

By Senator Carlton

24-1122-00

See HB

1 A bill to be entitled
2 An act relating to Lee and Charlotte Counties;
3 codifying chapters 96-507 and 97-319, Laws of
4 Florida, relating to the Gasparilla Island
5 Bridge Authority, a special taxing district;
6 providing district boundaries; prescribing the
7 purposes, powers, privileges, duties,
8 liability, and officials; providing
9 applicability of the provisions of chapter 189,
10 F.S., to said district; providing definitions;
11 providing for the appointment of the governing
12 board and the election and appointment of its
13 future members; defining terms of office;
14 prescribing duties, powers, and qualifications,
15 and fixing compensation; providing for the
16 setting of bridge toll rates by the district;
17 providing for the levy of ad valorem taxes upon
18 the lands in said district under certain
19 circumstances and for the collection and
20 enforcement thereof; providing the authority
21 for the district to issue bonds and the
22 authority to pledge revenues for the repayment
23 of those bonds; providing the power of eminent
24 domain; providing provisions with respect to
25 the tax exemption of bonds and tax delinquency
26 enforcement and liens relating thereto;
27 specifying authority decisions requiring a
28 majority vote; providing for interlocal
29 cooperation; providing for fees or costs for
30 the offices of the county property appraisers
31

1 and tax collectors; providing for severability;
2 providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Chapters 96-507 and 97-319, Laws of
7 Florida, are codified, reenacted, amended, and repealed as
8 herein provided.

9 Section 2. The Gasparilla Island Bridge Authority is
10 re-created and the charter for such district is re-created and
11 reenacted to read:

12 Section 1. LEGISLATIVE FINDINGS.--It is declared as a
13 matter of legislative determination that the residents of
14 Gasparilla Island and its neighboring islands have a vital
15 interest in the operation and the continued maintenance and
16 improvement of the bridge and causeway linking the islands to
17 the mainland. The bridge and causeway were constructed in
18 1952 by a private company. That company and its successors
19 have operated the bridge and collected tolls since 1952 under
20 a 50-year lease from the state which expires in May 2002. The
21 residents of Gasparilla Island are the primary users of the
22 bridge and pay the majority of tolls collected for its
23 continued maintenance. It is the intent of the Legislature to
24 create an independent special authority on Gasparilla Island
25 and surrounding islands, in both Lee and Charlotte Counties,
26 with overall responsibility for the ownership, operation,
27 maintenance, repair, and reconstruction of the bridge and
28 causeway connecting Gasparilla Island with the mainland in
29 Charlotte County, thereby creating an organization to permit
30 the continuing responsibility on the part of the residents of
31 Gasparilla Island and surrounding islands for the operation,

1 maintenance, repair, and reconstruction of the bridge and
2 causeway. This act shall be known as "The Gasparilla Island
3 Bridge Authority Act."

4 Section 2. AUTHORITY CREATED.--There is hereby created
5 and established a local governmental body, corporate and
6 politic, to be known as the Gasparilla Island Bridge
7 Authority. The boundaries of the authority shall include: all
8 of Gasparilla Island, including Boca Grande Isles and
9 Gasparilla Golf Course Island, Three Sisters Island, Hoagen's
10 Key, Loomis Island, and Cole Island situated in Lee County and
11 Charlotte County including all adjacent submerged lands, tidal
12 lands, overflow lands, and tidal ponds hereinafter referred to
13 as the "islands," and the following described lands located on
14 or between the islands and the mainland of Charlotte County,
15 Florida:

16
17 Parcel I:

18
19 That real property described in the Final
20 Judgment entered in Condemnation Suit, Case
21 #1048 entitled Florida Bridge Company,
22 Plaintiff -vs- Sunset Realty Corporation,
23 Defendant, Circuit Court, Charlotte County,
24 Florida, said judgment being dated June 18,
25 1958, recorded June 13, 1958, in O.R. Book 39
26 at Page 178, et. seq., of the Public Records of
27 Charlotte County, Florida, which property is
28 more particularly described as follows:

29
30 A parcel containing 3.4937 acres of land, lying
31 and being in Charlotte County Florida, lying

1 15' on either side of the following described
2 centerline:
3
4 Commencing at the intersection of Sections 26,
5 27, 34 and 35, Township 42 South, Range 20
6 East; thence North 89°47'36" West, 292.84 feet;
7 thence North 22°39'51" West 147.19 feet; thence
8 North 16°28'24" East, 1,105.2 feet to the South
9 end of the South relief bridge as constructed
10 by the Florida Bridge Corp. under its
11 franchise, to point of beginning; thence from
12 said point of beginning South 16°28'24" West
13 286.85 feet to a point of curvature; thence
14 Southeasterly along a curve whose radius is
15 2,864.79 feet, an arc distance of 1,956.88 feet
16 to a point; thence South 21°56'21" East 800
17 feet to the center of the County road pavement
18 as exists at present, crossing the 30' R/W line
19 of said County road 157.6 feet North of the
20 point as established in the center of said
21 County road, all lying a being in Sections 26,
22 27, 34 and 35, Township 42 South, Range 20
23 East, Charlotte County, Florida.
24
25 Parcel II:
26
27 The following described lands (herein Parcels
28 A, B, C, and D, respectively) situated in
29 Charlotte County, Florida:
30
31

1 Parcel A. Those lands described in instrument
2 dated November 26, 1954, between Boca Grande
3 Inn, Inc., a Florida corporation, and Florida
4 Bridge Company, a Florida corporation, recorded
5 April 11, 1958 in O.R. Book 36, Page 211 et.
6 seq. Of the Public Records of Charlotte County,
7 Florida, more particularly described as
8 follows:
9
10 A strip or parcel of land in Section 12,
11 Township 42 South, Range 20 East, which strip
12 or parcel is 33 feet on each side of, as
13 measured at right angles to, the following
14 described center line: From the intersection of
15 the centerline of the Seaboard Air Line
16 Railroad (Charlotte Harbor and Northern
17 Railroad) with the center line of Florida State
18 Road No. 775 in said Section 12, run North
19 59°01'06" West, (being the same line as shown
20 as having a bearing of North 58°59' West on the
21 right-of-way map of said State Road) along the
22 center line of said State Road No. 775 for
23 1,260 feet to a point of curve of a curve to
24 the right; thence continue along the tangent of
25 said curve for 111.93 feet to a point; thence
26 run South 01°00'54" West for 55.64 feet to a
27 point on the South right-of-way line of State
28 Road No. 775 and the point of beginning of the
29 center line of the lands hereby conveyed; from
30 said point of beginning continue South
31 01°00'54" West for 1,049.49 feet to the point

1 of curve of a curve to the right having a
2 radius of 2,864.79 feet; thence run Southerly
3 to Southwesterly along the arc of said curve
4 for 420 feet, more or less, to the mean high
5 water mark of Gasparilla Sound. All bearings
6 hereinabove mentioned are plane coordinate
7 bearings for the Florida West Zone.

8
9 Parcel B. Those lands described in Grant of
10 Right-of-Way from the Trustees of the Internal
11 Improvement Trust Fund of the State of Florida
12 to Florida Bridge Company, Inc. dated December
13 30, 1954, bearing instrument no. 20840,
14 recorded January 26, 1955, in O.R. Book 1, Page
15 146 et. seq. of the Public Records of Charlotte
16 County, Florida, as amended, more particularly
17 described as follows:

18
19 CAUSEWAY RIGHT-OF-WAY

20
21 Lands for highway right-of-way purposes across
22 the submerged bottoms of Gasparilla Sound from
23 the mean high water mark of said Sound on the
24 mainland at the town of Placida to the mean
25 high water mark on Gasparilla Island, said
26 lands being 300 feet wide on each side of, as
27 measured at right angles to, a center line,
28 more particularly described as follows:

29
30 Commence at the intersection of the center line
31 of the S.A.L. R.R. and the center line of S.R.

1 A tract of parcel of land lying in Section 26,
2 Township 42 South, Range 20 East, Charlotte
3 County, Florida which tract or parcel is
4 described as follows:
5
6 From the Southwest corner of said Section 26 on
7 Gasparilla Island as shown on the plat of Gulf
8 Shores North recorded in Plat Book 13 beginning
9 at Page 9A, Charlotte County Records run North
10 89°45'15" West along the South line of Section
11 27 as shown on said plat for 82.13 feet to an
12 intersection with the centerline of Gasparilla
13 Road (50 feet wide); thence run Northerly along
14 said centerline as shown on said plat along the
15 arc of a curve to the right of radius 2,864.79
16 feet (chord bearing North 05°14'34" East) for
17 1,123.99 feet to a point of tangency; thence
18 continue along said centerline North 16°28'45"
19 East, parallel with and 930 feet Westerly from
20 (as measured on a perpendicular) the centerline
21 of the Seaboard Coast Line Railroad, for 527.77
22 feet to the Northerly end of the South Relief
23 Bridge on the Boca Grande Causeway; thence
24 continue North 16°28'45" East along said
25 centerline as described in instruments recorded
26 in Official Records Book 1 at Page 145,
27 Official Records Book 7 at Page 177, and
28 Official Records Book 479 at Page 817 of said
29 public records for 2,549.58 feet to the
30 southerly end of the Center Relief Bridge and
31 the Point of Beginning of lands described in

1 said instrument recorded in Official Record
2 Book 479 at Page 817 and the Point of Beginning
3 of the herein described parcel.
4
5 From said Point of Beginning run South
6 79°31'15" East for 37 feet more or less to the
7 approximate mean high tide line of Charlotte
8 Harbor, thence run Southeasterly, Southerly,
9 Southwesterly, Southerly, Southeasterly,
10 Southerly, Southwesterly, Southerly,
11 Southeasterly, Southerly, Southwesterly,
12 Southerly, Southeasterly, Southerly,
13 Southwesterly, Southerly, Southeasterly,
14 Southerly, Southwesterly and Westerly along
15 said approximate mean high tide line for 3,000
16 feet more or less to a concrete seawall on the
17 easterly line of the Florida Bridge company
18 right-of-way (120 feet wide); thence run
19 Southerly and Southwesterly along said seawall
20 to an intersection with an easterly
21 prolongation of the Northerly end of said South
22 Relief Bridge; thence run North 73°31'15" West
23 along said prolongation, said North line and a
24 Westerly prolongation of said North line for 85
25 feet more or less to the approximate mean high
26 tide line of Gasparilla Pass; thence run-along
27 said approximate mean high tide line
28 Northwesterly, Northerly, Northeasterly and
29 Northerly for 2,650 feet more or less to an
30 intersection with the Westerly prolongation of
31 said South line of said Center Relief Bridge;

1 thence run South 73°31'15" East along said
2 prolongation and said South line for 45 feet
3 more or less to the Point of Beginning.
4
5 Bearing hereinafter mentioned are Plan
6 Coordinate for the Florida West Zone.
7
8 ALSO LESS AND EXCEPT FROM PARCEL B THE
9 FOLLOWING:
10
11 The lands conveyed to A.E. Blackburn and his
12 wife, Mary M. Blackburn, Robert S. Maynard and
13 Mildred M. Maynard and Samuel Schuckman and
14 Lucile Schuckman by deeds recorded in O.R. Book
15 13, Page 360, O.R. Book 42, Page 502 and O.R.
16 Book 43, Page 353 of the Public Records of
17 Charlotte County Florida:
18
19 From the meander corner between Section 22 and
20 27, Township 42 South, Range 20 East, on Little
21 Gasparilla Island, as established in 1908 by
22 Charles M. Pidgeon, run East 618 feet to a
23 point for point of beginning. Thence as
24 follows:
25
26 North 3°30' East, 420 feet,
27 North 42°00' East, 290 feet,
28 North 70°30' East, 660 feet,
29 South 62°00' East, 930 feet,
30 South 45°30' East, 380 feet,
31 South 66°30' East, 660 feet,

1 South 5°00' East, 515 feet,
2 South 76°00' West, 575 feet,
3 South 62°00' West, 910 feet,
4 North 76°30' West, 1180 feet,
5 North 4°30' West, 935 feet,
6
7 to a Point of Beginning containing 82.20 acres
8 more or less;
9
10 ALSO LESS AND EXCEPT FROM PARCEL B THE
11 FOLLOWING:
12
13 A portion of the lands described in warranty
14 deed from Bert L. Cole and Helen Cole, husband
15 and wife, to Brunswick Corporation dated
16 January 2, 1973, recorded January 2, 1973 in
17 O.R. Book 407, Page 766 and fee simple deed
18 dated September 1, 1972 in O.R. Book 401, Page
19 882 of the Public Records of Charlotte County,
20 Florida, more particularly described as
21 follows:
22
23 Commence at the N.W. corner of Section 12,
24 Township 42 South, Range 20 East, Charlotte
25 County, Florida; thence South 0°11'00" West
26 along the West line of said Section 12,
27 2073.74' to a point on the Southeasterly
28 right-of-way (100' right-of-way) of State Road
29 No. 775; thence South 48°03'00" East along said
30 right-of-way 941.68' for a point of beginning;
31 thence continue South 48°03'00" East, 209.58'

1 to the Point of Curvature of a curve to the
2 left, said curve having a central angle of
3 10°56'00" and a radius of 1,960.08'; thence
4 along the arc of said curve a distance of
5 374.09' to the Point of Tangency; thence South
6 0°11'00" West, 979.29' thence North 80°34'09"
7 West, 948.20'; thence North 0°41'48" West,
8 699.41'; thence North 45°16'45" East, 690.82'
9 to the Point of Beginning.

10
11 Less all that part of the above described lands
12 lying East of the West boundary of the
13 right-of-way of the Boca Grande Causeway.

14
15 All lying and being in Section 12, Township 42
16 South, Range 20 East, Charlotte County,
17 Florida.

18
19 ALSO LESS AND EXCEPT FROM PARCEL B THE
20 FOLLOWING:

21
22 A portion of the lands described in warranty
23 deeds from Placida Sound Corporation to James
24 O. Dixon, Jay D. Moser and Janice D. Parrish
25 dated January 19, 1979, recorded January 22,
26 1979, in O.R. Book 593, Page 1713 and deeds
27 recorded in O.R. Book 671, Page 1915 and O.R.
28 Book 671, Page 1914, Public Records of
29 Charlotte County, Florida, more particularly
30 described as follows: Commence at the Northwest
31 corner of Section 12, Township 42 South, Range

1 20 East, Charlotte County, Florida; thence
2 South 0°11'00" West, along West boundary of
3 said Section 12, 2,952.87 feet; thence South
4 41°59'07" East 317.87 feet; then South 0°41'48"
5 East, 699.41 feet for a P.O.B.; thence continue
6 South 0°41'48" East, 602.98 feet; thence South
7 76°03'07" East 730.00 feet to a point on the
8 Westerly R/W of Boca Grande Causeway (66'R/W)
9 thence Northerly along said R/W 651.18 feet to
10 a point that bears North 0°14'06" East from the
11 previous course; thence North 8°34'09" West
12 820.17 feet to the Point of Beginning. All
13 lying and being in Section 12, Township 42
14 South, Range 20 East, Charlotte County,
15 Florida.

16
17 Parcel C. Those lands described in
18 Right-of-Way from A. E. Blackburn and Mary M.
19 Blackburn, husband and wife, to Florida Bridge
20 Company dated July 5, 1956, recorded in O.R.
21 book 118, Page 675 of the Public Records of
22 Charlotte County, Florida, more particularly
23 described as follows:

24
25 A strip of land 33 feet on each side of the
26 center line of Florida Bridge Company causeway
27 across the Easterly part of the following
28 described property:

29
30 From the meander corner between Section 22 and
31 27, Township 42 South, Range 20 East, on Little

1 Gasparilla Island, as established in 1908 by
2 Charles M. Pidgeon, run East 618 feet to a
3 point for point of beginning,
4

5 Thence as follows:
6 North 3°30' East, 420 feet,
7 North 42°00' East, 290 feet,
8 North 70°30' East, 660 feet,
9 South 62°00' East, 930 feet,
10 South 45°30' East, 380 feet,
11 South 66°30' East, 660 feet,
12 South 5°00' East, 515 feet,
13 South 76°00' West, 575 feet,
14 South 62°00' West, 910 feet,
15 North 76°30' West, 1,180 feet,
16 North 4°30' West, 935 feet,
17

18 to Point of Beginning containing 82.20 acres
19 more or less;
20

21 Parcel D. Those lands described in instrument
22 between G. M. Cole, joined by his wife, Addie
23 Cole, and Florida Bridge Company, Inc. dated
24 September 12, 1952, recorded December 1, 1955,
25 in O.R. Book 7, Page 177 et. seq. of the Public
26 Records of Charlotte County, Florida, more
27 particularly described as follows:
28

29 A strip of land across Cole Island, extending
30 from the Northerly to the Southerly end thereof
31 and being 120 feet in width (60 feet on each

1 side of the center line of Florida Bridge
2 Company causeway), such center line of said
3 easement begin parallel to and 930 feet
4 Westerly from the center line of the Seaboard
5 Airline Railroad Company track.

6
7 Section 3. PURPOSES.--

8 (1) The authority is created for the purpose of
9 acquiring, constructing, reconstructing, financing, owning,
10 managing, providing, promoting, improving, expanding,
11 maintaining, operating, regulating, franchising, and otherwise
12 having complete authority, with respect to the Gasparilla
13 Island bridge and causeway within the territorial limits of
14 Charlotte County, and areas adjacent thereto. It is further
15 the purpose of this act to repose in the authority all powers
16 with respect to operating, maintaining, repairing, and
17 improving the bridge and causeway, including the power to set
18 bridge toll rates and collect bridge tolls, and such other
19 additional powers as are hereafter designated by this act.

20 (2) The Legislature finds and declares that the
21 creation of the authority and the carrying out of its purposes
22 are in all respects for the benefit of the people of this
23 state and the people of Lee and Charlotte Counties. The
24 authority is performing an essential governmental function.
25 All property of said authority is and shall in all respects be
26 considered to be public property, and title to such property
27 shall be held by the authority for the benefit of the public.
28 The use of such property, until disposed of upon such terms as
29 the authority may deem just, shall be for essential public and
30 governmental purposes.

31

1 (3) It is the intent of this act to create the
2 authority as an independent special district that meets all
3 the requirements for independent special districts provided in
4 chapter 189, Florida Statutes.

5 Section 4. DEFINITIONS.--As used in this act, the
6 following words and terms shall have the following meanings,
7 unless some other meaning is plainly intended:

8 (1) "Authority" means the Gasparilla Island Bridge
9 Authority acting by and through its governing body as
10 established under section 2.

11 (2) "Board" means the Board of Supervisors of the
12 Gasparilla Island Bridge Authority.

13 (3) "Charlotte County Commission" means the Charlotte
14 County Board of County Commissioners.

15 (4) "Lee County Commission" means the Charlotte County
16 Board of County Commissioners.

17 (5) "Clerk" means the clerk of the circuit court and
18 the ex officio Clerk of the Board of County Commissioners of
19 Charlotte County or Lee County.

20 (6) "Cost" as applied to the acquisition,
21 construction, extension, additions, or improvements to the
22 bridge and causeway or to the establishment of the authority
23 includes the cost of: construction or reconstruction;
24 acquisition or purchase of real or personal property; expenses
25 relating to the issuance of bonds; indemnity or surety bonds;
26 premiums for insurance on real or personal property; expenses
27 related to the establishment of the authority; labor,
28 materials, machinery, supplies, and equipment; any interest in
29 land including all property rights, easements, and franchises
30 of any nature; finance charges; interest payments; payments
31 for the creation of initial reserve or debt service reserve

1 funds; bond discount; architectural and engineering services;
2 financial and banking services; legal and accounting services;
3 all other expenses necessary or incidental for determining the
4 feasibility of construction, reconstruction, or acquisition;
5 all other expenses necessary or incidental to any financing
6 authorized herein; reimbursement of any other person, firm, or
7 corporation for any moneys or services advanced to the
8 authority in connection with any of the foregoing items of
9 cost.

10 (7) "Elector" means any registered voter within the
11 boundaries of the authority.

12 (8) "Executive director" shall be the chief executive
13 officer of the authority, who shall carry out the policies of
14 the authority.

15 (9) "Gross receipts" means any income received from
16 all tolls collected for the use of the bridge and causeway and
17 other income received from all other sources, including income
18 received from taxpayers from ad valorem tax assessments.

19 (10) "Taxpayer" means any natural or corporate person
20 who owns real property within the boundaries of the authority.

21 (11) "Revenue bonds" or "bonds" means bonds or other
22 obligations secured by and payable from the revenues derived
23 from tolls, fees, or charges collected by the authority from
24 users or future users of the facilities of the system, which
25 may be additionally secured by a pledge of the proceeds of ad
26 valorem taxes levied against property within the boundaries of
27 the authority, all to the extent determined by resolution of
28 the authority.

29 (12) "Bridge and causeway system" means and includes
30 all bridges, causeways, roadways, toll facilities, or property
31 and additions, extensions, and improvements thereto at any

1 future time constructed and acquired as part thereof, useful
2 or necessary or having the present capacity for future use in
3 connection with maintaining a bridge and roadway across
4 Gasparilla Pass in Charlotte County.

5 Section 5. GOVERNING BODY.--

6 (1) The governing body of the authority shall consist
7 of nine members acting as the Board of Supervisors. Five of
8 these members shall be voting members with full power to
9 conduct the business of the authority by majority vote of the
10 voting members. The other four members shall serve as ex
11 officio, nonvoting members who shall participate in board
12 discussions as representatives of the taxpayers who are not
13 qualified as electors of the authority. Each member shall
14 serve terms of 4 years, provided that the initial members of
15 the Board of Supervisors and their terms of office shall be as
16 follows:

17 (a) Board Supervisor No. 1, Board Supervisor No. 3,
18 Board Supervisor No. 5, Board Supervisor No. 7, and Board
19 Supervisor No. 9 shall be appointed by the Lee County
20 Commission and serve until November 15, 1996. These
21 supervisor positions shall be first elected or appointed
22 thereafter as herein described.

23 (b) Board Supervisor No. 2, Board Supervisor No. 4,
24 Board Supervisor No. 6, and Board Supervisor No. 8 shall be
25 appointed by the Charlotte County Commission and serve until
26 November 15, 1996. These supervisor positions shall be
27 elected or appointed thereafter as herein described.

28 (2) Board Supervisor No. 1, Board Supervisor No. 2,
29 Board Supervisor No. 3, Board Supervisor No. 4, and Board
30 Supervisor No. 5 shall be voting members of the Board of
31 Supervisors who are qualified as electors within the

1 boundaries of the authority. Board Supervisor No. 6, Board
2 Supervisor No. 7, Board Supervisor No. 8, and Board Supervisor
3 No. 9 shall be ex officio, nonvoting members who are appointed
4 by the board at its first meeting following the general
5 election. The ex officio, nonvoting members must be either
6 electors or taxpayers from within the boundaries of the
7 district. No board member shall be elected or appointed for
8 more than two consecutive 4-year terms except the chair, who
9 may be elected to a maximum of three 4-year terms. The chair
10 must be a voting member of the board.

11 (3) The voting members of the Board of Supervisors
12 shall be elected by a majority of the electors of the
13 authority voting in the general election in November of each
14 even numbered year. Each elector may exercise one vote.
15 Those members duly elected to serve will take office on
16 November 15 following their election.

17 (a) Board Supervisor No. 1, Board Supervisor No. 3,
18 Board Supervisor No. 5, Board Supervisor No. 6, and Board
19 Supervisor No. 8 shall be first elected or appointed in the
20 November 1996 election and every fourth year thereafter.

21 (b) Board Supervisor No. 2, Board Supervisor No. 4,
22 Board Supervisor No. 7, and Board Supervisor No. 9 shall be
23 first elected or appointed at the November 1996 election to a
24 2-year term. They shall be appointed or stand for election to
25 a full 4-year term commencing at the November 1998 election
26 and shall be elected or appointed every fourth year
27 thereafter.

28 (4) The authority is authorized to conduct its
29 elections independently or through the Lee County or Charlotte
30 County Supervisor of Elections. Should the authority elect to
31 conduct its own elections, it shall make its election

1 procedures consistent with the Florida Election Code, chapters
2 97 through 106, Florida Statutes, for the following:
3 (a) Qualifying periods, in accordance with section
4 99.061, Florida Statutes;
5 (b) Petition format, in accordance with rules adopted
6 by the Florida Division of Elections;
7 (c) Canvassing of returns, in accordance with sections
8 101.5614 and 102.151, Florida Statutes;
9 (d) Noticing special district elections, in accordance
10 with chapter 100, Florida Statutes;
11 (e) Polling hours, in accordance with section 100.011,
12 Florida Statutes.
13 (5) Upon the occasion of a vacancy for any reason in
14 the term of office of a voting member of the governing body of
15 the authority, a successor shall be appointed by the Governor.
16 Any person appointed to fill a vacancy shall be appointed to
17 serve for the balance of the unexpired term or until the next
18 election at which a successor may be duly elected to fill the
19 balance of the unexpired term.
20 (6) Upon the occasion of a vacancy for any reason in
21 the term of office of an ex officio nonvoting member, a
22 successor shall be appointed by a majority of the voting
23 members of the governing body of the authority.
24 (7) The Board of Supervisors shall elect a chair and
25 vice chair from members of the authority, each of whom shall
26 serve for 1 year or until his or her successor is chosen. The
27 chair, or the vice chair in the chair's absence, shall preside
28 at all meetings of the authority and shall perform such
29 additional duties as prescribed by the members or contained in
30 the bylaws of the authority. The authority shall hold regular
31 meetings at least quarterly at such times and places as it may

1 designate and may hold more frequent special meetings. Three
2 voting members constitute a quorum for the purpose of meeting
3 and transacting business. Each voting member of the authority
4 shall have one vote. The authority may adopt bylaws and may
5 make all policies, procedures, rules, and regulations not
6 inconsistent with this act which it may deem necessary
7 respecting the conduct of its affairs. Such policies,
8 procedures, rules, and regulations shall provide for notice of
9 all public meetings in conformity with the requirements of
10 section 189.417, Florida Statutes, and shall provide that an
11 agenda shall be prepared by the authority in time to ensure
12 that a copy of the agenda will be available at least 3 days
13 prior to any regular meetings of the authority. After the
14 agenda has been made available, items may be added for good
15 cause, as determined by the chair or person designated to
16 preside at the meeting. The reason for adding an item to the
17 agenda shall be stated in the record. Special or emergency
18 meetings may be called by the chair upon no less than 48
19 hours' notice. The authority shall publish and thereafter
20 codify and index all rules, regulations, and resolutions
21 formulated, adopted, or used by authority in the discharge of
22 its functions. Such rules, regulations, and resolutions shall
23 be made available for public inspection and copying, at no
24 more than cost. The authority shall not be deemed to be an
25 agency within the meaning of chapter 120, Florida Statutes.
26 The authority shall be deemed to be an agency within the
27 meaning of chapter 119, Florida Statutes, and all records of
28 the authority shall be open to the public. The authority
29 shall be deemed an agency or authority of the county for
30 purposes of section 286.011, Florida Statutes, the "Government
31 in the Sunshine" law. Voting members of the Board of

1 Supervisors shall be deemed to be local officers for the
2 purposes of section 112.3145(3), Florida Statutes, requiring
3 disclosure of their financial interests. These statements of
4 financial interests shall be filed with the Lee County
5 Supervisor of Elections and available for public inspection.
6 In addition to the foregoing, the authority shall comply with
7 the requirements of section 189.417, Florida Statutes,
8 regarding notice of meetings which shall be deemed to
9 supersede any inconsistent provisions of this section in the
10 event of conflict.

11 (8) The authority shall appoint an executive director
12 who shall serve at the pleasure of the authority. In addition
13 to the appointment of an executive director, the authority may
14 contract for all or part of such services with any third
15 party, including the clerk.

16 (9) Each member of the Board of Supervisors shall
17 serve without compensation; however, supervisors shall receive
18 travel and per diem expenses as set forth in section 112.061,
19 Florida Statutes, when traveling on official business for the
20 authority.

21 (10) A board member may be removed for cause by the
22 Governor.

23 Section 6. POWERS AND DUTIES OF AUTHORITY.--The
24 authority shall have the following powers and duties, in
25 addition to and supplementing other powers granted in this act
26 and powers granted to authorities by general law:

27 (1) To construct, install, erect, acquire, operate,
28 maintain, improve, extend, enlarge, or reconstruct a bridge,
29 causeway, and road system within the jurisdictional boundaries
30 of the authority and the environs thereof and to have the
31 exclusive control and jurisdiction thereof, to borrow money

1 and issue bonds to pay all or part of the costs of such
2 construction, reconstruction, erection, acquisition, or
3 installation of such bridge, causeway, or road system or to
4 refund any indebtedness of the authority. All capital
5 improvements shall be consistent with the comprehensive plan
6 of the applicable local government within the meaning of part
7 II of chapter 163, Florida Statutes.

8 (2) To regulate traffic and the use of the bridge and
9 causeway system within the authority's boundaries. This
10 traffic power shall be exercised concurrently with any power
11 inherent in Lee County or Charlotte County. In the event of a
12 conflict, the more stringent rule shall apply.

13 (3) To fix, modify, charge, and collect toll rates and
14 user fees from persons for the use of the bridge and causeway
15 system at such levels as the authority deems appropriate
16 regardless of the costs associated with the bridge and
17 causeway system; provided, however, in no event shall tolls
18 for automobiles exceed \$5 per round trip for a period of 10
19 years after the effective date of this special act. The
20 authority shall be subject to the provisions of section
21 338.165, Florida Statutes, authorizing the continuation of
22 tolls except that the authority may use any remaining toll
23 revenue after payments for debt service and the annual cost of
24 operation, maintenance, and improvement of the bridge and
25 causeway only for the purposes enumerated in this act.

26 (4) To acquire in the name of the authority by
27 purchase or gift such lands and rights and interest therein,
28 including lands under water and riparian rights, and to
29 acquire such personal property as it may deem necessary in
30 connection with the construction, reconstruction, improvement,
31 extension, installation, erection, or operation and

1 maintenance of the bridge, causeway, and road system and to
2 hold and dispose of all real and personal property under its
3 control.

4 (5) To exercise exclusive jurisdiction, control, and
5 supervision over the bridge and causeway system, or any part
6 thereof owned, operated, or maintained by the authority and to
7 make and enforce such rules and regulations for the
8 maintenance and operation of the system as may be, in the
9 judgment of the authority, necessary or desirable for the
10 efficient operation of the system or improvements in
11 accomplishing the purposes of this law.

12 (6) To restrain, enjoin, or otherwise prevent the
13 violation of this law or of any resolution, rule, or
14 regulation adopted pursuant to the powers granted by this law.

15 (7) To join with any other districts, municipalities,
16 towns, or other political subdivisions, public agencies, or
17 authorities in the exercise of common powers.

18 (8) To contract with other private or public entities
19 or persons to provide services to the authority and to receive
20 and accept from any federal or state agency grants or loans
21 for or in aid of the purposes of the authority.

22 (9) To enter into interlocal agreements with any
23 municipality, county, district, or political subdivision for
24 any corporate purpose of the authority, including, but not
25 limited to, borrowing money for construction of improvements,
26 additions, or extension to the system.

27 (10) To sue and be sued in the name of the authority,
28 and to do all acts and things necessary or convenient for the
29 conduct of its business and the general welfare of the
30 authority in order to carry out the powers and duties provided
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1 in this act or provided in any other law applicable to
2 counties.

3 (11) The executive director of the authority shall
4 have the responsibility for carrying out the policies of the
5 Board of Supervisors of the authority and keeping and
6 maintaining the seal and the records of the authority and for
7 collecting, disbursing, investing, and maintaining the funds
8 of the authority and such other responsibilities as the board
9 may instruct said executive director to perform, provided that
10 the authority may contract all or part of such services with
11 any third party.

12 (12) The authority shall comply with the provisions of
13 sections 189.415, 189.4155, 189.416, 189.417, and 189.418,
14 Florida Statutes, and other applicable provisions of general
15 law prescribed duties and responsibilities of special
16 districts. The authority shall not be an agency for the
17 purposes of section 120.52(1), Florida Statutes.

18 (13) The authority may assess and impose upon lands in
19 the district ad valorem taxes of no greater than 2 mills of
20 assessed value per year, as provided by this act and chapter
21 197, Florida Statutes. The authority may only impose ad
22 valorem taxes if both of the following conditions are met:

23 (a) Following a referendum in which a majority of the
24 electors of the district voting in the election approve of the
25 levy of ad valorem tax.

26 (b) The authority determines that the bridge tolls
27 being collected may be insufficient to repair, replace, or
28 maintain the bridge and causeway.

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1 The authority may conduct a special election, if necessary, in
2 order to seek voter approval of the ad valorem tax levy and
3 tolls.

4 (14) The Board of Supervisors of the authority may
5 seek from the Legislature amendments to this act from time to
6 time as they deem necessary. In addition, the Board of
7 Supervisors of the authority may petition the Legislature for
8 dissolution and abolition of the authority if they feel
9 another unit of government could more properly exercise the
10 functions of the authority at that time.

11 (15) To establish reserves for debt service
12 requirements and a reserve fund for replacement and repair of
13 the causeway and other contingencies.

14 (16) To invest moneys in all investments which are
15 lawful under the laws of the state.

16 (17) To do all acts necessary or convenient for the
17 establishment of the authority, the conduct of its business,
18 and the general welfare of the authority in order to carry out
19 the powers granted herein.

20 (18) To pledge or otherwise encumber all or any part
21 of its gross receipts as security for its bonds.

22 (19) To exercise the right and power of eminent
23 domain, pursuant to the provisions of chapters 73 and 74,
24 Florida Statutes, over any property within the boundaries of
25 the authority, except municipal, county, state, federal, or
26 other public property for the uses and purposes of the
27 authority relating to the implementation of its powers as
28 described herein; provided such right shall only be exercised
29 over lands contiguous to or adjacent to the lands described as
30 Parcel I or Parcel II in section 2 or such other lands that

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1 might be needed for the replacement or reconstruction of the
2 bridge and causeway system.

3 (20) To impose and foreclose tax liens as provided by
4 this act and chapter 197, Florida Statutes.

5 Section 7. BONDS.--

6 (1) The authority may, from time to time, issue bonds
7 to pay the costs and expenses, other than operating expenses,
8 incurred in carrying out the purposes of this act or to refund
9 revenue bonds of the authority issued pursuant to this act.

10 In anticipation of the sale of such bonds, the authority may
11 issue bond anticipation notes and may renew the same from time
12 to time. Such notes may be paid from the revenues derived by
13 the authority from the proceeds of sale of the bonds of the
14 authority in anticipation of which they were issued or from
15 such other source as shall be determined by the authority.
16 The notes shall be issued in the same manner as the bonds.
17 Bonds and notes shall be, and shall be deemed to be, for all
18 purposes, negotiable instruments, subject only to the
19 provisions of the bonds and notes for registration.

20 (2) The bonds may be issued as serial bonds or as term
21 bonds or the authority, in its discretion, may issue bonds of
22 both types. The authority may issue capital appreciation
23 bonds or variable rate bonds. The bonds shall be authorized
24 by resolution of the authority and shall bear such date or
25 dates, mature at such time or times, not exceeding 40 years
26 from their respective dates, bear interest at such rate or
27 rates, be payable at such time or times, be in such
28 denomination, be in such form, carry such registration
29 privileges, be executed in such manner, be payable from such
30 sources and in such medium or payment and at such place or
31 places, and be subject to such terms of redemption, including

1 redemption prior to maturity, as such resolution or
2 resolutions may provide. If any officer whose signature, or a
3 facsimile of whose signature, appears on any bonds or coupons
4 ceases to be such officer before the delivery of such bonds,
5 such signature or facsimile shall nevertheless be valid and
6 sufficient for all purposes as if he or she had remained in
7 office until the delivery. The bonds or notes may be sold at
8 public or private sale for such price or prices as the
9 authority shall determine. Pending preparation of the
10 definitive bonds, the authority may issue interim receipts or
11 certificates which shall be exchanged for such definitive
12 bonds. The bonds may be secured by such form of credit
13 enhancement, if any, as the authority deems appropriate. The
14 bonds may be secured by an indenture of trust or trust
15 agreement.

16 (3) The bonds may be validated, at the direction of
17 the authority, pursuant to chapter 75, Florida Statutes.
18 Section 75.04(2), Florida Statutes, shall not apply to a
19 complaint for validation brought by the authority.

20 Section 8. PLEDGE OF REVENUES.--The proceeds of all
21 bonds or other obligations issued under this law and all
22 revenues derived from other operation of the system which have
23 been pledged for the payment of any bonds or other obligations
24 authorized by this law shall be applied only in accordance
25 with the proceedings authorizing the issuance of any such
26 bonds or other obligations. The authority may provide that
27 the moneys or the funds and accounts established by the
28 proceedings authorizing issuance of any revenue bonds shall be
29 subject to the lien of the pledge established by the
30 proceedings without any physical delivery thereof and the lien
31 of the pledge shall be valid and binding as against all

1 parties bringing claims of any kind in tort, contract, or
2 otherwise against the authority.

3 Section 9. COVENANTS OF AUTHORITY WITH
4 BONDHOLDERS.--In addition to other provisions and requirements
5 of this law, any resolution authorizing the issuance of bonds
6 or any other obligations issued hereunder may contain
7 provisions and the authority is authorized to provide and may
8 covenant and agree with the several holders of such bonds or
9 other obligations as to:

10 (1) Limitations on the powers of the authority to
11 construct, acquire, or operate or permit the construction,
12 acquisition, or operation of any structures, facilities, or
13 properties which may compete or tend to compete with the
14 system.

15 (2) Subject to this law, the manner and order of
16 priority of the disposition of revenues or redemption of any
17 bonds or other obligations.

18 (3) Terms and conditions for modification or amendment
19 of the resolution authorizing the issuance of bonds or other
20 obligations.

21 (4) Provisions as to the appointment of a receiver of
22 the system on default of principal or interest on any such
23 bonds or other obligations or the breach of any covenant or
24 condition of the resolution authorizing such bonds or other
25 obligations.

26 (5) Provisions as to the maintenance of the system and
27 reasonable insurance thereof.

28 (6) Any other matters necessary to secure the bonds
29 and the payment of the principal and interest thereof.

30 (7) All such provisions of the resolution shall
31 constitute valid and legally binding contracts between the

1 authority and several holders of any such bonds and shall be
2 enforceable by any such holder or holders by mandamus or other
3 appropriate action, suit, or proceeding in law or in equity in
4 any court of competent jurisdiction.

5 Section 10. PUBLICATION OF NOTICE OF ISSUANCE OF
6 BONDS.--Prior to the issuance of bonds or other obligations,
7 the authority may, in its discretion, publish a notice at
8 least once in a newspaper or newspapers published and
9 circulated in Charlotte and Lee Counties stating the date of
10 adoption of the resolution authorizing such obligations, and
11 the amount, maximum rate of interest, and maturity of such
12 obligations and the purpose in general terms for which such
13 obligations are to be issued.

14 Section 11. BOND; QUALITIES OR NEGOTIABLE INSTRUMENTS;
15 RIGHTS OF HOLDERS.--All bonds issued hereunder shall not be
16 invalid for any irregularity or defect in the proceedings for
17 the issuance and sale thereof and shall be incontestable in
18 the hands of a bona fide purchaser for value. No proceedings
19 in respect to the issuance of such bonds shall be necessary
20 except such as are required by this act, by section 189.4085,
21 Florida Statutes, and by section 189.408, Florida Statutes.
22 The provisions of this act shall constitute an irrevocable
23 contract between the authority and the holders of any such
24 bonds or coupons thereof issued pursuant to the provisions
25 hereof. Any holder of such bonds may either at law or in
26 equity, by suit, action, or mandamus, enforce and compel the
27 performance of the duties required by this act or of any of
28 the officers or persons herein mentioned in relation to said
29 bonds, or the levy, collection, and enforcement and
30 application of the revenues, or other funds pledged for the
31 payment of the principal and interest thereof.

1 Section 12. BUDGET; REPORTS AND REVIEW.--

2 (1) The authority shall provide financial reports in
3 such form and in such manner as prescribed pursuant to this
4 act, chapter 218, and sections 189.418 and 11.45, Florida
5 Statutes.

6 (2) The fiscal year for the authority shall commence
7 on July 1 of each calendar year and shall conclude on June 30
8 of each calendar year. On or before June 1, the executive
9 director shall prepare a proposed budget for the ensuing
10 fiscal year to be submitted to the board for board approval.
11 The proposed budget shall include, at the direction of the
12 board, an estimate of all necessary expenditures of the
13 authority for the ensuing fiscal year and an estimate of
14 income to the authority from all sources of revenue provided
15 in this act. The board shall consider the proposed budget and
16 may either approve the budget as proposed by the manager or
17 modify the same in part or in whole.

18 (3) The board shall cause to be made at least once a
19 year a comprehensive report of its system, including all
20 matters relating to expansions, acquisitions, rates, revenues,
21 expenses of maintenance, repair, and operation of the renewals
22 and capital replacements, principal and interest requirements,
23 and the status of all funds and accounts. Copies of such
24 reports shall be filed with the clerk and shall be open to
25 public inspection. The report shall be known as the annual
26 audit report and shall be issued by a certified public
27 accountant appointed by the board. The annual audit report
28 may be included as a part of any other report required by law
29 or may be issued separately.

30 Section 13. AUTHORITY BONDS AS INVESTMENTS FOR PUBLIC
31 BODIES.--All bonds issued pursuant to this act shall be and

1 constitute legal investments for state, county, municipal, and
2 all other public funds and for banks, savings banks, insurance
3 companies, executors, administrators, trustees, and all other
4 fiduciaries and shall also be and constitute securities
5 eligible as collateral security for all state, county,
6 municipal, or other public funds, subject to the restrictions
7 and limitations of chapters 18, 136, 237, 518, 655, 657, 658,
8 and 660 through 665, Florida Statutes.

9 Section 14. BONDS AS PAYMENT FOR SERVICES.--The
10 authority is authorized to enter into agreements for the
11 delivery of any bonds at one time or from time to time, as
12 full or partial payment for the services of any engineer or
13 work done by any contractor who may have been retained or
14 hired or been awarded a contract for the construction of all
15 or any part of the system. However, any such bonds so
16 delivered for payment of such services or work performed shall
17 have been authorized and issued in the manner provided in this
18 act and shall otherwise conform to the provisions hereof.

19 Section 15. CONTRACTS FOR CONSTRUCTION OF
20 IMPROVEMENTS; SEALED BIDS.--All contracts let, awarded, or
21 entered into by the authority for the construction,
22 reconstruction, or improvements to the system or any part
23 thereof, if the amount thereof shall exceed \$20,000, except
24 for emergency repairs, shall be awarded only after public
25 advertisement and call for sealed bids therefor, in a
26 newspaper published and circulated in Lee and Charlotte
27 Counties, such advertisement to be published at least once at
28 least 3 weeks before the date set for the receipt of such
29 bids. Such advertisements for bids, in addition to the other
30 necessary and pertinent matters, shall state in general terms,
31 the nature and description of the improvement or improvements

1 to be undertaken and shall state that detailed plans and
2 specifications for such work are on file for inspection in the
3 office of the authority and copies thereof shall be furnished
4 to any interested party upon payment of reasonable charges to
5 reimburse the authority for its expenses in providing such
6 copies. The award shall be made to the responsible and
7 competent bidder or bidders who shall offer to undertake the
8 improvements at the lowest costs to the authority and such
9 bidder or bidders shall be required to file bond for the full
10 and faithful performance of such work and the execution of any
11 such contract in such amount as the authority shall determine,
12 and in all other respects the letting of such construction
13 contracts shall comply with applicable provisions of the
14 general laws relating to the letting of public contracts. All
15 purchases or expenditures of supplies, materials, and
16 equipment in excess of \$10,000 shall be made from the best of
17 bids which are timely submitted. Nothing in this section
18 shall be deemed to prevent the authority from hiring or
19 retaining such engineers, attorneys, financial experts, or
20 other technicians as it shall determine, in its discretion, or
21 from undertaking any construction work with its own resources,
22 without any such public advertisement.

23 Section 16. CONVEYANCE OF PROPERTY WITHOUT
24 CONSIDERATION.--Any municipality, political subdivision,
25 agency, or authority shall be authorized to sell, lease,
26 grant, or convey any real or personal property to the
27 authority and any such sale, grant, lease, or conveyance may
28 be made without formal consideration.

29 Section 17. PRIVILEGES, IMMUNITIES, AND
30 EXEMPTIONS.--The authority shall have all privileges,
31 immunities, and exemptions accorded political subdivisions of

1 this state under the provisions of the constitution and laws
2 of the state. Neither the members of the authority nor any
3 person executing any contract or obligation on its behalf
4 shall be personally liable or accountable thereon or by reason
5 thereof.

6 Section 18. EXEMPTION FROM SPECIAL ASSESSMENTS.--The
7 accomplishment of the authorized purposes of the authority
8 created hereunder is, shall, and will be in all respects for
9 the benefit of the people of the state for the increase of
10 their commerce and prosperity and for the improvement of their
11 health and living conditions. Since the authority will
12 perform essential governmental functions in accomplishing such
13 purpose, the authority shall not be required to pay any taxes
14 or assessments of any kind or nature whatsoever upon any
15 property acquired or used by it for such purposes or upon any
16 revenues at any time received by it.

17 Section 19. TAX DELINQUENCY, PENALTIES, AND
18 ENFORCEMENT OF TAXES.--All taxes provided for in this act
19 shall be and become delinquent and bear penalties on the
20 amount of said taxes in the same manner as county taxes. Said
21 tax shall be a lien until paid on the property against which
22 assessed and enforceable in like manner as county taxes. The
23 collection and enforcement of all taxes levied by the
24 authority shall be at the same time and in like manner as
25 county taxes and the provisions of the Florida Statutes
26 relating to the sale of lands for unpaid and delinquent county
27 taxes, the issuance, sale, and delivery of tax certificates
28 for such unpaid and delinquent county taxes, the redemption
29 thereof, the issuance to individuals of tax deeds based
30 thereon, and all other procedures connected therewith, shall
31 be applicable to the authority and the delinquent and unpaid

1 taxes of the district to the same extent as if said statutory
2 provisions were expressly set forth in this act. All taxes
3 shall be subject to the same discounts as county taxes.

4 Section 20. LIENS.--All taxes provided for in this
5 act, together with all penalties for default in payment of the
6 same and all costs in collecting the same, shall, from the
7 date of assessment thereof until paid, constitute a lien of
8 equal dignity with the liens for county taxes, and other taxes
9 of equal dignity with county taxes, upon all the lands against
10 which such assessments shall be levied, assessed, and
11 collected.

12 Section 21. AUTHORITY DECISIONS REQUIRING MAJORITY
13 VOTE.--Notwithstanding any other provisions of this act,
14 decisions of the authority dealing with the following matters
15 may only be made if approved by at least three voting members
16 of the authority:

17 (1) Changes to toll structure.

18 (2) Entering into financing arrangements involving a
19 pledge of assets, toll revenues, or any ad valorem tax
20 revenues.

21 (3) Utilization of eminent domain provisions.

22 (4) Approval of a plan to hold an ad valorem taxing
23 authorization referendum.

24 (5) Approval of any plan to seek legislative changes
25 to this act.

26 Section 22. INTERLOCAL COOPERATION.--For purposes of
27 implementing the powers and authority of the authority and
28 assuring adequate funding for the construction, maintenance,
29 and operation of infrastructure, and to ensure the security
30 for any bonds issued by the authority remains unimpaired, said
31 authority is empowered to enter into interlocal agreements

1 pursuant to chapter 163, Florida Statutes, to exercise jointly
2 with any other public agency of the state or Federal
3 Government any power, privilege, or authority which such
4 agencies or the district might exercise jointly.

5 Section 23. PROPERTY APPRAISER, TAX COLLECTOR, FEES,
6 OR COMMISSIONS.--The offices of the Lee County or Charlotte
7 County Property Appraiser and Tax Collector shall be entitled
8 to applicable fees and costs for the levy and collection of ad
9 valorem taxes and non-ad valorem assessments pursuant to ss.
10 197.3632 and 192.091, Florida Statutes.

11 Section 3. Chapters 96-507 and 97-319, Laws of
12 Florida, are repealed.

13 Section 4. The provisions of this act shall be
14 liberally construed to effect its purposes and shall be deemed
15 cumulative, supplemental, and alternative authority for the
16 exercise of the powers provided herein. The exercise of
17 powers provided in this law and the issuance of bonds or other
18 obligations hereunder shall be subject to the limitations or
19 provisions of any other applicable general law.

20 Section 5. If any section, sentence, clause, phrase,
21 or word of this act is for any reason held or declared to be
22 unconstitutional, inoperative, or void, such holding or
23 invalidity shall not affect the remaining portions of this
24 act, and it shall be construed to have been the legislative
25 intent to pass this act without such unconstitutional,
26 invalid, or inoperative part herein, and the remainder of this
27 act, after the exclusion of such part or parts, shall be
28 deemed and held to be valid as if such parts had not been
29 included herein.

30 Section 6. This act shall take effect upon becoming a
31 law.