

By Senator Clary

7-1317-01

See HB

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 an effective
13 date.

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

16
17 Section 1. Section 1 of chapter 90-412, Laws of
18 Florida, is amended to read:

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

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

28 Section 2. Definitions.--As used in this act, the
29 term:

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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 engineer for the district of the
17 Department of Transportation in which Okaloosa County is
18 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 authority has all power and
6 authority necessary, convenient, or desirable to accomplish
7 the purposes of this act, including, without limitation, the
8 power to:

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

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

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

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

19 (5) Adopt and alter an official seal;

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

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

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

30 (9) Coordinate and encourage public and private
31 development in connection with the system;

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

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

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

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

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

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

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

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

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

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

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

9 ~~(21)~~~~(20)~~ Do all acts necessary in order to carry out
10 the purposes of this act.

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

13 Section 6. Budget.--

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

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

27 (b) The authority, in each fiscal year, shall prepare
28 an annual budget for operating revenue accounts and operating
29 expense accounts and such other accounts as the board of
30 county commissioners prescribes, for its operations in the
31 ensuing fiscal year and, on or before the first day of June of

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

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

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

25 (e) All anticipated revenues to be derived from the
26 operation of the system must be included in the budget of the
27 authority. However, any moneys, including funds in the
28 authority's budget for the preceding fiscal year, which remain
29 unexpended from the revenue derived under the budget for the
30 preceding fiscal year may, by resolution duly adopted by the
31 authority and approved by the board of county commissioners,

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

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

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

20 Section 6. This act shall take effect upon becoming a
21 law.

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