

Powers and duties of airport authority

Number: INFORMAL

Date: February 10, 2000

The Honorable Mark R. Ogles
Representative, District 67
1101 6th Avenue West, Suite 212
Bradenton, Florida 34205

RE: SARASOTA-MANATEE AIRPORT AUTHORITY--powers and duties of airport authority. Ch. 91-358, Laws of Florida, as amended by Ch. 92-242, Laws of Florida.

Dear Representative Ogles:

Thank you for contacting this office regarding the powers and duties of the Sarasota-Manatee Airport Authority. While this office has no information regarding the actions you have specifically inquired about, *i.e.*, purchase by the authority of a storage facility, the following informal comments are offered in an effort to assist you.

The Sarasota-Manatee Airport Authority (SMAA) is a bicounty governmental agency created by special act of the Florida Legislature[1] for the purpose of "acquiring, constructing, improving, financing, operating, and maintaining airport facilities." [2] The term "[a]irport facilities" is defined as:

"airport facilities of all kinds, including, but not limited to, landing fields, hangars, shops, restaurants and catering facilities, terminals, buildings, and parking facilities and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing, and parking of aircraft, the unloading and handling of mail, express, and freight, and the accommodation, convenience, and comfort of passengers, together with related transportation facilities, all necessary appurtenances, machinery, and equipment, and all lands, properties, rights, easements, and franchises relating thereto and considered necessary or convenient by the authority in connection therewith." [3]

The enabling legislation for the authority states that it is "a body politic and corporate" and a "public instrumentality" [4] and it is specifically designated a political subdivision within the meaning of government property tax exemptions granted under section 196.199, Florida Statutes. [5] The authority is an independent special district as defined by section 189.403, Florida Statutes, and has been identified as such by the Florida Department of Community Affairs pursuant to section 189.4035, Florida Statutes. [6]

With regard to the airport authority and industrial facilities, I would note that section 10(1), Chapter 91-358, Laws of Florida, states, "[i]t is the purpose of this section to authorize the authority to foster and encourage the development of industrial facilities" by empowering the authority to issue industrial development revenue bonds to finance such facilities. Included within the definition of "[i]ndustrial facility" for purposes of the act are "storage accommodations". [7]

This section further authorizes the SMAA to "[e]ngage in industrial projects, acquire and dispose of ownership or possessory interests in industrial facilities located on land owned by the authority[.]"[8]

Thus, the Sarasota-Manatee Airport Authority appears to have substantial powers relating to the acquisition and utilization of industrial facilities, which include storage accommodations.

Enclosed are copies of *Sarasota-Manatee Airport Authority v. Mikos*,^[9] which discusses the nature of the airport authority and the law's treatment of property owned by the authority, and Attorney General's Opinion 93-68, which considers the disposition of personal property of the authority. I trust this informal discussion and the copies I am enclosing will assist you in advising your constituents.

Sincerely,

Robert A. Butterworth
Attorney General

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Enclosures

[1] Chapter 31263, Laws of Florida (1955), as amended by Chs. 91-358, 92-242, 95-493, 97-322, Laws of Florida.

[2] Section 3(1), Ch. 91-358, Laws of Florida.

[3] Section 2(1), Ch. 91-358, Laws of Florida

[4] *Supra* n. 2.

[5] Section 18(1), Ch. 91-358, Laws of Florida.

[6] *See Sarasota-Manatee Airport Authority v. Mikos*, 605 So. 2d 132, 133 (Fla. 2d DCA 1992).

[7] *See* s. 10(2)(d), Ch. 91-358, Laws of Florida.

[8] Section 10(3)(a), Ch. 91-358, Laws of Florida.

[9] *Supra* n. 5.