

By the Committee on Community Affairs and Representative  
Gay

1                                   A bill to be entitled  
2           An act relating to independent special  
3           districts; amending s. 163.01, F.S.; revising  
4           provisions which authorize a separate legal  
5           entity created to administer an interlocal  
6           agreement and controlled by counties or  
7           municipalities, or a combination thereof, to  
8           issue bonds to finance capital projects, and  
9           which provide powers and duties with respect  
10          thereto, to include such entities controlled by  
11          independent special districts or by independent  
12          special districts in combination with counties  
13          and municipalities; revising provisions which  
14          extend certain privileges, immunities,  
15          exemptions, and benefits to such entities  
16          controlled by municipalities or counties and  
17          their officers, agents, and employees, to  
18          include such entities controlled by independent  
19          special districts and their officers, agents,  
20          and employees; amending s. 348.0012, F.S.;  
21          clarifying exemptions from the Florida  
22          Expressway Authority Act; amending ss. 348.7544  
23          and 348.7545, F.S.; providing that specified  
24          projects of the Orlando-Orange County  
25          Expressway Authority may be refinanced with  
26          bonds issued by the authority; amending s.  
27          348.755, F.S.; revising provisions relating to  
28          issuance of bonds by the authority; providing  
29          that the authority may issue bonds to refund  
30          any bonds previously issued; providing an  
31          effective date.

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

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3 Section 1. Paragraph (d) of subsection (7) and  
4 paragraph (c) of subsection (9) of section 163.01, Florida  
5 Statutes, are amended to read:

6 163.01 Florida Interlocal Cooperation Act of 1969.--

7 (7)

8 (d) Notwithstanding the provisions of paragraph (c),  
9 any separate legal entity created pursuant to this section and  
10 controlled by the municipalities, ~~or~~ counties, or independent  
11 special districts of this state or by any combination of one  
12 or more municipality, and one or more county, and one or more  
13 independent special district of this state, the membership of  
14 which consists or is to consist of municipalities only,  
15 counties only, independent special districts only, or any  
16 combination of one or more municipality, and one or more  
17 county, and one or more independent special district, may, for  
18 the purpose of financing or refinancing any capital projects,  
19 exercise all powers in connection with the authorization,  
20 issuance, and sale of bonds. Notwithstanding any limitations  
21 provided in this section, all of the privileges, benefits,  
22 powers, and terms of part I of chapter 125, part II of chapter  
23 166, and part I of chapter 159 shall be fully applicable to  
24 any such entity controlled by municipalities or counties or by  
25 one or more municipalities and counties. Notwithstanding any  
26 limitations provided in this section, all of the privileges,  
27 benefits, powers, and terms of any applicable law relating to  
28 independent special districts shall be applicable to any such  
29 entity controlled by independent special districts. Bonds  
30 issued by such entity shall be deemed issued on behalf of the  
31 counties, ~~or~~ municipalities, or independent special districts

1 which enter into loan agreements with such entity as provided  
2 in this paragraph. Any loan agreement executed pursuant to a  
3 program of such entity shall be governed by the provisions of  
4 part I of chapter 159 or, in the case of counties, part I of  
5 chapter 125, or in the case of municipalities and charter  
6 counties, part II of chapter 166, or in the case of  
7 independent special districts, any other applicable law.  
8 Proceeds of bonds issued by such entity may be loaned to  
9 counties, ~~or~~ municipalities, or independent special districts,  
10 of this state or any ~~a~~ combination of municipalities, ~~and~~  
11 counties, and independent special districts, whether or not  
12 such counties, ~~or~~ municipalities, or independent special  
13 districts are also members of the entity issuing the bonds.  
14 The issuance of bonds by such entity to fund a loan program to  
15 make loans to municipalities, ~~or~~ counties, or independent  
16 special districts or any ~~a~~ combination of municipalities, ~~and~~  
17 counties, and independent special districts with one another  
18 for capital projects to be identified subsequent to the  
19 issuance of the bonds to fund such loan programs is deemed to  
20 be a paramount public purpose. Any entity so created may also  
21 issue bond anticipation notes, as provided by s. 215.431, in  
22 connection with the authorization, issuance, and sale of such  
23 bonds. In addition, the governing body of such legal entity  
24 may also authorize bonds to be issued and sold from time to  
25 time and may delegate, to such officer, official, or agent of  
26 such legal entity as the governing body of such legal entity  
27 may select, the power to determine the time; manner of sale,  
28 public or private; maturities; rate or rates of interest,  
29 which may be fixed or may vary at such time or times and in  
30 accordance with a specified formula or method of  
31 determination; and other terms and conditions as may be deemed

1 appropriate by the officer, official, or agent so designated  
2 by the governing body of such legal entity. However, the  
3 amounts and maturities of such bonds and the interest rate or  
4 rates of such bonds shall be within the limits prescribed by  
5 the governing body of such legal entity and its resolution  
6 delegating to such officer, official, or agent the power to  
7 authorize the issuance and sale of such bonds. A local  
8 government self-insurance fund established under this section  
9 may financially guarantee bonds or bond anticipation notes  
10 issued or loans made under this subsection. Bonds issued  
11 pursuant to this paragraph may be validated as provided in  
12 chapter 75. The complaint in any action to validate such  
13 bonds shall be filed only in the Circuit Court for Leon  
14 County. The notice required to be published by s. 75.06 shall  
15 be published only in Leon County, and the complaint and order  
16 of the circuit court shall be served only on the State  
17 Attorney of the Second Judicial Circuit and on the state  
18 attorney of each circuit in each county where the public  
19 agencies which were initially a party to the agreement are  
20 located. Notice of such proceedings shall be published in the  
21 manner and the time required by s. 75.06 in Leon County and in  
22 each county where the public agencies which were initially a  
23 party to the agreement are located. Obligations of any county,  
24 ~~or~~ municipality, or independent special district pursuant to a  
25 loan agreement as described in this paragraph may be validated  
26 as provided in chapter 75.

27 (9)

28 (c) All of the privileges and immunities from  
29 liability and exemptions from laws, ordinances, and rules  
30 which apply to the municipalities, ~~and~~ counties, and  
31 independent special districts of this state apply to the same

1 degree and extent to any separate legal entity, created  
2 pursuant to the provisions of this section, wholly owned by  
3 the municipalities,~~or~~ counties, or independent special  
4 districts of this state, the membership of which consists or  
5 is to consist only of municipalities,~~or~~ or  
6 independent special districts of this state, unless the  
7 interlocal agreement creating such entity provides to the  
8 contrary. All of the privileges and immunities from liability;  
9 exemptions from laws, ordinances, and rules; and pension and  
10 relief, disability, and worker's compensation, and other  
11 benefits which apply to the activity of officers, agents,  
12 employees, or employees of agents of counties,~~and~~  
13 municipalities, and independent special districts of this  
14 state which are parties to an interlocal agreement creating a  
15 separate legal entity pursuant to the provisions of this  
16 section shall apply to the same degree and extent to the  
17 officers, agents, or employees of such entity unless the  
18 interlocal agreement creating such entity provides to the  
19 contrary.

20 Section 2. Section 348.0012, Florida Statutes, is  
21 amended to read:

22 348.0012 Exemptions from applicability.--The Florida  
23 Expressway Authority Act does not apply:

24 (1) ~~To in a county in which~~ an expressway authority  
25 which has been created pursuant to parts II through IX of this  
26 chapter; or

27 (2) To a transportation authority created pursuant to  
28 chapter 349.

29 Section 3. Section 348.7544, Florida Statutes, is  
30 amended to read:

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1           348.7544 Northwest Beltway Part A, construction  
2 authorized; financing.--Notwithstanding s. 338.2275, the  
3 Orlando-Orange County Expressway Authority is hereby  
4 authorized to construct, finance, operate, own, and maintain  
5 that portion of the Western Beltway known as the Northwest  
6 Beltway Part A, extending from Florida's Turnpike near Ocoee  
7 north to U.S. 441 near Apopka, as part of the authority's  
8 20-year capital projects plan. This project may be financed  
9 with any funds available to the authority for such purpose or  
10 revenue bonds issued by the Division of Bond Finance of the  
11 State Board of Administration on behalf of the authority  
12 pursuant to s. 11, Art. VII of the State Constitution and the  
13 State Bond Act, ss. 215.57-215.83. This project may be  
14 refinanced with bonds issued by the authority pursuant to s.  
15 348.755(1)(d).

16           Section 4. Section 348.7545, Florida Statutes, is  
17 amended to read:

18           348.7545 Western Beltway Part C, construction  
19 authorized; financing.--Notwithstanding s. 338.2275, the  
20 Orlando-Orange County Expressway Authority is authorized to  
21 exercise its condemnation powers, construct, finance, operate,  
22 own, and maintain that portion of the Western Beltway known as  
23 the Western Beltway Part C, extending from Florida's Turnpike  
24 near Ocoee in Orange County southerly through Orange and  
25 Osceola Counties to an interchange with I-4 near the  
26 Osceola-Polk County line, as part of the authority's 20-year  
27 capital projects plan. This project may be financed with any  
28 funds available to the authority for such purpose or revenue  
29 bonds issued by the Division of Bond Finance of the State  
30 Board of Administration on behalf of the authority pursuant to  
31 s. 11, Art. VII of the State Constitution and the State Bond

1 Act, ss. 215.57-215.83. This project may be refinanced with  
2 bonds issued by the authority pursuant to s. 348.755(1)(d).

3 Section 5. Subsection (1) of section 348.755, Florida  
4 Statutes, is amended to read:

5 348.755 Bonds of the authority.--

6 (1)(a) Bonds may be issued on behalf of the authority  
7 pursuant to the State Bond Act.

8 (b)(a) The bonds of The authority may issue bonds  
9 issued pursuant to the provisions of this part in the  
10 principal amount as, in the opinion of the authority, is  
11 necessary to provide sufficient moneys for achieving its  
12 corporate purposes; however, such bonds shall not pledge the  
13 full faith and credit of the state. Bonds issued by the  
14 authority pursuant to this paragraph, whether on original  
15 issuance or on refunding, shall be authorized by resolution of  
16 the members thereof and may be either term or serial bonds,  
17 shall bear such date or dates, mature at such time or times,  
18 not exceeding 40 years from their respective dates, bear  
19 interest at such rate or rates, payable semiannually, be in  
20 such denominations, be in such form, either coupon or fully  
21 registered, shall carry such registration, exchangeability and  
22 interchangeability privileges, be payable in such medium of  
23 payment and at such place or places, be subject to such terms  
24 of redemption and be entitled to such priorities on the  
25 revenues, rates, fees, rentals or other charges or receipts of  
26 the authority including the Orange County gasoline tax funds  
27 received by the authority pursuant to the terms of any  
28 lease-purchase agreement between the authority and the  
29 department, as such resolution or any resolution subsequent  
30 thereto may provide. The bonds shall be executed either by  
31 manual or facsimile signature by such officers as the

1 authority shall determine, provided that such bonds shall bear  
2 at least one signature which is manually executed thereon, and  
3 the coupons attached to such bonds shall bear the facsimile  
4 signature or signatures of such officer or officers as shall  
5 be designated by the authority and shall have the seal of the  
6 authority affixed, imprinted, reproduced or lithographed  
7 thereon, all as may be prescribed in such resolution or  
8 resolutions.

9 (c)(b) Said Bonds of the authority issued pursuant to  
10 paragraph (b) shall be sold at public sale in the manner  
11 provided by the State Bond Act. However, if the authority  
12 shall, by official action at a public meeting, determine that  
13 a negotiated sale of such ~~the~~ bonds is in the best interest of  
14 the authority, the authority may negotiate for sale of such  
15 ~~the~~ bonds with the underwriter or underwriters designated by  
16 the authority and the Division of Bond Finance of the State  
17 Board of Administration. Pending the preparation of definitive  
18 bonds, interim certificates may be issued to the purchaser or  
19 purchasers of such bonds and may contain such terms and  
20 conditions as the authority may determine.

21 (d) The authority may issue bonds pursuant to  
22 paragraph (b) to refund any bonds previously issued,  
23 regardless of whether the bonds being refunded were issued by  
24 the authority or an agency of the state.

25 Section 6. This act shall take effect upon becoming a  
26 law.

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HOUSE SUMMARY

Revises provisions which authorize a separate legal entity created to administer an interlocal agreement and controlled by counties or municipalities, or a combination thereof, to issue bonds to finance capital projects, and which provide powers and duties with respect thereto, to include such entities controlled by independent special districts or by independent special districts in combination with counties and municipalities. Revises provisions which extend certain privileges, immunities, exemptions, and benefits to such entities controlled by municipalities or counties and their officers, agents, and employees, to include such entities controlled by independent special districts and their officers, agents, and employees.

Clarifies exemptions from the Florida Expressway Authority Act. Provides that specified projects of the Orlando-Orange County Expressway Authority may be refinanced with bonds issued by the authority. Revises provisions relating to issuance of bonds by the authority, and provides that the authority may issue bonds to refund any bonds previously issued.