

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; REPEALING ORDINANCE NOS. 78-03 AND 90-07 AND AMENDING CHAPTER 3, ARTICLE II, DIVISION 3 OF THE OKALOOSA COUNTY CODE OF ORDINANCES; AMENDING THE RULES AND REGULATIONS AND MINIMUM STANDARDS FOR THE BOB SIKES AIRPORT AND THE DESTIN EXECUTIVE AIRPORT; AFFIRMING THE AUTHORITY OF THE OKALOOSA COUNTY SHERIFF'S OFFICE TO ENFORCE SUCH RULES AND REGULATIONS AND MINIMUM STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 332.08, Florida Statutes, grants the Board of County Commissioners of Okaloosa County, Florida (the "County" or "Board") the authority to regulate the use of the County's airports; and

WHEREAS, the County owns and operates the Destin Executive Airport ("DTS"), the Bob Sikes Airport ("CEW"), and the Destin-Fort Walton Beach Airport ("VPS"); and

WHEREAS, the County previously promulgated and adopted rules and regulations and minimum standards jointly applicable to DTS and CEW through Ordinance Nos. 78-03 and 90-07; and

WHEREAS, the County's airports system has experienced extraordinary growth since the adoption of said ordinances; and

WHEREAS, the County considers it appropriate to amend the rules and regulations and minimum standards applicable to DTS and CEW to promote the safe, efficient, equitable, and economically beneficial operation of such airports in light of the growth and development of aeronautical operations at each such airport; and

WHEREAS, the County intends to reaffirm the full authority of the Okaloosa County Sheriff's Office (the "Sheriff's Office") to enforce such rules and regulations and minimum standards.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY:

SECTION 1. SHORT TITLE. This Ordinance shall be known as and may be referred to as the "Destin Executive Airport and Bob Sikes Airport Rules and Regulations and Minimum Standards Revision Ordinance."

SECTION 2. REPEAL OF EXISTING RULES AND REGULATIONS AND MINIMUM STANDARDS. Sections 3-81 through 3-93 of the Okaloosa County Code of Ordinances (“County Code”), inclusive, are hereby repealed and replaced by this Ordinance and otherwise reserved.

SECTION 3. ADOPTION OF REVISED RULES AND REGULATIONS. The County hereby adopts the Rules and Regulations for Destin Executive Airport and Bob Sikes Airport (the “Rules and Regulations”) attached hereto as Exhibit A.

SECTION 4. ADOPTION OF REVISED MINIMUM STANDARDS. The County hereby adopts the Minimum Standards for Commercial Aeronautical Activities for Destin Executive Airport and Bob Sikes Airport (the “Minimum Standards”) attached hereto as Exhibit B.

SECTION 5. FURTHER PENALTIES. In addition to being subject to any penalties assessed by the Board pursuant to Section G of the Rules and Regulations, any person violating any of the Rules and Regulations or the Minimum Standards shall be deemed guilty of committing a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days, or by both. Such fine and/or imprisonment shall be at the discretion of the court adjudicating said violation.

SECTION 6. SHERIFF’S AUTHORITY TO ENFORCE. The Sheriff’s Office shall have full authority to enforce the Rules and Regulations and Minimum Standards, and all other applicable laws and regulations, on DTS and CEW, including but not limited to the power to issue citations, conduct arrests, and otherwise remove from any part of DTS or CEW any person who is disturbing the peace or threatening the safety or security of persons or property, or whom the Airports Director (or his designee) has asked the Sheriff’s Office to remove from the airport.

SECTION 7. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the County Code and that the sections of this Ordinance may be renumbered to accomplish that intent.

SECTION 8. SEVERABILITY. It is declared to be the intent of the Board that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, then such determination shall not affect the validity of the remaining sections.

SECTION 9. EFFECTIVE DATE. This Ordinance will become effective upon receipt of the notice of its filing with the Office of the Secretary of State.

DULY ADOPTED by the Board of County Commissioners this **21st** day of **May, 2024**.

OKALOOSA COUNTY, FLORIDA

BY: _____

Paul Mixon
Chairman, Board of County Commissioners

Date: _____

ATTEST:

J. D. Peacock, II Clerk of the Court

APPROVED AS TO FORM:

Lynn M. Hoshihara, County Attorney

OKALOOSA COUNTY AIRPORTS SYSTEM

RULES AND REGULATIONS

FOR

DESTIN EXECUTIVE AIRPORT

AND BOB SIKES AIRPORT

MAY 21, 2024

**Destin Executive Airport
and Bob Sikes Airport
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SECTION A. – GENERAL

I. Authority

- a. These Rules and Regulations for Destin Executive Airport (DTS) and Bob Sikes Airport (CEW) (the “Rules and Regulations”) are adopted under the authority of Section 332.08, Florida Statutes, which grants Okaloosa County (the “County”) the power to regulate the use of the County’s airports. These Rules and Regulations apply to two of the County’s airports: the Destin Executive Airport and the Bob Sikes Airport (collectively, the “Airports,” and each individually referred to as an “Airport”). The Rules and Regulations also are adopted pursuant to County Ordinance No. **XXXX**; the County’s authority as the owner, operator, proprietor, and sponsor of the Airports; and the County’s authority to protect the health, safety, and welfare of all persons within the County. All leases, licenses, permits and other agreements authorizing the use of Airport property and facilities shall require compliance with these Rules and Regulations.
- b. In addition to the Rules and Regulations, all persons on the Airports are subject to all applicable provisions of federal law, the laws of the State of Florida, the County’s Code of Ordinances (the “County Code”), and all other applicable federal, state, and local-government laws, regulations, rules, orders, ordinances, policies, standards, and guidelines.
- c. In the event of an emergency, or to respond to any immediate safety, security, or operational necessity, that is not specifically covered in these Rules and Regulations, the Airports Director shall be authorized to make such orders and decisions as the Airports Director reasonably deems necessary to address such emergency or necessity. Any such order or decision shall cease to be effective upon the earliest of (a) the cessation of the emergency or need for which the Airports Director issued it, (b) superseding action by the Board, or (c) ninety (90) days following the Airports Director’s issuance of such order or decision. Nothing in this provision shall be interpreted to limit the authority of the Board to incorporate any such order or decision into the Rules and Regulations temporarily or permanently.
- d. The privilege of using either Airport and any of its facilities shall be conditioned on the user’s assumption of full responsibility and risk for such use. The County reserves the right to claim immunity from liability in connection with its operation of the Airports to the fullest extent permitted by law and to assert any other defense available, including without limitation immunity or defenses based on its status as a governmental entity.
- e. References and citations in the Rules and Regulations to laws, regulations, rules, ordinances, orders, policies, standards, and guidelines promulgated by the United States, the State of Florida, or public or private bodies include any amendments thereto that may be adopted after the County’s adoption of the Rules and Regulations.
- f. The invalidation of any specific rule or regulation herein shall not affect the validity of the remainder of the Rules and Regulations.

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II. Purpose

- a. In establishing the Rules and Regulations, the County's goals are to promote the safe, secure and orderly use of the Airports.
- b. The County recognizes the jurisdiction of the federal government, delegated to the Federal Aviation Administration (the "FAA"), concerning the licensing and regulation of pilots, Air Carriers and Air Taxi/Charters, aircraft, and the navigable airspace. Nothing herein is intended to assert jurisdiction by the County over matters under the exclusive jurisdiction of the federal government, and the provisions hereof shall be interpreted consistently with this purpose.

III. Application and Waiver

- a. The Rules and Regulations shall apply to all users of, and all persons on, any portion of either Airport. Provisions hereof concerning the safety and security of the Airports shall apply to all persons within the County.
- b. The Rules and Regulations, including amendments thereto, shall apply to all persons having a lease, permit or agreement with the County to the fullest extent permitted under such lease, permit or agreement, even where the application of the Rules and Regulations may impose a new or different obligation than existed at the time of execution of such lease, permit or agreement.
- c. The Airports Director may waive all or any portion of the Rules and Regulations for the benefit of any government or governmental agency performing public or emergency services, including, for example and without limitation, law enforcement, disaster relief, search and rescue, and fire prevention and firefighting, to the extent that the Airports Director reasonably determines such waiver to serve the public interest and promote overall public safety.
- d. The Rules and Regulations are in addition to, and do not supersede, all applicable federal and state laws, regulations, rules, orders, ordinances, policies, standards, and guidelines. To the greatest extent possible, these Rules and Regulations shall be read in harmony with other applicable authorities. In the event of any inconsistency, conflict, or ambiguity among such legal authorities, such authorities shall have the following priority: (i) any federal or state law, regulation, rule, order, ordinance, policy, standard, or guideline; (ii) these Rules and Regulations, (iii) the Minimum Standards; and (iv) other County ordinances.

IV. Administration

- a. The Board of County Commissioners has the ultimate authority to apply the Rules and Regulations and to issue citations, directives, and interpretive guidance in conformity with the Rules and Regulations.

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- b. The County Attorney and County employees assigned to the Airports are authorized to assist in the application and implementation of the Rules and Regulations, principally through communications with Airport users on the content and proper interpretation of the Rules and Regulations.
- c. Law enforcement officers of the Okaloosa County Sheriff's Office (the "Sheriff's Office") are authorized to cite, detain, remove, and take all other lawful and appropriate actions against individuals for violation of the Rules and Regulations or of the County Code on or with respect to the Airports.
- d. As further described in these Rules and Regulations, the Airport Operations Center (or "AOC") is the appropriate point of contact for reporting emergency or operational issues on the Airports. The AOC is staffed twenty-four (24) hours a day, every day of the year, by at least one employee of the County or by the Sheriff's Office Airport Security Unit, and is typically able to dispatch assistance or contact Airport staff to address on-Airport incidents and resolve other questions and matters. At the time of promulgation of these Rules and Regulations, the telephone number for the AOC is (850) 651-7166. However, if it is necessary to obtain an immediate response to an emergency, such as any immediate threat to life or safety, Airport users should first call 911.
- e. The Airports Department shall have the right to inspect any hangar, T-hangar, similar structure, or other Airport premises within the property boundary of the Airport to ensure compliance unless explicitly precluded by a lease, license, contract, or other agreement with the County. When there is a compliance concern, the Airports Department shall provide a minimum of forty-eight (48) hours' written notice to the authorized individual listed in any type of agreement with the County prior to inspection of any leased premises. For routine hangar inspections, the Airports Department shall provide a minimum of fourteen (14) days' written notice. Initial contact will be made by email and acknowledgment is required. If acknowledgement of email is not received within seventy-two (72) hours, follow-up notification will be made by certified mail. Time will begin from the date/time of receipt.
- f. The Rules and Regulations shall be made available upon request in electronic or hard-copy format.

V. Commercial Activities and Construction on the Airport

- a. All Commercial Activities conducted on the Airport must be approved by the Board of County Commissioners by means of a written agreement and shall be performed in accordance with the Minimum Standards and the Rules and Regulations. The Airports Director may waive this requirement to the extent he or she reasonably deems necessary to address emergency situations at the Airport (e.g., emergency repair or removal of a disabled aircraft).

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- b. All Commercial Non-Aeronautical Activities conducted on the Airport must be performed in accordance with the Rules and Regulations.
- c. All written agreements for the provision of Commercial Aeronautical Activities and Commercial Non-Aeronautical Activities shall prohibit sublease, assignment, and subcontracting for the provision of commercial products or services without the written approval of the Board of County Commissioners.
- d. Any construction or alteration taking place on the Airport shall be performed in compliance with FAA, Florida, County (with respect to CEW) and/or City of Destin (with respect to DTS) requirements, standards and guidelines, as applicable. No construction requiring a building, earth-moving, or similar permit shall take place on the Airport without written approval by the Airports Director, including designation of a construction start date and construction schedule; construction plans approved by the proper government authorities; and proper permits.
- e. Any construction or other commercial or non-commercial activities on the Airport that are determined by the FAA to constitute an obstruction or hazard to air navigation or that would, according to FAA standards, constitute an attractant to wildlife are prohibited.
- f. Any construction or alteration on the Airport shall be designed so as to conform, as applicable, to the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*) and the Air Carrier Access Act (49 U.S.C. § 41705) and all applicable implementing regulations and guidelines. No person shall be denied access to the Airport on the basis of handicap or disability. Any person who believes that they were denied access to or within the Airport or discriminated against at the Airport on the basis of a handicap or disability may file a complaint with the Airports Director.

SECTION B. – RATES AND CHARGES

I. Generally

- a. The County reserves the right to impose rates and charges for use of the Airport for the following purposes: to compensate the County for costs to operate, maintain and develop the Airport; to make the Airport as self-sustaining as possible; to compensate the County for the privilege of conducting commercial activities on and deriving revenue from the Airport; and to derive a reasonable rate of return from the use of Airport facilities.
- b. The Board of County Commissioners may impose rates and charges, including, but not limited to: landing fees, apron and ramp fees, fuel flowage fees, rent for County property and facilities, parking fees, access fees, privilege fees, and permit and administrative fees.
- c. The County's imposition of any rates or charges shall not affect a person's obligation to pay any taxes as may be assessed by an authorized taxing jurisdiction, including without limitation possessory interest, sales and fuel taxes.

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- a. The Board of County Commissioners may adopt and direct publication of a schedule or schedules of rates and charges. Such rates and charges may be adjusted from time to time by publication of a new such schedule. Neither the adoption nor amendment of the schedule of rates and charges shall require an amendment to the Rules and Regulations.
- b. All persons on an Airport will be liable to pay the then-current rates and charges applicable to their use of, and activities on, that Airport, except in the event that a rate or charge is established by a lease, permit, or other agreement with the County, and such lease, permit, or other agreement prohibits adjustment of its specified rates and charges by the means provided herein.

SECTION C. – PERSONAL CONDUCT

I. Generally

- a. No person shall obstruct, impair, or interfere with the safe, orderly, and efficient use of the Airport by any other person or by any vehicle or aircraft.
- b. No person shall make, possess, use, offer for sale, pass, or deliver any forged or impermissibly altered pass, permit, identification card, sign, or other authorization to use the Airport.
- c. No person may abandon personal property, ground vehicles, or aircraft on the Airport. The Board of County Commissioners shall be entitled to sell, dispose of, or otherwise handle any personal property that is abandoned or lost (as the terms “abandoned property” and “personal property” are now defined under section 705.101(2) and (3) of the Florida Statutes), pursuant to, and by any of the means permitted by, sections 705.182 through 705.184 of the Florida Statutes, as applicable.
- d. Any consumption of alcohol on the Airport shall comply with all applicable laws and regulations.
- e. Smoking is prohibited within the Airport perimeter fence except in designated smoking areas.
- f. Smoking is prohibited in all buildings and vehicles owned by the County, including the hangars and all buildings owned by or leased to an FBO or other provider of Commercial Aeronautical Activities or Commercial Non-Aeronautical Activities on the Airport.

II. Pedestrian Access

- a. Except for federal, state, and local law enforcement officers, County employees acting within the scope of their lawful authority or any other person authorized by the Airport

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Security Plan to do so, no person shall prevent or restrict any authorized person's passage to, from, or within the Airport.

- b. No person shall loiter on the Airport or in any building on the Airport for a period of time longer than is reasonably necessary to transact such lawful and appropriate business as the person may have on the Airport, except at the invitation of the building's tenant.
- c. Any unauthorized person who enters the AOA and is asked to leave but refuses to do so shall, in addition to being subject to other penalties, have committed the offense of trespass.
- d. Pedestrians are permitted in the Movement Area and Safety Areas only if necessary for Airport operations and only if escorted by an authorized Airport staff member. Note that entering the Movement Area and Safety Areas may require permission, *e.g.* from the Air Traffic Control Tower if applicable.
- e. If the Airport Traffic Control Tower (the "Tower") is in operation, pedestrians in the Movement Area and Safety Areas must:
 - 1. Maintain two-way radio communications with the Tower;
 - 2. Be accompanied by an escort who has two-way radio communications with the Tower;
or
 - 3. Comply with signs, signals, and other information provided.
- f. When the Tower is not in operation, pedestrians in the Movement Area or Safety Areas must maintain two-way radio communications with the appropriate Airports staff or comply with signs, signals and other information provided.
- g. Any person working in the Movement Area or Safety Areas must have authority from appropriate Airports staff, wear high-visibility clothing, including a safety vest with reflective striping or other American National Standards Institute Class II high-visibility garment, throughout the period that such person is present in the Movement Area or Safety Areas.
- h. Some of the gates that provide access to the Airport's AOA are controlled by the County, while others are controlled by the Airport's FBO(s) or by one or more other Airport tenants. Pedestrians and others seeking access to the Airport's AOA should consult the Airport maps attached as Exhibit A (DTS) and Exhibit B (CEW) to these Rules and Regulations to identify which gates are County-controlled as well as other security and safety areas identified in these rules and regulations.

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III. Animals

- a. No person shall enter the AOA with an animal unless the animal is restrained by a leash, harness or container at all times, except that supervised animals used in law enforcement, search and rescue, and wildlife management may be permitted in the AOA without actual physical control.
- b. No person shall hunt, pursue, trap, catch, injure, or kill any animal on the Airport, except for purposes of wildlife management in accordance with the Airport's wildlife hazard management plan.
- c. No person shall feed or provide an environment that encourages the congregation of birds or other animals at the Airport.

IV. Devices

- a. No person shall discharge any laser on the Airport or onto the Airport unless such person is a law enforcement officer or emergency services personnel acting within the scope of their duties. The intent of this prohibition is to supplement the requirements of 18 U.S.C. Section 39A, other federal law, and FAA regulation, and to provide a mechanism for the County to penalize the improper discharge of lasers. This paragraph shall be interpreted consistently with such intent. This paragraph shall not apply to the use of a laser ruler or laser saw by an Airport tenant wholly within his or her leased facility in a manner that poses no risk that such laser beam may exit the facility or make contact with any person or object outside of such facility.
- b. No person shall possess on the Airport any explosive device or hoax explosive device, except that explosives may be used as authorized by a wildlife hazard management plan or as necessary for the manufacture, maintenance, or operation of aircraft. For purposes of the Rules and Regulations, a hoax device shall include any object that would cause a person to reasonably suspect that the object is or contains a destructive, incendiary, or explosive device. This paragraph shall not apply to any certificated aircraft or real or apparent ordnance thereon.
- c. The requirements of this Section C(IV) are subject to the adoption of more-restrictive requirements as may be imposed by the County in a regulatory agency approved Airport Security Program, in which event those more-restrictive requirements shall apply.

V. Signs and Advertisements

- a. The Airports Department may post signs, including electronic signs, and authorize audio announcements on the Airport to notify Airport users of information that the Airports Department deems relevant to Airport users.

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- b. All persons shall observe and obey (i) posted signs governing activities on the Airport and (ii) the direction of law enforcement officers at the Airport.
- c. No person shall install a sign on the Airport grounds or on the exterior of a building or facility on the Airport without prior written approval from the Airports Department and conformance with any signage standards for the Airport that may be imposed by the Airports Department or the Board of County Commissioners.

VI. Solicitation

- a. No person may fundraise or solicit donations on the Airport except as authorized by the Media Control Plan.
- b. No person on the Airport may fundraise or solicit donations or picket, march, demonstrate, or otherwise protest without first obtaining a Permit to Solicit or Distribute Information at Okaloosa County Airports for any such action. The permit shall specify the area of the Airport on which such fundraising, solicitation, picketing, marching, demonstrating, or other manner of protest shall be permitted and the date and time during which such activity shall be permitted. Permits may be requested by contacting the Airports Operations Center. (At the time of promulgation of these Rules and Regulations, the telephone number for the AOC is (850) 651-7166.)

VII. Damage to Airport

- a. No person shall tamper with, alter, compromise, move or otherwise interfere with any County property on the Airport.
- b. Any person causing damage to any Airport property or who witnesses any person causing damage to any Airport property shall immediately notify a law enforcement officer or the Airports Department through the AOC. (At the time of promulgation of these Rules and Regulations, the telephone number for the AOC is (850) 651-7166.)
- c. Any person causing damage to any Airport property shall be fully liable to the County for repair of any such damage, in addition to any other penalties prescribed herein or by law.

VIII. Residential Use

- a. No building or facility on the Airport shall be used for residential use. The foregoing prohibition shall not prohibit the temporary occupancy of flight crew quarters, pilot resting facilities, or similar facilities designed and used for temporary occupancy, in accordance with their intended use, and further shall not apply to any parcels on the Airport at CEW used for residential purposes at the time of adoption of the Rules and Regulations and approved for such use by the FAA.

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- b. No person shall let, rent, or otherwise offer or provide, for residential or similar use, any building or facility on the Airport.
- c. No person shall operate an aircraft “through the fence” either for private or commercial uses between any location on the Airport or any off-Airport property utilized for residential use.

IX. Non-Aeronautical Property Storage

- a. In accordance with the FAA’s *Policy on the Non-Aeronautical Use of Airport Hangars*, the storage of vehicles or property not directly related to the use, operation or maintenance of aircraft (“Non-Aeronautical Personal Property”) is permissible only to the extent that (a) the hangar, T-hangar or similar structure is used primarily for the storage of aeronautical property, (b) the Non-Aeronautical Personal Property is not used primarily or regularly for a non-aeronautical commercial enterprise, (c) the Non-Aeronautical Personal Property does not impede the movement of, or access to, aircraft and other aeronautical items into, out of, or within the hangar, T-hangar, or similar structure, and (d) the Non-Aeronautical Personal Property does not displace any of the aircraft or other aeronautical items from the hangar.

SECTION D. – AIRCRAFT OPERATIONS

I. Parking and Ground Movement of Aircraft

- a. Positioning, starting, or taxiing of aircraft shall be done in such a manner so as not to cause jet blast or prop wash that may result in injury to persons or damage to property.
- b. No aircraft shall park in any Safety Area.
- c. The operator of any aircraft involved in an accident on the Airport, regardless of whether it results in personal injury or property damage, must immediately notify the Airports Department through the AOC and make a prompt and complete report concerning such accident, in addition to any and all other notifications and reports that the operator must make to any other federal, state, or local authorities. (At the time of promulgation of these Rules and Regulations, the telephone number for the AOC is (850) 651-7166.) The operator shall fully cooperate with all FAA, NTSB, and other appropriate officials investigating any aircraft accident or incident.
- d. An aircraft involved in an accident on the Airport shall not be removed from the scene of the accident until so authorized by the Airports Director, who shall receive removal authorization from the FAA Regional Operations Center or the NTSB, as appropriate, and/or the Federal Bureau of Investigation if criminal activity is implicated, except as may be necessary for exigent safety reasons. Once the Airports Director has authorized such removal, the aircraft owner, pilot or authorized insurance company shall have the aircraft removed immediately. If removal is not completed within a reasonable amount of time,

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subject to section 705.183 of the Florida Statutes, or if the location of the aircraft is impeding the safe and efficient operation of the Airport, the Airports Department may have the aircraft removed at the owner's sole risk and expense.

II. Weight Limits

- a. No aircraft having a maximum gross takeoff weight, as certified by the aircraft manufacturer and including passengers, cargo, fuel, and equipment, in excess of the weight-bearing capacity of the airfield pavements, as identified in the ALP, shall land on, take off from, or taxi on the Airport without prior permission from the Airports Director. Aircraft operators are advised that pavement classification numbers ("PCN") have been defined for all Airport runways but not for all taxiways and aprons. On taxiways, aprons, and any other surfaces for which PCNs are not defined, aircraft operators operate their aircraft at their own risk.

III. Self-Servicing

- a. All persons have the right to service, by themselves or with their employee(s) an aircraft that the person owns or aircraft that the person has under their exclusive use and operational control pursuant to a long-term lease or similar agreement manifesting that the aircraft is within the person's care, custody, and control. The right to self-service includes the right to tie down, adjust, repair, refuel, clean, and otherwise service such an aircraft, subject to payment of all requisite fees and compliance with these Rules and Regulations and with all applicable laws, regulations, rules, ordinances, orders, policies, standards, and guidelines.

Self-servicing may be performed only in accordance with Appendix 1, paragraph 1.1(o) of FAA Advisory Circular 150/5190-6, *Exclusive Rights at Federally Obligated Airports*, or any successor FAA policy, and all applicable provisions of the Rules and Regulations. Additionally, the Minimum Standards Section VII, O; Section VI, D, 3; and Section II. D.1. provides further clarification of maintenance options and non-covered entities to account for various circumstances.

- b. **Who is an Employee for Purposes of Aircraft Self-Service and Self-Fueling?**

Many airport tenants prefer to service their own aircraft, including self-fueling. Pursuant to FAA policy, however, "Self-service activities generally cannot be contracted out to a third party. Self-service activities must be performed by the owner or employees of the entity involved."¹ The proposed Minimum Standards and Rules and Regulations for Destin Executive Airport and Bob Sikes Airport will incorporate that standard and provide that aircraft owners, lessees, and operators "shall be strictly limited to self-fueling of their own aircraft with their own employees and equipment."²

¹ FAA, Order 5190.6B Change 1, Airport Compliance Manual, paragraph 11.4 (2021). <https://www.faa.gov/documentLibrary/media/Order/Order-5190-6B-Change1.pdf>.

² Draft Minimum Standards, paragraph VII.A.4; Draft Rules and Regulations, paragraph VI.e.

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c. Who Is an “Employee” for Self-Service Purposes?

The County is guided by the FAA’s policy on the “own employee” requirement for self-servicing, which states that: “Airport sponsors may not allow third-party contracting of self-service activities where the owner/operator of the aircraft does not **retain ultimate control over contracted personnel, including interviewing, hiring, assigning duties, and termination of the employee assigned to the aircraft**” (bolding added).³

In assessing whether a particular individual is an employee of an aircraft owner or operator, the County may consider a number of factors, including the terms of any contract between the aircraft owner/operator and the individual, whether the aircraft owner/operator provides an IRS Form W-2 to the individual, and the type of work performed by the individual. No particular factor is necessarily determinative, however, because the critical factor is whether the aircraft owner or operator can demonstrate the degree of “control” over the work that one would typically expect an employer to exercise over their own employee, rather than over a third-party contractor. If a question is raised regarding whether a given individual is an employee for purposes of self-servicing and self-fueling, the County will assess the particular facts of that situation. The aircraft owner or operator will bear the burden of demonstrating to the County that it exercises sufficient control over the individual to meet this requirement.

d. Consult a Lawyer for Legal Advice

The County understands that there are many different business relationships between aircraft owners and those who service those aircraft, and treating an individual as an employee may have tax or other legal consequences for individual aircraft owners or operators. We cannot advise you regarding those consequences or how best to structure your agreements with service providers. Each aircraft owner or operator should consult an attorney and/or tax professional for specific advice. This document is not legal or tax advice.

SECTION E. – FUELING

I. Generally

- a. All fuel handling and dispensing on the Airport shall be performed in compliance with the following, as each of the same may be amended or superseded:
 1. 40 C.F.R. Part 112, *Oil Pollution Prevention*;

³ Airport Compliance Manual, paragraph 11.4.

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2. FAA Advisory Circular 150/5230-4C, *Aircraft Fuel Storage, Handling and Dispensing on Airports*;
 3. FAA Advisory Circular 00-34A, *Aircraft Ground Handling and Servicing*;
 4. National Fire Prevention Association (“NFPA”) Code No. 407, *Standard for Aircraft Fuel Servicing* (“NFPA 407”), and Code No. 30, *Flammable and Combustible Liquids Code* (“NFPA 30”);
 5. NFPA 385, *Standard for Tank Vehicles for Flammable and Combustible Liquids*;
 6. NFPA 10, *Standard for Portable Fire Extinguishers*;
 7. ATA Specification 103, *Standards for Jet Fuel Quality*;
 8. Underwriters Laboratories 2085, *Protected Aboveground Tanks for Flammable and Combustible Liquids*; and
 9. Chapter 10, Article II of the County Code.
- b. Only the County and duly authorized Fixed Base Operators shall be permitted to engage in the sale of aviation fuel and lubricants to the public at the Airport.

II. Commercial Self-Service Fueling

- a. The County or an authorized Fixed Base Operator shall be permitted to install and maintain a fuel storage and dispensing facility for Commercial Self-Service Fueling at a location or locations designated by the County.

III. Self-Fueling

- a. Any person must obtain a Self-Fueling Permit from the Airports Department prior to conducting Self-Fueling on the Airport.
- b. Any person conducting Self-Fueling may do so only in accordance with the Rules and Regulations and with any further requirements stipulated by any agency having jurisdiction over such Self-Fueling, including but not limited to the FAA, the Florida Department of Transportation’s Aviation Office, the Florida State Fire Marshal, the appropriate local fire marshal, and the County’s Code Enforcement Division.

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SECTION F. – VEHICLE TRAFFIC

I. Ground Vehicles Generally

- a. All operators of ground vehicles on the Airport shall comply fully with the Florida motor vehicle laws, the Rules and Regulations, all applicable markings, signage, and lights, and all instructions issued by the Airports Department, law enforcement officers or the Tower.
- b. Any person operating a motor vehicle within the Airport Operations Area shall have satisfactorily completed all training, and have obtained and hold current all licenses, required to operate a motor vehicle within such areas.
- c. Abandoned Vehicles are prohibited on the Airport and may be towed at the sole risk and expense of the vehicle owner, subject to the procedures specified in section 705.184 of the Florida Statutes.
- d. All operators of ground vehicles on the Airport are fully liable for any bodily and personal injury they may cause by their operation of such vehicles. In addition, all ground-vehicle operators are liable for any and all fines they may incur pursuant to any applicable law, regulation, rule, ordinance, order, policy, or standard, including but not limited to these Rules and Regulations, by operating their vehicles in an unlawful or prohibited manner.

II. Commercial Ground Transportation

- a. No Commercial Ground Transportation Operator shall locate an office or place of business at the Airport without obtaining an agreement with the Board of County Commissioners and paying all applicable fees.
- b. Any Commercial Ground Transportation Operator found violating the Rules and Regulations, the Minimum Standards, or any condition of its agreement with the County to provide Commercial Ground Transportation may have its authority to provide Commercial Ground Transportation suspended by the Board of County Commissioners.
- c. No Commercial Ground Transportation Operator or its agents shall mislead or attempt to mislead the public through false representations concerning such Commercial Ground Transportation Operator's prices or services or those of any other Commercial Ground Transportation Operator.
- d. No Commercial Ground Transportation Operator may engage in solicitation at any location on the Airport except as may be permitted in its operating agreement.
- e. The Airports Director may by written order or operating instruction establish procedures that the Airports Director determines to be necessary for the regulation of Commercial Ground Transportation, so long as such order, instruction, or procedures are not inconsistent with these Rules and Regulations or the Minimum Standards.

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III. Ground Vehicle Parking

- a. No person shall park or leave standing any vehicle unattended on the Airport except within designated approved parking areas. Loading areas may only be used for actively loading or unloading passengers or luggage.
- b. The Airports Department may tow any vehicle, boat, trailer or other apparatus that is illegally parked, disabled, or abandoned; that impedes Airport operations or the orderly flow of traffic; or that creates a potential security threat.
- c. The owner or operator of any vehicle removed by the County or its agent from a location on the Airport under this Section F shall be liable for payment of towing, storage, and any other applicable charges, subject to section 705.184 of the Florida Statutes. Any such vehicle shall be released to the owner or operator thereof only upon proper identification of the person making claim to such vehicle and upon payment of any towing, storage, and other applicable charges. Neither the County nor any of its agents shall be liable for damage to any such vehicle resulting from its removal.

IV. Ground Vehicles in the AOA

- a. Any person operating a motor vehicle within the AOA shall have satisfactorily completed all training to operate a motor vehicle within the AOA, except for (i) drivers of authorized emergency vehicles or (ii) drivers of vehicles who are escorted by Airport or FBO personnel who are duly qualified to operate a motor vehicle within the AOA. Prior to entering the AOA, each person escorting a motor vehicle within the AOA shall brief that vehicle's driver on proper protocols for driving on the AOA and shall assume full responsibility for that driver's compliance with all provisions of the Rules and Regulations applicable to operating a motor vehicle on the AOA.
- b. Any vehicle operator who encounters a malfunctioning gate at the Airport, including but not limited to gates providing access to the AOA, shall immediately notify the AOC of such malfunction. (At the time of promulgation of these Rules and Regulations, the telephone number for the AOC is (850) 651-7166.)
- c. All operators of vehicles in the AOA shall ensure that no Foreign Object Debris leaves the vehicle.
- d. Ground vehicles in the AOA shall yield the right-of-way to, in order, aircraft, pedestrians, emergency vehicles and equipment, and any Airport maintenance or operations vehicles and equipment.
- e. No vehicle shall operate in close proximity to an aircraft so as to create a hazard or interfere with the safe operation of the aircraft.

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- f. When approaching taxiing aircraft, ground vehicles shall maintain a distance of at least twenty-five (25) feet in front and one hundred (100) feet behind the aircraft, or, if located less than these distances from a taxiing aircraft, shall yield right-of-way immediately.

V. Ground Vehicles in the Movement Area and Safety Areas

- a. Ground vehicles are permitted in the Movement Area and Safety Areas only if necessary for Airport operations.
- b. All vehicles permitted to access the Movement Area or Safety Areas shall be equipped with a functioning aeronautical mobile two-way radio operating on the applicable Common Traffic Advisory Frequency (“CTAF”) or ground-control frequencies. All such vehicles shall be further equipped with an operable yellow to amber hazard light or similar device, 36”-by-36” orange and white checkered flag, and/or other equipment as required by the FAA.
- c. At DTS, vehicle operators shall not cross from the solid-line side of the runway hold-short lines or the solid-line side of the Movement Area lines without first obtaining clearance from the Tower.
- d. Operators of all motor vehicles traversing or operating in the Movement Area or Safety Areas shall maintain two-way radio communication with the Tower whenever the Tower is operating, and on CTAF when the Tower is not operating, unless the motor vehicle is being escorted by an authorized motor vehicle whose operator is maintaining two-way radio communication with the Tower, if the Tower is operating, or on CTAF, if the Tower is not operating.
- e. When the Tower is not in operation, operators of ground vehicles in the Movement Area or Safety Areas shall carry a radio tuned to the Airport’s Universal Communication (“UNICOM”) or CTAF and shall make an announcement on the radio before entering a runway or taxiway. At the time of issuance of these Rules and Regulations, CEW is an uncontrolled airfield, so all ground-vehicle operators at CEW shall announce, via CTAF, any intention to access the Safety Areas and shall always yield the right-of-way to any aircraft or emergency vehicle.
- f. All ground vehicles operating in the Movement Area or Safety Areas shall (i) turn on their yellow to amber hazard lights (if installed), emergency flashers, and strobe lights, and (ii) if the Airports Director deems it necessary to maintain safety during construction activity on the Airport, display a 36”-by-36” orange-and-white-checkered flag.

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SECTION G. – ENFORCEMENT AND PENALTIES

I. Enforcement

- a. The County shall enforce the Rules and Regulations through graduated administrative mechanisms, to include one or more of the following, separately or in combination: The Airports Director may issue verbal and written warnings and written notices of violation. The Board of County Commissioners may issue administrative penalties, suspend or revoke licenses and permits issued by the County, terminate leases and authorize eviction as permitted by the terms of each lease and by law. Any of these mechanisms may be utilized or disregarded, as reasonably determined by the Board, depending on the circumstances.
- b. Separate from, and in addition to, any of the penalties and other enforcement mechanisms provided by this Section G, the Board of County Commissioners may seek an injunction to prevent a violation of the Rules and Regulations.
- c. The Sheriff's Office may detain and remove from the Airport any person presenting a risk to the safety or security of the Airport or to persons or property on the Airport, and further may, in its discretion, issue citations for violations of these Rules and Regulations or of other laws that it is authorized to enforce.

II. Enforcement Process and Penalties

- a. If the Airports Director believes that a person has violated the Rules and Regulations and determines that formal enforcement is appropriate, he or she shall follow the following process:
 1. Provide that person with a written warning of violation ("Warning of Violation") that provides at least thirty (30) days to cure the violation. In cases where the violation poses an imminent risk to the safety or security of the Airport or to persons or property on the Airport, the Airports Director may specify a shorter cure period.
 2. If that person fails to cure the violation within the time specified in the Warning of Violation, the Airports Director may issue a written notice of violation ("Notice of Violation") that provides at least fifteen (15) days to cure the violation. In cases where the violation poses an imminent risk to the safety or security of the Airport or to persons or property on the Airport, the Airports Director may specify a shorter cure period.
 3. If that person fails to cure the violation within the time specified in the Notice of Violation, the Airports Director may request that the Board of County Commissioners assess a monetary penalty and/or impose other penalties as authorized by law. The Airports Director shall cause the matter to be placed on the Board's agenda for consideration. Notification of the proposed Board meeting place, date and time will be provided to the alleged violator at least three (3) days before the scheduled meeting.

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- b. If the Board of County Commissioners finds that a person has violated the Rules and Regulations and failed to cure such violation as requested by the Airports Director pursuant to paragraph G(II)(a) above, the Board may impose a penalty of \$3,000.00 or such lesser amount that it deems appropriate and may impose other penalties, including but not limited to the loss of Airport driving privileges or a requirement to undergo further driving training, as the Board deems appropriate. The Board may impose a monetary penalty of up to \$6,000.00 for any subsequent violation of these Rules and Regulations by the same person.
1. In addition to any other authority they hold under the Rules and Regulations or otherwise, law enforcement officers of the Sheriff's Office may (i) remove from an aircraft any person causing or threatening to cause injury to any person, damage to property, or disturbance of the peace, and (ii) detain and remove from the Airport any person presenting a threat to the safety or security of persons or property on the Airport.
 2. Penalties for violations of the provisions of these Rules and Regulations governing pedestrian access to the Movement Area and Safety Areas (Section C(II)) or the provisions governing ground vehicle access to the Movement Area and Safety Areas (Section F(V)) shall include written warnings, loss of privileges, administrative fines, and training or retraining, all according to a schedule of graduated penalties that the Board of County Commissioners may prescribe and that the County shall then make available during Airport driver training, application for an Airport security badge, or upon request.
- c. Any person violating any provision of the Rules and Regulations shall, upon conviction thereof, be deemed guilty of committing a misdemeanor and be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days, or by both. Such fine and/or imprisonment shall be at the discretion of the court adjudicating the violation. Nothing in this paragraph shall be interpreted to deprive any person of any of his or her rights to due process, including the right to have any criminal charges adjudicated in a court of law.
- d. Administrative fines and other penalties imposed pursuant to the Rules and Regulations shall be in addition to any fines and penalties imposed by the County or any federal, state, or other local government for violation of any obligation arising from a source other than the Rules and Regulations.
- e. Violation of the Rules and Regulations may constitute default under a lease, operating agreement, permit, or other agreement with the County, and in such event the County may pursue termination of such lease, permit, or agreement, and eviction of the person, as allowed under the terms of such lease, permit, or agreement.
- f. The County may decline to enter into a lease or other agreement with a person found to have violated the Rules and Regulations.

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SECTION H. – DEFINITIONS

- a. **Abandoned Aircraft** – Any aircraft meeting the definition of “abandoned aircraft” provided by section 705.183(1)(b)(1) of the Florida Statutes, as such definition may be amended from time to time. At the time of the issuance of the Rules and Regulations, the Florida Statutes define “abandoned aircraft” as “an aircraft that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has remained in an idle state on premises owned or controlled by the operator of a public-use airport for 45 consecutive calendar days.”
- b. **Abandoned Vehicle** – Any vehicle meeting the definition of “abandoned motor vehicle” provided by section 705.184(1)(b)(1) of the Florida Statutes, as such definition may be amended from time to time. At the time of the issuance of the Rules and Regulations, the Florida Statutes define “abandoned motor vehicle” as “any motor vehicle that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or a motor vehicle that has remained in an idle state on the premises of a public-use airport for 45 consecutive calendar days.”
- c. **Aeronautical Activity** – Any operation that involves or facilitates the operation of aircraft. Aeronautical Activities do not include any operation, commercial or otherwise, not directly related to the operation of aircraft, *e.g.* restaurant, hotel, rental car, newsstand, or other concessions.
- d. **Air Carrier** – A Commercial Aeronautical Operator holding an operating certificate under Federal Aviation Regulation Part 121.
- e. **Air Taxi/Charter** – An operator licensed by the Federal Aviation Administration to provide air transportation of persons or property for hire on a charter basis or as an air taxi operator on a scheduled, nonscheduled, or on-demand basis as defined and regulated by the Federal Aviation Administration. This term specifically includes, but is not limited to, operators certificated by the FAA under 14 C.F.R. Part 135 or regulated by 14 C.F.R. Part 380.
- f. **Airport Fuel Farm** – One or more areas of the Airport designated by the County and depicted on the Airport Layout Plan to serve as a consolidated location for aircraft fuel storage facilities.
- g. **Airport Layout Plan or ALP** – The current, FAA-approved drawing depicting the physical layout of the Airport and identifying the location and configuration of current and proposed runways, taxiways, buildings, roadways, utilities, navigational aids, etc.
- h. **Airport Operations Area or AOA** – The area of the Airport identified in the Airport Security Program that includes the aircraft movement areas, aircraft parking areas, loading ramps, safety areas, and any adjacent areas that are not separated by adequate security systems, measures or procedures.

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- i. **Airport Security Program or ASP** – The written plan concerning security on the Airport, containing the elements specified by 49 C.F.R. Part 1542 and approved by the Transportation Security Administration.
- j. **Airports** – Collectively, Bob Sikes Airport (“CEW”) and Destin Executive Airport (“DTS”), including all of the areas, buildings, facilities and improvements within the interior boundaries of each such Airport as such Airport now exists or as it may be hereafter extended or enlarged and as depicted on a current Airport Layout Plan approved by the FAA. The term “Airport” in these Rules and Regulations applies equally to both of the Airports individually except where a provision states, or context clearly implies, otherwise.
- k. **Airports Department** – The County department primarily responsible for the administration of the Airports.
- l. **Airports Director** – The Okaloosa County Airports Director and any individual delegated by the Airports Director to exercise any of the Airports Director’s official authority, including the authority to administer and direct the operation of the Airports and to enforce and administer the Rules and Regulations and the Minimum Standards.
- m. **Board of County Commissioners or Board** – The Board of County Commissioners of Okaloosa County, Florida.
- n. **County Code** – The Code of Ordinances of Okaloosa County, Florida, as may be amended from time to time.
- o. **Commercial Activity** – Any Commercial Aeronautical Activity or Commercial Non-Aeronautical Activity.
- p. **Commercial Aeronautical Activity** – Any Aeronautical Activity conducted for commercial purposes.
- q. **Commercial Aeronautical Operator** – An Entity conducting a Commercial Aeronautical Activity on the Airport.
- r. **Commercial Ground Transportation** – Any taxi, limousine, transportation network company (“TNC”), van, contract shuttle, courtesy vehicle, or other vehicle transporting people for commercial purposes to, from, or within the Airport.
- s. **Commercial Ground Transportation Operator** - The person operating Commercial Ground Transportation.
- t. **Commercial Non-Aeronautical Activity** – Any commercial operation not directly related to the operation of aircraft (*e.g.*, restaurant, rental car, or other concessions).

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- u. **Commercial Self-Service Fueling** – Fueling of an aircraft by the pilot using commercial self-service aircraft fuel pumps installed for that purpose.
- v. **County** – Okaloosa County, Florida, including all such county’s agencies, departments (including but not limited to the Airports Department), boards, and other divisions or subsidiaries, and including all such county’s employees, commissioners, authorized representatives, successors, and other agents.
- w. **DOT** – The United States Department of Transportation.
- x. **FAA** – The Federal Aviation Administration.
- y. **Fixed Base Operator or FBO** – A full-service Commercial Aeronautical Operator that provides commercial fueling and all of the specific Commercial Aeronautical Activities required by Section VI of the Minimum Standards.
- z. **Fueler** – A person that is permitted to store, handle and dispense fuel, whether for sale to the public or for purposes of Self-Fueling.
- aa. **Foreign Object Debris or FOD** - Any object, live or not, located in an inappropriate location in the airport environment that has the capacity to injure Airport, County, or operator personnel or damage aircraft.
- bb. **Media Control Plan** – The County’s Media Control Plan, governing media access to the Airports.
- cc. **Minimum Standards** – The qualifications established by the County, as amended from time to time, setting forth the minimum requirements that must be met to conduct a Commercial Aeronautical Activity on the Airport. Different Minimum Standards may apply to each of the Airports.
- dd. **Movement Area** – The runways, taxiways and other areas of the Airport that are used for taxiing, takeoff, and landing of aircraft, exclusive of loading ramps and aircraft parking areas. The Movement Area more specifically includes, (i) at DTS, Runway 14/32, Taxiway A, and ladder taxiways A1 through A6, inclusive; and (ii) at CEW, Runway 17/35 and the Runway Safety Area as that area is defined in the CEW ALP.
- ee. **NTSB** – The National Transportation Safety Board.
- ff. **Permittee** – The owner or exclusive operator of an aircraft authorized to conduct Self-Fueling pursuant to a Self-Fueling permit or agreement.
- gg. **Safety Areas** – The runway and taxiways and the surrounding runway safety areas and taxiway safety areas at the Airport, as identified in the ALP.

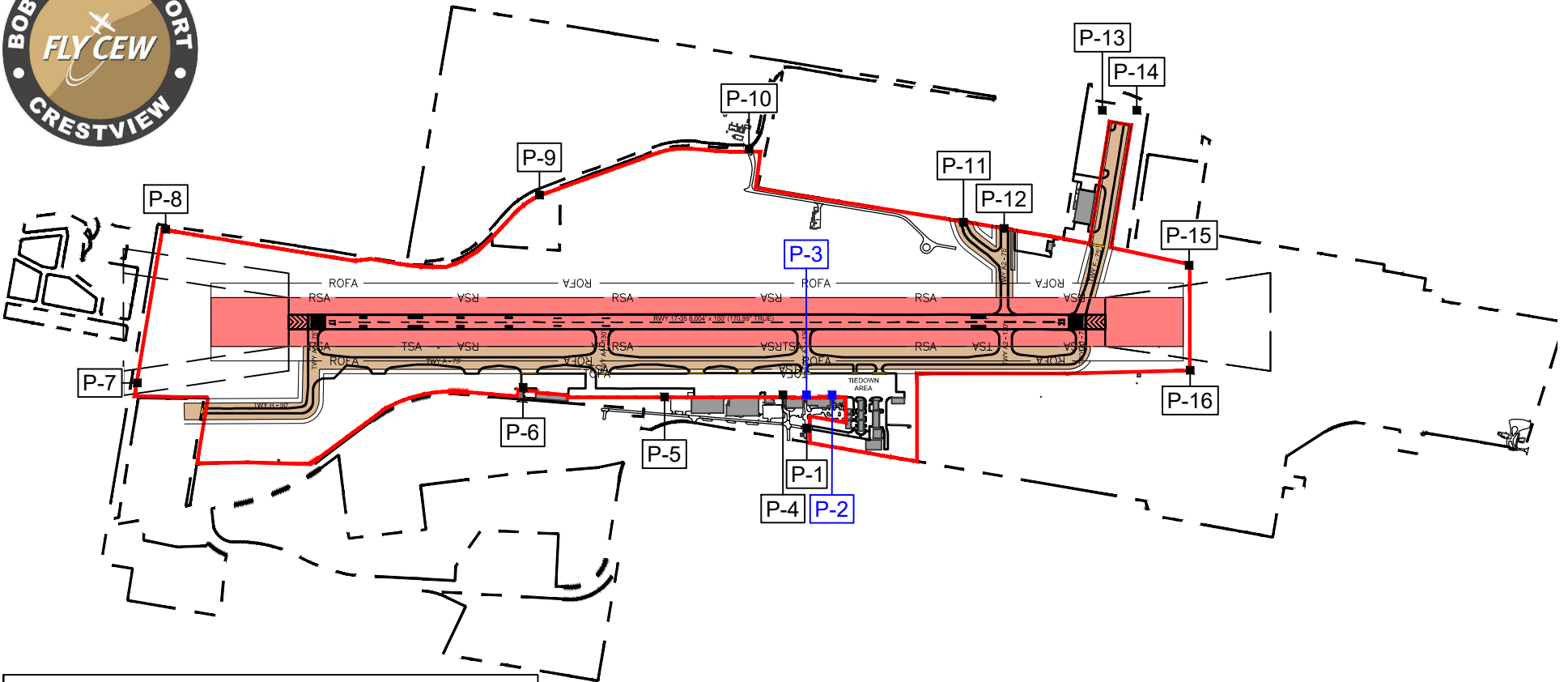
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- hh. **Self-Fueling** – The fueling of an aircraft by the owner of the aircraft, or by the owner’s employee.
- ii. **Tower** – The Airport Traffic Control Tower at the Airport.
- jj. **TSA** – The Transportation Security Administration.



EXHIBIT B

11/27/2023

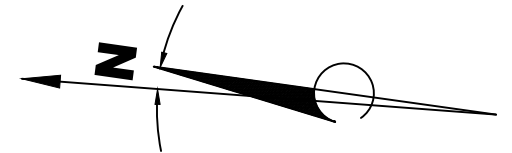


24/7 AIRPORT OPERATIONS CENTER: (850) 651-7166

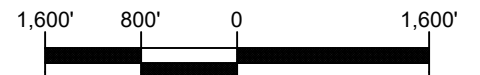
EMERALD COAST AVIATION: (850) 398-6749

LEGEND	
PROPERTY LINE	
ON-AIRPORT BUILDINGS	
MOVEMENT AREA	
AIRPORT OPERATIONS AREA	
SAFETY AREAS ¹	
PERIMETER GATE (FBO CONTROLLED)	
PERIMETER GATE (COUNTY CONTROLLED)	

NOTE: 1 - SAFETY AREAS ARE INCLUDED WITHIN THE MOVEMENT AREA



MAGNETIC DECLINATION
3° 20' WEST
MAY, 2018
ANNUAL CHANGE 0° 6' WEST



OKALOOSA COUNTY AIRPORTS SYSTEM

MINIMUM STANDARDS FOR

COMMERCIAL AERONAUTICAL ACTIVITIES

FOR

DESTIN EXECUTIVE AIRPORT

AND BOB SIKES AIRPORT

MAY 21, 2024

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MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES AT DESTIN EXECUTIVE AIRPORT AND BOB SIKES AIRPORT

Okaloosa County, as owner and operator of the Destin Executive Airport and the Bob Sikes Airport, recognizing the necessity of identifying uniform, non-discriminatory standards to ensure the safe and efficient operation of the Destin Executive Airport and the Bob Sikes Airport, through its Board of County Commissioners hereby promulgates and adopts the following Minimum Standards for the use of any land or facility on said airports.

Any current or prospective Commercial Aeronautical Operator bears the burden of reviewing and complying with both these Minimum Standards and the Rules and Regulations, and any updates thereto, as well as with the conditions of any applicable Agreement and all applicable local, state, and federal laws.

I. DEFINITIONS

As used herein, the following terms shall have the meanings indicated:

Aeronautical Activity – Any operation that involves or facilitates the operation of aircraft. Aeronautical Activities do not include any operation, commercial or otherwise, not directly related to the operation of aircraft, *e.g.*, restaurant, hotel, rental car, newsstand, or other concessions.

Agreement – A lease or other written agreement approved by the County that authorizes the conduct of a Commercial Aeronautical Activity on the Airport.

Air Carrier – A Commercial Aeronautical Operator holding an operating certificate under 14 C.F.R. Part 121.

Air Taxi/Charter – An operator licensed by the Federal Aviation Administration to provide air transportation of persons or property for hire on a charter basis or as an air taxi operator on a scheduled, nonscheduled, or on-demand basis as defined and regulated by the Federal Aviation Administration. This term specifically includes, but is not limited to, operators certificated by the FAA under 14 C.F.R. Part 135 or regulated under 14 C.F.R. Part 380.

Air Tour Service – The provision of passenger-carrying tour flights operating pursuant to 14 C.F.R. § 91.147.

Airports – Collectively, Bob Sikes Airport (“CEW”) and Destin Executive Airport (“DTS”), including all of the areas, buildings, facilities, and improvements within the interior boundaries of each such Airport as such Airport now exists or as it may be hereafter extended or enlarged and as depicted on a current Airport Layout Plan approved by the FAA. The term “Airport” in these Minimum Standards applies equally to both of the Airports individually except where a provision states, or context clearly implies, otherwise.

Airport Layout Plan – The current, FAA-approved drawing depicting the physical layout of the Airport and identifying the location and configuration of current and proposed runways, taxiways, buildings, roadways, utilities, navigational aids, etc.

Airport Operations Center or AOC – The County facility that oversees day-to-day and emergency operations of the Airports. The AOC is the appropriate point of contact for reporting many emergency or operational issues on the Airports. The AOC is staffed twenty-four (24) hours a day, every day of the year, by at least one employee of the Sheriff’s Office or the County and is typically able to dispatch assistance or contact Airport staff to address on-Airport incidents and resolve other questions and matters. At the time of promulgation of these Minimum Standards, the telephone number for the AOC is (850) 651-7166.

Airport Security Program – The written plan concerning security on the Airport, containing the elements specified by 49 C.F.R. Part 1542 and approved by the Transportation Security Administration.

Airport Use Fee – The fee assessed by the County on Commercial Aeronautical Operators in exchange for the right to do business on the Airport.

Airports Director – The Okaloosa County Airports Director and any individual delegated by the Airports Director to exercise any of the Airports Director’s official authority, including the authority to administer and direct the operation of the Airport and to enforce and administer the Rules and Regulations and the Minimum Standards.

Applicant – An Entity applying to conduct a Commercial Aeronautical Activity on the Airport.

Board of County Commissioners or Board – The Board of County Commissioners of Okaloosa County, Florida.

Commercial Aeronautical Activity – Any Aeronautical Activity conducted for commercial purposes.

Commercial Aeronautical Operator – An Entity conducting a Commercial Aeronautical Activity on the Airport.

County – Okaloosa County, Florida, including all such county’s agencies, departments (including but not limited to the County’s Department of Airports), boards, and other divisions or subsidiaries, and including all such county’s employees, commissioners, authorized representatives, successors, contractors, and other agents, including but not limited to the Airports Director.

Entity – Any person, firm, general or limited partnership, corporation, limited liability corporation, trust, association, or similar entity making application for, leasing, or using any land or facility on the Airport.

FAA – The Federal Aviation Administration.

Fixed Base Operator or FBO – A full-service Commercial Aeronautical Operator that provides commercial fueling and all of the specific Commercial Aeronautical Activities required by Article VI of these Minimum Standards.

Flying Club – A nonprofit or not-for-profit entity organized for the express purpose of providing its members with the non-commercial use of aircraft for their personal use and enjoyment.

Gross Sales – The revenue generated and collected by the Commercial Aeronautical Operator through its provision of the Commercial Aeronautical Activity on the Airport, prior to any deductions.

Itinerant Maintenance Provider – A Commercial Aeronautical Operator that leases no space on the Airport, neither controls nor owns any facilities or structures on the Airport, and either arranges for the performance of a Commercial Aeronautical Activity on behalf of others at the Airport or whose sole Commercial Aeronautical Activity on the Airport is to provide aircraft maintenance from time to time at the invitation of an aircraft operator.

Minimum Standards – The qualifications established herein, as amended from time to time by the County, setting forth the minimum requirements that must be met to conduct a Commercial Aeronautical Activity on the Airport.

Non-Commercial Aeronautical Activity – Any Aeronautical Activity not conducted for commercial purposes.

Rules and Regulations – Those lawful rules and regulations promulgated by the County for the orderly use of the Airport, as such rules and regulations may be amended, modified, or supplemented from time to time. The Rules and Regulations shall be reasonable and not unjustly discriminatory with respect to aeronautical users of the Airport.

Specialized Aeronautical Service Operator or SASO – An Entity that is authorized to provide one or a combination of Commercial Aeronautical Activities that do not include commercial fueling.

Through-the-Fence or TTF Operations – Those activities permitted by an airport sponsor through an agreement that permits aircraft access to the public landing area of the airport by operators offering a Commercial Aeronautical Activity, or by owners of aircraft, from land adjacent to, but not part of, the airport.

Variance – The conditional grant of a modification to the Minimum Standards requirements, often for only a temporary period to address unique facts or hardships.

Waiver – The conditional grant of an exemption, or partial exemption, from one or more requirements of the Minimum Standards.

II. INTRODUCTION

A. General

1. These Minimum Standards are adopted by the Board of County Commissioners.
2. Except as permitted by Section II.F, all Commercial Aeronautical Activities conducted at or from the Airport must be authorized in an Agreement approved by the County, and all such Agreements authorizing the use of Airport property and facilities for Commercial Aeronautical Activities shall be performed in accordance with these Minimum Standards and the Rules and Regulations.
3. In addition to the Minimum Standards, all persons on the Airport are subject to all applicable provisions of federal law and the laws of the State of Florida and of Okaloosa County.
4. The privilege of using the Airport and any and all of its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof. The County reserves the right to claim immunity from liability in connection with its operation of the Airport and to assert any other defense available.
5. These Minimum Standards cancel and supersede all previous minimum standards governing use of the Airport.
6. The invalidation of any specific minimum standard shall not affect the validity of the remainder of the Minimum Standards.
7. Except as prescribed herein or pursuant to an Agreement, the standards and requirements of the Minimum Standards are minimums and may be exceeded.

B. Effectiveness and Amendment

1. The Minimum Standards shall be effective upon enactment and shall apply to (i) any new Agreement to conduct a Commercial Aeronautical Activity on the Airport and (ii) any existing Agreement, and any amendment to an existing Agreement, to the fullest extent permissible and in the manner provided under any such Agreement. An Entity may request an advisory opinion from the Airports Director as to the application of the Minimum Standards to the Entity.
2. The Board of County Commissioners may review these Minimum Standards from time to time and may adopt such revisions or amendments as the Board may deem necessary under the circumstances surrounding the Airport to protect the health, safety and other interests of the County and the public. Upon adoption of any such amendment, all Commercial Aeronautical Operators shall be required to conform to such amended standards to the extent permitted under their respective then-effective Agreements.

3. Upon the expiration of an Agreement authorizing a Commercial Aeronautical Activity, the Commercial Aeronautical Operator that is party thereto may seek a new Agreement in accordance with the procedural and substantive requirements of the Minimum Standards then in effect. Nothing herein shall be construed to convey the right to continue to conduct a Commercial Aeronautical Activity beyond the term of any applicable Agreement.

C. Covered Entities and Activities

The Minimum Standards shall apply to the following Entities and activities:

1. Any Entity proposing to conduct, or conducting, a Commercial Aeronautical Activity at or from the Airport, including Fixed Base Operators and Specialized Aeronautical Service Operators, whether or not such Entity is based on the Airport.
2. The County, in any instance in which the County elects to operate a Commercial Aeronautical Activity on the Airport.

D. Non-Covered Entities and Activities

1. Non-Covered Entities

Notwithstanding the foregoing provisions of this Article II, the Minimum Standards shall not apply to the following Entities:

- (a) A flight instructor occasionally accessing the Airport for the limited purpose of picking up or dropping off a student pilot or conducting flight training in an aircraft that is not based on the Airport, unless in the Airports Director's reasonable discretion the flight instructor is making regular or frequent use of the Airport;
- (b) A flight instructor providing instruction in the student's own aircraft;
- (c) An FAA designated pilot examiner ("DPE") providing a check ride; and
- (d) An aircraft manufacturer, aircraft parts provider, or aircraft maintenance provider providing parts or services at the specific request of an aircraft owner or operator.

2. Non-Covered Activities

The Minimum Standards shall not apply to the following activities:

- (a) Any activities other than Commercial Aeronautical Activities or Flying Club activities; such exempted activities include, without limitation, individuals storing their own aircraft; and

- (b) Self-servicing and self-fueling by a tenant to the extent permitted by the Rules and Regulations.

E. Prohibited Activities

1. Through-the-Fence Operations

Except as expressly permitted by the County and approved by the FAA, these Minimum Standards expressly forbid all Through-the-Fence Operations. The County's obligation to make the Airport available for the use and benefit of the public does not extend to providing access from adjacent property. TTF Operations can adversely affect the ability of the Airport to sustain itself financially, result in unfair competitive situations, and contribute to the County's loss of control over Airport access.

2. Cross-Ownership

All Commercial Aeronautical Operators have an affirmative obligation to identify if they hold or control, directly or indirectly, any ownership, voting, management or debt interests (actual or contingent) in any on-Airport Commercial Aeronautical Operator or other on-Airport commercial service provider. Consistent with the County's obligation to avoid granting exclusive rights, no Commercial Aeronautical Operator may hold or control such interests in more than one on-Airport Commercial Aeronautical Operator or other on-Airport commercial service provider absent written authorization by the County.

3. Subleasing

No Entity shall conduct a Commercial Aeronautical Activity as a lessee or sublessee of Airport property that is leased or designated for a non-commercial use.

4. Commercial Fuel Services by Entities Other than FBOs

The sale of fuel on the Airport may be conducted only by those Entities meeting the Minimum Standards for a Fixed Base Operator. Fuel co-ops are not permitted on the Airport for any purpose.

F. Waivers and Variances

1. Waivers

The County may issue a Waiver for all or any portion of the Minimum Standards for the benefit of any government or governmental agency providing public or emergency services, including, for example, and without limitation: law enforcement, disaster relief, search and rescue, fire prevention and firefighting.

In all other instances, the County may approve a Waiver of the Minimum Standards upon finding that each of the following conditions is satisfied:

- (a) The Commercial Aeronautical Operator seeking the Waiver will be the only operator on the Airport to provide a specific product, service, or facility as of the effective date of its Agreement;
- (b) The Waiver is needed to alleviate the financial burden of initiating a new, or expanding an existing, Commercial Aeronautical Activity on the Airport; and
- (c) The County finds that the Waiver will not materially interfere with the Commercial Aeronautical Operator's ability to provide high-quality products, services and facilities to Airport users.

In extraordinary circumstances, the County may also grant a Waiver under circumstances that are fair and equitable when the Commercial Aeronautical Operator is unable to satisfy one or more of the above conditions.

2. **Variations**

The County may approve a Variance of the Minimum Standards upon finding that each of the following conditions is satisfied:

- (a) A special condition or unique circumstance exists that makes the application of the Minimum Standards unduly burdensome.
- (b) The Variance is narrowly tailored to address the special condition or unique circumstance.
- (c) The Commercial Aeronautical Operator has agreed to come into full compliance with the Minimum Standards within a prescribed schedule enforceable by the County.
- (d) The Variance will not create an unfair competitive relationship among Commercial Aeronautical Operators on the Airport.
- (e) The County finds that the Variance will not materially interfere with the Commercial Aeronautical Operator's ability to provide high-quality products, services and facilities to Airport users.

Any Waiver or Variance approved by the County hereunder shall apply only to the specific Commercial Aeronautical Operator and the specific circumstance and (i) shall not serve to amend, modify, or alter the Minimum Standards, (ii) shall have no precedential effect as to circumstances that may arise in the future on the Airport, and (iii) shall not create any rights for the specific Commercial Aeronautical Operator to be granted a Waiver or Variance in like circumstances in the future.

G. Additive Standards and Conflicts

Except as otherwise specifically provided herein, Commercial Aeronautical Operators must meet every minimum standard for every authorized Commercial Aeronautical Activity they conduct.

In the event of conflicting minimum standards, the Commercial Aeronautical Operator will be required to satisfy the higher or more demanding standard. In the event of a conflict between a Commercial Aeronautical Operator's Agreement and the Minimum Standards, the terms of the Agreement shall apply. However, subject to paragraph II.B.1, in no event shall an Agreement with standards less stringent than these Minimum Standards govern unless the County has granted the Commercial Aeronautical Operator a Waiver or Variance as described in Section II.F or an accommodation as described in this Section II.G.

The County may permit a SASO conducting multiple Commercial Aeronautical Activities to satisfy a minimum standard that is less than the sum of the standards for each Commercial Aeronautical Activity if the County finds that each of the following conditions is satisfied:

1. Such minimum standard will not affect the Commercial Aeronautical Operator's ability to provide high-quality products, services and facilities to Airport users in keeping with the policies hereof; and
2. Such minimum standard will not create an unfair competitive relationship among Commercial Aeronautical Operators on the Airport.

Any accommodation granted pursuant to this Section II.G shall not constitute a Waiver or Variance as provided in Section II.F above.

III. APPLICATIONS FOR COMMERCIAL AERONAUTICAL AGREEMENTS

Applications for permission to conduct any Commercial Aeronautical Activity on the Airport shall be made to the Airports Director. If the Airports Director deems the application complete, the Airports Director shall thereafter present the application to the Board of County Commissioners and any other County department or office as required by law or as deemed appropriate by the Airports Director. The Applicant shall submit all information and materials necessary, or requested by the County, to establish to the satisfaction of the Board that the Applicant will qualify and will comply with these Minimum Standards. The application shall be signed and submitted by a party owning an interest in the Applicant, or the individual who will be managing the Applicant if the Board approves its application, or a partner of an Applicant partnership, or a director or an officer of an Applicant corporation.

A Commercial Aeronautical Operator on the Airport as of the date of enactment of these Minimum Standards shall not be required to submit a statement of interest or application as described by this Article III, nor be subject to review under Article IV, with respect to its current Agreement. However, at the time of enactment of these Minimum Standards, the Airports Director may request that such Commercial Aeronautical Operator provide the information listed in Section III.C to complete the County's records.

An Entity conducting any Commercial Aeronautical Activity without an Agreement with the County as of the date of enactment of these Minimum Standards shall be required to submit an application.

A. Statement of Interest

The County will not accept or take action on a request or application to conduct a Commercial Aeronautical Activity on the Airport until after the proposed Applicant submits a Statement of Interest in writing which provides: (1) a general overview and scope of the proposed Commercial Aeronautical Activity(ies), including the general area of the Airport in which such proposed activity(ies) shall occur; and (2) adequate contact information, including the name, mailing address, email address and telephone number of the Applicant.

B. Notice / Procurement

Upon receipt of a statement of interest, or on its own initiative, the County may authorize a request for qualifications or proposals or otherwise select a Commercial Aeronautical Operator through a competitive solicitation. In such event, the County shall issue a request for qualifications or a request for proposals in a manner consistent and in compliance with any required local, state, and Federal procurement requirements to determine whether any other Entity is interested in performing and qualified to perform the same or similar Commercial Aeronautical Activity.

C. Written Application

The written application shall be in the form prescribed by the Airports Director, or, in the absence of a form, shall include the information listed below and any such additional information as may be requested by the County or the Airports Director.

Simultaneously with submitting an application, the Applicant shall pay the County a non-refundable application fee according to the fee schedule set forth at Appendix C, which may be amended by the County from time to time.

Upon consideration of the application, the County shall determine whether the Applicant meets the standards and qualifications as herein set out and whether such application should be granted in whole or in part, and if so, upon what terms and conditions.

Unless otherwise directed in a form prescribed by the Airports Director, each Applicant for permission to conduct any Commercial Aeronautical Activity on the Airport shall provide the following information in writing:

1. The name and address of the Applicant.
2. A description of the scope of the proposed Commercial Aeronautical Activity(ies).
3. With respect to the real property that the Applicant seeks to lease from the County, or to sublease from another Entity:
 - (a) If applicable, who currently leases such property.
 - (b) What form of agreement with the property's lessor, if applicable, the Applicant proposes to enter into to lease or otherwise use such property.
 - (c) A map, to scale, of the amount, configuration, and location of (i) the land or facilities requested or desired to be constructed or leased from the County or (ii) the land or facilities to be subleased from another Entity for the purpose of conducting the Commercial Aeronautical Activity.
4. The names and the qualifications of the personnel to be involved in conducting such activity(ies).
5. Copies of the necessary certificates from the FAA or other authority where the same are required for the activity proposed, or demonstration that the Applicant can reasonably obtain such approvals.
6. The specific types and amounts of insurance proposed in accordance with minimum requirements for the activity(ies).
7. Copies of all proposed safety and emergency response plans that are required by the County's form operating agreement, which is available for review from the Airports Director, in order to perform the proposed Commercial Aeronautical Activity(ies).
8. For proposals that require construction on the Airport, copies of every Form 7460 that the Applicant or any of its principals has submitted to the FAA for

that construction and any determinations the FAA has made with respect to such submission.

D. Supporting Documents

If requested by the County, the Applicant shall submit to the County, together with such other documents and information as the County may request, a written authorization to the FAA and all aviation or aeronautical commissions, administrators, or departments of all states in which the Applicant has engaged in aviation business to supply the County with all information in their files relating to the Applicant or its operation. The Applicant shall execute such forms, releases and discharges as may be requested by any of those commissions, administrators, or departments.

IV. REVIEW OF APPLICATIONS

The County shall not take action on an application to conduct a Commercial Aeronautical Activity on the Airport unless and until it has received all required and/or requested information and documentation specified in Sections III.C. and III.D. above.

A. General Standard of Review

Every Applicant for permission to conduct any Commercial Aeronautical Activity(ies) on the Airport shall satisfy the County that such Applicant has:

1. The managerial, technical, and operational ability to plan and perform the same or a similar type of service or activity in a good and workmanlike manner.
2. The financial responsibility and technical ability to provide the facilities and services proposed and meet its obligations to the County.
3. The capability to consistently provide the required products, services and facilities and to engage in the proposed Commercial Aeronautical Activity(ies) in a safe, secure manner in service to and to the benefit of the general public.

B. Factors for Consideration

In considering whether an application to conduct a Commercial Aeronautical Activity meets those criteria, the Board may consider both the contents of the application and any other reliable information relevant to the following factors:

1. Not Qualified. The Applicant for any reason does not meet the established qualifications, standards, or requirements to provide the proposed Commercial Aeronautical Activity, or lacks the necessary financial capacity to meet its obligations to the County.
2. Safety and Efficiency. The Applicant's proposed operations or construction will impair the safe and efficient operation of the Airport.
3. County Expenditure. The granting of the application will require the County to spend airport revenue or public funds, or to supply labor or materials in connection with the proposed operations that the Board determines is not justified.
4. Availability. There is no appropriate, adequate or available space or building on the Airport to accommodate the entire activity of the Applicant at the time of the application.
5. Non-Compliance with Airport Layout Plan or Airport Master Plan. The proposed operation or Airport development or construction does not comply with the Airport Layout Plan or is inconsistent with the current airport master plan, if any.

6. Misrepresentation. Any party applying, or interested in the business, has either intentionally or unintentionally supplied the County with any false information or has misrepresented any material fact in its application or in supporting documents or has failed to make full disclosure on its application or in supporting documents.
7. History of Violations. Any party applying, or interested in the business, has a record of violating the minimum standards or the rules and regulations of the Airport.
8. Lack of Authorization. The Applicant lacks any permit, license, or other authorization required by the FAA or any other federal, state, or local agency to conduct any of the operations or development the Applicant proposes, and the Applicant does not demonstrate to the County's satisfaction that it will obtain all such required authorizations as necessary to undertake such proposed operations or development.
9. Defaulted Performance. Any party applying, or interested in the business, has defaulted in the performance of any Agreement with the County.
10. Undue Risk. Any party applying, or interested in the business, has been convicted of any crime or violation of any ordinance of such nature that it indicates to the County that the Applicant would create an undue safety, security, financial, and/or compliance risk to the County or the Airport.
11. FAA Determination. The FAA has determined that any proposed development would constitute an obstruction or hazard to air navigation.
12. Other. Denial of the application is otherwise appropriate because approval thereof would cause the County to be in violation of applicable federal, state or local obligations.

V. STANDARD REQUIREMENTS FOR ALL COMMERCIAL AERONAUTICAL ACTIVITIES AND OPERATORS

The following performance standards apply to all Commercial Aeronautical Operators and Commercial Aeronautical Activities. Additional standards specific to FBOs and SASOs can be found in Articles VI and VII of these Minimum Standards.

A. Agreement Requirements.

1. General.

An Agreement is a prerequisite to providing any Commercial Aeronautical Activity on or from the Airport. Upon approving an application to conduct a Commercial Aeronautical Activity(ies) on the Airport, the County shall cause to be prepared an Agreement setting forth the terms and conditions governing such proposed Commercial Aeronautical Activity(ies).

Title to any improvements is to vest in the County upon expiration or termination of the Agreement, subject to the rights of a mortgagee, unless separately addressed in the Agreement.

Grounds for termination of the Agreement shall include, without limitation, the Commercial Aeronautical Operator's failure (a) to remain current in the payment of all rents, fees, charges, pass-through expenses, and other sums due and owing to the County, or, if permitted by the Agreement, (b) to pay any such sum that is late or delinquent, and any required interest or late fees, within the period specified by the Agreement, or (c) to remain in compliance with these Minimum Standards or the Rules and Regulations, subject to any applicable notice and opportunity-to-cure periods specified in the Agreement or the Rules and Regulations.

2. Agreement Terms.

The Agreement with the County must state the terms and conditions under which the Commercial Aeronautical Operator will do business on the Airport, including but not limited to the term of the Agreement; the applicable rentals, fees, and/or charges; the rights, privileges and obligations of the respective parties; and other relevant covenants.

Each Commercial Aeronautical Operator shall each year pay to the County an Airport Use Fee in the applicable amount set forth in Appendix C. The specific provisions concerning the Airport Use Fee (*e.g.*, due dates, mechanism of payment, etc.) shall be set forth in each individual Agreement. The calculation of Gross Sales, if applicable, shall also be specifically set forth in each individual Agreement. The County reserves the right to modify Appendix C, including the amount or type of Airport Use Fee to be paid, at any time and for any reason.

Agreement term lengths may be determined by the County depending upon such factors as the degree of investment made by the prospective tenant, the remaining value of such improvements at the end of the proposed lease or contract term, and requirements of federal law.

Agreements for Commercial Aeronautical Activities shall contain or reference all provisions required by the Federal Aviation Administration as a condition of any federal grant to the County and shall also incorporate these Minimum Standards and the Rules and Regulations by reference.

B. Insurance Requirement.

1. All Commercial Aeronautical Operators shall maintain insurance policies and coverage limits that are relevant and appropriate to the activities conducted on the Airport, including indemnity insurance or bond to protect and hold the County and the County's employees, agents and assigns harmless from any liability in connection with the conduct of the activity proposed. The insurance policy terms and coverage limits requirements applicable to each type of Commercial Aeronautical Activity are set forth in Appendix A to these Minimum Standards.
2. Each Commercial Aeronautical Operator shall maintain insurance throughout the term of the Agreement. The applicable insurance coverage shall be in force during the period of any construction of the Commercial Aeronautical Operator's facilities and/or at the time of its entry upon the Airport for the conduct of its business. Lapses in insurance coverage may result in denial of access to the Airport and/or termination of the Agreement.
3. Each Commercial Aeronautical Operator, and any of such Commercial Aeronautical Operator's contractor or subcontractor doing business on the Airport, shall provide a Certificate of Insurance listing the County as an additional insured. This obligation shall not apply to any workers' compensation policy. It shall be the Commercial Aeronautical Operator's responsibility to ensure that its contractors and subcontractors fulfill the requirements of this paragraph. Each insurance policy, except a workers' compensation policy, shall cover both bodily injury and property damage. Each insurance policy shall be primary and non-contributory. Each policy, except a workers' compensation policy, shall insure the defense and indemnity obligations assumed by the Commercial Aeronautical Operator under an Agreement. It shall be the Operator's responsibility to pay any retention or deductible for the coverages required herein and in the Agreement. Insurance shall be secured by a company authorized to conduct business in the State of Florida and shall be issued by insurers having a rating of at least "A" VIII by A.M. Best, or an equivalent rating by a similar rating entity acceptable to the County. Insurance policies must include a requirement that a 30-day notice of cancellation, material change, or non-renewal will be sent to the Airports Director.
4. In requiring Commercial Aeronautical Operators to maintain insurance hereunder, the County in no way assumes liability for injury or damage occurring on or in connection with the Airport, and the County reserves the right to claim any defense or immunity available under law.
5. In prescribing insurance coverage types and limits, the County is not representing or guaranteeing that the types and limits are adequate to protect the Commercial Aeronautical Operator's interests or liabilities. It is understood

that the specified amounts of insurance stated herein shall in no way limit the liability of a Commercial Aeronautical Operator.

6. The County reserves the right to review insurance requirements at any time and to make reasonable adjustments to Appendix A, including but not limited to the required types of insurance coverage, limits, and exclusions. However, in the event the County adjusts its Appendix A insurance requirements, a Commercial Aeronautical Operator then insured according to the preexisting Appendix A requirements shall not be required to comply with the adjusted Appendix A requirements until that Commercial Aeronautical Operator has its first opportunity, according to its applicable insurance contract, to adjust its own coverage.

C. Compliance.

1. Federal, state and local requirements.

Commercial Aeronautical Operators must comply with all federal, state and local requirements applicable to their operations, including, but not limited to, the Airport Rules and Regulations. Every Agreement shall include a provision subordinating such Agreement to the County's agreements with the United States, including but not limited to the County's grant assurances to the FAA. Without limiting any other provision of these Minimum Standards or any other requirements, Commercial Aeronautical Operators must comply with the following specific requirements, as they now exist or are hereafter amended:

- (a) Airport Access and Security. Commercial Aeronautical Operators are to comply with laws, regulations, orders and directives of the Transportation Security Administration ("TSA"), as each may be amended; instructions of law enforcement personnel; and the policies, orders and directives of the County in furtherance of the Airport Security Program. Commercial Aeronautical Operators are responsible for their employees', vendors', and agents' compliance with the Airport Security Program.
- (b) Safety. Commercial Aeronautical Operators are to comply with federal, state and local law applicable to workplace and aviation safety, and with orders and directives of the County in furtherance of any FAA-required safety management system ("SMS") or similar or related program.
- (c) Environmental. Commercial Aeronautical Operators are to comply with all applicable federal, state and local environmental laws; orders and directives of a federal or state agency with jurisdiction over environmental conditions on the Airport; the Airport environmental policies and procedures, including, for example, and without limitation, any Preparedness, Prevention and Control Plan, Spill Prevention Response Plan, and Stormwater Pollution Prevention Plan; and generally accepted industry environmental policies and standards, provided that such policies and standards accord with applicable law.

2. Licenses, Permits, Certifications and Regulations.

Commercial Aeronautical Operators shall, at their own cost, obtain, maintain, and comply with all necessary licenses, permits, certifications, or ratings required for the conduct of their activities on the Airport. Upon the Airports Director's request, a Commercial Aeronautical Operator shall provide copies of all such licenses, permits, certifications, or ratings to the Airports Director.

D. Facilities, Maintenance and Equipment.

1. Except for Commercial Aeronautical Operators subject to Section VII.O, each Commercial Aeronautical Operator shall either (a) lease from the County, or (b) have a written agreement with an Entity on the Airport for the use of, an area of the Airport of adequate and appropriate size, shape, and location to provide for such Commercial Aeronautical Operator's activities on the Airport.
2. All of the Commercial Aeronautical Operator's structures on the Airport shall meet appropriate building and fire code requirements, as determined by the jurisdiction responsible for enforcing such building or fire codes, and be consistent with the Airport Layout Plan and 14 C.F.R. Part 77.
3. The Commercial Aeronautical Operator is responsible for all maintenance, repair, and replacement of facilities that it is authorized to use unless another Commercial Aeronautical Operator(s) has assumed responsibility for such maintenance, repair, and replacement.
4. Absent a provision in the Agreement establishing a different standard or requirement, the following provisions shall apply:
 - (a) The County shall be responsible for structural and external repairs (except for repairs to windows and hangar doors) of County-owned Airport facilities; all other maintenance of facilities on the Airport, including repair of windows and hangar doors at County-owned Airport facilities, shall be the responsibility of the Commercial Aeronautical Operator leasing such facilities.
 - (b) Each Commercial Aeronautical Operator shall be responsible for trash removal, sewage, grass mowing, landscape maintenance (including weed removal), utility-line maintenance, and pavement maintenance within such Commercial Aeronautical Operator's leased premises on the Airport, including the set-back areas around that Commercial Aeronautical Operator's leased or used structures.
 - (c) Each Commercial Aeronautical Operator shall be responsible for all utilities and utility connection requirements, permits and payments necessary for the operation of, or in support of, the Commercial Aeronautical Operator's activities.

- (d) No Commercial Aeronautical Operator may pile or store crates, boxes, barrels, containers, refuse, or surplus property on its leased or used premises or elsewhere on the Airport.
 - (e) Each Commercial Aeronautical Operator shall maintain all of its leased premises on the Airport in a clean, sanitary condition and at the expiration of the term of its Agreement shall return said premises to the County in that condition, reasonable wear and tear excepted.
 - (f) Each Commercial Aeronautical Operator shall ensure the safe and sanitary handling and disposal, away from the Airport, of all trash, waste and other materials utilized in its Commercial Aeronautical Activity(ies), including but not limited to used oil, solvents, lavatory-cart contents, and other waste.
5. If painting operations are contemplated, the Commercial Aeronautical Operator shall provide a separate paint shop that meets all applicable safety requirements.
 6. Detailed plans and specifications of all construction and architectural designs shall require the written approval of the County before any construction takes place. The Commercial Aeronautical Operator shall submit all required municipal and County permits (*e.g.*, building, stormwater, etc.) to the County prior to the County granting such approval.
 7. All vehicles operating on the Airport shall comply with recurrent federal training requirements, applicable FAA and TSA transportation requirements, and applicable provisions of the Rules and Regulations governing vehicles and traffic.

E. Personnel

1. Each Commercial Aeronautical Operator shall provide a list of contacts to the Airports Director, including at least one phone number through which the Airports Director may reach an employee or owner of the Commercial Aeronautical Operator after hours. Each Commercial Aeronautical Operator shall update such list whenever any change occurs to the contacts contained within it.
2. Each Commercial Aeronautical Operator is responsible for the conduct and demeanor of its personnel, agents, subcontractors, and subtenants. Each Commercial Aeronautical Operator shall conduct its business operations in a safe, orderly, efficient, and proper manner so as not to unreasonably disturb or endanger any Airport customers, tenants or other operators. Each Commercial Aeronautical Operator is further responsible for the compliance of its personnel, agents, subcontractors and subtenants with any applicable airport security directives and policies and any applicable provisions of the Rules and Regulations.

F. Notice and Reporting

1. Each Commercial Aeronautical Operator shall keep current, in good standing, and available for inspection by the County all permits, licenses, certifications and ratings that the Commercial Aeronautical Operator, its employees, or its contractors are required to maintain to conduct the Commercial Aeronautical Operator's activities.
2. Each Commercial Aeronautical Operator shall submit to the Airports Director a certificate of insurance for (a) any aircraft the Commercial Aeronautical Operator brings onto the Airport to conduct any Commercial Aeronautical Activity and (b) any insurance required by these Minimum Standards for the conduct of such Commercial Aeronautical Operator's activities. The Commercial Aeronautical Operator shall submit to the Airports Director all such certificates of insurance for an aircraft within forty-eight (48) hours of bringing such aircraft onto the Airport. This paragraph shall not apply to a flight instructor bringing a particular student's aircraft onto the Airport solely for the purpose of providing flight instruction to that student, provided that the flight instructor removes the aircraft from the Airport following each lesson.

G. Subcontracting, Subleasing and Assignment

No Commercial Aeronautical Operator may sublease, assign, or subcontract any of its Commercial Aeronautical Activities on the Airport, or any Agreement pertaining thereto, except as provided herein or without the County's written approval to do so.

1. Subcontracting.

No Commercial Aeronautical Operator may subcontract all or substantially all of its Commercial Aeronautical Activities on the Airport absent extraordinary circumstances and written approval from the Airports Director. However, this prohibition does not apply to a Commercial Aeronautical Operator's contractual relationship with individual independent contractors or temporary employees.

2. Subleasing.

A Commercial Aeronautical Operator may sublease space to another Commercial Aeronautical Operator to perform one or more Commercial Aeronautical Activities, provided that the sublessor Commercial Aeronautical Operator must first obtain the express written consent of the County to sublease, which consent the County may offer or withhold in its sole discretion. As a condition of granting such consent, the County may require that, at a minimum, the appropriate Commercial Aeronautical Operator(s) or its sublessee(s), as applicable, satisfy the following conditions:

- (a) Each sublessee enters into an Agreement with the County;
- (b) The Commercial Aeronautical Operator carries insurance for its sublessee or provides a certificate of insurance which shows the sublessee and the County as additional insured, in amounts commensurate with the activities

conducted by the sublessee and compliant with all applicable insurance requirements specified in Appendix A; and

- (c) No Entity conducts a Commercial Aeronautical Activity as a lessee or sublessee of Airport property that is leased or designated for a non-commercial use, including, for example, and without limitation, a hangar leased for private, non-commercial use.

3. Assignment.

The Board of County Commissioners may, in its sole discretion, provide express written consent for a Commercial Aeronautical Operator to assign its rights under an Agreement subject to these Minimum Standards. Prior to granting consent for any assignment, the County may require the prospective assignee to complete an application or submit the information prescribed in Article III (Applications for Commercial Aeronautical Agreements) hereof. The County may reject the request to assign the Agreement based on the factors enumerated in Article IV hereof or for any other reason.

VI. MINIMUM STANDARDS FOR FIXED BASE OPERATORS (FBOs)

Every Fixed Base Operator shall comply with the following minimum requirements of this Article VI as well as any applicable standards for the relevant Commercial Aeronautical Activities provided.

A. General

1. The FBO shall furnish good, prompt, courteous, and efficient services adequate to meet all reasonable demands on a fair, reasonable, and nondiscriminatory basis to all users of the Airport.
2. The FBO shall maintain and operate its business in a first-class manner and shall at all times, and at its sole expense, provide and maintain all equipment, facilities and aircraft necessary to keep its premises in a safe, clean, and orderly condition and to provide, to a degree satisfactory to the County, the services and levels of performance required by these Minimum Standards. County personnel may periodically survey FBO customers and users to determine the overall quality of service that the FBO is rendering.
3. The FBO shall select and appoint a full-time manager of its operations on the Airport. Such manager shall be highly qualified and experienced and be vested with full power and authority to act in the name of the FBO in respect to the method and manner in which the FBO performs services on the Airport. Such manager shall be available on the Airport during regular business hours. Should the manager be absent while the FBO is operating, a duly authorized subordinate shall be in charge and available on the Airport.
4. The FBO shall provide, at its sole expense, a sufficient number of personnel to effectively and efficiently provide the services herein authorized.
5. All personnel of the FBO shall conduct themselves in a courteous and businesslike manner at all times. Personnel who have public/customer contact (excluding pilots and back-office personnel) shall be clothed in professional apparel or uniforms with appropriate insignia and nameplates so they may be readily identified by customers.
6. It shall be the responsibility of the FBO to maintain close supervision over its employees to assure a high standard of service to customers of the FBO. The FBO shall control the conduct, demeanor, and appearance of its employees and representatives. Upon reasonable objection from the County concerning the conduct, demeanor, or appearance of any employee, the FBO shall forthwith take all steps necessary to remove the cause of the objection.
7. The FBO's employees shall be trained by the FBO and shall possess any technical qualifications and hold all certificates of qualification that may be required for such employee to carry out such employee's assigned duties.

8. The FBO shall provide to the Airports Director a current written statement of the names, general technical qualifications, mailing addresses, phone numbers, email addresses, and other necessary contact information for all personnel responsible for the management of the FBO. In addition, a point of contact with name, mailing address, business, cell, and home phone numbers, and email address for emergency situations shall be provided to the Airport Operations Center. The FBO shall notify the Airport Operations Center of any update to this information within 24 hours of the addition or departure of any personnel from the FBO.
9. The FBO shall exercise sufficient control over its customers and guests to assure compliance with the Rules and Regulations and to maintain safety and security.

B. Premises Generally

1. The FBO shall lease from the County a minimum of one hundred thousand (100,000) square feet on the Airport to provide space for all buildings, aircraft parking, paved ramp area, and employee and customer parking.
2. From the Airport property that the FBO leases from the County, the FBO shall provide:
 - (a) A minimum of one thousand (1,000) square feet of properly lighted, heated and air-conditioned building space on the Airport for an office, restrooms, and public use areas.
 - (b) A minimum of ten thousand (10,000) square feet of clear-span hangar of adequate dimensions to accommodate storage, maintenance, and repair of aircraft normally frequenting the Airport.
 - (c) A minimum of seventy-five thousand (75,000) square feet of paved area for the parking, tie-down, and maneuvering of aircraft.
 - (d) Parking in its main hangar for at least four (4) twin-engine, based aircraft of 12,500 pounds or less each, and apron parking for a minimum of twenty (20) based or itinerant aircraft.
 - (e) Paved area sufficient to park and maneuver a minimum of twenty (20) automobiles for employee and patron parking.
3. The FBO shall not alter, remove, place, or construct on the Airport any building, structure, tie-down, ramp, paving, taxi area, or other improvement or addition without the prior approval of the County. In the event of any construction or demolition, the County may, at its discretion, require an appropriate bond to guarantee the completion of construction and/or demolition. The County reserves the right to review any proposals for construction on the Airport, particularly to assure conformity with the existing Airport Layout Plan. Any

proposal for construction on the Airport shall be aesthetically compatible with existing buildings on the Airport.

C. Hours of Operation

The FBO shall be properly staffed to provide services at least between 6:00 A.M. and 10:00 P.M. local time, seven (7) days a week, as well as other hours when necessitated by business or emergency conditions.

D. Required Services

Every FBO on the Airport is required to provide the following services:

1. Line Service.

The FBO shall, during normal business hours, provide line service as follows:

- (a) Ramp parking and tie-down assistance, including ramp personnel and vehicles as appropriate;
- (b) Tie-down ropes, chains, and anchors;
- (c) Aircraft towing services utilizing motor driven drawbar vehicles capable of moving single and multi-engine aircraft weighing 12,500 pounds;
- (d) Mobile electrical ground power assistance with a minimum 14/28 volt, 1,600 ampere surge capacity; and
- (e) Cabin cleaning, including on-board toilet cleaning, and catering services.

2. Assistance to Disabled Aircraft.

The FBO shall, on thirty (30) minutes' notice during normal business hours, and two (2) hours' notice outside of normal business hours, provide equipment and trained personnel to remove disabled aircraft with a gross weight of 12,500 pounds or less from the Air Operations Area ("AOA"), and shall be required to perform such service on request of, and with acceptable release from, the owner or operator of the disabled aircraft, or the Airports Director or his or her designee. The FBO shall submit to the Airports Director for approval, and then maintain, an emergency assistance plan ("EAP"). The EAP shall include, without limitation, example scenarios of aircraft and airfield emergencies for which the FBO is prepared and a comprehensive list of equipment that the FBO maintains ready to provide emergency assistance to aircraft.

3. Aircraft Maintenance.

The FBO shall provide, with its own personnel or by contract approved by the County, service and repair of aircraft airframes and powerplants. The FBO must offer these services for the types of aircraft that commonly use the Airport, including small aircraft weighing 12,500 pounds or less, and the FBO must hold all applicable certificates and/or ratings required to perform such services.

The FBO must also meet all requirements as specified under 14 C.F.R. Parts 43, 65, and 145 for the operation of a certified repair station. The FBO shall also meet all applicable standards for such service as set forth in Section VII.G, below.

4. Flight Instruction.

The FBO shall provide, with its own personnel or by contract approved by the County, flight instruction services, subject to the requirements set forth under Section VII.J, below.

5. Air Taxi/Charter Service.

The FBO shall provide, with its own personnel or by contract approved by the County, Air Taxi/Charter services, subject to the requirements set forth under Section VII.E, below.

6. Additional Customer Services.

The FBO shall provide a facility and trained employees who are capable of providing the following:

- (a) UNICOM equipment to facilitate airborne customer requests;
- (b) A suitable space properly equipped to provide ready physical or digital access to relevant aeronautical charts, the FAA's Aeronautical Information Manual, and all current NOTAMs, and the ability to contact the Flight Services Station;
- (c) A publicly available telephone;
- (d) A convenient, comfortably furnished, public waiting area with adjoining restroom facilities;
- (e) A discrete vending area within the FBO premises with the availability of both hot and cold beverages and prepackaged snacks;
- (f) Aviation-grade inflight oxygen refills upon twenty-four (24) hours' notice; and
- (g) Acceptance of one or more major and one or more oil-company credit cards for fueling, line, and related services.

E. Fueling Services

1. The FBO must provide aviation fuels, including Jet A and FAA approved 100 octane aviation gasoline, as a Commercial Aeronautical Activity.
2. The FBO may not provide aviation fuels unless and until the Airports Director certifies that the FBO (a) will, before beginning to provide aviation fuels, provide all of the other services that an FBO is required to provide under these

Minimum Standards and (b) otherwise fully complies with all applicable Minimum Standards.

3. Should the FBO at any point fail to provide all services required of an FBO under these Minimum Standards or otherwise fail to fully comply with all applicable Minimum Standards, the County may deny or withdraw the FBO's authorization to provide aviation fuels.
4. The Airports Director or designee will periodically conduct inspections of the FBO's leased premises to certify that the FBO is in compliance with all applicable sections of these Minimum Standards.
5. The FBO shall provide, as a minimum:
 - (a) A fuel storage facility with a minimum capacity of 10,000 gallons of Jet A fuel and 2,000 gallons of 100 octane aviation gasoline;
 - (b) one (1) mobile tender (fuel truck) for Jet A fuel with a capacity of at least 2,000 gallons; and
 - (c) one (1) mobile tender (fuel truck) of at least 1,000-gallon capacity for delivering FAA approved 100 octane aviation gasoline.
6. FBOs and FBO personnel shall conduct any and all fueling in strict compliance with Section E, *Fueling*, of the Rules and Regulations. As provided in that Section E, National Fire Prevention Association Code No. 407, *Standard for Aircraft Fuel Servicing* ("NFPA 407") shall provide the minimum requirements with respect to various fueling-related activities. However, in the event any applicable federal, state, or local law, regulation, order or standard (including but not limited to any regulation, order, or standard imposed by the Airport's local fire district) imposes a more stringent requirement with respect to fueling, the FBO shall follow the most stringent applicable requirement.

F. Additional Optional Services

An FBO may elect to conduct any of the Commercial Aeronautical Activities that SASOs are permitted to provide under Article VII, below, subject to the requirements within Article VII that are pertinent to such Commercial Aeronautical Activity.

G. Right to Self-Fueling Reserved

Nothing in this Article VI is intended to prohibit self-service of aircraft by employees of Commercial Aeronautical Operators, so long as such self-service is conducted in accordance with the Rules and Regulations.

VII. MINIMUM STANDARDS FOR SPECIALIZED AERONAUTICAL SERVICE OPERATORS (SASOs)

A. Minimum Standards for all SASOs

In addition to meeting the requirements of Article V above, every Specialized Aeronautical Service Operator shall comply with the following requirements of this Section VII.A as well as any applicable standards for the relevant Commercial Aeronautical Activities provided.

1. Land and Improvements.

Except as provided in Section VII.O, each SASO shall construct, lease, sublease, or have a written agreement to use a building or part of a building with sufficient floor space, or an area that is adequate to erect a building with sufficient floor space, to accommodate its operations. This floor space shall be used to house all equipment and provide for aircraft storage, offices, restrooms, customer lounges, or other uses necessary to the SASO's operations.

Except as provided in Section VII.O, each SASO shall construct, lease, sublease, or have a written agreement to use sufficient: (a) paved onsite automobile parking space with accommodations for automobiles and, where appropriate, (b) a paved aircraft apron to accommodate the SASO's services and operations.

2. Hours of Operation.

Except as provided in Section VII.O, each SASO shall have its premises open and services available on an as-needed basis sufficient to meet the needs of its users.

3. Personnel.

Except as provided in Section VII.O, each SASO shall employ and have on duty sufficient staff to meet the Minimum Standards for each Commercial Aeronautical Activity provided. A staffing plan shall be submitted to the Airports Director for reference prior to the SASO's commencement of Commercial Aeronautical Activities on the Airport.

Each SASO shall provide the Airports Director with a point of contact, including telephone numbers, for personnel empowered to make decisions in emergency situations.

SASOs shall hold all licenses and certifications required to perform each Commercial Aeronautical Activity provided.

The SASO shall provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the SASO's services.

4. Prohibited Activities.

The sale of fuel by SASOs is prohibited. Unless explicitly specified in the applicable Agreement, a SASO shall not own or operate a fuel farm on the Airport. SASOs shall be strictly limited to self-fueling of their own aircraft with their own employees and equipment. No SASO may

dispense fuel into any aircraft other than those it owns or leases, regardless of whether it is paid to do so. In the event a SASO is explicitly permitted to own or operate a fuel farm on the Airport pursuant to an Agreement, such SASO must comply with federal, state, and local laws, and County directives, regarding the placement, operation, and maintenance of such fuel farm.

B. Aircraft Rental

A Commercial Aeronautical Operator may offer aircraft for rent subject to the following requirements:

1. Personnel.

Each Commercial Aeronautical Operator offering aircraft for rent shall employ and have on duty personnel sufficiently qualified to conduct aircraft rentals and provide other customer service as necessary.

2. Land and Improvements.

Each Commercial Aeronautical Operator providing aircraft for rent shall construct, lease, or sublease an area providing sufficient office space and an amount of paved area or hangar space on the Airport sufficient to safely accommodate at least one (1) aircraft to be offered for rent.

3. Service and Equipment.

Each Commercial Aeronautical Operator providing aircraft for rent shall own or have under a written lease, and have available to rent to persons with an appropriate and current pilot certificate, at least one (1) aircraft. That aircraft must meet all applicable federal and state laws and regulations including, but not limited to, those regulations promulgated by the FAA, and such aircraft shall be airworthy and suitably maintained and certificated.

Each Commercial Aeronautical Operator offering aircraft for rent shall further provide:

- (a) Adequate facilities for servicing and repairing such aircraft or satisfactory arrangements with other operators licensed on the Airport for such service and repair; and
- (b) All regulatory and manufacture required check lists and operating manuals aboard all aircraft offered for rent.

C. Aircraft Sales

A Commercial Aeronautical Operator may offer aircraft for sale subject to the following requirements:

1. Personnel.

Each Commercial Aeronautical Operator offering to sell new or used aircraft shall employ and have on duty an authorized agent to transact sales who maintains current any and all regulatorily required credentials to provide services to prospective aircraft buyers or sellers.

2. Land and Improvements.

Each Commercial Aeronautical Operator offering to sell new or used aircraft shall construct, lease, or sublease an area providing sufficient office space and an amount of paved area or hangar space on the Airport sufficient to safely accommodate aircraft to be offered for sale.

3. Service and Equipment.

It will be at the discretion of each Commercial Aeronautical Operator wishing to sell new or used aircraft whether to be an authorized factory dealer for any manufacturer(s) and which, if any, manufacturer(s) such Commercial Aeronautical Operator chooses to represent.

D. Avionics Sales and Servicing

A Commercial Aeronautical Operator may offer repair, sales, and service of aircraft avionics, radios, instruments and other limited class ratings for propellers, accessories, and powerplants (collectively, "Avionics Sales and Servicing") subject to the following requirements:

1. Personnel.

Each Commercial Aeronautical Operator providing Avionics Sales and Servicing shall employ and have on duty personnel sufficiently qualified to perform such Avionics Sales and Servicing and other customer service, as necessary. All personnel performing such repairs must hold all applicable certificates and ratings required by the FAA to perform the work.

2. Land and Improvements.

Each Commercial Aeronautical Operator providing Avionics Sales and Servicing shall construct, lease, or sublease an area providing hangar space sufficient to conduct its business in a safe, orderly, and lawful manner and sufficient office space to conduct services.

3. Service and Equipment

Each Commercial Aeronautical Operator providing Avionics Sales and Servicing shall provide for the sale and repair or new or used aircraft avionics, radios, instruments, and accessories, provide the necessary tools, supplies, and equipment to provide such services, and hold the appropriate FAA certificates for the sale, service, or installation of the equipment the operator plans to sell, service, or install.

E. Air Charter/Taxi Service

A Commercial Aeronautical Operator may offer Air Taxi/Charter services subject to the following requirements:

1. Personnel.

At all times when open for business, the Commercial Aeronautical Operator shall employ and have on duty or reasonably available personnel sufficiently qualified to provide all necessary aspects of the Air Taxi/Charter service and other customer service, as necessary. Such personnel shall include, without limitation, an FAA-certified commercial pilot with instrument rating for each aircraft and who is authorized to conduct Air Taxi/Charter operations.

2. Land and Improvements.

Each Commercial Aeronautical Operator conducting an Air Taxi/Charter service shall construct, lease, sublease, or have a written agreement to use an area providing sufficient tie-down or hangar space to accommodate all aircraft that such Commercial Aeronautical Operator intends to base at the Airport and providing sufficient office space for its business.

3. Services and Equipment.

Each Commercial Aeronautical Operator conducting an Air Taxi/Charter service shall be required to provide the following:

- (a) Sufficient properly certificated aircraft meeting all requirements of the certificates held. All such aircraft shall be owned by, or by written agreement leased to, the Commercial Aeronautical Operator conducting the Air Taxi/Charter service.
- (b) Sufficient properly certificated and qualified crew to operate the aircraft to be used for the provided Air Taxi/Charter service.
- (c) Sufficient ground service equipment to perform the provided Air Taxi/Charter service.
- (d) Passenger lounge and restroom facilities, which may be shared in common with other Commercial Aeronautical Operators subject to review and approval by the County.
- (e) Adequate table, desk, or counter space for checking in passengers, handling ticketing or fare collection, and handling luggage.

4. Certifications.

Each Commercial Aeronautical Operator conducting an Air Taxi/Charter service shall hold a valid FAA Commercial Air Taxi Operator's Certificate, be fully registered with the FAA and any other

federal, state, or local government agency requiring such registration, and hold ratings appropriate to, and licensing for, the Air Taxi/Charter functions to be performed.

F. Air Tours

A Commercial Aeronautical Operator may offer Air Tour Services subject to the following requirements:

1. Personnel.

At all times when open for business, the Commercial Aeronautical Operator shall employ and have on duty personnel sufficiently qualified to provide all necessary aspects of the Air Tour Service and other customer service, as necessary. Such personnel shall include, without limitation, an FAA-certified commercial pilot for each aircraft and who is authorized to conduct Air Tour Service operations.

2. Land and Improvements.

Each Commercial Aeronautical Operator conducting an Air Tour Service shall construct, lease, sublease, or have a written agreement to use an area sufficient to accommodate all customers and aircraft that such Commercial Aeronautical Operator intends to base at the Airport.

3. Services and Equipment.

Each Commercial Aeronautical Operator conducting an Air Tour Service shall be required to provide the following:

- (a) Sufficient properly certificated aircraft meeting all requirements of the certificates held. All such aircraft shall be owned by, or by written agreement leased to, the Commercial Aeronautical Operator conducting the Air Tour Service.
- (b) Sufficient properly certificated and qualified crew to operate the aircraft to be used for the provided Air Tour Service.
- (c) Sufficient ground service equipment to perform the provided Air Tour Service.
- (d) Passenger lounge and restroom facilities, which may be shared in common with other Commercial Aeronautical Operators subject to review and approval by the County.
- (e) Adequate table, desk, or counter space for customer service, checking in passengers and handling ticketing or fare collection.

4. Certifications.

Each Commercial Aeronautical Operator offering an Air Tour Service shall hold a valid FAA Letter of Authorization authorizing such Commercial Aeronautical Operator to conduct commercial air tour operations under 14 C.F.R. § 91.147, hold any other authorizations required by the FAA or the U.S. Department of Transportation to provide an Air Tour Service, be fully registered with the FAA and any other federal, state, or local government agency requiring such registration, and hold all ratings appropriate to, and licensing for, the Air Tour Service functions to be performed. Each such Commercial Aeronautical Operator shall at all times comply with all of the requirements and restrictions of such FAA Letter of Authorization and of any other federal, state, or local authorization required to conduct an Air Tour Service.

G. Aircraft Engine and Airframe Maintenance and Accessory Sales

A Commercial Aeronautical Operator may offer aircraft engine and airframe maintenance and sales of aircraft engine or airframe accessories subject, except as provided in Section VII.O, to the following requirements:

1. Personnel.

Each Commercial Aeronautical Operator operating aircraft engine, airframe and accessory maintenance facilities to the public for hire shall provide at least one FAA-certificated airframe and powerplant mechanic available eight (8) hours per day, five (5) days per week and on call by readily accessible means at other hours during the day or night, or at such hours as may be specified by the County.

2. Land and Improvements.

Each Commercial Aeronautical Operator conducting aircraft engine, airframe and accessory maintenance shall construct, lease, or sublease an area providing a minimum of 1,000 square feet of hangar space and sufficient office space to provide maintenance services.

3. Services and Equipment.

Each Commercial Aeronautical Operator operating aircraft engine, airframe and accessory maintenance facilities to the public for hire shall provide:

- (a) Sufficient inside and/or outside storage space for aircraft awaiting repair or maintenance, or awaiting delivery after repair and maintenance have been completed.
- (b) Adequate equipment to perform repairs and adequate shop space to house that equipment.
- (c) Facilities for washing and cleaning aircraft if the Commercial Aeronautical Operator engages in such business.

H. Crop-Dusting Operations

A Commercial Aeronautical Operator may offer crop-dusting or spraying of agricultural chemicals by aircraft (collectively, "Crop-Dusting Services") subject to the following requirements:

1. Personnel.

At all times when open for business, the Commercial Aeronautical Operator shall employ and have on duty personnel sufficiently qualified and licensed to perform Crop-Dusting Services and other customer service, as necessary.

2. Land and Improvements.

Each Commercial Aeronautical Operator offering Crop-Dusting Services shall construct, lease, or sublease an area providing sufficient office space for its business and tie-down or hangar space sufficient to accommodate all aircraft that such Commercial Aeronautical Operator intends to base at the Airport.

3. Services and Equipment.

Each Commercial Aeronautical Operator offering Crop-Dusting Services shall provide:

- (a) Sufficient arrangements for servicing, repairing, storing and parking its aircraft, with adequate safeguards against spillage on runways and taxiways or pollution or disbursement of chemicals by wind to other operational areas on the Airport.
- (b) Sufficient arrangements for the safe storage and containment of noxious chemical materials; no poisonous or flammable materials shall be kept or stored in close proximity to other facilities on the Airport.
- (c) Adequate provisions for the storage and disposal of hazardous materials, as necessary; the Commercial Aeronautical Operator shall comply with all federal, state, and local laws and regulations concerning the use, storage, or disposal of such hazardous materials.
- (d) An emergency plan and spill prevention and pollution countermeasures control plan.

I. Commercial Ground Handling Services

A Commercial Aeronautical Operator may offer ground-handling services subject to the following requirements:

1. Personnel.

Each Commercial Aeronautical Operator providing ground-handling services to commercial airlines, charters, or other aircraft owners or operators conducting commercial passenger service

shall provide sufficient numbers of staff who are qualified and fully trained to perform their respective ground-handling functions. Such staff shall include a full-time, qualified, on-site representative of the Commercial Aeronautical Operator who is responsible for the conduct of day-to-day operations and the handling of each flight.

2. Land and Improvements.

Each Commercial Aeronautical Operator conducting ground-handling services to Air Carriers, Air Charter/Taxi services, or other aircraft owners or operators conducting commercial passenger service shall construct, lease, or sublease an area providing sufficient operational space.

3. Services and Equipment.

Each Commercial Aeronautical Operator providing ground-handling services to Air Carriers, Air Charter/Taxi services, or other aircraft owners or operators conducting commercial passenger service shall:

- (a) Maintain an office on the Airport suitably located and adequate to conduct its ground-handling services.
- (b) Provide ground-handling services in accordance with FAA Advisory Circular 00-34A, Aircraft Ground Handling and Servicing, as the same may be amended from time to time or superseded.
- (c) Provide two (2) or more of the following services:
 - (1) Ramp services, including supervision, marshaling, aircraft start-up, moving/towing aircraft, and safety measures.
 - (2) On-ramp aircraft services, including wheel and tire chocking, ground power supply, deicing and anti-icing, cooling/heating, toilet servicing, potable water provision, routine maintenance, and cleaning of cockpit windows, wings, nacelles and cabin windows.
 - (3) Ramp services to airlines, including cleaning, catering, minor servicing of cabin fittings, alteration of seat configuration, ground service equipment, air stairs, catering loaders, baggage handling, cargo loading, mail and equipment loading.
 - (4) In-terminal services, including ticketing, processing, and loading and unloading of passengers, baggage, cargo, property, express packages and mail.
 - (5) Service provided in accordance with a written operating agreement with an Air Carrier, Air Charter/Taxi service provider, or other Entity, prepared in conformance with or

containing equivalent terms as the Standard Ground Handling Agreement published by the International Air Transport Association.

J. Flight Training

A Commercial Aeronautical Operator may offer flight training or instruction subject to the following requirements:

1. Personnel.

Each Commercial Aeronautical Operator conducting flight training or instruction activities shall provide personnel properly certified by the FAA to provide flight instruction.

2. Land and Improvements

Each Commercial Aeronautical Operator conducting flight training or instruction shall construct, lease, or sublease an area providing a minimum of one (1) tie-down or hangar ramp space and sufficient office and instructional space, provided that all such space (tie-down or hangar and office and instructional space) shall be sufficient to allow flight instructors to properly instruct the number of student pilots that the Commercial Aeronautical Operator instructs.

3. Services and Equipment

Each Commercial Aeronautical Operator conducting flight training or instruction activities shall provide:

- (a) At least one (1) properly certified aircraft equipped for flight instruction, and such additional types of aircraft as may be required to give flight instruction of the kind advertised.
- (b) Adequate office and classroom space for students, proper restroom and seating facilities, and a student service counter, and adequate automobile parking for students and staff.
- (c) Adequate facilities for storing, parking, servicing, and repairing all of its aircraft or satisfactory arrangements with other Commercial Aeronautical Operators licensed or otherwise permitted on the Airport for such services.

K. Hangar Keepers

Subject to the following requirements, a Commercial Aeronautical Operator may rent or lease hangar space to Airport users solely for the storage of aircraft.

1. Personnel

At all times when open for business, the Commercial Aeronautical Operator shall employ and have on duty personnel sufficiently qualified to rent and lease hangar storage space to aircraft owners and perform other customer service, as necessary.

2. Land and Improvements

Each Commercial Aeronautical Operator engaging in the business of renting or leasing hangar storage space to aircraft owners shall construct, lease, or sublease a hangar area adequate for aircraft storage and sufficient office space for its business.

3. Services and Equipment.

Each Commercial Aeronautical Operator engaging in the business of renting or leasing hangar storage space to aircraft owners or operators solely for aircraft storage purposes shall:

- (a) Ensure that its facilities are in accordance with plans and specifications as approved by the County.
- (b) Require all tenants who sublease space to have an executed agreement with the Commercial Aeronautical Operator prior to occupancy, the form of which provides adequate indemnification protection for the County. The Commercial Aeronautical Operator's standard sublease form must be approved by the County in writing prior to commencement of leasing activities.
- (c) Ensure that hangar tenants perform no maintenance within the hangar other than: (1) hangar tenants performing preventive maintenance on their own aircraft, utilizing their own employees, to the extent permitted in 14 C.F.R. § 43.7 (federal regulations regarding the specific persons authorized to approve aircraft or component parts for return to service after maintenance, preventive maintenance, rebuilding, or alteration); or (2) other maintenance permitted by the FAA's Policy on the Non-Aeronautical Use of Airport Hangars (the "Hangar Use Policy"), as may be amended.
- (d) Ensure that hangar cooperatives shall not provide fuel services to the members of the cooperative or to the public. (Nothing in this paragraph is intended to restrict the right of an aircraft operator to self-fuel consistent with then-current FAA policy and the Rules and Regulations.)
- (e) Ensure that hangar space is used for aeronautical purposes and that, to the extent that non-aeronautical items are stored in a hangar, such storage is consistent with the Hangar Use Policy or has otherwise been approved by the FAA.

In addition, every Commercial Aeronautical Operator engaged in the business of renting or leasing hangar storage space to aircraft owners or operators solely for aircraft storage purposes shall comply with the following:

- (f) No individual fuel facilities will be allowed. Any fueling by the Commercial Aeronautical Operator shall be subject to the self-fueling requirements set forth in the Rules and Regulations.

L. Unmanned Aerial Systems (UAS) Operators

A Commercial Aeronautical Operator may operate or maintain an Unmanned Aerial System (“UAS,” sometimes referred to as a “drone”) for commercial purposes on the Airport subject to the following requirements:

1. Personnel.

Each Commercial Aeronautical Operator engaged in the operation or maintenance of a UAS for commercial purposes on the Airport shall:

- (a) Provide a sufficient number of personnel to adequately and safely carry out the services and activities offered, including but not limited to UAS operations, maintenance, and leasing, in a courteous, prompt, and efficient manner adequate to meet the reasonable demands of the public seeking such services.
- (b) Have in place established and formalized safety protocols, as approved by the Airports Director.

2. Land and Improvements.

Each Commercial Aeronautical Operator engaged in the operation or maintenance of a UAS for commercial purposes on the Airport shall construct, lease, or sublease an area providing tie-down or hangar space sufficient to accommodate all UAS that such Commercial Aeronautical Operator intends to base at the Airport.

3. Services and Equipment.

Each Commercial Aeronautical Operator engaged in the operation or maintenance of a UAS for commercial purposes on the Airport shall:

- (a) Maintain current any FAA-required certification;
- (b) Comply with all directives given by the Airports Director as to the time, place and manner in which UAS operations may occur on the Airport; and
- (c) Comply with all applicable rules, regulations, advisory circulars, statements of policy or other directives issued by the Federal Aviation Administration as well as in any Certificates of Waiver or Authorization (“COA”) or any other FAA authorization.

4. Safety Management Systems.

Regardless of whether SMS compliance would otherwise be required by FAA policies or orders, the Commercial Aeronautical Operator shall complete an SMS process in compliance with FAA Order 5200.11 (and any accompanying FAA guidance documents), as such order may be amended or superseded, prior to the County entering into an Agreement with the Commercial Aeronautical Operator for UAS operations. The costs associated with compliance shall be borne by the Commercial Aeronautical Operator.

The SMS process shall examine at least (i) on-Airport safety considerations; (ii) off-Airport safety considerations; and (iii) airspace issues associated with the proposed operations. The Commercial Aeronautical Operator must commit in writing to implement all recommendations that result from the Safety Risk Management panel and to fund the cost of any safety actions that are so recommended.

M. Skydiving/Parachute Jumping and Ultralights

A Commercial Aeronautical Operator may offer skydiving or parachute jumping or the rental, sale, or use of ultralight aircraft for commercial purposes (collectively, “Skydiving/Ultralight Services”) subject to the following requirements:

1. Personnel.

Each Commercial Aeronautical Operator offering Skydiving/Ultralight Services shall provide a sufficient number of personnel to adequately and safely carry out such Skydiving/Ultralight Services in a courteous, prompt, and efficient manner and to meet reasonable public demand for such services.

2. Land and Improvements.

Each Commercial Aeronautical Operator offering Skydiving/Ultralight Services shall construct, lease, or sublease an area providing a minimum of 5,000 square feet of hangar space, sufficient office space, and an appropriately sized parachute drop zone as designated by the County.

3. Services and Equipment.

Each Commercial Aeronautical Operator offering Skydiving/Ultralight Services shall:

- (a) Maintain a current and valid Private Pilot certificate issued by the FAA as well as an Instrument Rating;
- (b) Obtain and have a current “operations license” issued by the Airports Director;
- (c) Comply with all directives given by the Airports Director as to the time, place, and manner of such skydiving, parachute jumping, and/or ultralight aircraft operations on the Airport; and

- (d) Comply with all applicable rules, regulations, advisory circulars, statements of policy, and other directives issued by the Federal Aviation Administration.

N. Flying Clubs

Each Flying Club must comply with the following requirements:

1. Each Flying Club shall keep a complete aircraft list on file and available for review by the County or its designated representative. In the event that this list changes, the Flying Club shall provide a revised version to the County immediately.
2. Each Flying Club shall keep on file a current list of its designated representative, its current operating rules, and the location and address of that Flying Club's registered office. In the event that this information changes, the Flying Club shall provide a revised version to the County immediately.
3. No Flying Club may conduct any commercial activity.
4. Flying Club members may conduct flight instruction relating to aircraft checkout and/or currency for other members. No Flying Club may permit its aircraft to be utilized for commercial flight instruction by any person other than members of that Flying Club. Any flight instruction utilizing a Flying Club's aircraft is only permitted if both the flight instructor and the student are members of that Flying Club.
5. Flying Club aircraft shall only be used by that Flying Club's members.
6. Each Flying Club may rent Flying Club aircraft only to members of that Flying Club.

O. Itinerant Maintenance Providers

Each Itinerant Maintenance Provider shall comply with the following requirements:

1. An Itinerant Maintenance Provider shall not generally be required to lease space on the Airport but must enter into an Agreement with the County.
2. If the Itinerant Maintenance Provider provides aircraft maintenance, it shall hold the appropriate FAA certificates for the maintenance it intends to perform, including but not limited to (a) a current aircraft mechanic certificate, with both the airframe and powerplant ratings, or (b) a current inspection authorization.
3. An Itinerant Maintenance Provider shall conduct all work in a safe and reasonable manner.

4. An Itinerant Maintenance Provider may only provide aircraft maintenance services on the Airport at the request of an aircraft owner or operator. An Itinerant Maintenance Provider may only conduct work on an aircraft in a location on the Airport, such as a hangar or tie-down space, where the aircraft's owner or operator holds a lease or has otherwise paid for the right to park that aircraft in conformance with the Rules and Regulations. Notwithstanding the foregoing, an Itinerant Maintenance Provider may not use any Airport tenant's leasehold to regularly work on aircraft other than those owned or operated by that tenant, except in accordance with Section V.H of these Minimum Standards .
5. An Itinerant Maintenance Provider shall provide sufficient equipment and supplies to allow for the safe and expeditious accomplishment of the service it has entered onto the Airport to perform. However, an Itinerant Maintenance Provider shall not store any of its equipment, tools, supplies, or any other material utilized in the performance of its Commercial Aeronautical Activities on the Airport, including within any tenant's leased premises except as may be necessary to complete ongoing work in a safe and workmanlike manner.
6. The County shall have sole reasonable discretion to determine whether to enter into an Agreement to permit a given Itinerant Maintenance Provider to provide Commercial Aeronautical Activities on the Airport. In addition to requiring the Itinerant Maintenance Provider to comply with all applicable provisions of these Minimum Standards, factors that the County may consider in deciding whether to grant the Itinerant Maintenance Provider an Agreement may include, but need not be limited to: (a) whether the Airport has sufficient capacity to support the Itinerant Maintenance Provider's safe, efficient, and not-disruptive performance of its Commercial Aeronautical Activities, (b) whether the Itinerant Maintenance Provider has previously provided its maintenance services to the operator of an Airport-based aircraft prior to the effective date of these Minimum Standards; (c) whether the Itinerant Maintenance Provider would be providing its aircraft-maintenance services under warranty as an authorized warranty service provider; and (d) whether the Itinerant Maintenance Provider's services are necessary to provide adequate emergency or urgent maintenance to an aircraft on the Airport.
7. Except as explicitly provided by this Section VII.O or another provision of these Minimum Standards, an Itinerant Maintenance Provider shall comply with all of the requirements of Article V and all other applicable provisions of these Minimum Standards, including but not limited to all applicable insurance requirements of these Minimum Standards. Nothing in this Section VII.O exempts an Itinerant Maintenance Provider from complying with the Rules and Regulations and all applicable federal, state, and local laws, regulations, and other legal authorities.

P. Other Aeronautical Functions

This Section VII.P addresses other Commercial Aeronautical Activities (“Miscellaneous Aeronautical Functions”) that are too varied to reasonably permit the establishment of specific minimum standards for each. Miscellaneous Aeronautical Functions include but are not limited to:

1. Aerial photography or surveying;
2. Aircraft exterior painting;
3. Aircraft cleaning and washing;
4. Aircraft interior modification, including, but not limited to, custom seating and finishing;
5. Aircraft salvage;
6. Banner towing and aerial advertising;
7. Fire-fighting;
8. Non-stop sightseeing flights;
9. Power line or pipeline patrol;
10. Whole or part aircraft type modifications under the auspices of a Supplemental Type Certificate;
11. Any other Commercial Aeronautical Activity not otherwise specifically addressed in Article VI or Article VII.

If any of the Miscellaneous Aeronautical Functions listed above overlaps with a Commercial Aeronautical Activity addressed in Article VI or elsewhere in this Article VII, and such Miscellaneous Aeronautical Function is described more specifically than that Commercial Aeronautical Activity, the requirements of this Section VII.P shall apply to the Miscellaneous Aeronautical Function.

Each repair service listed in this Section VII.P may be offered only under a mechanic certified by the FAA to perform that repair service on the aircraft to be serviced.

This Section VII.P shall only apply to those Entities which are conducting regular and frequent Commercial Aeronautical Activities, in the sole reasonable opinion of the County. The County may require that any Entity performing any Commercial Aeronautical Activity at or from the Airport comply with the Minimum Standards, whether or not that Entity or its aircraft are based on the Airport.

The proposed Commercial Aeronautical Operator of a Commercial Aeronautical Activity under this Section VII.P shall meet the general requirements of Article V of these Minimum Standards. The County shall determine, in its reasonable discretion, whether the proposed Commercial Aeronautical Operator shall be subject to any additional requirements.

[END OF MINIMUM STANDARDS; APPENDICES ATTACHED]

APPENDIX A: INSURANCE REQUIREMENTS

Unless otherwise specified in this Appendix A, all Fixed Base Operators and all other Commercial Aeronautical Operators shall maintain the insurance types at the respective specified minimum limits in the table below, all in accordance with Section V.C of these Minimum Standards. Coverage limits required herein may be achieved by an individual primary policy, or in combination with an umbrella/excess liability policy.

All coverage required under this Appendix A shall include the following:

- The County as an additional insured;
- Provisions for waiver of subrogation in favor of the County;
- Provisions for hold harmless in favor of the County; and
- Provisions for indemnification in favor of the County.

Insurance Requirement Operator Category	Commercial General Liability (CGL) including Premises Liability ^[1]	Aircraft & Passenger Liability including Bodily Injury & Property Damage ^[2]	Hangar Keeper's Liability ^[3]	Comprehensive Vehicle Liability including Hired & Non-Owned Vehicles ^[4]	Workers Compensation and Employers Liability ^[5]	Pollution Liability & Remediation ^[6]
Fixed Base Operator	\$5,000,000	\$5,000,000	\$2,000,000	\$1,000,000	See Note [5]	\$2,000,000
Aircraft Line Services		\$2,000,000	\$2,000,000			
Aircraft Fueling		\$5,000,000				\$2,000,000
Aircraft Handling & Storage			\$2,000,000			
Aircraft Maintenance & Repair Services		\$5,000,000				\$2,000,000
Flight Training		\$5,000,000				
Aircraft Charter & Air Taxi Services		\$5,000,000				
Specialized Aeronautical Services Operator (SASO)						
Aircraft Maintenance & Repair Services ^[a]	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	See Note [5]	\$1,000,000
Aircraft Components & Avionics Sales & Services ^[a]	\$1,000,000	\$1,000,000	See Note [3]	See Note [4]		n/a
Flight Training ^[b]	\$1,000,000	\$1,000,000				n/a
Aircraft Lease/Rental	\$1,000,000	\$1,000,000				n/a
Aircraft Charter & Air Taxi Services	\$1,000,000	\$1,000,000				n/a
Aerial Sightseeing & Tours	\$1,000,000	\$1,000,000				n/a
Aeronautical Services (Misc.)	\$1,000,000	\$1,000,000		\$1,000,000		\$1,000,000
Aircraft Sales (New and/or Used)	\$1,000,000	\$1,000,000				n/a
Aircraft Hangar Storage	\$1,000,000	\$1,000,000	\$1,000,000	n/a		n/a
Commercial UAS Services	\$1,000,000	\$1,000,000				n/a
Commercial Parachuting & Skydiving	\$1,000,000	\$1,000,000		\$1,000,000	n/a	
Independent Aeronautical Operator	Itinerant Operators conducting commercial activities under an agreement with the County will require the insurance of the applicable SASO category(ies) above.					
Flying Club ^[c]	\$1,000,000	\$1,000,000		See Note [4]	n/a	n/a

(See footnotes on next page.)

Notes

All coverages are Combined Single Limit (CSL) per occurrence and, unless otherwise stated, shall include minimum coverage of \$250,000 per person. All policies shall include a Waiver of Subrogation in favor of the County.

[1] Premises Liability coverage is required for Commercial Aeronautical Operators leasing County facilities and includes Fire and Casualty coverage at full replacement value.

[2] Required when the Commercial Aeronautical Operator provides fueling services or operates aircraft as part of the Commercial Aeronautical Operator's business activities.

[3] Required when the Commercial Aeronautical Operator provides for care, custody, and control of non-owned aircraft.

[4] Required when the Commercial Aeronautical Operator's vehicles operate within the Air Operations Area; may be combined with CGL coverages.

[5] Workers Compensation as required by the State of Florida (refer to Chapter 440, Florida Statutes). Employers Liability shall not be less than \$500,000 per occurrence/\$100,000 per person.

[6] Required for Operators providing fuel sales or aircraft maintenance or repairs. Coverage shall include bodily injury, property damage, and environmental remediation, fines, and penalties.

[a] Coverage shall include Products and Completed Operations Liability.

[b] Coverage shall include Negligent Instruction.

[c] Coverage shall include Negligent Instruction if flight instruction is provided.

APPENDIX B: APPLICATION FEE SCHEDULE

Application Type	Application Fee
Commercial Aeronautical Operator	\$500.00
Non-Commercial Aeronautical Activity	\$150.00

APPENDIX C: AIRPORT USE FEE SCHEDULE

Commercial Aeronautical Operator Type	Annual Fee
Commercial Aeronautical Operators based at the Airport	5% of Gross Sales
Commercial Aeronautical Operators <i>not</i> based on the Airport*	5% of Gross Sales + surcharge of additional 1.25% of Gross Sales

* Commercial Aeronautical Operators *not* based on the Airport include all Commercial Aeronautical Operators that lease or sublease no space on the Airport.