



FLORIDA ADVANCE LEGISLATIVE SERVICE



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FLORIDA 1996 REGULAR SESSION

CHAPTER 96-507

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1979

*1996 Fl. ALS 507; 1996 Fla. Laws ch. 507; 1996 Fla. HB 1979*

**BILL TRACKING SUMMARY FOR THIS DOCUMENT**

**SYNOPSIS:** An act relating to Lee and Charlotte Counties; creating the Gasparilla Island Bridge Authority, a special taxing district; providing district boundaries; prescribing the purposes, powers, privileges, duties, liability, and officials; providing applicability of the provisions of ch. 189, F.S., to said district; providing definitions; providing for the appointment of the first governing board and the election and appointment of its future members; defining terms of office; prescribing duties, powers, and qualifications, and fixing compensation; providing for the setting of bridge toll rates by the district; providing for the levy of ad valorem taxes upon the lands in said district under certain circumstances and for the collection and enforcement thereof; providing the authority for the district to issue bonds and the authority to pledge revenues for the repayment of those bonds; providing the power of eminent domain; providing provisions with respect to the tax exemption of bonds, tax delinquency enforcement and liens relating thereto; specifying authority decisions requiring a majority vote; providing for interlocal cooperation; providing for fees or costs for the offices of the county property appraisers and tax collectors; providing for severability; providing an effective date.

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

Section 1. **LEGISLATIVE FINDINGS.** -- It is declared as a matter of legislative determination that the residents of Gasparilla Island and its neighboring islands have a vital interest in the operation and the continued maintenance and improvement of the bridge and causeway linking the islands to the mainland. The bridge and causeway was constructed in 1952 by a private company. That company and its successors have operated the bridge and collected tolls since 1952 under a 50-year lease from the state which expires in May, 2002. The residents of Gasparilla Island are the primary users of the bridge and pay the majority of tolls collected for its continued maintenance. It is the intent of the Legislature to create an independent special authority on Gasparilla Island and surrounding islands, in both Lee and Charlotte Counties, with overall responsibility for the ownership, operation, maintenance, repair and reconstruction of the bridge and causeway connecting Gasparilla Island with the mainland in Charlotte County, thereby creating an organization to permit the continuing responsibility on the part of the residents of Gasparilla Island and surrounding islands for the op-

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

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

Parcel I:

That real property described in the Final Judgment entered in Condemnation Suit, Case #1048 entitled Florida Bridge Company, Plaintiff, -vs- Sunset Realty Corporation, Defendant, Circuit Court, Charlotte County, Florida, said judgment being dated June 18, 1958, recorded June 13, 1958, in O.R. Book 39 at Page 178, et. seq., of the Public Records of Charlotte County, Florida, which property is more particularly described as follows: A parcel containing 3.4937 acres of land, lying and being in Charlotte County, Florida, lying 15' on either side of the following described centerline: Commencing at the intersection of Sections 26, 27, 34 and 35, Township 42 South, Range 20 East; thence North 89 degrees 47'36" West, 292.84 feet; thence North 22 degrees 39'51" West 147.19 feet; thence North 16 degrees 28'24" East, 1,105.2 feet to the South end of the South relief bridge as constructed by the Florida Bridge Corp. under its franchise, to point of beginning; thence from said point of beginning South 16 degrees 28'24" West 286.85 feet to a point of curvature; thence Southeasterly along a curve whose radius is 2,864.79 feet, an arc distance of 1,956.88 feet to a point; thence South 21 degrees 56'21" East 800 feet to the center of the County road pavement as exists at present, crossing the 30' R/W line of said County road 157.6 feet North of the point as established in the center of said County road, all lying and being in Sections 26, 27, 34 and 35, Township 42 South, Range 20 East, Charlotte County, Florida.

Parcel II:

The following described lands (herein Parcels A, B, C and D, respectively) situated in Charlotte County, Florida:

Parcel A. Those lands described in instrument dated November 26, 1954, between Boca Grande Inn, Inc., a Florida corporation, and Florida Bridge Company, a Florida corporation, recorded April 11, 1958 in O.R. Book 36, Page 211 et. seq. of the Public Records of Charlotte County, Florida, more particularly described as follows:

A strip or parcel of land in Section 12, Township 42 South, Range 20 East, which strip or parcel is 33 feet on each side of, as measured at right angles to, the following described center line:

From the intersection of the centerline of the Seaboard Air Line Railroad (Charlotte Harbor and Northern Railroad) with the center line of Florida State Road No. 775 in said Section 12, run North 59 degrees 01'06" West, (being the same line as shown as having a bearing of North 58 degrees 59' West on the right-of-way map of said State Road) along the center line of said State Road No. 775 for 1,260 feet to a point of curve of a curve to the right; thence continue along the tangent of said curve for 111.93 feet to a point; thence run South 01 degrees 00'54" West for 55.64 feet to a point on the South right-of-way line of State Road No. 775 and the point of beginning of the center line of the lands hereby conveyed; from said point of beginning continue South 01 degrees 00'54" West for 1,049.49 feet to the point of curve of a curve to the right having a radius of 2,864.79 feet; thence run Southerly to Southwesterly along the arc of said curve for 420 feet, more or less, to the mean high water mark of Gasparilla Sound. All bearings hereinabove mentioned are plane coordinate bearings for the Florida West Zone.

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

**CAUSEWAY RIGHT-OF-WAY** Lands for highway right-of-way purposes across the submerged bottoms of Gasparilla Sound from the mean high water mark of said Sound on the mainland at the town of Placida to the mean high water mark on Gasparilla Island, said lands being 300 feet wide on each side of, as measured at right angles to, a center line, more particularly described as follows:

Commence at the intersection of the center line of the S.A.L. R.R. and the center line of S.R. No. 775 in Section 12, Township 42 South, Range 20 East, Charlotte County, Florida. Thence North 59 degrees 01'06" West along the

center of said S.R. No. 775 1,260 feet to the P.C. of a curve to the right; Thence continue along the tangent to said curve 111.93 feet to a point; Thence South 01 degrees 01'09" West 900 feet, more or less, to the mean high water mark of Gasparilla Sound, said point being the point of beginning of the easement herein granted; From P.O.B. continue South 01 degrees 01'09" West 593.95 feet to a point in Gasparilla Sound, said point being 930 feet from, as measured at right angles to, the center line of said S.A.L. R.R.; Thence South 16 degrees 28'24" West parallel to and 930 feet from said center line 8,743 feet to the mean high water mark of Gasparilla Sound on Gasparilla Island, said high water mark being the terminus of this center line. AND An area on the Northwesterly side of the causeway center line beginning 100 feet off shore from the Placida side of Gasparilla Sound and extending Southwesterly parallel to the center line of said causeway for a distance of 4,000 feet. The Northwesterly limits of said area shall be not more than 1,500 feet from said center line and the Southeasterly limits shall be not less than 1,000 feet from said causeway center line. AND An area on the Southeasterly side of the causeway center line beginning 100 feet off shore from the Placida side of Gasparilla Sound and extending Southwesterly parallel with center line of causeway for a distance of 9,000 feet. The Southeasterly limits of said area shall be not more than 600 feet from said center line and the Northwesterly limits shall be the right-of-way for causeway. LESS AND EXCEPT FROM PARCEL B THE FOLLOWING:

The lands conveyed by Robert L. King and Carroll C. Cozart, as personal representative of the estate of Robert T. Cozart, deceased, to Gasparilla Pass, Inc. by deed dated July 16, 1981, recorded July 16, 1981 in O.R. Book 672 at Page 1045 et. seq. of the Public Records of Charlotte County, Florida, more particularly described as follows:

A tract of parcel of land lying in Section 26, Township 42 South, Range 20 East, Charlotte County, Florida which tract or parcel is described as follows:

From the Southwest corner of said Section 26 on Gasparilla Island as shown on the plat of Gulf Shores North recorded in Plat Book 13 beginning at Page 9A, Charlotte County Records run North 89 degrees 45'15" West along the South line of Section 27 as shown on said plat for 82.13 feet to an intersection with the centerline of Gasparilla Road (50 feet wide); thence run Northerly along said centerline as shown on said plat along the arc of a curve to the right of radius 2,864.79 feet (chord bearing North 05 degrees 14'34" East) for 1,123.99 feet to a point of tangency; thence continue along said centerline North 16 degrees 28'45" East, parallel with and 930 feet Westerly from (as measured on a perpendicular) the centerline of the Seaboard Coast Line Railroad, for 527.77 feet to the Northerly end of the South Relief Bridge on the Boca Grande Causeway; thence continue North 16 degrees 28'45" East along said centerline as described in instruments recorded in Official Records Book 1 at Page 145, Official Records Book 7 at Page 177, and Official Records Book 479 at Page 817 of said public records for 2,549.58 feet to the southerly end of the Center Relief Bridge and the Point of Beginning of lands described in said instrument recorded in Official Record Book 479 at Page 817 and the Point of Beginning of the herein described parcel. From said Point of Beginning run South 73 degrees 31'15" East for 37 feet more or less to the approximate mean high tide line of Charlotte Harbor; thence run Southeasterly, Southerly, Southwesterly, Southerly, Southeasterly, Southerly, Southwesterly, Southerly, Southeasterly, Southerly, Southwesterly, Southerly, Southeasterly, Southerly, Southwesterly and Westerly along said approximate mean high tide line for 3,000 feet more or less to a concrete seawall on the easterly line of the Florida Bridge Company right-of-way (120 feet wide); thence run Southerly and Southwesterly along said seawall to an intersection with an easterly prolongation of the Northerly end of said South Relief Bridge; thence run North 73 degrees 31'15" West along said prolongation, said North line and a Westerly prolongation of said North line for 85 feet more or less to the approximate mean high tide line of Gasparilla Pass; thence run along said approximate mean high tide line Northwesterly, Northerly, Northeasterly and Northerly for 2,650 feet more or less to an intersection with the Westerly prolongation of said South line of said Center Relief Bridge; thence run South 73 degrees 31'15" East along said prolongation and said South line for 45 feet more or less to the Point of Beginning. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. ALSO LESS AND EXCEPT FROM PARCEL B THE FOLLOWING:

The lands conveyed to A. E. Blackburn and his wife, Mary M. Blackburn, Robert S. Maynard and Mildred M. Maynard and Samuel Schuckman and Lucile Schuckman by deeds recorded in O.R. Book 13, Page 360, O.R. Book 42, Page 502 and O.R. Book 43, Page 353 of the Public Records of Charlotte County, Florida:

From the meander corner between Sections 22 and 27, Township 42 South, Range 20 East, on Little Gasparilla Island, as established in 1908 by Charles M. Pidgeon, run East 618 feet to a point for point of beginning. Thence as follows:

North 3 degrees 30' East, 420 feet, North 42 degrees 00' East, 290 feet, North 70 degrees 30' East, 660 feet, South 62 degrees 00' East, 930 feet, South 45 degrees 30' East, 380 feet, South 66 degrees 30' East, 660 feet, South 5 degrees

00' East, 515 feet, South 76 degrees 00' West, 575 feet, South 62 degrees 00' West, 910 feet, North 76 degrees 30' West, 1180 feet, North 4 degrees 30' West, 935 feet, to a Point of Beginning containing 82.20 acres more or less; ALSO LESS AND EXCEPT FROM PARCEL B THE FOLLOWING:

A portion of the lands described in warranty deed from Bert L. Cole and Helen Cole, husband and wife, to Brunswick Corporation dated January 2, 1973, recorded January 2, 1973 in O.R. Book 407, Page 766 and fee simple deed dated September 1, 1972 in O.R. Book 401, Page 882 of the Public Records of Charlotte County, Florida, more particularly described as follows:

Commence at the N.W. corner of Section 12, Township 42 South, Range 20 East, Charlotte County, Florida; thence South 0 degrees 11'00" West along the West line of said Section 12, 2,073.74' to a point on the Southeasterly right-of-way (100' right-of-way) of State Road No. 775; thence South 48 degrees 03'00" East along said right-of-way 941.68' for a point of beginning; thence continue South 48 degrees 03'00" East, 209.58' to the Point of Curvature of a curve to the left, said curve having a central angle of 10 degrees 56'00" and a radius of 1,960.08'; thence along the arc of said curve a distance of 374.09' to the Point of Tangency; thence South 0 degrees 11'00" West, 979.29' thence North 80 degrees 34'09" West, 948.20'; thence North 0 degrees 41'48" West, 699.41'; thence North 45 degrees 16'45" East, 690.82' to the Point of Beginning. Less all that part of the above described lands lying East of the West boundary of the right-of-way of the Boca Grande Causeway. All lying and being in Section 12, Township 42 South, Range 20 East, Charlotte County, Florida. ALSO LESS AND EXCEPT FROM PARCEL B THE FOLLOWING:

A portion of the lands described in warranty deeds from Placida Sound Corporation to James O. Dixon, Jay D. Moser and Janice D. Parrish dated January 19, 1979, recorded January 22, 1979, in O.R. Book 593, Page 1713 and deeds recorded in O.R. Book 671, Page 1915 and O.R. Book 671, Page 1914, Public Records of Charlotte County, Florida, more particularly described as follows:

Commence at the Northwest corner of Section 12, Township 42 South, Range 20 East, Charlotte County, Florida; thence South 0 degrees 11'00" West, along West boundary of said Section 12, 2,952.87 feet; thence South 41 degrees 59'07" East 317.87 feet; thence South 0 degrees 41'48" East, 699.41 feet for a P.O.B.; thence continue South 0 degrees 41'48" East, 602.98 feet; thence South 76 degrees 03'07" East 730.00 feet to a point on the Westerly R/W of Boca Grande Causeway (66' R/W) thence Northerly along said R/W 651.18 feet to a point that bears North 8 degrees 14'06" East from the previous course; thence North 80 degrees 34'09" West 820.17 feet to the Point of Beginning. All lying and being in Section 12, Township 42 South, Range 20 East, Charlotte County, Florida.

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

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

From the meander corner between Sections 22 and 27, Township 42 South, Range 20 East, on Little Gasparilla Island, as established in 1908 by Charles M. Pidgeon, run East 618 feet to a point for point of beginning, Thence as follows:

North 3 degrees 30' East, 420 feet, North 42 degrees 00' East, 290 feet, North 70 degrees 30' East, 660 feet, South 62 degrees 00' East, 930 feet, South 45 degrees 30' East, 380 feet, South 66 degrees 30' East, 660 feet, South 5 degrees 00' East, 515 feet, South 76 degrees 00' West, 575 feet, South 62 degrees 00' West, 910 feet, North 76 degrees 30' West, 1,180 feet, North 4 degrees 30' West, 935 feet, to Point of Beginning containing 82.20 acres more or less;

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

A strip of land across Cole Island, extending from the Northerly to the Southerly end thereof and being 120 feet in width (60 feet on each side of the center line of Florida Bridge Company causeway), such center line of said easement being parallel to and 930 feet Westerly from the center line of the Seaboard Airline Railroad Company track.

### Section 3. PURPOSES. --

(1) The authority is created for the purpose of acquiring, constructing, reconstructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having

complete authority, with respect to the Gasparilla Island bridge and causeway within the territorial limits of Charlotte County, and areas adjacent thereto. It is further the purpose of this act to repose in the authority all powers with respect to operating, maintaining, repairing and improving the bridge and causeway, including the power to set bridge toll rates and collect bridge tolls, and such other additional powers as are hereafter designated by this act.

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

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

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

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

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

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

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

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

(6) "Cost" as applied to the acquisition, construction, extensions, additions, or improvements to the bridge and causeway or to the establishment of the authority includes the cost of: construction or reconstruction; acquisition or purchase of real or personal property; expenses relating to the issuance of bonds; indemnity or surety bonds; premiums for insurance on real or personal property; expenses related to the establishment of the authority; labor, materials, machinery, supplies and equipment; any interest in land including all property rights, easements and franchises of any nature; finance charges; interest payments; payments for the creation of initial reserve or debt service reserve funds; bond discount; architectural and engineering services; financial and banking services; legal and accounting services; all other expenses necessary or incidental for determining the feasibility of construction, reconstruction, or acquisition; all other expenses necessary or incidental to any financing authorized herein; reimbursement of any other person, firm or corporation for any moneys or services advanced to the authority in connection with any of the foregoing items of cost.

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

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

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

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

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

(12) "Bridge and causeway system" means and includes all bridges, causeways, roadways, toll facilities, or property and additions, extensions, and improvements thereto at any future time constructed and acquired as part thereof, useful or necessary or having the present capacity for future use in connection with maintaining a bridge and roadway across Gasparilla Pass in Charlotte County.

## Section 5. GOVERNING BODY. --

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

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

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

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

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

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

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

(4) The authority is authorized to conduct its elections independently or through the Lee County or Charlotte County supervisor of elections. Should the authority elect to conduct its own elections, it shall make its election procedures consistent with the Florida Election Code, chapters 97 through 106, Florida Statutes, 1993, for the following:

- (a) Qualifying periods, in accordance with section 99.061, Florida Statutes;
- (b) Petition format, in accordance with rules adopted by the Florida Division of Elections;
- (c) Canvassing of returns, in accordance with sections 101.5614 and 102.151, Florida Statutes;
- (d) Noticing special district elections, in accordance with Chapter 100, Florida Statutes;
- (e) Polling hours, in accordance with section 100.011, Florida Statutes.

(5) Upon the occasion of a vacancy for any reason in the term of office of a voting member of the governing body of the authority, a successor shall be appointed by the Governor. Any person appointed to fill a vacancy shall be appointed to serve for the balance of the unexpired term or until the next election at which a successor may be duly elected to fill the balance of the unexpired term.

(6) Upon the occasion of a vacancy for any reason in the term of office of an ex-officio nonvoting member, a successor shall be appointed by a majority of the voting members of the governing body of the authority.

(7) The Board of Supervisors shall elect a chairman and vice chairman from members of the authority, each of whom shall serve for 1 year or until his successor is chosen. The chairman, or the vice chairman in the chairman's absence, shall preside at all meetings of the authority and shall perform such additional duties as prescribed by the members or contained in the bylaws of the authority. The authority shall hold regular meetings at least quarterly at such

times and places as it may designate and may hold more frequent special meetings. Three voting members constitute a quorum for the purpose of meeting and transacting business. Each voting member of the authority shall have one vote. The authority may adopt bylaws and may make all policies, procedures, rules, and regulations not inconsistent with this act which it may deem necessary respecting the conduct of its affairs. Such policies, procedures, rules, and regulations shall provide for notice of all public meetings in conformity with the requirements of section 189.417, Florida Statutes, and shall provide that an agenda shall be prepared by the authority in time to ensure that a copy of the agenda will be available at least 3 days prior to any regular meeting of the authority. After the agenda has been made available, items may be added for good cause, as determined by the chairman or person designated to preside at the meeting. The reason for adding an item to the agenda shall be stated in the record. Special or emergency meetings may be called by the chairman upon no less than 48 hours' notice. The authority shall publish and thereafter codify and index all rules, regulations, and resolutions formulated, adopted, or used by the authority in the discharge of its functions. Such rules, regulations, and resolutions shall be made available for public inspection and copying, at no more than cost. The authority shall not be deemed to be an agency within the meaning of chapter 120, Florida Statutes. The authority shall be deemed to be an agency within the meaning of chapter 119, Florida Statutes, and all records of the authority shall be open to the public. The authority shall be deemed an agency or authority of the county for purposes of section 286.011, Florida Statutes, the "Government in the Sunshine" law. Voting members of the board of supervisors shall be deemed to be local officers for the purposes of section 112.3145(3), Florida Statutes, requiring disclosure of their financial interests. These statements of financial interests shall be filed with the Lee County Supervisor of Elections and available for public inspection. In addition to the foregoing, the authority shall comply with the requirements of section 189.417, Florida Statutes, regarding notice of meetings which shall be deemed to supersede any inconsistent provisions of this section in the event of conflict.

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

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

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

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

(1) To construct, install, erect, acquire, operate, maintain, improve, extend, enlarge, or reconstruct a bridge, causeway and road system within the jurisdictional boundaries of the authority and the environs thereof and to have the exclusive control and jurisdiction thereof, to borrow money and issue bonds to pay all or part of the cost of such construction, reconstruction, erection, acquisition, or installation of such bridge, causeway or road system or to refund any indebtedness of the authority. All capital improvements shall be consistent with the comprehensive plan of the applicable local government within the meaning of part II of chapter 163, Florida Statutes.

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

(3) To fix, modify, charge and collect toll rates and user fees from persons for the use of the bridge and causeway system at such levels as the authority deems appropriate regardless of the costs associated with the bridge and causeway system; provided, however, in no event shall tolls for automobiles exceed \$ 5.00 per roundtrip for a period of 10 years after the effective date of this special act. The authority shall be subject to the provisions of section 338.165, Florida Statutes, authorizing the continuation of tolls except that the authority may use any remaining toll revenue after payments for debt service and the annual cost of operation, maintenance, and improvement of the bridge and causeway only for the purposes enumerated in this act. The authority may only impose this toll after submitting the maximum toll authorized under this subsection and the maximum ad valorem taxes authorized under subsection (13) to a single vote of the electors.

(4) To acquire in the name of the authority by purchase or gift such lands and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property as it may deem necessary in connection

with the construction, reconstruction, improvement, extension, installation, erection, or operation and maintenance of the bridge, causeway and road system and to hold and dispose of all real and personal property under its control.

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

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

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

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

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

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

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

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

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

(a) Following a referendum in which a majority of the electors of the district voting in the election approve of the levy of the maximum ad valorem tax authorized under this subsection and the maximum toll authorized under subsection (3).

(b) The authority determines that the bridge tolls being collected may be insufficient to repair, replace, or maintain the bridge and causeway. The authority may conduct a special election, if necessary, in order to seek voter approval of the ad valorem tax levy and tolls.

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

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

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

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

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



(19) To exercise the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, Florida Statutes, over any property within the boundaries of the authority, except municipal, county, state, federal or other public property for the uses and purposes of the authority relating to the implementation of its powers as described herein; provided such right shall only be exercised over lands contiguous to or adjacent to the lands described as Parcel I or Parcel II in section 2 or such other lands that might be needed for the replacement or reconstruction of the bridge and causeway system.

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

(21) Notwithstanding any other provisions of this act, the proceeds of the tolls and ad valorem taxes may only be used for operation, maintenance, replacement, and debt service of the bridge and causeway.

#### Section 7. BONDS. --

(1) The authority may, from time to time, issue bonds to pay the costs and expenses, other than operating expenses, incurred in carrying out the purposes of this act or to refund revenue bonds of the authority issued pursuant to this act. In anticipation of the sale of such bonds, the authority may issue bond anticipation notes and may renew the same from time to time. Such notes may be paid from the revenues derived by the authority from the proceeds of sale of the bonds of the authority in anticipation of which they were issued or from such other source as shall be determined by the authority. The notes shall be issued in the same manner as the bonds. Bonds and notes shall be, and shall be deemed to be, for all purposes, negotiable instruments, subject only to the provisions of the bonds and notes for registration.

(2) The bonds may be issued as serial bonds or as term bonds or the authority, in its discretion, may issue bonds of both types. The authority may issue capital appreciation bonds or variable rate bonds. The bonds shall be authorized by resolution of the authority and shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denomination, be in such form, carry such registration privileges, be executed in such manner, be payable from such sources and in such medium or payment and at such place or places, and be subject to such terms of redemption, including redemption prior to maturity, as such resolution or resolutions may provide. If any officer whose signature, or a facsimile of whose signature, appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until the delivery. The bonds or notes may be sold at public or private sale for such price or prices as the authority shall determine. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds. The bonds may be secured by such form of credit enhancement, if any, as the authority deems appropriate. The bonds may be secured by an indenture of trust or trust agreement.

(3) The bonds may be validated, at the direction of the authority, pursuant to chapter 75, Florida Statutes.

Section 75.04(2), Florida Statutes, shall not apply to a complaint for validation brought by the authority.

Section 8. PLEDGE OF REVENUES. -- The proceeds of all bonds or other obligations issued under this law and all revenues derived from other operation of the system which have been pledged for the payment of any bonds or other obligations authorized by this law shall be applied only in accordance with the proceedings authorizing the issuance of any such bonds or other obligations. The authority may provide that the moneys or the funds and accounts established by the proceedings authorizing issuance of any revenue bonds shall be subject to the lien of the pledge established by the proceedings without any physical delivery thereof and the lien of the pledge shall be valid and binding as against all parties bringing claims of any kind in tort, contract, or otherwise against the authority.

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

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

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

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

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

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

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

(7) All such provisions of the resolution shall constitute valid and legally binding contracts between the authority and several holders of any such bonds and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit, or proceeding in law or in equity in any court of competent jurisdiction.

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

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

Section 12. BUDGET; REPORTS AND REVIEW. --

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

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

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

Section 13. AUTHORITY BONDS AS INVESTMENTS FOR PUBLIC BODIES. -- All bonds issued pursuant to this act shall be and constitute legal investments for state, county, municipal, and all other public funds and for banks, savings banks, insurance companies, executors, administrators, trustees, and all other fiduciaries and shall also be and constitute securities eligible as collateral security for all state, county, municipal, or other public funds, subject to the restrictions and limitations of chapters 18, 136, 237, 518, 655, 657, 658, and 660 through 665, Florida Statutes.

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

Section 15. **CONTRACTS FOR CONSTRUCTION OF IMPROVEMENTS; SEALED BIDS.** -- All contracts let, awarded, or entered into by the authority for the construction, reconstruction, or improvements to the system or any part thereof, if the amount thereof shall exceed \$ 20,000, except for emergency repairs, shall be awarded only after public advertisement and call for sealed bids therefor, in a newspaper published and circulated in Lee and Charlotte Counties, such advertisement to be published at least once at least 3 weeks before the date set for the receipt of such bids. Such advertisements for bids, in addition to the other necessary and pertinent matters, shall state in general terms, the nature and description of the improvement or improvements to be undertaken and shall state that detailed plans and specifications for such work are on file for inspection in the office of the authority and copies thereof shall be furnished to any interested party upon payment of reasonable charges to reimburse the authority for its expenses in providing such copies. The award shall be made to the responsible and competent bidder or bidders who shall offer to undertake the improvements at the lowest costs to the authority and such bidder or bidders shall be required to file bond for the full and faithful performance of such work and the execution of any such contract in such amount as the authority shall determine, and in all other respects the letting of such construction contracts shall comply with applicable provisions of the general laws relating to the letting of public contracts. All purchases or expenditures of supplies, materials, and equipment in excess of \$ 10,000 shall be made from the best of bids which are timely submitted. Nothing in this section shall be deemed to prevent the authority from hiring or retaining such engineers, attorneys, financial experts, or other technicians as it shall determine, in its discretion, or from undertaking any construction work with its own resources, without any such public advertisement.

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

Section 17. **PRIVILEGES, IMMUNITIES AND EXEMPTIONS.** -- The authority shall have all privileges, immunities, and exemptions accorded political subdivisions of this state under the provisions of the constitution and laws of the state. Neither the members of the authority nor any person executing any contract or obligation on its behalf shall be personally liable or accountable thereon or by reason thereof.

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

Section 19. **TAX DELINQUENCY, PENALTIES, AND ENFORCEMENT OF TAXES.** -- All taxes provided for in this act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes. Said tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes. The collection and enforcement of all taxes levied by the authority shall be at the same time and in like manner as county taxes and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance sale and delivery of tax certificates for such unpaid and delinquent county taxes, the redemption thereof, the issuance to individuals of tax deeds based thereon, and all other procedures connected therewith, shall be applicable to the authority and the delinquent and unpaid taxes of the district to the same extent as if said statutory provisions were expressly set forth in this act. All taxes shall be subject to the same discounts as county taxes.

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

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

- (1) Changes to toll structure.
- (2) Entering into financing arrangements involving a pledge of assets, toll revenues, or any ad valorem tax revenues.
- (3) Utilization of eminent domain provisions.

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

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

Section 22. INTERLOCAL COOPERATION. -- For purposes of implementing the powers and authority of the authority and assuring adequate funding for the construction, maintenance, and operation of infrastructure, and to ensure the security for any bonds issued by the authority remains unimpaired, said authority is empowered to enter into inter-local agreements pursuant to chapter 163, Florida Statutes, to exercise jointly with any other public agency of the state or Federal Government any power, privilege, or authority which such agencies or the district might exercise jointly.

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

Section 24. CONSTRUCTION OF LAW AND SEVERABILITY. --

(1) The provisions of this act shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental, and alternative authority for the exercise of the powers provided herein. The exercise of powers provided in this law and the issuance of bonds or other obligations hereunder shall be subject to the limitations or provisions of any other applicable general law.

(2) If any section, sentence, clause, phrase, or word of this act is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this act, and it shall be construed to have been the legislative intent to pass this act without such unconstitutional, invalid, or inoperative part herein, and the remainder of this act, after the exclusion of such part or parts, shall be deemed and held to be valid as if such parts had not been included herein.

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

**HISTORY:**

Became a law without the governor's approval: June 5, 1996

Filed in the Office of the Secretary of State: June 5, 1996

**SPONSOR:** Gay

