
Chapter 67-1099
House Bill No. 1608

AN ACT relating to Bay county; creating, establishing and organizing an airport district in Bay county, to be designated as the Panama City-Bay County airport and industrial district; defining territorial boundaries; creating an airport authority as the governing body; providing for its government, jurisdiction, powers, franchises and privileges; providing an effective date.

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

Section 1. Airport district established.—There is created and established as a political subdivision of the state an air-

port district in Bay county to be known as the "Panama City-Bay County airport and industrial district," which shall comprise and include the territory within said Bay county described as follows, to-wit:

Commence at the intersection of the channel of the north arm of St. Andrews Bay with the channel of Robinson Bayou located in Township 3 South, Range 15 West for a point of beginning; thence meandering southeasterly along the channel of Robinson Bayou to a point on the west line of Section 19, Township 3 South, Range 14 West; thence South to the southwest corner of the said Section 19; thence East along the south line of Section 19, Township 3 South, Range 14 West and the south line of Section 20, Township 3 South, Range 14 West to the centerline of State Road No. 390; thence northeasterly along centerline of State Road No. 390 to the intersection of the said centerline with the west line of the East Half of the East Half of Section 17, Township 3 South, Range 14 West; thence North along the west line of the East Half of the East Half of Section 17, Township 3 South, Range 14 West and the west line of the East Half of the East Half of Section 8, Township 3 South, Range 14 West to the north line of the South Half of the South Half of the North Half of Section 8, Township 3 South, Range 14 West; thence East to the east line of the West Half of the West Half of the West Half of the West Half of Section 9, Township 3 South, Range 14 West; thence North to the centerline of the Atlanta and St. Andrews Bay Railroad; thence westerly along the centerline of Atlanta and St. Andrews Bay Railroad to the channel of Large Bayou; thence northwesterly along Channel of Large Bayou to channel of the north arm of the St. Andrews Bay; thence Southwesterly along channel of the north arm of St. Andrews Bay to point of beginning. Also Lots 1 and 16, Section 30, Township 3 South, Range 14 West; Lot 121, Section 20, Township 3 South, Range 14 West; Lots 7, 8, 9, 10, 22, 23, 24, 25, 26, 27, 39 and 40, Section 29, Township 3 South, Range 14 West.

Section 2. Definitions.—As used in this act, the following words and terms shall have the following meanings:

- (1) The term "airport district" or the word "district"

means the Panama City-Bay County airport and industrial district.

(2) The term "city" means the city of Panama City.

(3) The word "county" means the county of Bay.

(4) The term "county commissioners" means board of county commissioners, the governing body of the county of Bay.

(5) The term "airport authority" or the word "authority" means the Panama City-Bay County airport and industrial district hereinafter created.

(6) The term "airport project" or "project" means any one (1) or any combination of two (2) or more of the following when undertaken by or owned, controlled or operated by the airport district and airport authority: airports, airport facilities, landing fields, hangars, shops, terminals, buildings, oil tanks, pipe lines, industrial parks, warehouses, terminal railway facilities, including rolling stock, belt line railroad, bridges, causeways, tunnels, facilities for the loading, unloading and handling of passengers, mail express, freight and other cargo and any and all other facilities, including all property rights, easements and franchises relating to any such project or projects which by resolution the authority may deem necessary and convenient.

(7) The word "improvements" means such replacements, repairs, extensions, additions, enlargements and betterments of and to a project as are deemed necessary to place such project in proper condition for the safe, efficient and economic operation thereof, when such project shall be undertaken by or owned, controlled or operated by the airport district and airport authority.

(8) The term "cost" as applied to improvements means the cost of acquiring or constructing improvements as hereinabove defined and shall include the cost of all labor and materials, of all machinery and equipment, cost of engineering and legal expense, plans, specifications, financing charges and such other expenses as may be necessary or incident to such acquisition or construction.

(9) The term "cost" as applied to a project acquired, constructed, extended or enlarged includes the purchase price of any project acquired, the cost of such construction, extension or enlargement, the cost of improvements, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, the cost of engineering and legal services, all investigations and audits, financing charges and all other expenses necessary or incident to determining the practicability or feasibility of such acquisition or construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to the construction or acquisition of a project and the placing of the same in operation. Any obligation or expense incurred by the airport authority on behalf of the airport district prior to the issuance of bonds or revenue bonds under the provisions of this act for engineering studies and for estimates of cost and of revenues and for other technical, financial or legal services in connection with the acquisition or construction of any project may be regarded as part of the cost of such project.

(10) The word "bonds" means revenue bonds, refunding bonds or other evidence of indebtedness or obligations in either temporary or definitive form, which the district is authorized to issue pursuant to this act.

(11) The words "revenue bonds" mean revenue certificates or other obligations and the interest thereon which are payable from revenues derived from the operation of the facilities of the airport district or from other sources than ad valorem taxes.

(12) The word "facility" or facilities" means and includes all projects and improvements of the airport district.

Section 3. Panama City-Bay County airport and industrial district.—There is created the "Panama City-Bay County airport and industrial district," a body corporate and politic, which shall be the governing body of the airport district.

(1) The airport authority shall consist of five (5) persons who are citizens and residents of Bay county. Two (2) of said five (5) members shall be appointed by the city commission of the city of Panama City, one (1) of whom shall hold office for one (1) year commencing July 1, 1967, and the other of

whom shall hold office for the term of two (2) years commencing July 1, 1967. Two (2) of said five (5) members shall be appointed by the board of county commissioners of Bay county, one (1) of whom shall hold office for one (1) year commencing on July 1, 1967, and the other of whom shall hold office for a term of two (2) years commencing on July 1, 1967. Said four (4) members so appointed shall select the fifth (5th) member who shall hold office for a term of two (2) years commencing on July 1, 1967. Upon the expiration of the several terms of the members as herein provided, the board of county commissioners of Bay county and the city commission of the city of Panama City shall appoint successors for the members whose terms are expiring each to hold office for a term of two (2) years. The fifth (5th) member of said authority shall always hold office for a term of two (2) years and shall be selected by the four (4) appointed members as aforesaid.

(2) Three (3) members of the authority shall constitute a quorum. The vote of three (3) members shall be necessary for any action taken by the authority involving the incurring of any indebtedness or expenditures of authority funds or moneys.

(3) The members of the authority shall not receive compensation for their services, but shall be reimbursed for travel and per diem the same as that provided for county officials; provided, however, that such members of the authority shall submit a signed statement requesting the allowable expenses within six (6) months from the date of the incurring of such expenses. The airport manager shall receive such salary as the authority may set.

(4) An airport manager may be employed by the authority who shall be a full time employee and shall devote his time and attention to the discharge of his duties.

(5) The airport authority shall have power to employ such persons in addition to the airport manager as the business of the airport authority may require.

(6) The authority shall have the power to contract with similar authorities in carrying out common projects and the purposes of this act.

Section 4. Purposes of airport district.—The airport dis-

trict is created for the purpose of acquiring, constructing, improving, financing, operating and maintaining airport projects and any other development of land owned or leased by the district and necessary to the economic welfare of the inhabitants of the district and which will promote the economic, commercial and industrial development of the district. The exercise by the district and by the authority of the powers conferred by this act shall be deemed to be and shall constitute a public purpose.

Section 5. Powers of airport authority.—The airport authority shall have all of the power necessary and proper to carry out the purposes and intent of this act, including the power to sue and be sued, under the name of "Panama City-Bay County airport and industrial district," to contract and be contracted with, to adopt and use a common seal and to alter same; to acquire, purchase, hold, lease, mortgage and convey such real and personal property as the authority may deem proper or expedient to carry out the purposes of this act; to employ such employees, persons and agents as the authority may deem advisable and to fix the compensation thereof and to remove any appointees or employees, agents or servants; to insure the improvements, fixtures and equipment against loss by fire, wind-storm or other coverage in such amounts as may be determined reasonable and proper; to borrow and issue evidence of indebtedness of the district to carry out the provisions of this act in the manner herein provided. The authority shall also have the right and power:

(1) Of eminent domain over real and personal property and to maintain eminent domain proceedings in the form and in the manner as prescribed by the general laws of the state; provided, however, that the power of eminent domain shall be exercised only for the purpose of providing for aviation facilities.

(2) To acquire by purchase, condemnation through power of eminent domain, gift, grant, franchise or lease, property, either real or personal; provided, however, that the power of eminent domain shall be exercised only for the purpose of providing for aviation facilities.

(3) To grant easements of right of way over or through any lands owned by the airport district.

(4) To construct, acquire, establish, extend, enlarge, improve, reconstruct, maintain, equip, repair and operate any project, as hereinabove defined, within the boundaries of the airport district.

(5) To borrow money and to incur indebtedness, to issue such bonds for and on behalf of the airport district as the authority may from time to time determine; but in no case shall the indebtedness of the district for bonds issued be considered a debt of the city or the county.

(6) To apply to the proper authorities of the United States for the right to establish, operate and maintain foreign and domestic trade zones within the limits of the airport district and to establish, operate and maintain such foreign and domestic trade zones.

(7) To fix and revise from time to time and to collect rates, fees, rentals and other charges for the use of or for the services of any facility, insofar as it may be permissible for the authority to do so under the constitution of the state and the constitution and laws of the United States of America.

(8) To make rules and regulations for its own government and to hold regular meetings at least once a month, said meetings to be open to the public.

(9) To operate, manage and control all projects as hereinabove defined, hereafter acquired or constructed under the provisions of this act.

(10) To enter into joint agreements and arrangements with steamship lines, railroads, airlines or other transportation lines or any common carrier as the authority shall deem to its advantage to do so.

(11) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers and to appoint and employ such engineers, architects, attorneys, agents and other employees as may be necessary in its judgment and to fix their compensation; provided, however, that such compensation must be within the amount appointed for such purpose in the annual budget of the authority.

(12) To exercise such powers as may be reasonably neces-

sary to effectively control and regulate facilities under its jurisdiction.

(13) To appoint a manager of the airport authority and to determine his duties and his compensation in accordance with the provisions elsewhere contained in this act.

(14) To receive and accept from the federal government or any agency thereof grants for or in aid of the construction of any project.

(15) To make such rules and regulations governing aircraft which are under the jurisdiction of the authority.

(16) To impose a franchise or license tax upon businesses and occupations carried on or operated under and by virtue of any franchises, licenses or privileges granted by the authority with respect to any project owned, controlled or operated by the airport district and airport authority.

(17) To advertise the airports of such district in such manner as the authority deems advisable; to negotiate and contract with airlines and other such institutions as the authority may deem necessary for development and expansion of the airport district.

(18) To acquire, own and control the properties now owned and held by the Panama City-Bay County airport authority and assume all of its indebtednesses, obligations and liabilities.

(19) To adopt a budget, but only after the same shall have been submitted to and approved by both the city commission of the city of Panama City and the board of county commissioners of Bay county. All expenditures shall be made in strict accordance with the budget so adopted and approved.

Section 6. Issuance of bonds.—

(1) The authority is authorized to provide by resolution at one (1) time or from time to time for the issuance of bonds of the airport district for the purpose of paying all or a part of the cost of any project or improvement of the district or any combination thereof. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per cent (6%) per annum, shall mature at such time or times, not exceeding thirty (30) years from their date or

dates, as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and coupons, and shall fix the denomination or denominations of the bonds and coupons, and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the laws of the state. The bonds may be issued in coupon or in registered form or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law, and the authority may sell such bonds in such manner and for such price, as it may determine to be for the best interest of the district, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per cent (6%) per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity. Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall be mutilated or be destroyed or lost.

(2) Bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau or agency of the state or county and without any other proceedings or the happening of any other condition or thing than those proceedings, conditions or things which are specifically required by this act. The bonds may be validated in accordance with the constitution and the laws of Florida.

(3) The proceeds of the bonds shall be used solely for the payment of the cost of the project for which such bonds shall have been authorized and shall be disbursed in the manner provided in the resolution or in the trust agreement authorizing the issuance of such bonds. In the event that the actual cost of the project exceeds the estimated cost, the authority may issue additional bonds to cover the deficiency, subject to the same restrictions as required for the original issue.

Section 7. Revenue bonds.—

(1) Revenue bonds of the district may be issued under the provisions of this act and shall be payable from the revenues derived from the operation of any facility or combination of facilities of the district under the supervision, operation and control of the authority and from any other funds legally available therefor; except ad valorem taxes. The issuance of such revenue bonds shall not directly, indirectly or contingently obligate the state, the authority, the district, the city or the county to levy any ad valorem taxes or to make any appropriations for their payment or for the operation and maintenance of the facilities of the district.

(2) The district shall not convey or mortgage any facility or any part thereof as security for the payment of the revenue bonds.

(3) In the discretion of the authority, each or any issue of such revenue bonds may be secured by a trust agreement by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the state. Such trust agreement may pledge or assign the revenues to be received by the authority. The resolution providing for the issuance of revenue bonds or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable, proper and not in violation of law, in-

cluding covenants setting forth the duties of the authority in relation to the acquisition, construction, improvement, maintenance, operation, repair, equipping and insurance of the facilities, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such resolution or such trust agreement may restrict the individual right of action by bondholders as is customary in trust agreements securing bonds or debentures of corporations. In addition to the foregoing, such resolution or such trust agreement may contain such other provisions as the authority may deem reasonable and proper for the security of bondholders. Except as in this act otherwise provided, the authority may provide, by resolution or by trust agreement, for the payment of the proceeds of the sale of the revenue bonds and the revenues of the facilities to such officer, board or depository as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust agreement may be treated as a part of the cost of operation of the facilities affected by such trust agreement.

(4) The resolution or trust agreement providing for the issuance of the revenue bonds may also contain such limitations upon the issuance of additional revenue bonds as the authority may deem proper, and such additional bonds shall be issued under such restrictions or limitations as may be prescribed by such resolution or trust agreement.

Section 8. Refunding obligations.—The authority is authorized to provide by resolution for the issuance of refunding bonds or refunding revenue bonds of the district for the purpose of refunding any bonds or revenue bonds, respectively, then outstanding and issued under the provisions of this act. The authority is further authorized to provide by resolution for the issuance of refunding revenue bonds for the combined purpose of:

- (1) Paying the cost of any project of the district, and
- (2) Refunding bonds or revenue bonds of the district which

shall theretofore have been issued under the provisions of this act and shall then be outstanding.

The issuance of such bonds, the maturities and other details thereof, the right and remedies of the holders thereof, the rights, powers, privileges, duties and obligations of the authority with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Section 9. Bonds to constitute legal investments.—Any bonds issued pursuant to this act shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators and all other fiduciaries for all state, municipal and public funds and shall also be and constitute securities eligible for deposit as security for all state, municipal or other public funds notwithstanding the provisions of any other law or laws to the contrary.

Section 10. Remedies.—Any holder of bonds or other obligations issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent that the rights herein given may be restricted by such trust agreement may either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of Florida or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds or other obligations, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the authority or by any officer thereof.

Section 11. Exemption of property from taxation.—The effectuation of the purposes of the authority created under this act is, shall and will be in all respects for the benefit of the people of the state and of Bay county, for the increase of their commerce and prosperity and for the improvement of their health and welfare. The exercise of the powers by the authority, conferred by this act, to effect such purposes constitutes the performance of essential functions and is hereby declared to be a public purpose. As the facilities owned, operated, supervised and controlled by the district and authority, under the provisions of this act, constitute public property and are

used for public purposes, the authority shall not be required to pay any taxes or assessments upon any such facilities or any parts thereof.

Section 12. Deposit of moneys of the authority.—All moneys of the airport authority whether derived from taxes or levied and collected within the airport district or from other sources, shall be paid into the treasury of the authority. Such moneys shall be used exclusively by the authority and shall be disbursed by the authority with approved budgetary practice and accounting methods and only for the purposes specified in the budget of the authority. No funds or moneys shall be withdrawn from the treasury of the authority except in accordance with the budget and upon the signature of either the chairman or one (1) of the members of the authority and either the airport manager or secretary of the authority. The authority may require such officers or members of the authority or employees thereof to execute fidelity bonds in such sums as the authority may from time to time determine. The premiums on such bonds to be paid by the authority as a proper operating expense thereof.

Section 13. Annual audit.—The books and records of the authority shall be audited annually by a certified public accountant and copies of such audit submitted to the authority and the city commission of the city of Panama City and the board of county commissioners of Bay county.

Section 14. Awarding of contracts.—No contract shall be let by the airport authority for any construction, improvement, repair or building, nor shall any goods, supplies or materials for airport district purposes or uses be purchased, when the amount to be paid by the authority shall exceed one thousand dollars (\$1,000.00) unless competitive bids shall have been taken therefor and the contract awarded to the lowest and best responsible bidder. The airport authority may in its discretion require the deposit of cash or a certified check not to exceed fifteen per cent (15%) of the bid as evidence of good faith on the part of bidders, such deposit to be returned when the bid is rejected or contract performed. The right shall be in the authority to reject any and all bids and, where bids are alike or similar, to make its own election as to which shall be accepted or rejected. No goods, supplies or materials shall

be purchased in separate lots or parcels so as to avoid the securing of bids thereon. Any member, officer or employee violating this provision shall be personally liable to the authority for the full price of any goods, supplies or materials so purchased; provided, however, that in the event of an emergency the airport authority may take such action as is necessary to protect airport properties.

Section 15. Purchases by authority.—No member of the airport authority or other officer or employee shall purchase supplies, goods or materials for use by the airport district or airport authority from himself or from any firm or corporation in which he is interested, directly or indirectly, nor in any manner share in the proceeds of such purchase; the airport authority shall not be obligated for the purchase price for such supplies, goods or materials so purchased; no authority member or other officer or employee shall bid or enter into or be in any manner interested, directly or indirectly, in any contract for public work to which the airport may be a party. Any person who shall violate the provisions hereof, shall be deemed guilty of malfeasance in office. All moneys or things of value paid and delivered pursuant to such contract or purchase may be recovered by the airport authority and, in the event of its refusal, by a taxpayer for the use of the airport authority, including costs and expenses and reasonable attorney's fees incurred in any proceeding for the recovery thereof.

Section 16. Claims against authority. — Every claim, whether ex contractu or ex delicto, whether liquidated or unliquidated, whether vested, fixed or contingent, against the airport authority or the airport district shall be filed, signed by the claimant or his duly authorized agent or attorney with the airport authority within six (6) months from the time said claim shall become due or arise and said claim shall be barred if not so filed; said writing representing claim shall as particularly as is known to the claimant, set out the details of said claim and specify the names of the witnesses, if any, claimant relies upon to support his claim.

Section 17. Act complete and additional authority.—The powers conferred by this act shall be in addition and supplemental to the existing powers of the authority, if any, and this act shall not be construed as repealing any of the pro-

visions of any other law, general, special or local, but shall be deemed to supersede such other law or laws in the exercise of the powers provided in this act insofar as such other law or laws are inconsistent with the provisions of this act and to provide a complete method for the exercise of the powers granted herein.

Section 18. If any section, clause or provision of this act shall be held unconstitutional or ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective it shall be valid and effective, and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

Section 19. This act shall take effect upon becoming a law.
Became a law without the Governor's approval.

Filed in Office Secretary of State June 19, 1967.
