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Bill No. HB 2403, 2nd Eng.

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Gay offered the following:

Amendment to Senate Amendment (592890) (with title amendment)

On page 56, line 1, of the amendment

insert:

Section 23. 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

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

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

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

11 (9)

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

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1 officers, agents, or employees of such entity unless the
2 interlocal agreement creating such entity provides to the
3 contrary.

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

7 And the title is amended as follows:

8 On page 58, line 18, of the amendment

9

10 after the semicolon, insert:

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

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