

hbd-08

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Gay offered the following:

Amendment (with title amendment)

On page 9, between lines 21 and 22, of the bill

insert:

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

163.01 Florida Interlocal Cooperation Act of 1969.--
(7)

(d) Notwithstanding the provisions of paragraph (c), any separate legal entity created pursuant to this section and controlled by the municipalities, ~~or~~ counties, or independent special districts of this state or by any combination of one or more municipality, and one or more county, and one or more independent special district of this state, the membership of which consists or is to consist of municipalities only, counties only, independent special districts only, or any combination of one or more municipality, and one or more county, and one or more independent special district, may, for

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1 the purpose of financing or refinancing any capital projects,
2 exercise all powers in connection with the authorization,
3 issuance, and sale of bonds. Notwithstanding any limitations
4 provided in this section, all of the privileges, benefits,
5 powers, and terms of part I of chapter 125, part II of chapter
6 166, and part I of chapter 159 shall be fully applicable to
7 any such entity controlled by municipalities or counties or by
8 one or more municipalities and counties. Notwithstanding any
9 limitations provided in this section, all of the privileges,
10 benefits, powers, and terms of any applicable law relating to
11 independent special districts shall be applicable to any such
12 entity controlled by independent special districts.Bonds
13 issued by such entity shall be deemed issued on behalf of the
14 counties, or municipalities, or independent special districts
15 which enter into loan agreements with such entity as provided
16 in this paragraph. Any loan agreement executed pursuant to a
17 program of such entity shall be governed by the provisions of
18 part I of chapter 159 or, in the case of counties, part I of
19 chapter 125, or in the case of municipalities and charter
20 counties, part II of chapter 166, or in the case of
21 independent special districts, any other applicable law.
22 Proceeds of bonds issued by such entity may be loaned to
23 counties, or municipalities, or independent special districts,
24 of this state or any a combination of municipalities, and
25 counties, and independent special districts, whether or not
26 such counties, or municipalities, or independent special
27 districts are also members of the entity issuing the bonds.
28 The issuance of bonds by such entity to fund a loan program to
29 make loans to municipalities, or counties, or independent
30 special districts or any a combination of municipalities, and
31 counties, and independent special districts with one another

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1 for capital projects to be identified subsequent to the
2 issuance of the bonds to fund such loan programs is deemed to
3 be a paramount public purpose. Any entity so created may also
4 issue bond anticipation notes, as provided by s. 215.431, in
5 connection with the authorization, issuance, and sale of such
6 bonds. In addition, the governing body of such legal entity
7 may also authorize bonds to be issued and sold from time to
8 time and may delegate, to such officer, official, or agent of
9 such legal entity as the governing body of such legal entity
10 may select, the power to determine the time; manner of sale,
11 public or private; maturities; rate or rates of interest,
12 which may be fixed or may vary at such time or times and in
13 accordance with a specified formula or method of
14 determination; and other terms and conditions as may be deemed
15 appropriate by the officer, official, or agent so designated
16 by the governing body of such legal entity. However, the
17 amounts and maturities of such bonds and the interest rate or
18 rates of such bonds shall be within the limits prescribed by
19 the governing body of such legal entity and its resolution
20 delegating to such officer, official, or agent the power to
21 authorize the issuance and sale of such bonds. A local
22 government self-insurance fund established under this section
23 may financially guarantee bonds or bond anticipation notes
24 issued or loans made under this subsection. Bonds issued
25 pursuant to this paragraph may be validated as provided in
26 chapter 75. The complaint in any action to validate such
27 bonds shall be filed only in the Circuit Court for Leon
28 County. The notice required to be published by s. 75.06 shall
29 be published only in Leon County, and the complaint and order
30 of the circuit court shall be served only on the State
31 Attorney of the Second Judicial Circuit and on the state

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1 attorney of each circuit in each county where the public
2 agencies which were initially a party to the agreement are
3 located. Notice of such proceedings shall be published in the
4 manner and the time required by s. 75.06 in Leon County and in
5 each county where the public agencies which were initially a
6 party to the agreement are located. Obligations of any county,
7 or municipality, or independent special district pursuant to a
8 loan agreement as described in this paragraph may be validated
9 as provided in chapter 75.

10 (9)

11 (c) All of the privileges and immunities from
12 liability and exemptions from laws, ordinances, and rules
13 which apply to the municipalities, and counties, and
14 independent special districts of this state apply to the same
15 degree and extent to any separate legal entity, created
16 pursuant to the provisions of this section, wholly owned by
17 the municipalities, or counties, or independent special
18 districts of this state, the membership of which consists or
19 is to consist only of municipalities, or counties, or
20 independent special districts of this state, unless the
21 interlocal agreement creating such entity provides to the
22 contrary. All of the privileges and immunities from liability;
23 exemptions from laws, ordinances, and rules; and pension and
24 relief, disability, and worker's compensation, and other
25 benefits which apply to the activity of officers, agents,
26 employees, or employees of agents of counties, and
27 municipalities, and independent special districts of this
28 state which are parties to an interlocal agreement creating a
29 separate legal entity pursuant to the provisions of this
30 section shall apply to the same degree and extent to the
31 officers, agents, or employees of such entity unless the

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1 interlocal agreement creating such entity provides to the
2 contrary.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1, line 13, after the semicolon,

8

9 insert:

10 amending s. 163.01, F.S.; revising provisions
11 which authorize a separate legal entity created
12 to administer an interlocal agreement and
13 controlled by counties or municipalities, or a
14 combination thereof, to issue bonds to finance
15 capital projects, and which provide powers and
16 duties with respect thereto, to include such
17 entities controlled by independent special
18 districts or by independent special districts
19 in combination with counties and
20 municipalities; revising provisions which
21 extend certain privileges, immunities,
22 exemptions, and benefits to such entities
23 controlled by municipalities or counties and
24 their officers, agents, and employees, to
25 include such entities controlled by independent
26 special districts and their officers, agents,
27 and employees;

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