

House Bill No. 1897

An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing that this act does not abrogate current obligations and liabilities; providing an effective date.

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

Section 1. Section 1 of chapter 90-412, Laws of Florida, is amended to read:

Section 1. Purpose.—There is hereby created in Okaloosa County a dependent special district, to be known as the Emerald Coast Fort Walton Beach Area Bridge Authority, ~~formerly known as the Fort Walton Beach Area Bridge Authority~~, for the purpose of planning, constructing, operating, and maintaining a bridge or bridges transversing Choctawhatchee Bay or Santa Rosa Sound, or both, and access roads to the bridge or bridges.

Section 2. Section 2 of chapter 90-412, Laws of Florida, is amended to read:

Section 2. Definitions.—As used in this act, the term:

(1) “Authority” means the Emerald Coast Fort Walton Beach Area Bridge Authority created pursuant to section 1 of this act.

(2) “Bonds” means bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidences of indebtedness of any type or character.

(3) “Revenue bonds” means obligations of the authority which are payable from revenue derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of the authority.

(4) “Refunding bonds” means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds are issuable and payable in the same manner as the refinanced bonds, except that approval by the electorate is not required unless required by the State Constitution.

(5) “System” means the bridge or bridges transversing the Santa Rosa Sound or the Choctawhatchee Bay to be constructed pursuant to this act, together with all additions, improvements, connections, extensions, ap-

proaches, streets, roads, avenues of access, and transportation facilities appurtenant to the bridge or bridges.

Section 3. Section 3 of chapter 90-412, Laws of Florida, is amended to read:

Section 3. Membership; terms of office; officers; quorum; meetings; removal.—

(1) The authority consists of ~~five seven~~ members. Not fewer than ~~three~~ four of the members must be residents of the area extending west from East Pass Bridge to the boundary line between Santa Rosa County and Okaloosa County, and north to the Eglin Reservation.

(2) The Governor shall appoint ~~three~~ members of the authority, ~~and the Board of County Commissioners of Okaloosa County shall appoint four members of the authority by majority vote of the board.~~ With respect to the initial appointments to the authority, the Governor shall appoint one member to a 1-year term, ~~and two members to 4-year terms, and the board of county commissioners shall appoint two members to 2-year terms, one member to a 3-year term, and one member two members to a 4-year term terms.~~ one member to a 3-year term, and one member two members to a 4-year term terms. The initial appointments must be made within 3 months after the effective date of this act. Upon expiration of an initial term of office, the term of office for the successor to that office is 4 years. Each term expires on June 30 in the year of expiration of the term.

(3) The district ~~secretary engineer~~ secretary for the district of the Department of Transportation in which Okaloosa County is located is an ex officio member of the authority but has no voting privileges.

(4)(a) Except as provided in paragraph (b), any vacancy in office must be filled by the Governor ~~or the Board of County Commissioners of Okaloosa County, as appropriate,~~ for the balance of the term. In such cases, the appointment must be made ~~by the appropriate entity~~ not later than 30 days after the office becomes vacant.

(b) If a member of the authority becomes a constitutional officer of a county, the member ceases to be a member of the authority as of such time, and the Governor shall appoint another member to serve the remaining term of office. A resignation from the constitutional office does not operate to restore such person to membership on the authority.

(5) A member may be removed by the Governor, but only for grounds constituting misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or commission of a felony. The unexcused failure to attend three consecutive regular meetings of the authority is deemed neglect of duty, without limiting the meaning of that term.

(6) A person who has transacted business with the authority is not eligible for appointment to the authority until 3 years after the last transaction of business with the authority. A person who has served on the authority is not eligible to transact business with the authority until 3 years after his or her last date of service on the authority. Such transactions include trans-

actions either for oneself or as an employee of, agent for, or consultant to any other person or legal entity.

(7) A chairman, vice chairman, and secretary-treasurer must be chosen by and from the authority membership. The terms of office for the chairman, vice chairman, and secretary-treasurer is 1 year, and a member may not hold the same office for more than two consecutive terms.

(8) A quorum of the authority consists of three ~~four~~ members, and action must be taken by majority vote.

(9) A member, officer, agent, or employee of the authority, either for himself or herself or as agent for anyone else, or as a stockholder or owner in any other legal entity, must not participate or benefit directly or indirectly in or from any sale, purchase, lease, franchise, contract, or other transaction, entered into by the authority. The provisions of this subsection are cumulative to any general laws of the state which are from time to time applicable to members, officers, agents, or employees of the authority and which require the disclosure of, or prohibit, conflicts of interest.

Section 4. Section 4 of chapter 90-412, Laws of Florida, is amended to read:

Section 4. Powers.—The Fort Walton Beach Area Bridge Authority, now known as the Emerald Coast Bridge Authority, authority has all power and authority necessary, convenient, or desirable to accomplish the purposes of this act, including, without limitation, the power to:

- (1) Enter into contracts, and sue and be sued in its own name;
- (2) Employ necessary personnel, including the appointment of an executive director, and prescribe their duties and salaries;
- (3) Adopt a budget annually, and amend it during the fiscal year;
- (4) Adopt rules for the regulation of its affairs and the conduct of its business and rules for the operation of the system, and enforce and administer all such rules;
- (5) Adopt and alter an official seal;
- (6) Maintain an office within the Emerald Coast Fort Walton Beach area of Okaloosa County;
- (7) Plan for and study the feasibility of constructing, operating, and maintaining a bridge or bridges transversing Choctawhatchee Bay or Santa Rosa Sound, or both, and access roads to such bridge or bridges, including studying the environmental and economic feasibility of such bridge or bridges and access roads, and such other transportation facilities that become part of the system;:-
- (8) Construct, operate, and maintain the system;
- (9) Coordinate and encourage public and private development in connection with the system;

(10) Construct, acquire, repair, and operate any public development or project covered in this act, or coordinate any of the foregoing among other governmental agencies;

(11) Acquire, construct, reconstruct, equip, improve, maintain, and repair the system or any portion thereof within its area of operation;

(12) Fix, charge, and collect fees, tolls, rents, and charges for the use of the system, any part thereof, and any facilities furnished thereby, and of any property under its control, and pledge such revenue to the payment of revenue bonds issued by the authority;

(13) Accept grants and donations of any type of property, labor, and other things of value from public and private sources, and expend the funds of the authority for public purposes in its area of operation as a part of and in cooperation with the system or any portion thereof;

(14) Acquire, by purchase, on such terms and conditions and in such manner as it considers proper, and own, convey, and otherwise dispose of, and lease as lessor and lessee, any land and any other property, real or personal, reasonably necessary in furtherance of its powers under this act, and grant and acquire licenses, easements, and options with respect thereto;

(15) Exercise the power of eminent domain pursuant to chapters 73 and 74, Florida Statutes;

(16) Borrow money as provided by the State Bond Act;

(17) Employ or contract for technical experts, consultants, or other staff considered necessary and determine their qualifications, duties, and compensation, and appoint any advisory committee considered necessary;

(18) Pay operating and debt service costs of the authority;

(19) Enter into and make lease-purchase agreements with the Department of Transportation until any bonds secured by a pledge of rentals hereunder and any refundings thereof are fully paid as to both principal and interest; ~~and~~

(20) Contract for any or all services and duties as provided in this act; and

~~(21)~~(20) Do all acts necessary in order to carry out the purposes of this act.

Section 5. Section 6 of chapter 90-412, Laws of Florida, is amended to read:

Section 6. Budget.—

(1) By December 1, ~~2001~~ 1990, the authority shall prepare an annual budget for the fiscal year, pursuant to subsection (2), and shall submit by that date such budget to the Board of County Commissioners of Okaloosa County for approval as provided in subsection (2). A public hearing must be

held on such budget prior to its submission to the board of county commissioners. For all fiscal years thereafter, the procedure and time limits in subsection (2) apply.

(2)(a) Prior to preparation of the annual budget as provided in paragraph (b), the authority shall develop an annual proposed budget according to the provisions set forth in this section, by May of each year, for a public hearing before the citizens of Okaloosa County.

(b) The authority, in each fiscal year, shall prepare an annual budget for operating revenue accounts and operating expense accounts and such other accounts as the board of county commissioners prescribes, for its operations in the ensuing fiscal year and, on or before the first day of June of each year, the chairman of the authority shall submit such budget to the board of county commissioners. The fiscal year for the authority is concurrent with the fiscal year of Okaloosa County. At the time the authority prepares its annual budget, it shall adopt a resolution determining and finding the estimated amounts to be expended by the authority in the ensuing year, exclusive of any bonds or other obligations of the authority, for acquiring, establishing, constructing, enlarging, operating, and maintaining the system, or for any other corporate purpose of the authority. A certified copy of the resolution must be submitted to the board of county commissioners at the same time that it submits its annual budget.

(c) The board of county commissioners shall, in good faith, examine the budget and the certified copy of the resolution and may increase or reduce the total amount requested under the provisions in the budget and resolution for the expenditures in such an amount as the board of county commissioners determines appropriate. The board of county commissioners must approve the budget of the authority, either as submitted or as increased or reduced, as aforesaid.

(d) Any budget amendment adopted by the authority which increases the total budget must be approved by the board of county commissioners prior to its becoming effective.

(e) All anticipated revenues to be derived from the operation of the system must be included in the budget of the authority. However, any moneys, including funds in the authority's budget for the preceding fiscal year, which remain unexpended from the revenue derived under the budget for the preceding fiscal year may, by resolution duly adopted by the authority and approved by the board of county commissioners, be set aside in a separate fund, to be known and described as a "renewal and replacement fund," and accumulated in that fund from year to year for the purposes of purchasing real property and tangible personal property and building and constructing permanent improvements, replacements, alterations, buildings, and other structures; and such funds may be disbursed from time to time out of the renewal and replacement fund, upon proper resolution of the authority and approval by the board of county commissioners, and solely for the payment of the cost of purchasing real property and tangible personal property and building and constructing permanent improvements, replacements, alterations, buildings, and other structures.

(f) The authority shall adopt budget procedures to establish the direct costs and the indirect costs of operating and maintaining the authority and the system, as well as the direct income derived therefrom.

(g) The authority may accept funds from any public body or any other entity in order to operate prior to the beginning of the first fiscal year of the authority.

Section 6. Nothing in this act shall abrogate the authority's obligations and liabilities.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.