adopt a resolution determining the estimated
 905 amounts to be expended by the Authority in the ensuing fiscal
 906 year, exclusive of the proceeds of any bonds or other
 907 obligations of the Authority, for acquiring, establishing,
 908 constructing, enlarging, operating, and maintaining Authority
 909 facilities or for any other corporate purpose of the Authority,
 910 and request the Board to levy the tax, not to exceed 1.5 mills
 911 per annum, on all the taxable real and personal property in the
 912 County for the exclusive use of the Authority and for the
 913 purposes provided in this section. The Authority shall submit a
 914 certified copy of any such resolution to the Board at the same
 915 time it submits its annual budget to the Clerk. The Board has no
 916 right or authority to alter either the amount of the levy
 917 request or the use of its proceeds or to in any way alter the
 918 budget of the Authority. The Board shall authorize the levy
 919 requested. The tax collector of the County shall collect and
 920 promptly pay over to the Authority the proceeds of such tax.

921 Section 14. Prohibition on the use of the taxing power of
 922 the state.—The Authority has no power to pledge the taxing power
 923 of the state, or any political subdivision or agency thereof,
 924 nor shall any of the obligations issued by the Authority be

925 deemed to be obligations of the state, or any political
 926 subdivision or agency thereof, secured by and payable from the
 927 ad valorem taxes thereof. The state, or any political
 928 subdivision or agency thereof, is not liable for the payment of
 929 principal of or interest on such obligations, except from the
 930 special funds provided for in this act.

931 Section 15. Covenant of the state.—The state pledges and
 932 agrees with the Federal Government and any person acquiring any
 933 bonds issued by the Authority for the construction, extension,
 934 improvement, or enlargement of Authority facilities that the
 935 state will not limit or alter the rights vested in the Authority
 936 until all bonds at any time issued, together with the interest
 937 thereon, are fully paid and discharged. The state further
 938 pledges and agrees with the Federal Government that if the
 939 Federal Government contributes any funds for the construction,
 940 extension, improvement, or enlargement of Authority facilities
 941 the state will not alter or limit the rights and powers of the
 942 Authority in any manner which would be inconsistent with the
 943 continued maintenance, operation, or the improvement of
 944 Authority facilities or which would be inconsistent with the due
 945 performance of any agreements between the Authority and the
 946 Federal Government. The Authority shall continue to have and may
 947 exercise all powers granted in this act, so long as the same are
 948 necessary or desirable for the carrying out of the purposes of
 949 this act and the purposes of the Federal Government in the
 950 construction, improvement, maintenance, or enlargement of
 951 Authority facilities.

952 Section 16. Exemption from taxation.—Any property owned or

953 otherwise acquired by the Authority is exempt from taxation to
 954 the same extent as other property used for public purposes. The
 955 effectuation of the authorized purposes of the Authority shall
 956 and will be, in all respects, for the benefit of the people of
 957 the state and the County for the increase of their commerce and
 958 prosperity, and for the improvement of their welfare, health,
 959 and living conditions and, since the Authority will be
 960 performing essential governmental functions in effectuating such
 961 purposes, the Authority is not required to pay any taxes or
 962 assessments of any kind or nature whatsoever upon any property
 963 required or used by it for such purposes, or any rates, fees,
 964 rentals, receipts, or incomes at any time received by it, and
 965 the bonds issued by the Authority, their transfer and the income
 966 therefrom, including any profits made in the sale thereof, and
 967 any security instruments or agreements securing the repayment
 968 thereof, are free from taxation of any kind by the state or any
 969 political subdivision or taxing agency or instrumentality
 970 thereof.

971 Section 17. Discrimination prohibited.-

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

979 (b) No person on the grounds of race, color, sex,
 980 religion, national origin, age, handicap, or marital status

981 shall be excluded from the participation in, denied the benefits
 982 of, or otherwise subjected to discrimination in the use of
 983 leased premises of the Authority.

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

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

992 Section 18. Recodification.—Prior to July 1, 2022, and
 993 every 10 years thereafter, The Hillsborough County Legislative
 994 Delegation shall review this chapter, and all acts which amend
 995 or otherwise modify this chapter, for the purpose of determining
 996 whether there is a need for recodification of same. If it is
 997 determined that there is such a need, the legislative delegation
 998 may require the Authority to accomplish same, and to prepare or
 999 cause to be prepared such legislation as may be necessary for
 1000 such purpose by preparing such legislation.

1001 Section 19. Grammatical usage.—The singular includes the
 1002 plural and vice versa, and gender-specific language includes the
 1003 other gender and neuter.

1004 Section 20. Severability.—The provisions of this act are
 1005 severable, and if any of the provisions hereof shall be held to
 1006 be unconstitutional or invalid, such determination shall not
 1007 affect the constitutionality or validity of any of the remaining
 1008 provisions of this act.

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2012

1009 Section 4. Chapters 2003-370 and 2007-292, Laws of
1010 Florida, are repealed. Such repeal does not affect the
1011 prosecution of any cause of action that accrued before the
1012 effective date of the repeal and does not affect rules,
1013 regulations, policies, actions, and decisions, contracts,
1014 agreements, obligations, and properties of the Authority
1015 existing prior to the effective date of this act. Nothing in
1016 this act is intended, nor shall any provision hereof be
1017 construed so as to repeal, abrogate, impair, or adversely affect
1018 the rights and remedies of the holders of any obligations of the
1019 Authority issued pursuant to the existing acts or any other
1020 applicable provision of law.

1021 Section 5. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 637 Citrus County
SPONSOR(S): Community & Military Affairs Subcommittee; Smith
TIED BILLS: IDEN./SIM. **BILLS:** SB 1034

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 1 N, As CS	Tait	Hoagland
2) Economic Affairs Committee		Tait <i>MAT</i>	Tinker <i>TBT</i>

SUMMARY ANALYSIS

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county¹. Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations, and are regulated under Rule 61A-3.0141, F.A.C.

The specific requirements regarding the issuance of SRX licenses in Citrus County are found in Special Acts, ch. 84-409, L.O.F., as amended by ch. 86-391, L.O.F. (Special Act). The Special Act specifies that SRX licenses may be issued to any restaurant occupying more than 2,500 square feet of service area, with equipment to serve 150 or more patrons full-course meals at tables at one time, and with at least 51% of its gross revenue derived from the sale of food and nonalcoholic beverages. It also prohibits cocktail lounges and open bars on the premises of licensees, with the exception of any restaurant that maintains a service area of at least 4,000 square feet, and in such a restaurant, alcoholic beverage consumption is not limited to table service with meals.

The bill amends the Special Act to remove the prohibition against cocktail lounges and open bars on the premises of restaurants. It modifies the authorization for a cocktail lounge or open bar in restaurant with a service area of 4,000 square feet or more to specify that alcoholic beverage consumption is not limited to table service with meals only within the cocktail lounge or open bar. It also permits a restaurant with a service area of at least 2,500 square feet, but less than 4,000 square feet, to provide a cocktail lounge or an open bar that serves up to ten percent of the restaurant's capacity, with alcoholic beverage consumption not limited to table service with meals within the cocktail lounge or open bar. The bill specifies that sales of alcoholic beverages for off-premises consumption are not permitted. It also removes the requirement that the restaurant have the equipment to serve 150 or more patrons at tables "at one time."

As qualifying restaurants may already obtain a special restaurant license if they choose to, the number of restaurants impacted by the bill is unknown, so the projected revenues from the license fees are indeterminate. The Division of Alcoholic Beverages and Tobacco with the Florida Department of Business and Professional Regulation has indicated that current staff and resources can be used to process any additional license requests allowed by this bill.

The bill provides an effective date of upon becoming law.

House Rule 5.5(b), states that a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. This bill appears to provide an exemption to s. 561.20, F.S

¹ S. 561.20(1), F.S.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county². Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations in s. 561.20(1), F.S., and are regulated under Rule 61A-3.0141, F.A.C. With the exception of specified counties or cities, SRX licenses may be issued to bona fide restaurants with a service area occupying 2,500 or more square feet of floor space and with accommodations for the service and seating of 150 or more patrons at tables at one time.³ All SRX licenses issued after January 1, 1958, have the suffix "SRX" as a part of the license number.

The specific requirements regarding the issuance of SRX licenses in Citrus County are found in Special Acts, ch. 84-409, L.O.F., as amended by ch. 86-391, L.O.F. (Special Act). The Special Act specifies that SRX licenses may be issued to any restaurant occupying more than 2,500 square feet of service area, with equipment to serve 150 or more patrons full-course meals at tables at one time, and with at least 51% of its gross revenue derived from the sale of food and nonalcoholic beverages. It also prohibits cocktail lounges and open bars on the premises of licensees, with the exception of restaurants that maintain a service area of at least 4,000 square feet, and in such restaurants, alcoholic beverage consumption is not limited to table service with meals.

Proposed Changes

The bill amends the Special Act to remove the prohibition against cocktail lounges and open bars on the premises of restaurants. It modifies the authorization for a cocktail lounge or open bar in restaurant with a service area of 4,000 square feet or more to specify that alcoholic beverage consumption is not limited to table service with meals only within the cocktail lounge or open bar. It also permits a restaurant with a service area of at least 2,500 square feet, but less than 4,000 square feet, to provide a cocktail lounge or an open bar that serves up to ten percent of the restaurant's capacity, with alcoholic beverage consumption not limited to table service with meals within the cocktail lounge or open bar. The bill specifies that sales of alcoholic beverages for off-premises consumption are not permitted. It also removes the requirement that the restaurant have the equipment to serve 150 or more patrons at tables "at one time."

The changes to the provisions relating to cocktail lounges and open bars may aid small business owners and operators, possibly resulting in increased jobs and restaurant revenues.

The State of Florida currently levies an annual fee of \$1,820 for a SRX license. As qualifying restaurants may already obtain a special restaurant license if they choose to, the number of restaurants impacted by the bill is unknown, so the projected revenues from the license fees are indeterminate.

The Division of Alcoholic Beverages and Tobacco with the Florida Department of Business and Professional Regulation has indicated that current staff and resources can be used to process any additional license requests allowed by this bill.

The bill provides an effective date of upon becoming law.

² S. 561.20(1), F.S.

³ The exceptions for the square footage rule are: the counties of Alachua, Brevard, Broward, Citrus (for premises with a cocktail lounge or open bar), Dade, Hendry, Highlands, Hillsborough, Martin, Nassau, Okeechobee, Orange County (with respect to Orlando, Winter Park, and Maitland), Osceola, St. Lucie, and Walton. The exception for the service and seating rule are: the counties of Alachua, Brevard, Broward, Dade, Hendry, Highlands, Hillsborough, Martin, Nassau, Orange County (with respect to Orlando, Winter Park, and Maitland), Osceola, St. Lucie, and Walton.

B. SECTION DIRECTORY:

Section 1: Amends ch. 84-409, L.O.F., as amended by ch. 86-391, L.O.F, relating to Special Restaurant License (SRX) requirements for Citrus County.

Section 2: Provides an effective date of upon becoming a law

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 18, 2011.

WHERE? *Citrus County Chronicle*, a daily paper of general circulation published in Crystal River, Citrus County, Florida and distributed in Citrus County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

The Economic Impact Statement says that the changes to the provisions relating to cocktail lounges and open bars may aid small business owners and operators, possibly resulting in increased jobs and restaurant revenues.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

House Rule 5.5(b), states that a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. This bill appears to provide an exemption to s. 561.20, F.S.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 11, 2012, the Community & Military Affairs Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment provided that alcoholic beverage consumption is not limited to table service with meals only within a cocktail lounge or open bar, while specifying that sales of alcoholic beverages for off-premises consumption are not permitted. This analysis has been updated to reflect those changes.

1 A bill to be entitled
 2 An act relating to Citrus County; amending chapter 84-
 3 409, Laws of Florida, as amended; revising criteria
 4 for special alcoholic beverage licenses for
 5 restaurants within the county; providing construction;
 6 providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Section 1 of chapter 84-409, Laws of Florida,
 11 as amended by chapter 86-391, Laws of Florida, is amended to
 12 read:

13 Section 1. Notwithstanding any Citrus County ordinance or
 14 special law prescribing standards for special restaurant
 15 alcoholic beverage licenses, or any general law limiting the
 16 number of alcoholic beverage licenses in a county, the Division
 17 of Alcoholic Beverages and Tobacco shall issue a special
 18 alcoholic beverage license to any restaurant in Citrus County
 19 which meets all of the following minimum criteria:

20 (a) Two thousand five hundred ~~2,500~~ square feet of service
 21 area.

22 (b) Equipment to serve 150 persons full-course meals at
 23 tables. ~~at one time~~

24 (c) Fifty-one ~~51~~ percent of its gross revenue is from the
 25 sale of food and nonalcoholic beverages.

26 (d) Alcoholic beverage consumption is limited to table
 27 service with meals.

28 ~~(e) no cocktail lounge or open bar on the premises.~~

29
 30 However, any restaurant licensed under this section that
 31 maintains a service area of 4,000 square feet or more ~~of service~~
 32 ~~area~~ may provide a cocktail lounge or open bar on the premises,
 33 and alcoholic beverage consumption within the cocktail lounge or
 34 open bar is not limited to table service with meals. Any
 35 restaurant licensed under this section that maintains a service
 36 area of 2,500 square feet or more, but less than 4,000 square
 37 feet, may provide a cocktail lounge or open bar on the premises
 38 that serves up to 10 percent of the capacity of the restaurant,
 39 and alcoholic beverage consumption within the cocktail lounge or
 40 open bar is not limited to table service with meals. Nothing in
 41 this act shall be construed to permit sales of alcoholic
 42 beverages for off-premises consumption.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 665 Gasparilla Island Bridge Authority, Charlotte and Lee Counties
SPONSOR(S): Roberson
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	15 Y, 0 N	Duncan	Hoagland
2) Economic Affairs Committee		Duncan	Tinker TST

SUMMARY ANALYSIS

The Gasparilla Island Bridge Authority (Authority) was created in 1996 and is an independent special district situated in Charlotte and Lee Counties. The Authority was created for the purpose of acquiring, constructing, reconstructing, financing, owning, managing, promoting, improving, maintaining, operating, regulating, and having complete authority, with respect to the Gasparilla Island bridge and causeway.

The bill provides that the Authority's board of supervisors must be elected by a *plurality*, rather than a majority, of the electors of the authority. The fiscal year of the Authority is changed from July 1 to June 30, to October 1 to September 30, so that its fiscal year is the same as county and municipal governments.

The bill provides that notwithstanding the provision requiring the Authority to file the *detailed financial disclosure forms* required pursuant to s. 348.0003(4)(c), F.S., the members of the Board of Supervisors are permitted to file the *limited financial disclosure forms* required prior to the enactment of ch. 2009-85, L.O.F.

The bill also provides that the definition of "Lee County Commission" means the Lee County Board of Commissioners. The current charter defines the term as the Charlotte County Board of Commissioners.

This bill has an effective date of upon becoming law.

According to the Economic Impact Statement, this bill has no fiscal impact.

Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration of local bills. This bill appears to provide an exemption from s. 348.003(4)(c), F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Gasparilla Island Bridge Authority

The Gasparilla Island Bridge Authority (Authority) was created in 1996¹ and is an independent special district situated in Charlotte and Lee Counties. The Authority was created for the purpose of acquiring, constructing, reconstructing, financing, owning, managing, promoting, improving, maintaining, operating, regulating, and having complete authority, with respect to the Gasparilla Island bridge and causeway.

In its charter, the authority is granted the power to set bridge toll rates and collect bridge tolls. The Authority's revenue is generated from tolls collected based on traffic flow to and from Gasparilla Island. The authority operates the Boca Grande Swing Bridge and causeway, which is the link to the three barrier islands: North, Cole, and Gasparilla Island.²

The Authority is governed by nine members acting as the Board of Supervisors. Five of these members are voting members with full power to conduct the business of the Authority by majority vote of the voting members. The other four members serve as ex officio, nonvoting members who participate in board discussions as representatives of the taxpayers who are not qualified as electors of the Authority. Each member serves four-year terms.³

The voting members of the Board of Supervisors must be elected by a majority of the electors of the authority voting in the general election in November of each even numbered year. Each elector may exercise one vote. Those members duly elected to serve will take office on November 15 following the election. The Authority may conduct its elections independently or through the Lee County or Charlotte County Supervisor of Elections. Should the Authority elect to conduct its own elections, its election procedures must be consistent with the Florida Election Code.⁴

The Authority is directed to appoint an executive director who serves at the pleasure of the authority. In addition to the appointment of an executive director, the Authority may contract for all or part of such services with any third party, including the clerk. Each member of the Board of Supervisors must serve without compensation; however, supervisors must receive travel and per diem expenses⁵ when traveling on official business for the Authority.

The Authority is not considered to be an agency within the meaning of ch. 120, F. S. The Authority is considered to be an agency within the meaning of ch. 119, F. S., and all records of the Authority must be open to the public. The Authority is also considered an agency or authority of the county for purposes of the "Government in the Sunshine"⁶ law. Voting members of the Board of Supervisors are considered to be local officers for the purposes of section the disclosure⁷ of their financial interests.

The executive director is required to prepare a proposed budget for the ensuing fiscal year for submission to the board for approval as proposed or modify the budget in part or whole. The Authority's fiscal year begins July 1 of each calendar year and ends June 30 of each calendar year.

¹ Chapter 96-507, L.O.F., subsequently codified under ch. 2000-425, L.O.F.

² Gasparilla Island Bridge Authority, History, available at <http://www.giba.us/about.php> (last visited January 12, 2012).

³ Section 5, Governing Body, ch. 2000-425, L.O.F.

⁴ *Id.* The Florida Election Code is comprised of chapters 97-106, F.S.

⁵ Section 112.061, F.S.

⁶ Section 286.011, F.S.

⁷ Section 112.3145(3), F.S.

Financial Disclosure Requirements

Prior to 2009, state law required the members of the Authority's Board of Supervisors to meet the financial disclosure requirements under ch. 112, F.S., related to the financial interests and clients represented before agencies,⁸ which is considered Limited Financial Disclosure⁹ or FORM 1. In 2009,¹⁰ the Legislature amended the Florida Expressway Authority Act to require members of each expressway authority, transportation authority, bridge authority, or toll authority created pursuant to general law or *any other legislative enactment* to comply with the applicable financial disclosure requirements under s. 8, Article II of the State Constitution.¹¹ The provisions under s. 8, Article II of the State Constitution require full and public disclosure of financial interests or FORM 6.¹²

The Florida Commission on Ethics (Commission) is the independent commission required in the state Constitution to conduct investigations and make public reports on all complaints concerning breach of trust by public officers or employees. Financial disclosure forms are required to be filed with the Commission and the Commission is directed to prescribe the financial disclosure forms.

In 2010, the Authority posed the following question to the Commission:

Are all members of the Gasparilla Island Bridge Authority required to comply with the financial disclosure requirements of Section 348.0003(4)(c), Florida Statutes, which was amended by Section 20 of Chapter 2009-85, Laws of Florida?

In part, the Commission responded as follows:¹³

Notwithstanding, you assert that the Gasparilla Island Bridge Authority is not subject to this 2009 enactment because it is an "independent special district" that was not created under Chapters 343, 348, or 349, Florida Statutes. We must disagree. As its name suggests, it is a "bridge authority," and there is no doubt that it was created pursuant to a "legislative enactment," viz., Chapters 96-507, 97-319, and 2000-425, Laws of Florida. The rules of statutory construction provide that the last adopted expression of the Legislature will generally prevail in the case of two statutory provisions that cannot be reconciled.

Here, with the enactment of Chapter 2009-85, Laws of Florida, the Legislature clearly intended for public officers who serve on specific types of boards dealing with transportation issues (and presumably significant sums of money) to file the more detailed financial disclosure rather than the limited disclosure required by Section 112.3145, Florida Statutes. We can find no basis to conclude that the Legislature intended to exclude the Gasparilla Island Bridge Authority from this requirement. Therefore, as the last expression of the Legislature's intent, we must give due deference to Section 20 of Chapter 2009-85, Laws of Florida.

We also believe that the Legislature intended for all members of the Authority's Board of Directors to file disclosure. In CEO 03-2, we opined that the "at-large" members of the board of directors of Enterprise Florida, Inc., were required to file full and public disclosure of financial interests. As in that situation, there is no distinction in Section 348.0003(4)(c) between voting members and non-voting or ex officio members.

⁸ *Id.*

⁹ FORM 1 requirements includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holders. No dollar values are required to be listed. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies. Florida Commission on Ethics, Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees, at 8-10 (2012), *available at* [http://www.ethics.state.fl.us/publications/2012%20Guide%20Booklet Internet.pdf](http://www.ethics.state.fl.us/publications/2012%20Guide%20Booklet%20Internet.pdf).

¹⁰ Section 20, ch. 2009-85, L.O.F.

¹¹ Section 348.003(4)(c), F.S.

¹² FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth. In addition, the form requires disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

¹³ Florida Commission on Ethics, Financial Disclosure, *Applicability of Law Requiring Bridge Authorities to File Full and Public Disclosure*, CEO 10-18—September 8, 2010, <http://www.ethics.state.fl.us/opinions/10/ceo%2010-018.htm> (last visited January 12, 2012).

Accordingly, we find that all members of the Board of Supervisors for the Gasparilla Island Bridge Authority are required to comply with the financial disclosure requirements of Section 348.0003(4)(c), Florida Statutes (2009), and file the 2009 CE Form 6-Full and Public Disclosure of Financial Interests. As we have no jurisdiction over the election laws, we have no authority to determine which disclosure form must be filed by candidates when qualifying for election as a member of the Board of Supervisors.

Effect of Proposed Changes

The bill provides that the Authority's board of supervisors must be elected by a *plurality*, rather than a majority, of the electors of the Authority. The fiscal year of the Authority is changed from July 1 to June 30, to October 1 to September 30, so that its fiscal year is the same as county and municipal governments.

The bill provides that notwithstanding the provision requiring the Authority to file the *detailed financial disclosure forms* required pursuant to s. 348.0003(4)(c), F.S., the members of the Board of Supervisors are permitted to file the *limited financial disclosure forms* required prior to the enactment of ch. 2009-85, L.O.F.

The bill also provides that the definition of "Lee County Commission" means the Lee County Board of Commissioners. The current charter defines the term as the Charlotte County Board of Commissioners.

B. SECTION DIRECTORY:

Section 1 Amends ss. 4, 5, and 12 of s. 2 of ch. 2000-425, L.O.F., relating to the Gasparilla Island Bridge Authority, correcting a scrivener's error, revising the requirements for electing voting members of the board of supervisors, revising the financial disclosure requirements for members of the board of supervisors, and revising the authority's fiscal year.

Section 2 Provides that the act is effective upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 23, 2011

WHERE? The notices were published in the Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, and the Venice Gondolier Sun located in Charlotte, Sarasota, and DeSoto Counties, Florida.

News-Press, a daily newspaper, published at Fort Myers, FL

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2011-12 or 2012-2013.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A.

1 A bill to be entitled
 2 An act relating to the Gasparilla Island Bridge
 3 Authority, Charlotte and Lee Counties; amending
 4 chapter 2000-425, Laws of Florida; correcting a
 5 scrivener's error; revising requirements for the
 6 election of the voting members of the board of
 7 supervisors; clarifying and revising financial
 8 disclosure requirements for members of the board of
 9 supervisors; revising the authority's fiscal year;
 10 providing an effective date.

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

13
14 Section 1. Subsection (4) of section 4, subsections (3)
15 and (7) of section 5, and subsection (2) of section 12 of
16 section 2 of chapter 2000-425, Laws of Florida, are amended to
17 read:

18 Section 4. DEFINITIONS.—As used in this act, the following
19 words and terms shall have the following meanings, unless some
20 other meaning is plainly intended:

21 (4) "Lee County Commission" means the Lee ~~Charlotte~~ County
22 Board of County Commissioners.

23 Section 5. GOVERNING BODY.—

24 (3) The voting members of the Board of Supervisors shall
25 be elected by a plurality ~~majority~~ of the electors of the
26 authority voting in the general election in November of each
27 even-numbered year. Each elector may exercise one vote. Those
28 members duly elected to serve will take office on November 15

29 following their election.

30 (a) Board Supervisor No. 1, Board Supervisor No. 3, Board
 31 Supervisor No. 5, Board Supervisor No. 6, and Board Supervisor
 32 No. 8 shall be first elected or appointed in the November 1996
 33 election and every fourth year thereafter.

34 (b) Board Supervisor No. 2, Board Supervisor No. 4, Board
 35 Supervisor No. 7, and Board Supervisor No. 9 shall be first
 36 elected or appointed at the November 1996 election to a 2-year
 37 term. They shall be appointed or stand for election to a full 4-
 38 year term commencing at the November 1998 election and shall be
 39 elected or appointed every fourth year thereafter.

40 (7) The Board of Supervisors shall elect a chair and vice
 41 chair from members of the authority, each of whom shall serve
 42 for 1 year or until his or her successor is chosen. The chair,
 43 or the vice chair in the chair's absence, shall preside at all
 44 meetings of the authority and shall perform such additional
 45 duties as prescribed by the members or contained in the bylaws
 46 of the authority. The authority shall hold regular meetings at
 47 least quarterly at such times and places as it may designate and
 48 may hold more frequent special meetings. Three voting members
 49 constitute a quorum for the purpose of meeting and transacting
 50 business. Each voting member of the authority shall have one
 51 vote. The authority may adopt bylaws and may make all policies,
 52 procedures, rules, and regulations not inconsistent with this
 53 act which it may deem necessary respecting the conduct of its
 54 affairs. Such policies, procedures, rules, and regulations shall
 55 provide for notice of all public meetings in conformity with the
 56 requirements of section 189.417, Florida Statutes, and shall

57 provide that an agenda shall be prepared by the authority in
 58 time to ensure that a copy of the agenda will be available at
 59 least 3 days prior to any regular meetings of the authority.
 60 After the agenda has been made available, items may be added for
 61 good cause, as determined by the chair or person designated to
 62 preside at the meeting. The reason for adding an item to the
 63 agenda shall be stated in the record. Special or emergency
 64 meetings may be called by the chair upon no less than 48 hours'
 65 notice. The authority shall publish and thereafter codify and
 66 index all rules, regulations, and resolutions formulated,
 67 adopted, or used by authority in the discharge of its functions.
 68 Such rules, regulations, and resolutions shall be made available
 69 for public inspection and copying, at no more than cost. The
 70 authority shall not be deemed to be an agency within the meaning
 71 of chapter 120, Florida Statutes. The authority shall be deemed
 72 to be an agency within the meaning of chapter 119, Florida
 73 Statutes, and all records of the authority shall be open to the
 74 public. The authority shall be deemed an agency or authority of
 75 the county for purposes of section 286.011, Florida Statutes,
 76 the "Government in the Sunshine" law. Notwithstanding s.
 77 348.0003(4)(c), Florida Statutes, all ~~voting~~ members of the
 78 Board of Supervisors shall be deemed to be local officers for
 79 the purposes of section 112.3145(3), Florida Statutes, requiring
 80 disclosure of their financial interests. These statements of
 81 financial interests shall be filed with the Florida Commission
 82 on Ethics ~~Lee County Supervisor of Elections~~ and available for
 83 public inspection. In addition to the foregoing, the authority
 84 shall comply with the requirements of section 189.417, Florida

85 Statutes, regarding notice of meetings which shall be deemed to
 86 supersede any inconsistent provisions of this section in the
 87 event of conflict.

88 Section 12. BUDGET; REPORTS AND REVIEW.—

89 (2) The fiscal year for the authority shall commence on
 90 October ~~July~~ 1 of each calendar year and shall conclude on
 91 September ~~June~~ 30 of each calendar year. On or before September
 92 ~~June~~ 1, the executive director shall prepare a proposed budget
 93 for the ensuing fiscal year to be submitted to the board for
 94 board approval. The proposed budget shall include, at the
 95 direction of the board, an estimate of all necessary
 96 expenditures of the authority for the ensuing fiscal year and an
 97 estimate of income to the authority from all sources of revenue
 98 provided in this act. The board shall consider the proposed
 99 budget and may either approve the budget as proposed by the
 100 manager or modify the same in part or in whole.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 867 City of Clearwater, Pinellas County
SPONSOR(S): Community & Military Affairs Subcommittee; Hooper
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 1 N, As CS	Tait	Hoagland
2) Economic Affairs Committee		Tait <i>MLT</i>	Tinker <i>TBT</i>

SUMMARY ANALYSIS

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation is responsible for the enforcement of Florida's beverage law. Section 561.422, F.S., authorizes nonprofit civic organizations to apply for up to three temporary alcoholic beverage permits for a period not to exceed three days, subject to any other state, municipal, or county ordinance regulating the time for selling alcoholic beverages. The permit requires that the alcoholic beverages may only be consumed on the premises.

The bill authorizes the division to issue temporary alcoholic beverages permits to nonprofit organizations holding outdoor events in the downtown area of the City of Clearwater in Pinellas County.

An organization may be issued up to 15 temporary permits per calendar year, valid for up to three days, in addition to the three temporary permits currently authorized by law.

While the number of additional permits that may be issued as a result of this bill is indeterminate, the state will receive \$25 for each permit issued. In addition, the division has indicated that it can handle the provisions of this bill with existing resources.

The bill takes effect upon becoming law.

House Rule 5.5(b), states that a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. This bill appears to provide an exemption to s. 561.422, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapters 561-565 and 567-568, F.S., comprise Florida's beverage law. The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation is responsible for the enforcement of these statutes.¹ Section 561.422, F.S., authorizes "nonprofit civic organizations" to apply for up to three temporary alcoholic beverage permits for a period not to exceed three days, subject to any other state, municipal, or county ordinance regulating the time for selling alcoholic beverages. The permit requires that the alcoholic beverages may only be consumed on the premises.

Upon the filing of an application, the nonprofit civic organization must present a local building or zoning permit, and pay a fee of \$25 per permit. All net profits from sales of alcoholic beverages collected during the permit period must be retained by the nonprofit civic organization. Individual nonprofit civic organizations are limited to three permits per calendar year.

Over the past five years, the Legislature has passed legislation that authorizes the division to issue up to 15 additional temporary permits to nonprofit organizations in designated sections of the following cities: St. Petersburg,² Tallahassee,³ Leesburg,⁴ Eustis,⁵ Tavares,⁶ and Mount Dora.⁷ The chart below contains data from the division on the actual number of additional temporary permits issued.

City	Effective Date	2007	2008	2009	2010	2011*	Total Permits
St. Petersburg	6/12/07	1	14	9	9	14	47
Tallahassee	6/17/08	N/A	5	1	4	4	14
Leesburg	6/02/09	N/A	N/A	0	7	16	23
Eustis	6/11/10	N/A	N/A	N/A	3	10	13
Tavares	6/11/10	N/A	N/A	N/A	0	4	4
Mount Dora	6/29/11	N/A	N/A	N/A	N/A	0	0
Total		1	19	10	23	48	101

*As of 12/6/11

According to Guidestar.org, there are currently 1,256 nonprofit civic organizations in the City of Clearwater.⁸

Effect of the Proposed Changes

This bill authorizes the division to issue temporary permits authorizing nonprofit organizations to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way and public park property in the downtown area, as specifically described in the bill, of the City of Clearwater in Pinellas County.

¹ Section 561.02, F.S.

² Chapter 2007-302, L.O.F.

³ Chapter 2008-294, L.O.F.

⁴ Chapter 2009-262, L.O.F.

⁵ Chapter 2010-251, L.O.F.

⁶ Chapter 2010-252, L.O.F.

⁷ Chapter 2011-260, L.O.F.

⁸ The division has used Guidestar.org (an Internet provider that connects people with nonprofit information) in the past as a source for the number of nonprofit civic organizations in a city. The results for Clearwater are from a search on December 19, 2011.

A nonprofit civic organization may be issued up to 15 temporary permits per calendar year, valid for up to three days, in addition to the three temporary permits authorized by s. 561.422, F.S. The organization must provide a valid special event permit issued by the City of Clearwater, and must comply with all other requirements of s. 561.422, F.S., in obtaining the temporary permits authorized by the bill.

The bill takes effect upon becoming law.

B. SECTION DIRECTORY:

Section 1: Provides for the issuance of temporary alcoholic beverage permits to nonprofit civic organizations for event activities conducted in the City of Clearwater in Pinellas County.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 4, 2011.

WHERE? *The Gulf Coast Business Review*, a weekly newspaper of general circulation published in Pinellas County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

While the number of additional permits that may be issued as a result of this bill is indeterminate, the state will receive \$25 for each permit issued. In addition, the division has indicated that it can handle the provisions of this bill within existing resources.

House Rule 5.5(b), states that a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. This bill appears to provide an exemption to s. 561.422, F.S.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 11, 2012, the Community & Military Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed a provision requiring the division to adopt rules to administer the act. The analysis has been updated to reflect that change.

A bill to be entitled

An act relating to the City of Clearwater, Pinellas County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way and public park property in the downtown area of Clearwater; providing that such events require a special event permit from the City of Clearwater; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; providing an effective date.

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

Section 1. (1) Notwithstanding any other provision of law, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation may issue to a bona fide nonprofit civic organization, upon application and presentation of a valid special event permit issued by the City of Clearwater, a temporary permit authorizing the sale of alcoholic beverages for consumption on the premises at outdoor events on public right-of-way and public park property in the

29 downtown area of Clearwater. Any such nonprofit civic
30 organization may be issued up to 15 temporary permits per
31 calendar year and each temporary permit is valid for up to 3
32 days. For purposes of this act, the downtown area of Clearwater
33 is that area between Drew Street and Pierce Street North and
34 South and between Myrtle Street and the waterfront.

35 (2) The temporary permits authorized by this act are in
36 addition to the three temporary permits authorized per year for
37 a nonprofit civic organization pursuant to section 561.422,
38 Florida Statutes.

39 (3) The nonprofit civic organization shall comply with all
40 other requirements of section 561.422, Florida Statutes, in
41 obtaining the temporary permits authorized by this act.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 941 Commercial Lines Insurance Policies

SPONSOR(S): Holder

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Insurance & Banking Subcommittee	14 Y, 0 N	Callaway	Cooper
2) Economic Affairs Committee		Callaway <i>Jde</i>	Tinker <i>TBT</i>

SUMMARY ANALYSIS

Commercial lines insurance (commercial insurance) is insurance designed for and bought by a business to cover losses sustained by the business. Some commercial insurance, such as workers' compensation, is required to be purchased by businesses; however, most commercial insurance is purchased by businesses on a voluntary basis. The commercial insurance a business purchases also depends, in part, on the business type and industry.

The bill allows insurance companies writing commercial lines insurance policies to transfer these insurance policies to a different Florida licensed insurance company that is directly or indirectly owned, managed, or controlled by the first insurer. The policy transfer is a renewal of the policy, rather than a cancellation or nonrenewal of the policy. Allowing policies to be transferred between affiliated insurers, rather than requiring policies to be nonrenewed by the original insurer and reissued by an affiliated insurer, allows insurers to more easily manage their book of business and eliminates confusion among policyholders associated with policy nonrenewal and subsequent reissuance.

The bill is very similar to s. 627.728(4)(d), F.S., which allows an insurance company to transfer automobile insurance policies to a new insurer under the same ownership or management of first insurer instead of canceling and nonrenewing the policies at the end of the policy term.

The bill has no fiscal impact.

The bill is effective July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Commercial lines insurance (commercial insurance) is insurance designed for and bought by a business to cover losses sustained by the business.¹ Major types of commercial insurance are: boiler and machinery, business income, commercial auto, comprehensive general liability, directors and officers liability, medical malpractice liability, product liability, professional liability, and workers' compensation.

Some commercial insurance, such as workers' compensation, is required to be purchased by businesses;² however, most commercial insurance is purchased by businesses on a voluntary basis. The commercial insurance a business purchases also depends, in part, on the business type and industry.

The bill allows insurance companies writing commercial lines insurance policies to transfer these insurance policies to a different Florida licensed insurance company that is directly or indirectly owned, managed, or controlled by the first insurer. The policy transfer is a renewal of the policy, rather than a cancellation or nonrenewal of the policy. Thus, insurers will not have to provide 100 days' notice³ of nonrenewal, or notice by June 1st, whichever is earlier, because the policy will be transferred, rather than nonrenewed. However, insurers transferring policies must still comply with current law relating to renewal notices which generally requires insurers to give policyholders 45 days advance written notice of the renewal premium for workers' compensation, employer's liability, property, and casualty insurance.⁴ Allowing policies to be transferred between affiliated insurers, rather than requiring policies to be nonrenewed by the original insurer and reissued by an affiliated insurer, allows insurers to more easily manage their book of business and eliminates confusion among policyholders associated with policy nonrenewal and subsequent reissuance.

The bill is very similar to s. 627.728(4)(d), F.S., which allows an insurance company to transfer automobile insurance policies to a new insurer under the same ownership or management of first insurer instead of canceling and nonrenewing the policies at the end of the policy term. Insurers wanting to transfer automobile policies to an associated insurer must give 45-days notice to the policyholder and must notify the policyholder of the policy premium and any reasons for an increase in premium. The 45-day transfer notice requirement for automobile policy transfers is consistent with the notice requirement in current law for cancellation or nonrenewal of automobile policies.

B. SECTION DIRECTORY:

Section 1: Amends s. 627.4133, F.S., relating to notice of cancellation, nonrenewal, or renewal premium.

Section 2: Provides an effective date of July 1, 2012.

¹ <http://www2.iii.org/glossary/> (defining commercial lines) (last viewed December 11, 2011).

² Generally, non-construction businesses employing four or more employees have to buy workers' compensation insurance. Construction businesses must buy workers' compensation insurance if the business has one or more employees.

³ Under current law, policyholders whose residential structure has been insured by the same insurer for at least the five years before the date of nonrenewal receive 120 days' notice of nonrenewal, rather than 100 days.

⁴ See s. 627.4133(1), F.S. Personal lines or commercial residential property insurance policies that are renewed also have a 45-day renewal notice under s. 627.4133(2), F.S. Mortgage guaranty, surety, and marine insurance are exempt from the 45 day notice of renewal premium provision in current law (s. 627.4133(1), F.S.). Automobile insurance renewal provisions are found in s. 627.728, F.S. and are not governed by the 45-day notice provision in s. 627.4133(1), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None provided in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

HB 941

2012

1 A bill to be entitled
 2 An act relating to commercial lines insurance
 3 policies; amending s. 627.4133, F.S.; authorizing an
 4 insurer to transfer a commercial lines policy under
 5 certain circumstances; providing construction;
 6 providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsection (8) is added to section 627.4133,
 11 Florida Statutes, to read:

12 627.4133 Notice of cancellation, nonrenewal, or renewal
 13 premium.—

14 (8) An insurer issuing a commercial lines policy, may, at
 15 the expiration of the policy term, transfer the policy to
 16 another authorized insurer under the same direct or indirect
 17 ownership, management, or control as the transferring insurer.
 18 The transfer constitutes a renewal of the policy and may not be
 19 treated as a cancellation or a nonrenewal of the policy.

20 Section 2. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1153 Broward County
SPONSOR(S): Jenne
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	15 Y, 0 N	Tait	Hoagland
2) Economic Affairs Committee		Tait <i>MCI</i>	Tinker <i>TBT</i>

SUMMARY ANALYSIS

Chapter 75-350, L.O.F., governs municipal elections in Broward County. Chapter 75-350, L.O.F., was last amended in 2005 by ch. 2005-318, L.O.F, to change provisions relating to elections dates and qualification periods.

This bill changes the November elections filing period previously amended in ch. 2005-318, L.O.F. The new filing period will conform to those established in s. 99.061(2), F.S. Based on Florida Statutes, the new filing period for November municipal elections in Broward County will be anytime after noon on the 71st day prior to the primary election date to no later than noon of the 67th day prior to the primary election date.

The bill does not make any changes to the elections filing period for municipal elections occurring in March.

The bill also makes scrivener changes to ch. 75-350, L.O.F.

The bill does not appear to have a fiscal impact on state government. The Economic Impact Statement indicates the bill will reduce local government expenses for labor and overtime.

The bill takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Chapter 75-350, L.O.F., governs municipal elections in Broward County. Chapter 75-350, L.O.F., (chapter) was last amended in 2005 by ch. 2005-318, L.O.F, to change provisions relating to elections dates and qualification periods.

Currently, the chapter provides the following municipal elections provisions:

- For municipal elections held in March, the filing period is between noon on the 1st working day in January and noon on the 7th day after the 1st work day in January.
- For municipal elections held in November, the filing period is between noon on the 1st work day in September and noon on the 7th day following the 1st work day in September.

Broward municipal elections held in November are held the 1st Tuesday after the 1st Monday in November of any even-numbered calendar year, aligning the date for municipal elections with state and federal elections.

Section 99.061(2), F.S., requires the filing period for county elections to be any time after noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election.

Absentee Ballots

Section 101.62(4)(a), F.S., requires county supervisors of elections to send absentee ballots to each absent uniformed services voter and overseas voter who have requested an absentee ballot no later than 45 days before each election. In addition, the 2009 federal Military and Overseas Voter Empowerment (MOVE) Act requires states to transmit validly-requested absentee ballots to service members, their families and other overseas citizens no later than 45 days before a federal election, except where the state has been granted an undue hardship waiver approved by the Department of Defense for that election.^{1,2}

For November elections, these requirements mean the absentee ballots must be sent between September 18th and September 24th, depending on the election date.

Under the current provisions of the chapter governing municipal elections in Broward County, the September filing period for municipal elections results in the Broward Supervisor of Elections having approximately 10 days to code, test, and prepare absentee ballots. This compressed time span leads to additional expenditures for labor and overtime to meet the state and federal requirements.

Effect of Proposed Changes

This bill changes the November elections filing period to conform to those established in s. 99.061(2), F.S. The new filing period for November municipal elections in Broward County will be anytime after noon on the 71st day prior to the primary election date to no later than noon of the 67th day prior to the primary election date. This change will result in an increased time span between the filing period and the 45 day requirement for mailing absentee ballots.

¹ P.L. 111-084. The MOVE Act amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). UOCAVA is 42 U.S.C. 1973ff et seq. and the MOVE act adds Part H to Title V.

² United States Department of Justice, *Fact Sheet: Move Act*. Available at: <http://www.justice.gov/opa/pr/2010/October/10-crt-1212.html> Site last visited January 13, 2012.

The bill does not make any changes to the elections filing period for municipal elections occurring in March.

The bill also makes scrivener changes to ss. 4 through 7 of ch. 75-350, L.O.F.

The bill takes effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Amends ch. 75-350, L.O.F., last amended by ch. 2005-318, L.O.F., revising the dates on which municipal candidates must file qualification papers and pay fees with respect to November elections and making technical changes.

Section 2: Provides an effective date of upon becoming a law

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 23, 2011

WHERE? *The Sun-Sentinel*, a daily newspaper of general circulation published in Broward, Palm Beach and Miami-Dade Counties, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

The Economic Impact Statement indicates the bill will reduce local government expenses for labor and overtime.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 1153

2012

1 A bill to be entitled
 2 An act relating to Broward County; amending chapter
 3 75-350, Laws of Florida, as amended; revising
 4 provisions relating to the governing of municipal
 5 elections in the county; revising the dates on which
 6 municipal candidates must file qualification papers
 7 and pay certain fees with respect to certain
 8 elections; providing an effective date.

9

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

11

12 Section 1. Chapter 75-350, Laws of Florida, as amended by
 13 chapters 2004-443 and 2005-318, Laws of Florida, is amended to
 14 read:

15 Section 1. It is the intent of this act to provide for
 16 uniform filing and election dates for all municipal elections in
 17 Broward County. It is not the intent of this act to determine
 18 the length of terms of municipal offices.

19 Section 2. For any municipal elections held in Broward
 20 County in March of a calendar year, candidates for office in
 21 such elections shall file such papers and pay such fees as may
 22 be required by law with the applicable municipal clerk no
 23 earlier than noon on the first work day in January nor later
 24 than noon on the 7th day following the first work day in January
 25 of the calendar year in which the election is to be held. For
 26 any municipal elections held in Broward County in November of a
 27 calendar year, candidates for office in such elections shall
 28 file such papers and pay such fees as may be required by law

29 with the applicable municipal clerk pursuant to the same
 30 timeframes as candidates who qualify for county offices as
 31 provided in section 99.061(2), Florida Statutes ~~no earlier than~~
 32 ~~noon on the first work day in September nor later than noon on~~
 33 ~~the 7th day following the first work day in September of the~~
 34 ~~calendar year in which the election is to be held.~~

35 Section 3. Any primary election relating to a municipal
 36 office held in a municipality in Broward County shall be held on
 37 the second Tuesday in February of a calendar year, and all
 38 general elections relating to a municipal office held in a
 39 municipality in Broward County shall be held on the second
 40 Tuesday in March of a calendar year or the first Tuesday after
 41 the first Monday in November of any even-numbered calendar year.
 42 Municipalities that have general elections in November of even-
 43 numbered calendar years shall not have primaries for such
 44 elections.

45 Section 4. In any primary election held in any race for
 46 municipal offices in Broward County, the manner and method by
 47 which a slate of candidates is to be determined shall be as
 48 provided by the Charter or Code of Ordinances of the
 49 municipality conducting the primary election as provided herein.
 50 In any general election in races for municipal offices in
 51 Broward County, the candidate or candidates, depending upon the
 52 number to be elected, receiving the highest number of votes in
 53 the election shall be the winners ~~winner~~. Such duly elected
 54 municipal officers shall take office within 14 ~~fourteen (14)~~
 55 days after the general election, with the specific day to be
 56 decided by local ordinance.

57 Section 5. In order to implement any change in the month
 58 in which elections will be held, Broward County municipalities
 59 may either extend or reduce terms of office of existing elected
 60 officials for a period of up to 8 ~~eight (8)~~ months.

61 Section 6. The governing body of each municipality in
 62 Broward County may, at its discretion, amend its Charter to
 63 change the date of its municipal elections in accordance with
 64 this act by ordinance, subject to approval by referendum;
 65 ~~provided, however, that~~ any change in election date will not be
 66 effective until at least 18 ~~eighteen (18)~~ months after the
 67 approval of the ordinance by the municipality's governing body.


68 Section 7. All municipal elections shall be canvassed by
 69 the county canvassing board, with said board certifying the
 70 results to each city clerk within 5 ~~five (5)~~ days after the
 71 election.

72 Section 8. The Broward Supervisor of Elections shall
 73 provide to each Broward County municipality by the first work
 74 day in April of the calendar year a schedule of fees and charges
 75 for municipal election services for the following calendar year.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EAC 12-03 Tax Refunds for Qualified Targeted Industries, Qualified Defense Contractors and Space Flight Business
SPONSOR(S): Economic Affairs Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Affairs Committee		Fennell	Tinker 

SUMMARY ANALYSIS

The bill eliminates the maximum amount of tax refunds a business unit could receive over all fiscal years for both the Qualified Targeted Industry Program and the Qualified Defense Contractor and Space Flight Business Program. The limits imposed on the percentage of total award and the dollar amount a qualified project could receive in a fiscal year would remain in effect.

The bill may have an indeterminate negative fiscal impact on state funds.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Tax Refunds on Qualified Targeted Industries

The Qualified Target Industry (QTI) tax refund program was designed to encourage the recruitment or creation of higher-paying, higher-skilled jobs for Floridians, by awarding eligible businesses refunds of certain state or local taxes paid in exchange for creating jobs. To be eligible for the program a business must, among other criteria, fall under an industry classification that has been included on the approved list of targeted industries for the state. The program provides a refund against eligible taxes paid by an approved applicant.

The program also requires that a project must propose to create at least 10 new jobs, or in the case of a business expansion must result in a net increase in employment of at least 10 percent at the business. The jobs proposed to be created or retained must pay an average annual wage of at least 115% of the average private sector wage in the area where the business is located or the statewide private sector average wage. The 2012 average annual wage for Florida is \$40,555.¹

The amount of the refund is based on the wages paid, number of jobs created, and where in the state the eligible business chooses to locate or expand. The minimum tax refund is \$3,000 per employee and the maximum amount is \$11,000 per employee over the term of the incentive agreement.

Qualified Defense Contractor and Space Flight Business Tax Refund

The Qualified Defense Contractor and Space Flight Business (QDC) tax refund program provides incentives to businesses that either hold or are a subcontractor for a valid Department of Defense contract or space flight business contract, or hold a contract for the reuse of a defense related facility. The Department of Economic Opportunity receives and approves applications based on certain criteria set in statute. The program provides a refund against eligible taxes paid by an approved applicant.

The program requires that the jobs created by the project have an average annual wage of at least 115% of the average wage in the area where the project is located. The 2010 average annual wage for Florida is \$40,555.²

The amount of the refund is based on wages paid, number of jobs created and where in the state the project is located. The minimum tax refund is \$3,000 per employee and the maximum amount is \$8,000 per employee over the term of the incentive agreement.

Tax Refund Limits

Section 288.106 and 288.1045, Florida Statutes, set the criteria for the QTI and QDC program. Included in these criteria are limits on awards for qualified projects under both programs. The limits include:

- The QTI and QDC programs limit applicants to 25 percent of the total tax refunds in any given fiscal year.
- The QDC program limits applicants to \$2.5 million in tax refunds in any given fiscal year.
- The QTI program limits applicants to \$1.5 million in tax refunds in any given fiscal year or \$2.5 million if the project is in an enterprise zone.
- The QDC program limits applicants to \$7 million in tax refunds over all fiscal years.
- The QTI program limits applicants to \$7 million in tax refunds over all fiscal years, or \$7.5 million if a project is in an enterprise zone.

¹ Enterprise Florida, *Incentive Average Wage Requirements*, 2010

² Enterprise Florida, *Incentive Average Wage Requirements*, 2010

Effect of Proposed Change

The bill eliminates the maximum amount of tax refunds a business unit could receive over all fiscal years for both the Qualified Targeted Industry Program and the Qualified Defense Contractor and Space Flight Business Program. The limits imposed on the percentage of total award and dollar amount a qualified project could receive in a fiscal year would remain in effect.

B. SECTION DIRECTORY:

Section 1 amends section 288.1045, F.S., by removing program limits for applicants to the Qualified Defense Contractor or Space Flight Business Program.

Section 2 amends section 288.106, F.S., by removing program limits for applicants to the Qualified Targeted Industry Program.

Section 3 provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill could increase the number of businesses who would qualify for future awards by removing a lifetime cap on receipt of the tax refunds. The amount of additional awards, if any, is unknown but could have a negative fiscal impact on general revenue. However, both the QTI and QDC program's funding are subject to an annual appropriation in the General Appropriations Act. Further, both the programs are included in an annual cap of \$35 million in total awards issued by the Department of Economic Opportunity for programs funded through the Economic Development Incentives Account.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill would increase the number of jobs created or retained in the state if additional businesses that qualify for the refund decide to locate or expand.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

* C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
An act relating to economic development tax refund
programs; amending ss. 288.1045 and 288.106, F.S.;
deleting certain limits on the amounts of tax refunds
that may be received by qualified applicants under the
qualified defense contractor and space flight business
tax refund program and qualified target industry
businesses under the tax refund program for such
businesses; providing an effective date.

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

Section 1. Paragraphs (d) through (h) of subsection (2) of
section 288.1045, Florida Statutes, are redesignated as
paragraphs (c) through (g), respectively, and present paragraph
(c) of that subsection is amended to read:

288.1045 Qualified defense contractor and space flight
business tax refund program.-

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.-

~~(c) A qualified applicant may not receive more than \$7
million in tax refunds pursuant to this section in all fiscal
years.~~

Section 2. Paragraph (c) of subsection (3) of section
288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry
businesses.-

(3) TAX REFUND; ELIGIBLE AMOUNTS.-

(c) A qualified target industry business may not receive

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2012

29 refund payments of more than 25 percent of the total tax refunds
 30 specified in the tax refund agreement under subparagraph
 31 (5)(a)1. in any fiscal year. Further, a qualified target
 32 industry business may not receive more than \$1.5 million in
 33 refunds under this section in any single fiscal year, or more
 34 than \$2.5 million in any single fiscal year if the project is
 35 located in an enterprise zone. ~~A qualified target industry~~
 36 ~~business may not receive more than \$7 million in refund payments~~
 37 ~~under this section in all fiscal years, or more than \$7.5~~
 38 ~~million if the project is located in an enterprise zone.~~
 39 Section 3. This act shall take effect July 1, 2012.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for CS/HB 15 Transportation Facility Designations

SPONSOR(S): Economic Affairs Committee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Affairs Committee		Kiner <i>KUK</i>	Tinker <i>TBT</i>

SUMMARY ANALYSIS

The bill designates bridge number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach as 'Alma Lee Loy Bridge' and directs the Florida Department of Transportation ("DOT") to erect suitable markers.

The bill has an estimated negative fiscal impact of \$800, which is the cost to DOT to erect the markers.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Ms. Alma Lee Loy was born and raised in Vero Beach, Florida, and has been a life-long resident, businesswoman and active member of the community ever since. In 1968, she became the first woman elected to the Indian River County Commission and served as both chairman and vice-chairman. Among her many varied accomplishments during this time was championing the construction of the 17th Street Bridge (State Road 656 between Indian River Boulevard and State Road A1A).¹ It has been said that Ms. Loy's passion on this initiative helped her overcome objections related to the possibility of declining property values, right-of-way costs and environmental concerns – such as whether construction of the bridge would interfere with the operation of the nearby power plant.²

Throughout the years, Ms. Loy has worked tirelessly to improve and enhance public beaches, parks and the Vero Beach/Indian River County community in general. Her efforts have earned her recognition in the form of having a county park and the local chamber of commerce building dedicated in her name.

Ms. Loy obtained her associates degree from the Rochester Institute of Technology and later obtained her bachelor's degree from the University of Miami.

Florida Law on Legislative Designations of Transportation Facilities

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations neither officially change the current names of the facilities, nor require local governments or private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

Section 334.071, F.S., also requires:

- the city or county in which the dedicated facility is located to pass a resolution, through its board of commissioners, in support of the designation before markers are erected. If the designated segment extends through multiple cities or counties, a resolution must be passed by each affected local government; and
- the DOT must place a marker at each termini or intersection of a designated road or bridge and erect other markers it deems appropriate for the transportation facility.

Effect of Proposed Change

The bill designates bridge number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach as 'Alma Lee Loy Bridge' and directs DOT to erect suitable markers.

Effective Date

The bill has an effective date of July 1, 2012.

B. SECTION DIRECTORY:

¹ Jonathan Mattise. *Effort to Name 17th Street Bridge After Alma Lee Loy Delayed a Year*. See <http://www.tcpalm.com/news/2011/may/18/effort-to-name-17th-street-bridge-after-alma-lee/> (Last viewed 10/7/2011).

² Willard Siebert. *Letter: Naming bridge for Loy is fitting for way she bridged different people, common interests*. See <http://www.tcpalm.com/news/2011/apr/29/letter-naming-bridge-for-loy-is-fitting-for-way/> (Last viewed 10/7/2011).

Section 1 Designates Alma Lee Loy Bridge in Indian River County; directs DOT to erect suitable markers.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOT will incur costs of approximately \$800 (from the State Transportation Trust Fund) for erecting markers for the designations. This is based on the assumption that two markers will be erected at a cost of \$400 per marker. DOT will also incur the recurring costs of maintaining these signs over time and for future replacement of the signs as necessary.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

PCS for CS/HB 15

ORIGINAL

2012

1 A bill to be entitled
2 An act relating to transportation facility
3 designations; providing honorary designation of a
4 certain transportation facility in a specified county;
5 directing the Department of Transportation to erect
6 suitable markers; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Alma Lee Loy Bridge designated; Department of
11 Transportation to erect suitable markers.-

12 (1) Bridge Number 880077 on State Road 656 between State
13 Road 1A and Indian River Boulevard in the City of Vero Beach in
14 Indian River County is designated as "Alma Lee Loy Bridge."

15 (2) The Department of Transportation is directed to erect
16 suitable markers designating Alma Lee Loy Bridge as described in
17 subsection (1).

18 Section 2. This act shall take effect July 1, 2012.