



THE COLLIER COUNTY AIRPORT AUTHORITY ORDINANCE; AMENDING POWERS, FUNCTIONS AND DUTIES OF THE BOARD AND THE AUTHORITY; AMENDING THE AUTHORITY'S BUDGET AND REPORTING REQUIREMENTS; AMENDMENTS REGARDING EMPLOYMENT OF THE EXECUTIVE DIRECTOR; AMENDMENTS REGARDING TRANSFER OF AIRPORTS, REAL AND PERSONAL PROPERTY, SYSTEMS, MATERIALS AND PERSONNEL; AFFIRMING ALL OTHER PROVISIONS; REPEALING AND SUPERSEDING COLLIER COUNTY ORDINANCE NOS. 90-29, 95-67, 99-10 AND 2002-28; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING AN EFFECTIVE DATE

WHEREAS, subsection TWELVE (B) of this Ordinance is being amended to require that all funds realized by the Authority from sale of durable assets purchased by the Authority with County General Fund money shall be returned by the Authority to the County's General Fund; and

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STATE OF FLORIDA
CLERK OF COUNTY COMMISSIONERS

WHEREAS, subsection SEVEN (C)(5) in this Ordinance is being amended to specify that all of the Authority's grant awards are subject to final approval from the Board of County Commissioners; and

WHEREAS, subsection EIGHT (A) in this Ordinance is being amended to require that each year the Authority shall schedule and conduct at least one (1) workshop with the Board prior to submission of the Authority's tentative annual budget request to the County Manager; and that each budget request must contain an update of the Authority's five-year Strategic Business Plan; and

WHEREAS, this Ordinance amends subsection SEVEN (C)(7) to require that all leases, sub-leases, easements, licenses, use agreements and any other agreement or document entered into by, or issued or granted by or to the Authority that will control use of the County's real property for a term greater than five (5) years must be ratified by the Board before each such document becomes effective; and

WHEREAS, subsection EIGHT (C) is being added to this Ordinance to require that the Authority shall provide the Board with quarterly financial reports, including the financial status of grants and income from real property sub-leases and real property licenses; and

WHEREAS, subsection TEN (A) in this Ordinance is being amended to specify that the Board must authorize each search for an Airport Authority Executive Director, must approve the applicant recommended to the Board for employment by the Authority, and the Board must approve the recommended applicant's employment agreement; and

WHEREAS, Section TWENTY in this Ordinance specifies that this Ordinance repeals and supersedes Collier County Ordinance No. 90-29, and Ordinance No. 95-67 as amended by Ordinance Nos. 99-10 and 2002-28.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Title and Citation. This Ordinance shall be known and may be cited as the "Collier County Airport Authority Ordinance."

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SECTION TWO: Findings and Purpose. It is hereby ascertained and reaffirmed declared that:

A. Pursuant to Section 332.08(1), *Florida Statutes*, and this Ordinance, the Collier County Airport Authority is responsible for the operation of three airports: The Immokalee Regional Airport in Immokalee; the Marco Island Executive Airport, located Northeast of Marco Island; and the Everglades City Airpark, located in the City of Everglades.

B. The three County airports are valuable assets that bear upon a viable and diversified economy for the Collier County Community.

C. The Board of County Commissioners of Collier County desires to provide for enhanced development and eventual operation of the airports as enterprise operations.

D. Chapter 332, Sections 332.001 through 332.12, *Florida Statutes* ("Airport Law of 1945"), authorizes Collier County to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate county airports and other air navigation facilities, and provides that the exercise of any other power specified therein granted to counties are public, governmental functions exercised for a public purpose and are matters of public necessity.

E. Section 332.08(1), *Florida Statutes*, authorizes Collier County to vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation of airports, restricted landing areas, and other air navigation facilities, in an officer, board, or body of the County by ordinance, which shall prescribe the powers and duties of such officer, board or body.

F. The three Collier County owned airports require attention, including short and long range planning, to encourage and foster the development of infrastructure and facilities to be operated for the benefit of citizens and taxpayers in the County.

G. The three airports should be developed to promote the welfare of all current and future residents of the County.

H. It is the intent of the Board of County Commissioners to maintain a Collier County Airport Authority in Collier County with the powers and responsibilities as provided in Section 332.08, *Florida Statutes*, and pursuant to the governmental powers granted to counties in Chapter 125, *Florida Statutes*.

I. This Airport Authority is consistent with and furthers the County's Comprehensive Plan and provides a focused approach to the provision, development and management of public infrastructure and services at the three Collier County airports, and is one available means for delivery of such facilities and services at the three airports.

J. The provisions of this Ordinance shall be liberally construed to effectively carryout its purposes in the interest of the public health, safety, welfare and convenience. This Ordinance shall be construed to be consistent with Chapter 189, *Florida Statutes* (the "Uniform Special District Accountablilty Act of 1945"), and Chapter 332, *Florida Statutes* (the "Florida Airport Act of 1945"); with Chapter 286, *Florida Statutes*, ("Florida's Government in the Sunshine Law"); and with Chapter 119, *Florida Statutes* (Florida's Public Records Law), as those statutes may be amended from time-to-time.

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K. Nothing in this Ordinance shall be construed to affect any actions previously taken by Collier County and/or the Collier County Airport Authority, or any agreements previously entered into by Collier County and/or the Airport Authority.

L. It is the intent of this Ordinance to grant to the Airport Authority more freedom and autonomy to carry on its day-to-day activities with minimal management from the Board and from the Clerk to the Board, and with the intent to eventually have the authority to become independent by passage of a special act of the Florida Legislature.

SECTION THREE. Definitions. As used in this Ordinance, the following words and terms shall have the following meanings unless the context clearly requires otherwise:

A. "Airports" means the real property and all improvements owned or leased by Collier County (as tenant) and/or the Collier County Airport Authority (as sub-lessor and/or tenant) for airport activities in Immokalee, Everglades City, and Marco Island, including the properties and improvements designated for industrial development at the Immokalee Airport, and other such property and improvements that may be subsequently acquired by Collier County and/or the Airport Authority by lease, purchase, gift or by any other means.

B. "Airport facilities" means airport facilities of all kinds including, but not limited to, landing fields, hangars, shops, restaurants and catering facilities, terminals, buildings, airport industrial parks, parking facilities, and all other facilities necessary and desirable for the landing, taking off, operating, servicing, repairing and parking of aircraft; also the handling of mail, express and freight, and the accommodation, convenience and comfort of passengers, together with related transportation facilities, industrial development, all necessary appurtenances, machinery and equipment and all lands, properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the Authority in connection therewith.

C. "Authority" means the Collier County Airport Authority created by Ordinance No. 93-36 and continued by this Ordinance.

D. "Board" means the Board of County Commissioners of Collier County, Florida.

E. "County" means Collier County, Florida.

F. "Improvements" means such replacements, repairs, extensions, additions, enlargements, and betterments of or to any airport or airport facility as deemed appropriate to keep the airport and airport facilities in suitable condition for the safe, efficient and economic operation thereof.

G. "Member(s)" means one or more of the persons who comprise the governing body of the Airport Authority.

SECTION FOUR. Continuance of Authority; Airport Boundaries.

A. The Board, on June 22, 1993, by enactment of Collier County Ordinance No. 93-36, created a seven (7) member body designated as the Collier County Airport Authority.

B. The Authority is a "Political Subdivision" of Collier County as defined in Section 333.01(9), *Florida Statutes*. The Authority is also a "Political Subdivision" of Collier County as used in Section 196.189, *Florida Statute*, regarding ad valorem taxation.

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C. The Authority is not a "department" under Collier County Ordinance No. 84-44, as amended. Neither the Authority, the Authority's Executive Director, nor other employees of the Authority are under management of the County Administrator Manager.

D. The Authority shall take no action that is inconsistent with applicable general law, any applicable special act, any applicable comprehensive land use plan, any applicable land development ordinance, or any other applicable ordinance, rule or regulation adopted by the Board pursuant to Chapter 332 or 333, *Florida Statutes*, or any applicable regulation of any governmental entity that has authority to adopt regulations that are superior to the Authority with respect to the specific issue.

E. The legal description and a map of each of these three airports are attached hereto and are a part hereof as Exhibits A, B, and C.

SECTION FIVE. Governing Body; Membership, Appointment and Terms Of Office

A. The governing body of the Authority shall be composed of seven (7) members appointed by the Board. Except when a member is appointed to fill the remainder of a vacated term, members shall be appointed to serve four (4) year terms. There are no limitations on the number of times that members of the Authority may be re-appointed to the Authority. In the event this provision conflicts with any other Collier County rule, regulation or ordinance, this provision shall prevail. Upon the expiration of a member's term of office, such member shall maintain his or her appointment until the member is either re-appointed or a successor is appointed by the Board.

B. Members of the Authority may be removed with or without cause by a majority vote of the membership of the Board. Vacancies on the Authority shall be filled in the same manner as the original appointment.

C. Members of the Authority shall be residents of Collier County and must have business ability and experience in one or more fields which, by way of example, may include, but are not limited to, general business, economic development, aviation, public affairs, law, finance, accounting, engineering, natural resource conservation, or related fields. There shall be at least one (1) member of the Authority appointed from Immokalee, Marco Island, and Everglades City of a qualified candidate who resides within the respective area is available for appointment to the Authority. No person holding elected office at the state, county or municipality level shall be appointed to, or be a member of, the Authority.

D. Effective as of the beginning of each fiscal year (October 1), the Authority shall from its members elect a Chairman, Vice Chairman, and Secretary. The Secretary shall maintain custody and control of the Authority's records. The Authority may delegate the duties of Secretary to the Executive Director of the Authority or designee.

E. The County's Purchasing Policy and the County's Personnel Rules and Regulations will apply to the Authority except as provided otherwise in the Authority's Administrative Code, as amended from time-to-time.

F. The Clerk to the Board shall, to the extent required by law, serve as clerk to the Authority. The Authority, at its discretion, may utilize the services of the Clerk over and above the services the Clerk must perform for the Authority as a matter of law. The Authority shall annually budget and reimburse the Clerk as appropriate for the cost of all services and materials supplied by the Clerk to the Authority. The Authority shall organize its own financial records to facilitate its day-to-day operations and provide financial records in such form and in such

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manner as required by Chapter 218, *Florida Statutes*, and additional requirements, if any, specified in the Authority's Administrative Code. To the extent allowed by law, the Authority may, through its Administrative Code, remove itself from fiscal and other review and approval by the Clerk to the Board.

G. Other Departments of the County, including the office of the County Administrator Manager, may assist the Authority as requested by the Authority. The Authority shall reimburse each respective Department for the cost of services and materials supplied by that Department to the Authority.

SECTION SIX. Compensation of Members.

A. The members of the Authority shall receive no compensation but each shall be reimbursed expenses in accordance with the provisions of general law, and in conformity with the Authority's budget as approved by the Board.

SECTION SEVEN. Powers, Functions and Duties.

A. The Authority shall be responsible for the construction, improvement, equipment, development, regulation, operation and maintenance of the airports and all related airport facilities. The day-to-day activities of the Authority, of the Executive Director, and of Authority's other employees shall not require prior approval from the Board or the County Administrator Manager.

B. The Authority shall have no power to levy or collect ad valorem taxes unless provided otherwise in a special act of the Florida Legislature.

C. The Authority has the following powers and duties:

1. Subject to and consistent with the Authority's budget, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

2. The Authority may adopt resolutions, rules and regulations that are necessary to conduct the business of the Authority.

3. To accept gifts; to apply for and use grants or loans of money or other property from the United States, the State of Florida, any unit of local government, or any person for any lawful purpose; to hold, use, sell and dispose of such monies or property for any Authority purpose in accordance with the terms of the gift, grant, loan or agreement relating thereto; and to enter into interlocal agreements as convenient to accomplish its goals.

4. To maintain an office within the County at such place or places the Authority designates.

5. Subject to prior approval of the Board, to borrow money and issue revenue bonds or anticipation certificates, warrants, notes or other evidence of indebtedness; to designate an agent of record; to sell or mortgage real or personal property, or to accept any grant.

6. To adopt by resolution a schedule of rates, fees and other charges for the use of the services, airports and airport facilities to be paid by owners, tenants, or occupants of each parcel of land or the user of any facility which may be connected with or provided service, use or availability of any airport facility. The initial schedule of such rates, fees and other charges shall be those in effect at the three airports as of the effective date of this Ordinance. The Authority may from time-to-time revise the schedule of rates, fees and other charges. Such rates, fees, and other charges shall be adopted and revised so as to provide funds, which, with other funds available for such purposes, shall be sufficient at all times to pay the expenses of operating and maintaining the airports and airport facilities (including reimbursements to the County), to provide a margin of

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safety over and above the total amount of such payments, and to comply with covenants to bondholders. Also to provide, if applicable, reserves for the principal and interest on revenue bonds as the same may become due. The Authority shall charge and collect such rates, fees, and other charges so adopted and revised.

7. To sub-lease as sub-lessor, and to lease as lessee, to or from any person, firm, corporation, association, or body, public or private, any airport facility or airport property of any nature for the use of the Authority to carry out any purpose of the Authority. To grant easements, licenses and use agreements at each airport, ~~provided the term of each such grant shall not exceed the then effective term of the lease of the airport from the Board to the Authority.~~ No Each sub-lease where the Authority is the sub-lessor, and no each grant of any such easement, license or other use agreement, shall be subject to approval of the Board or the County Administrator if the term of the sub-lease, license, easement, use agreement or other agreement or document will control use or occupancy of real property for a term greater than five (5) years, including every option to renew or extend the term. ~~No Lease to the Authority as tenant shall be subject to the approval of the County Administrator, or from the Board except by means of the budgetary approval process.~~

8. To acquire by purchase, lease, gift, dedication, or devise, or otherwise, real and personal property or any estate therein for any lawful purpose of the Authority; also to trade, sell or otherwise dispose of surplus real or surplus personal property in accordance with general law. The Authority may purchase equipment by an installment sales contract if budgeted and funds are available to pay the current year's installment and to pay the amounts due that year on all other installments and indebtedness. The Authority shall have no power of eminent domain except (a) in the name of the County pursuant to Chapter 74, *Florida Statutes*, as authorized by the Board, or (b) except as authorized by special act of the Legislature.

9. To hold, control and acquire by donation or purchase any public easements, dedications to public use, platted reservation for public purpose, or reservation for any lawful purpose of the Authority, and to use such easement, dedication or reservation for any lawful purpose of the Authority.

10. To hire employees, including the Executive Director, who shall be employees of the County and shall be subject to the County's Human Resources Policies and Procedures except to the extent, if any, specifically provided otherwise in the Authority's Administrative Code.

11. To contract for professional services including, but not limited to, planning, engineering, legal, and/or other professional services. No person engaged to provide such services shall be an employee of either the Authority or the County.

12. At the Authority's discretion, the County Attorney's office will serve as the Authority's attorney. The Authority may retain individual attorneys at law and/or law firm(s) to serve as the Authority's attorney for some or all of the Authority's legal services.

13. To exercise all power and authority that is convenient and appropriate to accomplish any duty, responsibility, goal, plan, or purpose of the Authority as provided for in this Ordinance.

D. The Authority shall have a lien upon all aircraft landing upon any airport operated by the Authority 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

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therefore to the operator or owner of the aircraft by a duly authorized employee of the Authority. The lien for the full amount of the charges and fees due to the 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 Florida. 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 written notice upon such aircraft. Any person who removes or attempts to remove any such aircraft from the airport after service or posting of the notice of the lien as herein provided, and before payment of the amount due to the Authority for fees or charges incurred by such aircraft, shall be guilty of a criminal offense and misdemeanor within the meaning of Section 775.08, *Florida Statutes*, and shall be punished as provided by law.

SECTION EIGHT. Annual Workshop; Budget and Annual Reports.

A. The Authority shall schedule and conduct one (1) workshop with the Board prior to submission of the Authority's tentative annual budget request. For each fiscal year the Authority shall prepare a tentative annual budget including revenues and expenses for the operation of the three airports during the ensuing fiscal year. The budget shall be transmitted to the County Administrator Manager for Board review and adoption on or before May 1, or otherwise in accordance with the County's general budget policy or general law, whichever date is earliest. Each proposed budget shall include an estimate of all planned and contingent expenditures of the Authority for the ensuing fiscal year, plus an estimate of all income to the Authority from all sources for that fiscal year and shall include an update of the Authority's five-year Strategic Business Plan. The Board shall consider the proposed budget item by item and may either approve the budget as proposed by the Authority, or modify the same in part or in whole. The budget of the Authority shall be adopted in the same manner provided, and the times established by law for the adoption of the budget by the County. The Authority shall be responsible for the implementation of the budget as approved by the Board. The annual budget proposed by the Authority and approved by the Board should continuously implement the Authority's five-year master plan.

B. By March 15th of each year, the Authority shall submit to the Board an annual report on its activities and operations for the preceding fiscal year, including an independent financial audit.

(C). For the December, March, June and September calendar quarters of each year, the Authority, not later than forty-five (45) days following the end of each quarter, shall deliver to the Board a quarterly financial report including the status of grants and income from sub-leases, licenses, and other revenue producing items.

SECTION NINE. Administrative Code.

A. The Authority shall adopt an Administrative Code that prescribes details regarding the powers, duties and functions of the officers of the Authority; the conduct of the business of the Authority; the maintenance of records and the form of other documents and records of the Authority. The Administrative Code and amendments thereto are not subject to approval of the Board or of the County Administrator Manager.

B. The Administrative Code shall organize the administration of the Authority and shall detail the duties, responsibilities, policies, rules and regulations of the Authority as delegated to the Authority by this Ordinance, by other ordinances, by rules and regulations of the Board, or by special act of the Legislature.

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SECTION TEN. Executive Director.

A. The Authority shall have an Executive Director to serve as the Authority's chief operating officer. The Executive Director shall be hired by an affirmative vote of the membership of the Authority subject to (i) the Board approving each search for an Executive Director, (ii) the Board approving the individual recommended to the Board for employment as Executive Director, and (iii) the Board approving the proposed employment agreement. Subject to the provisions of an Employment Agreement of the Executive Director, the Executive Director may be terminated, with or without cause, by an affirmative vote of the membership of the Authority.

B. The Executive Director shall work under the direction of the Authority.

C. The Executive Director shall be the chief operating officer of the Authority. All executive and administrative responsibilities and powers specified herein shall be assigned to and vested in the Executive Director.

D. The Executive Director shall:

1. Be responsible for the administration, management and operation of the airports and airport facilities.

2. Formulate and prepare recommendations regarding policies, rules and regulations, directives, programs, agreements, sub-leases, leases, contracts, and all other documents which require consideration, action, or approval of the Authority of the Board.

3. Implement all lawful directives of the Authority.

4. Prepare annual budget and the annual report for approval of the Authority and the Board.

5. Recommend employment of, direct, supervise, and recommend personnel actions regarding Authority employees in accordance with the County's Human Resources Policies and Procedures, except to the extent those Policies and Procedures do not apply to the Authority as exempted by the Authority's Administrative Code. The Executive Director shall also direct and supervise professional service providers engaged by the Authority.

6. Carry out such other powers and duties as may lawfully be assigned by the Authority.

E. The Executive Director shall be qualified by executive and administrative experience. Minimum qualifications for the Executive Director are to be specified in the Administrative Code. The compensation of the Executive Director as specified in the applicable employment Agreement shall be set by the Authority in accordance with the budget approved by the Board, and in accordance with the County's Human Resources Policies and Procedures and Procedures, except to the extent those Policies and Procedures do not apply to the Authority because of exemptions provided for in the Authority's Administrative Code.

SECTION ELEVEN. Non-Interference.

A. Members of the Authority may communicate with employees, officers, agents under the direct or indirect supervision of the Executive Director, including professional service providers, for the purpose of inquiry or information. Except for purposes of inquiry or information, no member of the Authority shall give directions to or interfere with any employee, officer, agent, or with any professional services provider under any direct or indirect supervision of the Executive Director.

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SECTION TWELVE. Transfer of Property and Personnel.

A. The County has leased to the Authority for the consideration of ten dollars (\$10.00) all three Collier County airports and all real property improvements thereon owned by the County. Subject to passage of a special act of the Legislature authorizing same, the Board may convey the fee title to each of the three airports to the Authority. Each such conveyance shall be subject to existing applicable airport use and reversionary clauses in the chain of title, and be subject to paragraph C of SECTION THIRTEEN, below.

B. The County has conveyed to the Authority all personal property related to the three airports, including all personal property airport systems, equipment, and materials then under the management, direction or control of the Board. All funds received by the Authority from sale of durable assets purchased by the Authority with funds from the County's General Fund shall be refunded by the Authority to the County's General Fund.

C. Any County employees transferred to the Authority shall remain County employees and be subject to the County's Human Resources Policies and Procedures, except to the extent those Policies and Procedures do not apply to the Authority because of exemptions provided for in the Authority's Administrative Code.

SECTION THIRTEEN. Merger; Dissolution.

A. There shall be no merger involving the Authority and any other unit of government without prior approval of the Board.

B. The charter of the Authority may be revoked and the Authority unilaterally dissolved by an Ordinance adopted by the Board. Such action by the Board dissolving the Authority shall occur subject to (a) the legal rights of bondholders, the Executive Director, and all employees of the Authority, and (b) a dissolution plan adopted by the Board.

C. Dissolution of the Authority shall automatically transfer to the County all right, title and interests to all real and personal property deeded, leased, assigned to or otherwise conveyed by every means whatsoever to the Authority along with all other property and interests in property otherwise acquired by the Authority. Dissolution shall be subject to all contracts, other obligations and indebtedness of the Authority.

SECTION FOURTEEN. Adoption of Rules and Regulations Previously Adopted by the Collier County Airport Authority.

A. The Board of County Commissioners, pursuant to Section 332.08, Florida Statutes, hereby adopts all of the following Rules and Regulations heretofore adopted by the Collier County Airport Authority ("Authority"):

1. The Collier County Airport Authority Rules and Regulations for General Aviation Airports, Collier County, Florida, applicable to the Everglades Airport, to the Immokalee Regional Airport, and to the Marco Island Executive Airport, adopted by the Authority as revised on February 11, 2002 (17 pages).

2. The Collier County Airport Authority Minimum Standards for Commercial and Non-Commercial Aeronautical Activities at the Immokalee Regional Airport, adopted by the Authority as revised on February 11, 2002 (17 pages).

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3. The Collier County Airport Authority Minimum Standards for Commercial and Non-Commercial Aeronautical Activities at the Everglades Airport, adopted by the Authority as revised on February 11, 2002 (17 pages).

4. The Collier County Airport Authority Minimum Standards for Commercial and Non-Commercial Aeronautical Activities at the Marco Island Executive Airport, adopted by the Authority as revised on February 11, 2002 (17 pages).

5. The Collier County Airport Authority Administrative Code, adopted by the Authority as revised on February 11, 2002 (42 pages).

6. The Collier County Airport Authority Leasing Policy adopted by the Airport as revised on February 11, 2002, (19 pages).

~~B. (C)~~ Subsection 332.08(2)(b), Florida Statutes, (authorizing enforcement of violations of such Rules and Regulations as a *second degree misdemeanor*) applies only to Rules and Regulations adopted by the Board. Future amendments to such Rules and Regulations may not be enforced as a misdemeanor pursuant to this Ordinance until each such respective future amendment(s) is/are adopted by the Board pursuant to Section 332.08, Florida Statutes, which may be by adoption of a Resolution of the Board subject to the four (4) weeks public notice requirement. However, this limitation does not affect enforcement of any such future amendment(s) to any such Rule or Regulation except when the amended Rule or Regulation is to be enforced as a misdemeanor. Violation of any such future amendment not yet then adopted by the Board may be referred for enforcement to any Collier County enforcement department and/or to any outside agency or entity, for enforcement by other means.

~~C. (D)~~ Every violation of any such Board adopted Rule and/or Regulation shall be a separate violation of this Ordinance. Also, every individual who, while in the presence of a law enforcement officer, either refuses to immediately obey an oral order (instruction) to leave the airport, or to move his/her person to some other part of the airport, or who is then committing any violation of any such Rule or Regulation, or is committing a trespass anywhere in any secured area of an airport, such law enforcement officer may arrest the violator without a warrant for any such violation(s), which authority to arrest without a warrant is authorized by subsection 901.15(1), Florida Statutes.

SECTION FIFTEEN. Trespass: Anywhere at Airport; Secured Areas.

A. It shall be a separate violation of this Ordinance for any individual to refuse to immediately and completely obey an oral order (instruction) to leave the airport, or to move his/her person to some other area of the airport, if the order (instruction) is personally communicated to the individual by the Airport Manager, or if the Airport Manager is not then and there available, by any employee who at such time and place has authority to issue such an instruction.

B. It is a separate violation of this Ordinance for any individual to commit a trespass into (or within) any secure area of any Collier County Airport, provided signs are posted in conspicuous areas and such signs give notice that unauthorized entry into the respective secured area constitutes a trespass, and the signs specify the means that are available for gaining authorized access to the respective secure area. Each such violation of this Ordinance shall subject each such trespassing individual(s) to arrest by a law enforcement officer without a warrant, on or off of the airport, as specified in subsection 901.15(15), Florida Statutes. The Collier County Airport Authority is hereby authorized to designate such secure area(s) as it deems appropriate by posting appropriate signs. Each such trespass in any secured area of an airport is an independent violation of this Ordinance irrespective of application of any Airport Authority Rule or Regulation.

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SECTION SIXTEEN. Concealed Weapons; Concealed Firearms.

Any individual not then authorized by applicable law to carry a concealed firearm or a concealed weapon into the passenger terminal of the airport, or into any sterile area of any Collier County Airport shall thereby violate this Ordinance and shall violate Subsection 790.06(12), Florida Statutes. The specified penalty for such violation is not less than a misdemeanor of the second degree, as specified in that statutory subsection. "Sterile area" is defined in that Statute as "the area of the airport to which access is controlled by the inspection of persons and property in accordance with federally approved airport security programs." However, provided such action or possession is not then prohibited by federal law, rule or regulation, that statutory provision does not prevent an individual from carrying any legal firearm into the airport terminal provided each such firearm is then encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on an aircraft. No such "firearm or weapon" violation is a violation of this Ordinance because this field of regulation is wholly preempted to the State of Florida by application of Section 790.33, Florida Statutes.

SECTION SEVENTEEN. Penalties; Referrals Within Collier County Government.

A. General Penalties; Continuing Violations. In this Ordinance the phrase "violation of this ordinance" means any of the following:

1. Doing an act that is prohibited or made or declared unlawful, or an offense, or a misdemeanor by ordinance, or by rule or regulation authorized by any Collier County ordinance.

2. Failure to perform an act that is required to be performed by any Collier County Ordinance, or by Rule or Regulation authorized by any Collier County Ordinance.

3. Failure to perform any act if the failure is declared a misdemeanor or an offense, or otherwise unlawful or a violation by any Collier County Ordinance, or by any rule or regulation authorized by Collier County Ordinance.

B. In this Ordinance, the phrase "violation of this ordinance" does not include the failure of a Collier County officer or a Collier County employee, or any officer or any employee of the Collier County Airport Authority, to perform a duty or responsibility.

C. Except as may otherwise be specifically provided with regard to the specific rule or regulation, an individual or entity convicted of a violation of any such rule or regulation, or of an independent violation of this Ordinance, may be punished by a fine not to exceed five hundred dollars (\$500), and if the violator is an individual, by imprisonment in the County Jail for a term not to exceed sixty (60) days, or, if the violator is an individual, by both such fine and imprisonment. With respect to any violation of this Ordinance that is continuous with respect to time, each day the violation continues may be held by the respective forum (trier of fact) to be a separate offense or separate violation.

D. Imposition of a felony penalty, or any misdemeanor penalty, or any civil penalty, does not prevent or affect possible revocation or suspension of a license, permit, contract or franchise, or affect imposition of any other civil penalties, or affect imposition of any other administrative fines, action(s) or penalties by any enforcement forum whatsoever.

E. Violations of any such rule or regulation, and/or any independent violation(s) of this Ordinance, may be abated by injunctive or other equitable relief, and no bond shall be required from the County or from the Authority; Nor is

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proof of intent or scienter required by this Ordinance. No imposition of any fine or any other penalty shall prevent any equitable relief whatsoever.

F. Every alleged violation(s) of any of such rule or regulation may be referred by the Airport Authority, and/or by the Airport Authority's Executive Director, for investigation and enforcement by any Collier County Code Enforcement Board, or with respect to any vehicle for hire, to the Collier County Public Vehicle Advisory Committee. All penalties then available to the referred to Board, Committee, or department may be applied to each respective violators).

SECTION EIGHTEEN. Referral for Investigation or Enforcement to Outside Law Enforcement Agencies.

A. Any suspected violation(s) of any of any such rule or regulation may be referred by the Airport Authority, and/or by the Airport Authority's Executive Director, to any appropriate outside law enforcement department, entity, or agency, for investigation and/or enforcement as a misdemeanor of the second degree as then punishable as such punishment is provided for in Section 775.082 or in Section 775.083, Florida Statutes.

B. Any officer or other employee of the Airport authority who suspects that a violation of any such rule or regulation is occurring or is being committed, the officer or employee is authorized to immediately notify the Collier County Sheriff's Department, Office, or substation, if in that officer's or employee's judgment an arrest or forcible restraint may be an appropriate response to the situation.

C. The Executive Director, and/or the Airport Authority, and/or the Airport Manager of the respective airport (or such Airport Manager's designee) may refer for investigation and enforcement any suspected violation of this Ordinance and/or any Airport Authority rule and/or regulation that may be a violation of any law, rule or regulation within the investigation and/or enforcement jurisdiction of the respective entity to which the matter is referred, which may include the Federal Government or any agency or sub-part thereof. Also, such referral need not appear to be a violation of any Airport Authority rule or regulation or of any Collier County Ordinance.

SECTION NINETEEN. Conflict and Severability.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION TWENTY. Repeal of Ordinances.

This Ordinance repeals and supersedes Collier County Ordinances numbered 90-29, and repeals and supersedes Ordinance No 95-87 as amended by Ordinances numbered 99-10 and 2002-2B.

SECTION TWENTY-ONE. Inclusion into the Code of Laws and Ordinances.

This Ordinance shall be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish that result, and the word "Ordinance" may be changed to "Section," "Article," or any other appropriate word.

Underlined text is added; ~~struck-through text~~ is deleted

SECTION TWENTY-TWO. Effective Date.

This Ordinance shall be effectively upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners
this 27 day of January, 2004.

ATTEST:
DWIGHT E. BROCK, Clerk

Debra M. ...
Deputy Clerk

Attest as to Chairman's
signature only.

Approved as to form and
legal sufficiency:

Thomas C. Palmer
Thomas C. Palmer,
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: Donna Fiala
Donna Fiala, Chairman

This ordinance filed with the
Secretary of State's Office the
27 day of January 2004
and acknowledgement of that
filing received this 26 day
of February 2004

By: Debra M. ... D.C.
Deputy Clerk