

**Subpart B**  
**RELATED LAWS--AIRPORT AUTHORITY ACT\***

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**\*Editor's note:** Printed herein is the City of Naples Airport Authority Act, Laws of Fla. ch. 69-1326. The act, which became a law without the governor's approval, was filed in the office of the secretary of state July 3, 1969. Ord. No. 2876, §§ 1, 2, adopted Jan. 18, 1978, amended § 4(o) of Laws of Fla. ch. 69-1326, and provided that this Part B be constituted an ordinance of the city. However, Ord. No. 3152, enacted Dec. 20, 1978, repealed Ord. No. 2876 with the intent of ratifying and confirming the original provisions of Laws of Fla. ch. 69-1326. Therefore, this Part B has been restored to appear as it read prior to amendment by Ord. No. 2876. Amendments to the act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of capitalization, headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

*A bill to be entitled an act creating an airport authority in the City of Naples, Collier County, Florida, fixing and describing its boundaries, providing for the appointment of its commissioners, prescribing the duties, functions, responsibilities and powers of its governing body and providing for the liberal construction of said act; providing an effective date.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

## **Sec. 1. [Title.]**

This act shall be known and may be cited as the "City of Naples Airport Authority Act."

## **Sec. 2. [Definitions.]**

As used in this act the following words and terms shall have the following meanings unless the context shall indicate another or different meaning or intent.

(a) [*Airport facilities.*] The term "airport facilities" shall mean the airport facilities at the Naples Municipal Airport, located on the following described premises:

North one-half of Section 2, Township 50 South, Range 25 East and  
the South one-half of Section 35, Township 49 South, Range 25 East,  
less right-of-way;

including, but not limited to, landing fields, hangars, shops, terminals, buildings and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing and parking of aircraft, and the unloading and handling of passengers, mail, express and freight, together with all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto, including all lands and buildings located at the Naples airport which may be used for any industrial, commercial or business purposes or other uses which the authority may determine. **Nothing contained herein shall be deemed to give the airport authority the right to control zoning at the airport facilities, said right being specifically reserved to the City of Naples.** "Airport facilities" shall also include any other airport in Collier County which the airport authority has contracted to operate.

(b) [*Authority.*] The word "authority" shall mean the authority created by this act, or, if such authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the authority shall be given by law.

(c) [*Cost.*] The word "cost" shall mean and include the cost of acquiring or constructing airport facilities, the cost of improvements, the cost of all rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction and after completion of construction, cost of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to the determining of the feasibility or practicability of any such acquisition, construction or improvement, administrative expenses, and such other expenses, including reasonable provision for working capital, as may be necessary or incident to the financing herein authorized, to the construction and improvement of airport facilities and the placing of the same in operation by the authority. Any obligation or expense incurred by the authority prior to the issuance of bonds under the provisions of this act in connection with the acquisition or construction of the airport facilities or any improvement thereof may be regarded as a part of such cost.

(d) [*Improvements.*] The word "improvements" shall mean such repairs, replacements, additions, extensions and betterments of and to the airport facilities as are deemed necessary to place or to maintain such facilities in proper condition for the safe, efficient and economic operation thereof.

(Laws of Fla. ch. 79-516, § 1; Laws of Fla. ch. 90-468, § 1)

### **Sec. 3. [City of Naples airport authority.]**

[*Created.*] There is hereby created a body politic and corporate to be known as the City of Naples airport authority for the purpose of operating and maintaining the airport facilities at the City of Naples municipal airport, located in Collier County, Florida, **or any other airport in Collier County which the airport authority may contract to operate.** The authority is hereby constituted a public instrumentality and the exercise by the authority of the powers conferred by this act shall be deemed and held to be the performance of essential governmental functions.

[*Resolution determining need for authority to function.*] Said authority shall not transact any business or exercise its powers hereunder until or unless the city council of the City of Naples by proper resolution, shall declare that there is need for the authority to function. The determination as to whether there is such need for the authority to function may be made by the city council on its own motion. In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the city council declaring the need for the authority. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

[*Commissioners.*] **The city council by an affirmative vote of four (4) members of the council** shall appoint five (5) persons as commissioners of the authority created for the city. Three (3) of the commissioners who are first appointed shall be designated to serve for terms of one (1), two (2) and three (3) years, respectively; and the remaining two (2) of such commissioners shall be designated to serve for terms of four (4) years each, from the date of their appointment. Thereafter commissioners shall be appointed as aforesaid for a term of office of four (4) years except that all vacancies shall be filled for the unexpired term. No commissioner of the authority may be an officer or employee of the city. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

[*Meetings; quorum; officers; employees; legal services.*] All meetings of the authority shall be public meetings and the powers of the authority shall be vested in the commissioners thereof in office from time to time. Three (3) commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The mayor with the concurrence of the city council shall designate which of the commissioners appointed shall be the first chairman, but when the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. The authority shall select from among its commissioners a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require and shall determine their qualifications, duties and compensation. For such legal services as it may require, the authority may call upon the chief law officer of the city or may employ its own counsel and legal staff. The authority may delegate to one (1) or more of its agents or employees such powers or duties as it may deem proper.

[*Removal of commissioner.*] For inefficiency or neglect of duty or misconduct in office, a commissioner of the authority may be removed by **an affirmative vote of five (5) members** of the city council but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten (10) days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

(Laws of Fla. ch. 79-516, § 2; Laws of Fla. ch. 90-468, § 2)

## Sec. 4. [Powers.]

The operation of the airport by the authority shall be subject to existing leases, rights and privileges heretofore granted by the City of Naples. The authority is hereby authorized and empowered:

- (a) To adopt bylaws for the regulations of its affairs and the conduct of its business;
- (b) To adopt an official seal and alter the same at pleasure;
- (c) To maintain an office at such place or places as it may designate;
- (d) To sue and be sued in its own name, plead and be impleaded;
- (e) To lease the entire municipal airport and all airport facilities from the City of Naples, and to improve, extend, enlarge, equip, repair, maintain and operate the airport facilities. Such lease from the City of Naples to the authority shall be for any number of years the city council of the City of Naples may in its own discretion deem to be necessary. **The airport authority may contract with any other public or private entity to operate any airport in Collier County.**
- (f) To issue bonds of the authority as hereinafter provided to pay the cost of such improvement, extension, enlargement or equipment;
- (g) To issue refunding bonds of the authority as hereinafter provided;
- (h) To combine any airport facilities for the purpose of operation and financing;
- (i) To fix and revise from time to time and to collect rates, fees and other charges for the use of or for the services and facilities furnished by the airport facilities;
- (j) To acquire in the name of the authority by gift or purchase such personal property as it may deem necessary in connection with the improvement, extension, enlargement or operation of the airport facilities;
- (k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants and attorneys, and such employees and agents as may, in the judgment of the authority be deemed necessary and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this act;
- (l) To accept grants of money or materials or property of any kind for the airport facilities from any federal or state agency, political subdivision or other public body or from any private agency or individual, upon such terms and conditions as may be imposed;
- (m) To do all acts and things necessary or convenient to carry out the powers granted by this act;
- (n) **To borrow money from time to time, provided that the outstanding indebtedness on loans secured under the provisions of this subsection does not exceed (\$15,000,000) ~~five million dollars (\$5,000,000.00)~~ at any one time, from any state and federal agency or agencies, or private party or parties, both individual and corporate, for the purpose of providing funds to be used in the improving, extending, enlarging, equipping or repairing the airport facilities; to secure such loan or loans by executing a promissory note or notes therefor in the name of said airport authority, which said notes shall be binding obligations of said airport authority; to further secure such promissory notes, the airport authority is authorized to mortgage the project or facilities, excluding the land, for the construction, repair or improvement of which said notes**

may be executed. With regard to the issuance of any obligations in excess of two million dollars, the city council of the City of Naples shall act in an advisory capacity. However, the advice or recommendations of the city council shall in no event be binding upon the authority, and shall not be construed to impair or inhibit the right to issue any such obligations.

(o) To exercise and perform all of the powers and prerogatives conferred upon "political subdivisions" by F.S. ch. 333, with respect to the adoption, promulgation and enforcement of airport zoning regulations under the provision of said F.S. ch. 333.

(Laws of Fla. ch. 75-451, § 1; Laws of Fla. ch. 79-516, § 3; Laws of Fla. ch. 90-468, § 3)

## **Sec. 5. [Bonds.]**

The authority is hereby authorized to issue bonds of the authority for the purpose of paying the cost of improving, extending, enlarging or equipping the airport facilities. The bonds of each issue shall be dated, shall mature at such time or times not exceeding forty (40) years from their date or dates and shall bear interest at such rate or rates 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 and the manner of the execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds 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. Notwithstanding any of the other provisions of this act or any recitals in any bonds issued under the provisions of this act, all such bonds shall be deemed to be negotiable instruments under the laws of this state. The bonds may be issued in coupon or registered form or both, as the authority may determine, and provision 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 authority may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received more than at an acceptable rate to the airport authority, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. Unless otherwise provided in the authorizing resolution or in the trust agreement securing such bonds, if the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

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

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 shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or destroyed or lost.

Bonds may be issued under the provisions of this act without obtaining the consent of any political subdivision and without any other proceeding or the happening of other conditions or things than those proceedings, conditions or things which are specifically required by this act.

## **Sec. 6. [Fixing of rates, fees and charges for use of services furnished by airport facilities.]**

The authority is hereby authorized to fix and revise from time to time rates, fees and other charges for the use of and for the services furnished or to be furnished by any airport facilities operated by the authority. Such rates, fees and charges shall be fixed and revised so that the revenues of the authority, together with any other available funds, will be sufficient at all times (a) to pay the cost of maintaining, repairing and operating the airport facilities operated by the authority, including reserves for such purposes, and (b) to pay the principal of and the interest on all bonds issued by the authority under the provisions of this act as the same shall become due and payable and to provide reserves therefor. Notwithstanding any of the foregoing provisions of this section, the authority may enter into contracts relating to the use of or for the services furnished or to be furnished by the airport facilities.

## **Sec. 7. [Trust agreements; pledge of revenues, etc.]**

In the discretion of the authority, each or any issue of bonds may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any airport facilities of the authority but shall not convey or mortgage any of such facilities, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the maintenance, repair, operation, insurance and improvement of such facilities, the fixing and revising of rates, fees and charges and the custody, safeguarding and application of all moneys, and for the employment of consulting engineers in connection with such improvement or operation. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. Such resolution or trust agreement may contain such other provisions in addition to the foregoing as the authority may deem reasonable and proper for the security of the bondholders. The authority may provide for the payment of the proceeds of the sale of the bonds and the revenues of any airport facilities to such officer, board or depository as it may designate 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 the provisions of such resolution or trust agreement may be treated as a part of the cost of operation.

All pledges of revenues under the provisions of this act shall be valid and binding from the time when such pledges are made. All such revenues so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise, against the authority, irrespective of whether such parties have notice thereof.

## **Sec. 8. [Suits by bondholder or trustee under trust agreement.]**

Any holder of bonds issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds or such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the

laws of the state or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the authority or by any officer thereof, including the fixing, charging and collecting of rates, fees and charges for the use of or for the services and facilities furnished by the airport facilities.

### **Sec. 9. [Refunding bonds.]**

The authority is hereby authorized to issue from time to time refunding bonds for the purpose of refunding any bonds of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The authority is further authorized to issue from time to time bonds of the authority for the combined purpose of (a) refunding any bonds of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of acquiring or constructing any additional airport facilities or of any improvements. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and 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.

### **Sec. 10. [Act as additional and alternative method.]**

This act shall be deemed to provide an additional and alternative methods for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, whether general, special or local; provided, however, that the issuance of bonds or refunding bonds under the provisions of this act need not comply with the requirements of any other laws applicable to the issuance of bonds.

### **Sec. 11. [Inconsistent laws or ordinances.]**

All other general, special or local laws or ordinances or parts thereof inconsistent herewith, specifically including the Municipal Home Rule Powers Act, F.S. § 166.021, and any amendments thereto, are hereby declared to be inapplicable to the provisions of this act.

(Laws of Fla. ch. 79-516, § 4)

### **Sec. 12. [Severability of provisions of act.]**

The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

### **Sec. 13. [Levy of taxes on airport facility or income prohibited.]**

As airport facilities are essential to the economic welfare of the inhabitants of the City of Naples and Collier County and will promote the economic, commercial, industrial and residential development of said city and county, and as the exercise of the powers conferred by this act to effect such purposes constitutes the performance of essential public functions and as such airport facilities acquired or constructed under the provisions of this act will constitute public property used for public purposes, no taxes or assessments shall be levied upon such airport facilities or upon the income therefrom, and any bonds issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

#### **Sec. 14. [County and city police powers.]**

The City of Naples and Collier County shall have full police powers throughout the territory comprising the lands of the airport and the airspace thereover, and each may appoint guards or police to assist in the enforcement of such rules, regulations and ordinances as it may adopt pursuant to the authority of this act.

#### **Sec. 15. [Rules and regulations; enforcement; jurisdiction of municipal court.]**

Rules and regulations enacted and adopted by the City of Naples Airport Authority shall be enforced as are city ordinances. Violation thereof shall be a misdemeanor and shall be punishable as set out in section 1.4 of the Charter of the City of Naples, Florida. The [county court] is hereby vested with and granted jurisdiction for the trial of all offenders against any ordinance, rule or regulation which the said city shall adopt and enact pursuant to the authority of this act, and the process of said court shall be effective throughout the territory comprising the lands of the airport and the airspace thereover.

**Editor's note:** The reference to municipal court has been deleted and county court has been inserted as municipal courts were abolished, offenses are tried in county courts.

#### **Sec. 16. [Liberal construction of act.]**

The provisions of this act shall be liberally construed to effect the purposes thereof.

#### **Sec. 17. Airport facilities operated by the City of Naples Airport Authority; lien for fuel, landing and other fees.**

(1) The City of Naples Airport Authority shall have a lien upon all aircraft landing upon any airport owned or operated by it for all charges for fuel, landing fees and other fees and charges for the use of the facilities of such airport by any such aircraft, when payment of such charges and fees is not made immediately upon demand therefor to the operator or owner of the aircraft by a duly authorized employee of the airport authority. The lien for the full amount of the charges and fees due to the airport authority attaches to any aircraft owned or operated by the person owing such charges and fees. Such lien may be enforced as provided by law for the enforcement of warehousemen's liens in this state.

(2) It is unlawful for any person to remove or attempt to remove any such aircraft from such airport after notice of the lien has been served upon the owner or operator thereof or after posting of such notice upon such aircraft. Any person who removes or attempts to remove any such aircraft from such airport after service or posting of the notice of lien as herein provided, and before payment of the amount due to the airport authority for landing fees and charges incurred by such aircraft, shall be guilty of a criminal offense and misdemeanor within the meaning of F.S. § 775.08 and shall be punished as provided by law.

(Laws of Fla. ch. 83-470, § 1)

#### **Sec. 18. Effective date.**

This act shall take effect immediately upon becoming a law.

(Laws of Fla. ch. 83-470, § 2)

## AIRPORT AUTHORITY ACT

### AMENDMENTS TO THE ACT COLOR CODE:

1. Laws of Florida, ch. 75-451 (07/05/75): **BLUE**
2. Laws of Florida, ch. 79-516 (06/05/79): **RED**
3. Laws of Florida, ch. 83-470 (05/31/83): **VIOLET**
4. Laws of Florida, ch. 90-468 (06/22/90): **GREEN**
5. Laws of Florida, ch. 2003-308 (07/16/03): **ORANGE**