

House Bill No. 939

An act relating to the Panama City-Bay County Airport and Industrial District, an independent special district in Bay County; codifying, amending, reenacting, and repealing chapter 98-527, Laws of Florida, relating to the district; providing definitions; providing boundaries of the district; providing restrictions with respect to certain real estate; providing for a board of directors and its membership, quorum, travel expenses, and per diem; providing purposes of the district; providing powers of the board; providing for the issuance of bonds; exempting district property from taxation; providing severability; repealing chapter 98-527, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of chapter 98-527, Laws of Florida, relating to the Panama City-Bay County Airport and Industrial District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district, any additional authority granted by this act, and any authority granted by applicable general law.

Section 2. Chapter 98-527, Laws of Florida, is codified, reenacted, amended, and repealed as provided in this act.

Section 3. The Panama City-Bay County Airport and Industrial District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. Airport district established.—There is created and established as a political subdivision of the state an airport district in Bay County to be known as the “Panama City-Bay County Airport and Industrial District,” an independent special district. The boundaries of the district shall be coterminous with the legal boundaries of Bay County. The district shall not lease, own, or acquire any real estate except in Bay County without the permission of the county or city within whose jurisdiction such property is located.

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

(1) “Airport district” or “district” means the Panama City-Bay County Airport and Industrial District herein created.

(2) “City” means the City of Panama City.

(3) “County” means the County of Bay.

(4) “County Commissioners” means the Board of County Commissioners, the governing body of the County of Bay.

(5) "Aviation facility" means all land, improved or unimproved, hangars, buildings, passenger terminals, shops, restaurants, hotels, office buildings, and any and all other facilities, including property rights, easements, and franchises, the district deems necessary and convenient.

(6) "Airport project" or "project" means any one or any combination of two or more of the following when undertaken by or owned, controlled, or operated by the airport district: airports, airport facilities, landing fields, hangars, shops, terminals, buildings, oil tanks, pipelines, industrial parks, warehouses, and 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, hotels, office buildings, industrial facilities, and any and all other facilities, including all property rights, easements, and franchises relating to any such project or projects which, by resolution, the district may deem necessary and convenient.

(7) "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.

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

(9) "Cost," as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired and the cost of such construction, extension, or enlargement; improvements; all lands, properties, rights, easements, and franchises acquired; all machinery and equipment; engineering and legal services; 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 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) "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) "Revenue bonds" means 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) "Facility" or "facilities" means and includes all projects and improvements of the airport district.

Section 3. Governing board.—The Board of Directors, a body corporate and politic, shall be the governing board of the Panama City-Bay County Airport and Industrial District.

(1) The board shall consist of five persons who are citizens and residents of Bay County. Two of said five members shall be appointed by the City Commission of the City of Panama City, and these seats shall be denominated seats 1 and 2. Two of said five members shall be appointed by the Board of County Commissioners of Bay County, and these seats shall be denominated seats 3 and 4. Said four members so appointed shall select the fifth member, whose seat shall be denominated seat 5. Except as provided herein, 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 4 years. Initially, seat 1 shall be appointed by the City Commission for the City of Panama City for a term beginning on July 1, 2005, and seat 3 shall be appointed by the Board of County Commissioners for Bay County for a term beginning on July 1, 2005. By July 31, 2005, the board shall hold a drawing to determine the initial terms for seats 1 and 3, one of which shall be a 2-year term and one a 3-year term. Seat 2 shall be appointed by the City Commission for the City of Panama City for a term beginning on July 1, 2006, and seat 4 shall be appointed by the Board of County Commissioners for Bay County for a term beginning on July 1, 2006. Seat 5 shall be appointed by the other board members for an initial term beginning on July 1, 2005. The terms of board members shall begin on July 1 and expire on June 30. Board members shall be limited to serving two terms on the board.

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

(3) The members of the board shall not receive compensation for their services, but shall be reimbursed for travel and per diem as public officials pursuant to chapter 112, Florida Statutes; however, members of the board must submit a signed statement requesting the allowable expenses within 6 months after the date of incurring such expenses.

Section 4. Purposes of airport district.—The airport district 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 of the powers conferred by this act shall be deemed to be and shall constitute a public purpose.

Section 5. Powers of the Board of Directors.—The Board of Directors 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 the "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 board may deem proper or expedient to carry out the purposes of this act; to employ such persons and agents as the board 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, windstorm, or other coverage in such amounts as may be determined reasonable and proper; and to borrow and issue evidence of indebtedness of the district to carry out the provisions of this act in the manner herein provided. The board shall also have the right and power:

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

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

(3) To construct, acquire, establish, extend, enlarge, improve, reconstruct, maintain, equip, repair, and operate any project as hereinabove defined.

(4) To borrow money, incur indebtedness, and issue such bonds for and on behalf of the airport district as the board 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.

(5) 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.

(6) 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 board to do so under the State Constitution and the Constitution and laws of the United States.

(7) 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.

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

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

(10) 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; however, such compensation must be within the amount appointed for such purpose in the annual budget of the district.

(11) To exercise such powers as may be reasonably necessary to effectively control and regulate facilities on property owned or controlled by the airport district.

(12) To appoint a manager of the airport district and to determine his or her duties and compensation.

(13) To appoint an airport manager, who shall be a full-time employee and shall devote his or her time and attention to the discharge of his or her duties. The airport manager shall receive such salary as the board may set.

(14) To employ such persons in addition to the airport manager as the business of the airport district may require.

(15) To maintain a full-time airport law enforcement staff and to determine its duties and compensation.

(16) To receive and accept from any local or state government or the Federal Government or any agency thereof grants for or in aid of the construction of any project and/or operation of the airport and other aviation facilities and facilities related thereto.

(17) To make such rules and regulations governing aircraft which are on property owned or controlled by the airport district.

(18) To make rules and regulations governing the operation of the airport and other aviation facilities and facilities related thereto.

(19) 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 board with respect to such airports, and other aviation facilities and facilities related thereto, controlled or operated by the airport district and the board.

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

(21) To acquire, own, and control the properties now owned and held by the Panama City-Bay County Airport and Industrial District and assume all of its indebtedness, obligations, and liabilities.

(22) To adopt a budget with which all expenditures shall be made in strict accordance with the budget so adopted and approved.

(23) To establish an independent airport police department with full police powers on property owned or controlled by the airport district, or in

accordance with mutual aid agreements with other law enforcement agencies. Officers engaged in hot pursuit of a suspect may continue pursuit beyond property owned or controlled by the airport district.

(24) To contract with similar authorities in carrying out common projects and the purposes of this act.

Section 6. Issuance of bonds; purposes and powers; general.—The board is authorized to provide by resolution at one 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 fixed or variable rate or rates, shall mature at such time or times, not exceeding 40 years from their date or dates, as may be determined by the board, and may be made redeemable before maturity, at the option of the board, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board 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 the event 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 or she 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 board 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 board 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 the fixed or variable rate or rates 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 board 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 board may also provide for the replacement of any bonds which shall be mutilated or be destroyed or lost.

(1) 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 State Constitution and the laws of Florida.

(2) 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 board may issue additional bonds to cover the deficiency, subject to the same restrictions as required for the original issue.

Section 7. Additional authority; bonds.—In addition to any other powers which the board may now have, the board is hereby granted the following rights and powers, and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the execution of the powers enumerated in this act:

(1) To borrow money and to make and issue negotiable notes, bonds, certificates, refunding bonds, and other obligations, hereinafter called “bonds,” of the district, said bonds to have a maturity date not exceeding 40 years from the date of issue, and to secure the payment of such bonds or any part thereof by a pledge of any or all of the district’s revenues, rates, fees, rentals, or other charges, and any other funds legally available therefor; and any other funds it has a right to, or may hereafter have the right to, pledge for such purposes, including, without limitation, amounts received from public agencies pursuant to interlocal agreements under part I, chapter 163, Florida Statutes, hereinafter referred to as “revenues”; and in general, to provide for the security of said bonds and the rights and remedies of the holders thereof. Such bonds may be issued to finance or refinance one or more or a combination of airport and other aviation facilities and facilities related thereto and may, subject to any prior rights of bondholders, be pledged for any one or more or any combination of airport and other aviation facilities and facilities related thereto. Any revenues from the existing airport and other aviation facilities and facilities related thereto and constructed or acquired prior to this act or existing acts, or existing airports and other aviation facilities and facilities related thereto constructed or acquired by the district from any source, may be pledged for any one or more or any combination of airports and other aviation facilities or facilities related thereto financed under this act, regardless of whether such existing airports and other aviation facilities and facilities related thereto are then being improved or financed by the proceeds of the bonds to be issued to finance the one or more or any combination of airports and other aviation facilities and facilities related thereto for which such revenues of such existing airports and other aviation facilities and facilities related thereto are to be pledged.

(2) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(3) To enter into interlocal agreements with any public agencies of the state for any of its purposes, including, but not limited to, providing additional sources of funds to pay or secure bonds of the district or to finance or refinance any project or cost of the district.

(4) To enter into and perform its obligations under any bond insurance agreements, surety bonds, or interest rate hedge, or to swap contracts or other financial instruments, and to secure its obligations thereunder from any revenues legally available therefor.

(5) Without limitation of the foregoing, to borrow money and accept grants, contributions, or loans from, and to enter into, and comply with the terms of, contracts, leases, or other transactions with, the state government or the Federal Government.

(6) To conduct public hearings and advertise the same as may be required by federal law in connection with any borrowing.

(7) To refund, refinance, retire, or defease any obligations then outstanding.

(8) To pledge, hypothecate, or otherwise encumber all or part of the revenues, rates, fees, rentals, or other charges, funds, or receipts of the district as security for all or any of the obligations issued by the district.

(9) To employ technical experts necessary to assist the board in carrying out or exercising any powers granted hereby, including, but not limited to, architects, engineers, attorneys, fiscal advisors, fiscal agents, investment bankers, and aviation consultants.

(10) To exercise all powers of a "local agency" pursuant to part II, chapter 159, Florida Statutes, relative to the purposes of the district.

(11) To do all acts and things necessary or convenient for the promotion of its business and the general welfare of the district in order to carry out the powers granted to it by this act or any other laws. The board shall have no power at any time or in any manner to pledge the taxing power of the state, or any political subdivision or agency thereof; nor shall any of the obligations issued by the district be deemed obligations of the state, or any political subdivision or agency thereof, secured by and payable from ad valorem taxes thereof; nor shall the state, or any political subdivision or agency thereof, be liable for the payment of principal of or interest on such obligations except from the special funds provided for in this act or pursuant to interlocal agreements entered into with public agencies of the state.

Section 8. Purposes and powers; bonds.—The bonds issued by the board pursuant to this act shall be authorized by resolution of the members thereof and shall bear such date or dates, mature at such time or times, not exceeding 40 years from the respective dates, bear interest at such fixed or variable rate or rates, be payable at such times, be in such denominations, be in such form, carry such registration, exchangeability, and interchangeability privileges, be payable in such medium of payment and at such place, within or without the state, be subject to such terms of redemption, and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the district as such resolution or any resolutions subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the district shall determine, provided that such bonds shall bear at least one signature which is manually executed

thereon, to the extent required by general law, and the bonds shall have the seal of the district affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in such resolution or resolutions. Said bonds may be sold either at public or private sale at such price or prices as the board shall determine to be in the best interests of the district. Pending the preparation of definitive bonds, interim certificates or temporary bonds may be issued to the purchaser of such bonds and may contain such terms and conditions as the board may determine, including, without limitation, provisions for registration and book entry registration of bonds.

(1) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions which shall be part of the contract with the holders of such bonds as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the district derived by the district from all or any of its airports and other aviation, commercial, or industrial facilities and facilities related thereto or pursuant to interlocal agreements or from other sources legally available for such payments.

(b) The construction, improvement, operation, extension, enlargement, maintenance, repair, or lease of such airports, and other aviation, commercial, or industrial facilities and facilities related thereto, and the duties of the district with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or any loan or grant by the Federal Government or the state government or the county or any municipality therein or any limited purpose revenues authorized to be collected or received by the district may be applied.

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the airports, and other aviation facilities and facilities related thereto, of the district or any part thereof.

(e) The setting aside of reserves or sinking funds or repair and replacement funds or other funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any deed of trust or indenture securing the bonds, or under which the same may be issued.

(h) Establishment of permitted investments in which any proceeds of the bonds or other funds securing same may be invested.

(i) Any other or additional agreements with the holders of the bonds as are customary and proper and which in the judgment of the board will make said bonds more marketable.

(2) The board may enter into any deeds of trust, indentures, or other agreements, with any bank or trust company within or without the state,

as security for such bonds, and may assign and pledge all or any part of the revenue, rates, fees, rentals, or other charges or receipts of the district thereunder. Such deeds of trust, indentures, or other agreements may contain such provisions as may be customary in such instruments or as the district may authorize, including, but without limitation, provisions as to:

(a) The construction, improvement, operation, extension, leasing, maintenance, repair, or lease of such airports, and other aviation facilities and facilities related thereto and the duties of the district with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The appointment of consulting engineers or architects and approval thereof by the holders of the bonds.

(d) The rights and remedies of said trustee and the holders of the bonds.

(e) The terms and provisions of the bonds or the resolution authorizing the issuance of the same. Any of the bonds issued pursuant to this act are, and are hereby declared to be, negotiable instruments under the law merchant and negotiable instruments law of the state.

(f) Except as otherwise provided in this act, provision by the board, 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.

(3) The pledge by the board of its revenues, rates, fees, rentals, and other charges, funds, and receipts to the payment of the bonds described above, either directly by the terms of a resolution of the board or through any deed of trust, indenture, or other agreement, shall create a valid and binding lien thereon and a prior perfected security interest therein from the time the pledge is made, and all moneys and revenues so pledged shall immediately become subject to a lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the district, irrespective of whether such parties have notice thereof. Neither the resolutions nor the deed of trust, indenture, or other agreement by which the pledge is created need be filed or recorded, except in the records of the board, nor shall notice thereof be required to be given to any obligor of any such moneys or revenue, and no filings under the Florida Uniform Commercial Code shall be required in order to perfect the pledge granted thereby.

Section 9. Revenue bonds.—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 district and from

any other funds legally available therefor, except ad valorem taxes of the district. The issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the state, 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.

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

(2) In the discretion of the board, each or any issue of such revenue bonds may be secured by a trust agreement by and between the board 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 district. 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, including covenants setting forth the duties of the district 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 board. 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 board may deem reasonable and proper for the security of bondholders. Except as otherwise provided in this act, the board 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.

(3) 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 board 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 10. Refunding obligations.—The board 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 board 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.

(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 rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the district with respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable.

Section 11. 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 12. 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 board or by any officer thereof.

Section 13. Exemption of property from taxation.—The exercise of the powers by the board conferred in this act constitutes the performance of government functions. Facilities owned or operated by the district under the provisions of this act constitute public property. When such facilities are used for governmental purposes, the board shall not be required to pay any taxes or assessments upon any such facilities or parts thereof.

Section 14. Board of Directors accounting practices; deposit of moneys of the board.—All moneys of the board, whether derived from taxes or levied and collected within the airport district or from other sources, shall be paid into the treasury of the board. Such moneys shall be used exclusively by the board and shall be disbursed by the board with approved budgetary practice and accounting methods and only for the purposes specified in the budget of the board. No funds or moneys shall be withdrawn from the treasury of the board except in accordance with the budget and upon the signature of either the chair or one of the members of the board and either the airport manager or designated staff member as authorized by the members of the board. The board may require such officers or members of the board or employees thereof to execute fidelity bonds in such sums as the board may from time to time determine. The premiums on such bonds shall be paid by the district as a proper operating expense thereof.

Section 15. Annual audit.—The books and records of the board shall be audited annually by a certified public accountant and copies of such audit submitted to the board and the City Commission of the City of Panama City and the Board of County Commissioners of Bay County.

Section 16. Awarding of contracts.—No contract shall be let by the district 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 district exceeds the amounts specified in section 287.057 or section 255.20, Florida Statutes, as amended from time to time unless the provisions of those statutes are satisfied. However, in the event of an emergency, the district may take such action as is necessary to protect airport properties. Nothing in this act shall be construed to prohibit the airport district from utilizing and complying with other applicable laws governing the issuance of contracts for construction, goods, supplies, or services by a political subdivision, or with the rules and regulations of the Federal Government or state government assisting in the financing of district facilities, or from awarding contracts for the construction of district facilities on a negotiated basis utilizing the provisions in section 159.32, Florida Statutes.

Section 17. Purchases by board.—No member of the board or other officer or employee shall purchase supplies, goods, or materials for use by the airport district from himself or herself or from any firm or corporation in which he or she is interested, directly or indirectly, or in any manner share in the proceeds of such purchase, nor shall the board be obligated for the purchase price for such supplies, goods, or materials so purchased. No board 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 violates the provisions of this section shall be 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 board and, in the event of its refusal, by a taxpayer for the use of the board, including costs, expenses, and reasonable attorney's fees incurred in any proceeding for the recovery thereof.

Section 18. Conflict of interest.—No board member or other officer or employee shall act as a consultant to, be employed by, or receive compensation in any manner, directly or indirectly, from any vendor, tenant, or concessionaire of the airport district, nor shall any board member, other officer, or employee conduct other than airport business within the airport facility or on airport property. Any person who violates the provisions of this section shall be guilty of malfeasance in office.

Section 19. Additional general provisions; act complete and additional authority.—The powers conferred by this act shall be in addition and supplemental to the existing powers of the board as herein provided.

Section 20. If any section, clause, or provision of this act shall be held unconstitutional or ineffective in whole or in part, to the extent that the remainder of the act 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 4. Chapter 98-527, Laws of Florida, is repealed.

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

Approved by the Governor June 14, 2005.

Filed in Office Secretary of State June 14, 2005.