

1                                   A bill to be entitled  
2           An act relating to Okaloosa County; amending  
3           ch. 90-412, Laws of Florida; changing the name  
4           of the Fort Walton Beach Area Bridge Authority  
5           to the Emerald Coast Bridge Authority; reducing  
6           the number of members of the authority from  
7           seven to five; amending the method of  
8           appointment of members of the authority;  
9           changing the date by which the authority shall  
10          prepare and submit a budget; requiring the  
11          board of county commissioners to examine the  
12          budget in good faith; providing that this act  
13          does not abrogate current obligations and  
14          liabilities; providing an effective date.

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

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

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

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

30           Section 2. Definitions.--As used in this act, the  
31 term:

1           (1) "Authority" means the Emerald Coast ~~Fort Walton~~  
2 ~~Beach Area~~ Bridge Authority created pursuant to section 1 of  
3 this act.

4           (2) "Bonds" means bonds, debentures, notes,  
5 certificates of indebtedness, mortgage certificates, or other  
6 obligations or evidences of indebtedness of any type or  
7 character.

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

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

19           (5) "System" means the bridge or bridges transversing  
20 the Santa Rosa Sound or the Choctawhatchee Bay to be  
21 constructed pursuant to this act, together with all additions,  
22 improvements, connections, extensions, approaches, streets,  
23 roads, avenues of access, and transportation facilities  
24 appurtenant to the bridge or bridges.

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

27           Section 3. Membership; terms of office; officers;  
28 quorum; meetings; removal.--

29           (1) The authority consists of five ~~seven~~ members. Not  
30 fewer than three ~~four~~ of the members must be residents of the  
31 area extending west from East Pass Bridge to the boundary line

1 between Santa Rosa County and Okaloosa County, and north to  
2 the Eglin Reservation.

3 (2) The Governor shall appoint ~~three~~ members of the  
4 authority, ~~and the Board of County Commissioners of Okaloosa~~  
5 ~~County shall appoint four members of the authority by majority~~  
6 ~~vote of the board.~~ With respect to the initial appointments  
7 to the authority, the Governor shall appoint one member to a  
8 1-year term, ~~and two members to 4-year terms, and the board of~~  
9 ~~county commissioners shall appoint~~ two members to 2-year  
10 terms, one member to a 3-year term, and one member ~~two members~~  
11 ~~to a 4-year term terms.~~ The initial appointments must be made  
12 within 3 months after the effective date of this act. Upon  
13 expiration of an initial term of office, the term of office  
14 for the successor to that office is 4 years. Each term  
15 expires on June 30 in the year of expiration of the term.

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

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

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

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

7           (6) A person who has transacted business with the  
8 authority is not eligible for appointment to the authority  
9 until 3 years after the last transaction of business with the  
10 authority. A person who has served on the authority is not  
11 eligible to transact business with the authority until 3 years  
12 after his or her last date of service on the authority. Such  
13 transactions include transactions either for oneself or as an  
14 employee of, agent for, or consultant to any other person or  
15 legal entity.

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

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

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

1 which require the disclosure of, or prohibit, conflicts of  
2 interest.

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

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

10 (1) Enter into contracts, and sue and be sued in its  
11 own name;

12 (2) Employ necessary personnel, including the  
13 appointment of an executive director, and prescribe their  
14 duties and salaries;

15 (3) Adopt a budget annually, and amend it during the  
16 fiscal year;

17 (4) Adopt rules for the regulation of its affairs and  
18 the conduct of its business and rules for the operation of the  
19 system, and enforce and administer all such rules;

20 (5) Adopt and alter an official seal;

21 (6) Maintain an office within the Emerald Coast ~~Fort~~  
22 ~~Walton Beach~~ area of Okaloosa County;

23 (7) Plan for and study the feasibility of  
24 constructing, operating, and maintaining a bridge or bridges  
25 transversing Choctawhatchee Bay or Santa Rosa Sound, or both,  
26 and access roads to such bridge or bridges, including studying  
27 the environmental and economic feasibility of such bridge or  
28 bridges and access roads, and such other transportation  
29 facilities that become part of the system;—

30 (8) Construct, operate, and maintain the system;

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1           (9) Coordinate and encourage public and private  
2 development in connection with the system;

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

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

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

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

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

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

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

30           (17) Employ or contract for technical experts,  
31 consultants, or other staff considered necessary and determine

1 their qualifications, duties, and compensation, and appoint  
2 any advisory committee considered necessary;

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

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

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

11 (21)~~(20)~~ Do all acts necessary in order to carry out  
12 the purposes of this act.

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

15 Section 6. Budget.--

16 (1) By December 1, 2001 ~~1990~~, the authority shall  
17 prepare an annual budget for the fiscal year, pursuant to  
18 subsection (2), and shall submit by that date such budget to  
19 the Board of County Commissioners of Okaloosa County for  
20 approval as provided in subsection (2). A public hearing must  
21 be held on such budget prior to its submission to the board of  
22 county commissioners. For all fiscal years thereafter, the  
23 procedure and time limits in subsection (2) apply.

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

29 (b) The authority, in each fiscal year, shall prepare  
30 an annual budget for operating revenue accounts and operating  
31 expense accounts and such other accounts as the board of

1 county commissioners prescribes, for its operations in the  
 2 ensuing fiscal year and, on or before the first day of June of  
 3 each year, the chairman of the authority shall submit such  
 4 budget to the board of county commissioners. The fiscal year  
 5 for the authority is concurrent with the fiscal year of  
 6 Okaloosa County. At the time the authority prepares its  
 7 annual budget, it shall adopt a resolution determining and  
 8 finding the estimated amounts to be expended by the authority  
 9 in the ensuing year, exclusive of any bonds or other  
 10 obligations of the authority, for acquiring, establishing,  
 11 constructing, enlarging, operating, and maintaining the  
 12 system, or for any other corporate purpose of the authority. A  
 13 certified copy of the resolution must be submitted to the  
 14 board of county commissioners at the same time that it submits  
 15 its annual budget.

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

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

27 (e) All anticipated revenues to be derived from the  
 28 operation of the system must be included in the budget of the  
 29 authority. However, any moneys, including funds in the  
 30 authority's budget for the preceding fiscal year, which remain  
 31 unexpended from the revenue derived under the budget for the



1 preceding fiscal year may, by resolution duly adopted by the  
2 authority and approved by the board of county commissioners,  
3 be set aside in a separate fund, to be known and described as  
4 a "renewal and replacement fund," and accumulated in that fund  
5 from year to year for the purposes of purchasing real property  
6 and tangible personal property and building and constructing  
7 permanent improvements, replacements, alterations, buildings,  
8 and other structures; and such funds may be disbursed from  
9 time to time out of the renewal and replacement fund, upon  
10 proper resolution of the authority and approval by the board  
11 of county commissioners, and solely for the payment of the  
12 cost of purchasing real property and tangible personal  
13 property and building and constructing permanent improvements,  
14 replacements, alterations, buildings, and other structures.

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

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

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

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

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