

ENROLLED

CS/HB 1049

2023 Legislature

1  
 2 An act relating to the Boca Raton Airport Authority,  
 3 Palm Beach County; amending chapter 2004-468, Laws of  
 4 Florida; providing boundaries; providing definitions;  
 5 providing that the authority is an independent special  
 6 district; providing for title of land to be vested in  
 7 the authority; revising frequency of meetings;  
 8 providing additional powers and duties; providing an  
 9 attendance fee for members; providing for budget  
 10 amendments; requiring the Board of Trustees of the  
 11 Internal Improvement Trust Fund to transfer title of  
 12 such land to the authority; revising employment of  
 13 airport manager; providing that the authority is a  
 14 political subdivision of the state for sovereign  
 15 immunity purposes; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18

19 Section 1. Section 2 of chapter 2004-468, Laws of Florida,  
 20 is amended to read:

21 Section 1. Short title.—This act may be cited as the "Boca  
 22 Raton Airport Authority Act."

23 Section 2. Boundaries - The boundaries of the Boca Raton  
 24 Airport Authority are as follows:  
 25

ENROLLED

CS/HB 1049

2023 Legislature

26 A parcel of land lying in a portion of the Southwest  
 27 one-quarter (S.W. 1/4) of Section 7, Township 47  
 28 South, Range 43 East, and a portion of the Southeast  
 29 one-quarter (S.E. 1/4) of Section 12, Township 47  
 30 South, Range 42 East, and a portion of the Northeast,  
 31 Northwest and Southwest one-quarters of Section 13,  
 32 Township 47 South, Range 42 East, of Palm Beach  
 33 County, Florida, being more particularly described as  
 34 follows:

35  
 36 BEGINNING at the point of intersection of the  
 37 Northeast limited access right-of-way line of I-95 as  
 38 shown on State Road Department right-of-way map, (Job  
 39 No. 93220-2411, Sheet 12a, dated 2/15/71, revised  
 40 last, 8/7/72) and the Southerly right-of-way line of  
 41 Northwest 40th Street (as shown on the aforementioned  
 42 map) with the West line of said Section 7; thence  
 43 South 79'44'47" East, along said southerly right-of-  
 44 way line of Northwest 40th Street, a distance of  
 45 339.10 feet; thence South 84'05'25" East, continuing  
 46 along aforementioned right-of-way line, a distance of  
 47 189.77 feet; thence North 87'44'12" East, along said  
 48 right-of-way line, a distance of 205.53 feet to a  
 49 point on the arc of a circular curve to the left,  
 50 whose radius point bears north 04'31'04" East, from

ENROLLED

CS/HB 1049

2023 Legislature

51 the last described point; thence Easterly, along said  
 52 right-of-way line and the arc of said curve, having a  
 53 radius of 3869.72 feet, a central angle of 09'52'40"  
 54 for an arc distance of 667.14 feet; thence South  
 55 46'03'10" East, along a line perpendicular to the  
 56 Northeast Southwest Runway pavement of the Boca Raton  
 57 Airport, a distance of 487.41 feet; thence South  
 58 43'56'50" West, along a line parallel with and 300.00  
 59 feet Southeasterly of, as measured at right angles to,  
 60 said Northeast Southwest Runway, a distance of 6925.22  
 61 feet; thence North 46'03'10" West a Distance of 790.31  
 62 feet to a point on the Easterly right-of-way line of  
 63 Airport Road as shown on Plat Book 6, Pages 76 & 77 of  
 64 the Public Records of Palm Beach County, Florida;  
 65 thence along the aforementioned line, North 14'56'16"  
 66 East, a distance of 222.13 feet to a point on the arc  
 67 of a non-tangent curve concave to the Southeast, a  
 68 radial line of said curve through said point having a  
 69 bearing of North 73'44'37" West; thence Northerly  
 70 along the arc of said curve (and said Airport Road  
 71 right-of-way) to the right, having a central angle of  
 72 00'09'06" and a radius of 4007.28 feet for an arc  
 73 distance of 10.61 feet to a point on a non-tangent  
 74 line; thence South 73'45'19" East, (along the Easterly  
 75 line of a 60 foot canal right-of-way as shown on said

ENROLLED

CS/HB 1049

2023 Legislature

76 Plat Book 6, Pages 76 & 77) a distance of 60.00 feet  
 77 to a point on the arc of a non-tangent curve concave  
 78 to the Southeast; a radial line of said curve through  
 79 said point having a bearing of North 73'45'19" West;  
 80 thence Northeasterly along the arc of said curve (and  
 81 said canal right-of-way line), to the right, having a  
 82 central angle of 06'09'31" and a radius of 3947.28  
 83 feet for an arc distance of 424.28 feet to a point of  
 84 a compound curve of a tangent curve concave to the  
 85 Southeast; thence Northeasterly along the arc of said  
 86 curve (and said canal right-of-way line) to the right,  
 87 an arc distance of 2055.11 feet (said curve having a  
 88 radius of 5419.58 feet and a central angle of  
 89 21'43'36") to a point of tangency; thence North  
 90 44'17'32 East, (along said canal right-of-way line) a  
 91 distance of 76.85 feet; then North 45'42'28" West, a  
 92 distance of 60.00 feet; thence South 44'17'32" West, a  
 93 distance of 76.85 feet; thence North 45'42'28" West, a  
 94 distance of 99.74 feet to a point on said I-95 right-  
 95 of-way line; thence north 44'17'32" East, along said  
 96 I-95 right-of-way line, a distance of 3379.17 feet to  
 97 the point of beginning.  
 98

ENROLLED

CS/HB 1049

2023 Legislature

99            Said lands situate within the City of Boca Raton, Palm  
 100            Beach County, Florida, and containing 212.14 acres  
 101            (9,240,799 square feet), more or less.

103            Section ~~3.2~~. Definitions.—As used in this act:

104            (1) "Airport" means those certain lands described in  
 105            section 2 located within the territorial limits of the City of  
 106            Boca Raton, together with such interests (real, personal,  
 107            tangible, and intangible), necessary for maintenance and  
 108            operation of an ~~the state-owned land within the territorial~~  
 109            ~~limits of the City of Boca Raton now known as the Boca Raton~~  
 110            ~~airport.~~

111            (2) "Authority" means the Boca Raton Airport Authority.

112            (3) "Board" means the governing body of the authority.

113            ~~(4)-(3)~~ "City" means the City of Boca Raton.

114            ~~(5)-(4)~~ "City council" means the governing body of the City  
 115            of Boca Raton.

116            ~~(6)-(5)~~ "County" means Palm Beach County.

117            ~~(7)-(6)~~ "County commission" means the Board of County  
 118            Commissioners of Palm Beach County.

119            (8) "Facilities" means airport facilities of all kinds,  
 120            including, but not limited to, landing fields; runways;  
 121            taxiways; fuel farms; self-fueling areas; terminals; towers;  
 122            hangars; all facilities necessary or desirable for the landing,  
 123            taking off, operating, servicing, repairing, and parking of

ENROLLED

CS/HB 1049

2023 Legislature

124 aircraft; observation areas; buildings; parking facilities;  
 125 facilities necessary for the unloading and handling of  
 126 passengers and mail (express, and freight); facilities for the  
 127 accommodation, convenience, and comfort of passengers and  
 128 pilots, together with related transportation facilities; all  
 129 areas, buildings, appurtenances, equipment, tangible and  
 130 intangible property, and machinery, necessary to support federal  
 131 agencies providing services to the airport, its passengers, and  
 132 pilots; equipment, improvements, real property, personal  
 133 property, tangible and intangible property, and machinery  
 134 necessary for the mitigation of noise, environmental, and other  
 135 aviation-related impacts; shops; restaurants and catering  
 136 facilities; and all necessary appurtenances, machinery, and  
 137 equipment, and all lands, properties, rights, easements,  
 138 partnerships, intangible property, and franchises relating to  
 139 the maintenance and operation of the airport and considered  
 140 necessary or convenient by the authority in connection  
 141 therewith. Facilities required for the takeoff and landing of  
 142 aircraft, including, but not limited to, landing fields,  
 143 runways, taxiways, fuel farms, self-fueling areas, terminals,  
 144 towers, and hangars, as well as facilities necessary or  
 145 desirable for operating, servicing, repairing, and parking of  
 146 aircraft, shall be limited to the boundaries of the authority,  
 147 or adjacent thereto. Facilities related to noise mitigation, and  
 148 facilities that are not required for the takeoff and landing of

ENROLLED

CS/HB 1049

2023 Legislature

149 aircraft, or the operating, servicing, repairing, and parking of  
 150 aircraft, but which otherwise support airport operations or  
 151 assist the airport in remaining self-sustaining consistent with  
 152 its federal grant obligations, may be located within the city  
 153 limits of the City of Boca Raton, within or without the  
 154 boundaries of the authority, but are subject to all city  
 155 ordinances, rules, regulations, and permit requirements.

156 (9)-(7) "Project" means and includes the acquisition,  
 157 improvement, or maintenance of real or personal property within  
 158 the boundaries of the Boca Raton Airport.

159 Section 4.3.- Authority; creation and purpose.—There is  
 160 hereby created an independent special district organized under  
 161 Chapter 189, Florida Statutes, as may be amended from time to  
 162 time, which is a body politic and corporate and political  
 163 subdivision of the state, to be known as the Boca Raton Airport  
 164 Authority. The purpose of the district is to operate the Boca  
 165 Raton Airport and to exercise such other ~~exercise by the~~  
 166 ~~authority of the~~ powers conferred upon it by this act, which  
 167 shall ~~will~~ be deemed to be for an essential and proper public  
 168 purpose.

169 Section 5.4.- Membership; terms of office; officers;  
 170 quorum; meetings; removal.—

171 (1) The authority shall consist of seven members. As a  
 172 condition of eligibility for appointment and to hold office,  
 173 five members must reside within the municipality, and two

ENROLLED

CS/HB 1049

2023 Legislature

174 members must reside within the Greater Boca Raton Reserve Area,  
 175 as defined in chapter 67-1112, Laws of Florida. Of the five  
 176 municipal residents, three must reside east of the airport, one  
 177 must reside west of the airport, and one may reside anywhere in  
 178 the municipality.

179 (2) The county commission shall appoint two members, each  
 180 of whom must reside within the Greater Boca Raton Reserve Area.  
 181 The city council shall appoint the five members who must reside  
 182 within the limits of the municipality as specified in subsection  
 183 (1).

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

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

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

195 (6) The authority shall meet regularly, but no fewer than  
 196 ten times per calendar year, at least once each month at such  
 197 times and places within the city as shall be determined by the  
 198 authority.



ENROLLED

CS/HB 1049

2023 Legislature

199 (7) Any member may be removed by the commission or council  
 200 which appointed that member, but only for grounds constituting  
 201 misfeasance, malfeasance, or nonfeasance in office, or upon  
 202 conviction of any crime. The unexcused failure to attend three  
 203 consecutive regular meetings of the authority shall be deemed  
 204 nonfeasance, without limiting the meaning of that term. The  
 205 board may approve a procedure for determining excused absences,  
 206 consistent with general law.

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

214 Section ~~6.5~~. Powers and duties.—The authority shall have  
 215 jurisdiction over the operation and maintenance of and  
 216 improvements to the Boca Raton Airport. The authority shall have  
 217 the following specific powers and duties, all of which shall be  
 218 exercised in compliance with general law, and shall be  
 219 consistent with local, state, and federal law and the City and  
 220 County's goals and objectives and, to the extent applicable,  
 221 consistent with the location of uses set forth in the definition  
 222 of facilities:

ENROLLED

CS/HB 1049

2023 Legislature

223 (1) To enter into contracts and to sue and be sued in its  
 224 own name.

225 (2) To acquire all property, real or ~~and~~ personal,  
 226 tangible or intangible, or any estate or interest therein, upon  
 227 such terms and conditions as the authority by resolution shall  
 228 fix and determine ~~property~~.

229 (3) To solicit business and promote commerce at the  
 230 airport or any airport facility.

231 (4) To make application for, contract with, receive and  
 232 accept from any federal, state, or local agency, grants and  
 233 assistance of any kind for, or in aid of, the construction,  
 234 improvement or operation of any facility and operation of the  
 235 authority; and to receive and accept contributions from any  
 236 source of either money, property, labor, or other things of  
 237 value for any lawful purpose.

238 (5) To select and appoint airport counsel, who shall serve  
 239 at the pleasure of and be responsible to the Board.

240 (6) To select and appoint agents and consultants,  
 241 including without limitation, surveyors, contractors, engineers,  
 242 planners, designers, auditors, and architects, who shall work  
 243 under the supervision of the airport manager, and to fix their  
 244 compensation.

245 (7) To employ and appoint personnel to provide security,  
 246 fire suppression, and enforcement services.

ENROLLED

CS/HB 1049

2023 Legislature

247        (8) To develop a written investment plan, and to invest  
 248 and reinvest surplus public funds in the authority's possession  
 249 and control.

250        (9)~~(3)~~ Consistent with the regulations of the FAA, to let  
 251 or lease the airport or any portion of the airport, including  
 252 the buildings and hangars thereon; to let or lease any facility  
 253 within the authority's control; to fix the rate of any lease or  
 254 sublease of any portion of the airport or facility;~~7~~ and to  
 255 grant concessions upon such terms and conditions as it shall  
 256 deem proper.

257        (10) To make or cause to be made such surveys,  
 258 investigations, studies, borings, maps, plans, drawings, and  
 259 estimates of cost and revenues as it may deem necessary; and  
 260 may prepare and adopt a plan or plans, for the location,  
 261 construction, and development of any facility.

262        (11)~~(4)~~ To employ necessary personnel, including an  
 263 airport manager, whose duties and salaries shall be prescribed  
 264 by the authority.

265        (12)~~(5)~~ To accept revenues from the operation of the  
 266 airport and to accept gifts, grants, and other revenues; but the  
 267 authority shall not have the power to levy or collect ad valorem  
 268 taxes.

269        (13)~~(6)~~ To prepare and adopt a budget annually, and to  
 270 amend it during the fiscal year.

ENROLLED

CS/HB 1049

2023 Legislature

271 (14) To adopt by-laws that shall, at a minimum, govern the  
 272 procedures for the conduct of the authority's meetings.

273 (15) To prepare and adopt annual financial reports, and  
 274 financial audit reports.

275 ~~(16)-(7)~~ To adopt rules for the regulation of its affairs  
 276 and the conduct of its business, and rules for the operation of  
 277 the airport and aircraft, including, but not limited to, safety  
 278 and noise abatement rules, and to enforce and administer all  
 279 such rules.

280 ~~(17)-(8)~~ To adopt and alter an official seal.

281 ~~(18)-(9)~~ To maintain an office within the city.

282 ~~(19)-(10)~~ To construct; acquire through purchase and sale,  
 283 lease, grant, gift, devise, exchange, or transfer of any kind;  
 284 reconstruct, improve, equip, repair, maintain, establish,  
 285 extend, alter, expand, develop, and operate any facility the  
 286 airport and such buildings, structures, roads, alleyways, and  
 287 any other development of land as the authority shall determine  
 288 to be necessary and proper in the performance of the duties and  
 289 purposes of this act, within the boundaries of the airport.

290 (20) To borrow money, incur debt, and issue bonds, notes  
 291 including bond anticipation notes, certificates, or any other  
 292 instruments of indebtedness that promotes, enhances, or  
 293 otherwise furthers the purposes of the authority, including, but  
 294 not limited to, financing the cost of any facility, capitalizing  
 295 interest, funding any reserves, refunding or refinancing any

ENROLLED

CS/HB 1049

2023 Legislature

296 existing indebtedness, and paying costs and expenses associated  
 297 with such indebtedness. Any such indebtedness may be secured by  
 298 any revenue source or in any manner. Bonds shall be approved by  
 299 resolution.

300 (21) To fix, regulate, and collect rates, fees, and  
 301 charges for the services and facilities furnished by any  
 302 facility under its control; to establish, limit, and control the  
 303 use of any facility as may be deemed necessary to ensure its  
 304 proper operation, and to adopt rules, regulations, and minimum  
 305 standards to impose such limits or controls; and to impose  
 306 sanctions to promote and enforce compliance with any rule or  
 307 regulation which the authority may adopt in the regulation of  
 308 the facilities under its control.

309 (22) To provide for the manual execution of any instrument  
 310 on behalf of the authority by the signature of the chairperson  
 311 or vice chairperson of the authority and attested by the  
 312 secretary-treasurer or, if delegated by the members to do so,  
 313 the executive director or any other authority personnel to whom  
 314 authority has been delegated, or by their facsimile signature in  
 315 accordance with the Uniform Facsimile Signature of Public  
 316 Officials Act.

317 (23) Maintain a website and post thereon such notices,  
 318 reports, and information as the authority is either required to  
 319 or deems appropriate to post.

ENROLLED

CS/HB 1049

2023 Legislature

320        (24) To engage in public private partnerships, pursuant to  
 321 s. 255.065, Florida Statutes, as may be amended, as well as  
 322 interlocal agreements, pursuant to s. 163.01, Florida Statutes,  
 323 as may be amended, and other such joint partnerships.

324        (25) To take all such acts and exercise all such powers  
 325 required of independent special districts for compliance with  
 326 chapter 189, Florida Statutes, as may be amended from time to  
 327 time.

328        ~~(11) To issue revenue bonds or refunding bonds of the~~  
 329 ~~authority to pay the cost of such acquisition, construction,~~  
 330 ~~reconstruction, improvement, or equipment.~~

331        ~~(12) To fix and revise from time to time and to collect~~  
 332 ~~rates, fees, and other charges for the use of or for the~~  
 333 ~~services and facilities furnished by or at the airport.~~

334        ~~(13) To do all acts and things necessary or convenient to~~  
 335 ~~carry out the purposes of the authority.~~

336        Section 7.6. Attendance fee ~~Compensation and travel~~  
 337 ~~expenses.~~—The members shall receive no salary or other  
 338 compensation for their services as members of the authority  
 339 except a fee of \$250 ~~\$100~~ for attending each regular monthly  
 340 meeting of the authority. Such fee ~~Compensation of members~~ shall  
 341 be limited to \$3,000 ~~\$1,200~~ per member per annum. The authority  
 342 shall also have authority to pay reasonable costs and expenses  
 343 necessarily incurred by the members in performance of their

ENROLLED

CS/HB 1049

2023 Legislature

344 duties. The rate for travel expenses shall not exceed the rate  
 345 for state employees.

346 Section 8.7. Budget.—The authority shall during each  
 347 fiscal year prepare and adopt an annual budget for such revenue  
 348 and expense accounts as the authority shall prescribe for its  
 349 operations in the ensuing fiscal year. ~~The fiscal year of the~~  
 350 ~~authority shall be the same as that of the city.~~ The budget  
 351 shall include all estimated revenues and all estimated  
 352 expenditures for the ensuing fiscal year. The budget may be  
 353 amended throughout the fiscal year by resolution of the  
 354 authority.

355 Section 9.8. Airport manager.—The authority shall employ  
 356 an aviation-experienced airport manager, who may be referred to  
 357 as the executive director at the authority's discretion, to  
 358 administer all airport operations and to supervise all airport  
 359 projects. The decision to employ or terminate the employment of  
 360 the airport manager shall require the two-thirds ~~four-fifths~~  
 361 vote of the members of the authority with at least one majority  
 362 vote made by a county appointee. The members shall not interfere  
 363 with the day-to-day administration of the airport by the airport  
 364 manager or with staff and consultants who are subject to the  
 365 airport manager's supervision.

366 Section 10.9. Relationship between the authority, city,  
 367 county, and state.—The authority shall have the power and  
 368 responsibility to operate the airport in a manner consistent

ENROLLED

CS/HB 1049

2023 Legislature

369 with applicable federal and state law and the objectives of the  
 370 county and the city. The authority shall comply with appropriate  
 371 police powers of the county or of the city respecting the  
 372 operation and development of an airport. Applicable building  
 373 codes of the city shall apply to all construction upon the  
 374 airport, except to the extent that different state or federal  
 375 requirements are expressly applicable, and except to the extent  
 376 that the authority or the airport has been made exempt from any  
 377 requirement of the city by state or federal law. To the extent  
 378 not inconsistent with general law, all construction upon the  
 379 airport shall be subject to inspection by the city on behalf of  
 380 the state, and the city inspectors may ensure ~~insure~~ compliance  
 381 with applicable state regulations for such construction in  
 382 addition to applicable city regulations.

383 Section ~~11.10.~~ Title to airport land.—The title to the  
 384 land comprising the Boca Raton Airport, as set forth in section  
 385 2, shall ~~continue to~~ be vested in the authority. The Board of  
 386 Trustees of the Internal Improvement Trust Fund of the state  
 387 shall take all actions necessary to transfer title of the land  
 388 within the boundaries of the Boca Raton Airport to the  
 389 authority. ~~The airport is leased to the authority by the Board~~  
 390 ~~of Trustees of the Internal Improvement Trust Fund. Nothing in~~  
 391 ~~this act shall be construed to impair the obligations of any~~  
 392 ~~agreement between the state or any of its agencies and the fixed~~



ENROLLED

CS/HB 1049

2023 Legislature

393 ~~base operator of the airport entered into as of effective date~~  
394 ~~of this act.~~

395 Section 12.11. Liabilities.—The authority shall be ~~liable~~  
396 ~~for its obligations and for damages caused by the negligent acts~~  
397 ~~or omissions of the authority. The authority shall be~~ deemed to  
398 be an agency of the state for the purposes of section 768.28,  
399 Florida Statutes.

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