

1 A bill to be entitled
2 An act relating to the Small County Technical
3 Assistance Program; amending s. 163.01, F.S.;
4 revising language with respect to the Florida
5 Interlocal Cooperation Act of 1969; amending s.
6 163.05, F.S.; revising legislative findings;
7 providing criteria for contracts between the
8 Commissioner of Agriculture and program
9 providers; deleting responsibilities of the
10 Comptroller and the Legislative Committee on
11 Intergovernmental Relations; authorizing the
12 Commissioner of Agriculture to award contracts
13 to provide assistance to small counties;
14 requiring the Commissioner of Agriculture to
15 provide fiscal oversight and performance
16 reviews; providing an appropriation; providing
17 an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Paragraph (g) of subsection (7) of section
22 163.01, Florida Statutes, is amended to read:

23 163.01 Florida Interlocal Cooperation Act of 1969.--
24 (7)

25 (g)1. Notwithstanding any other provisions of this
26 section, any separate legal entity created under this section,
27 the membership of which is limited to municipalities and
28 counties of the state, may acquire, own, construct, improve,
29 operate, and manage public facilities, or finance facilities
30 on behalf of any person, relating to a governmental function
31 or purpose, including, but not limited to, wastewater

1 facilities, water or alternative water supply facilities, and
2 water reuse facilities, which may serve populations within or
3 outside of the members of the entity. Notwithstanding s.
4 367.171(7), any separate legal entity created under this
5 paragraph is not subject to commission jurisdiction and may
6 not provide utility services within the service area of an
7 existing utility system unless it has received the consent of
8 the utility. The entity may finance or refinance the
9 acquisition, construction, expansion, and improvement of such
10 facilities relating to a governmental function or purpose ~~the~~
11 ~~public facility~~ through the issuance of its bonds, notes, or
12 other obligations under this section or as otherwise
13 authorized by law. The entity has all the powers provided by
14 the interlocal agreement under which it is created or which
15 are necessary to finance, own, operate, or manage the public
16 facility, including, without limitation, the power to
17 establish rates, charges, and fees for products or services
18 provided by it, the power to levy special assessments, the
19 power to sell or finance all or a portion of such its
20 facility, and the power to contract with a public or private
21 entity to manage and operate such its facilities or to provide
22 or receive facilities, services, or products. Except as may be
23 limited by the interlocal agreement under which the entity is
24 created, all of the privileges, benefits, powers, and terms of
25 s. 125.01, relating to counties, and s. 166.021, relating to
26 municipalities, are fully applicable to the entity. However,
27 neither the entity nor any of its members on behalf of the
28 entity may exercise the power of eminent domain over the
29 facilities or property of any existing water or wastewater
30 plant utility system, nor may the entity acquire title to any
31 water or wastewater plant utility facilities, other

1 facilities, or property which was acquired by the use of
2 eminent domain after the effective date of this act. Bonds,
3 notes, and other obligations issued by the entity are issued
4 on behalf of the public agencies that are members of the
5 entity.

6 2. Any entity created under this section may also
7 issue bond anticipation notes in connection with the
8 authorization, issuance, and sale of bonds. The bonds may be
9 issued as serial bonds or as term bonds or both. Any entity
10 may issue capital appreciation bonds or variable rate bonds.
11 Any bonds, notes, or other obligations must be authorized by
12 resolution of the governing body of the entity and bear the
13 date or dates; mature at the time or times, not exceeding 40
14 years from their respective dates; bear interest at the rate
15 or rates; be payable at the time or times; be in the
16 denomination; be in the form; carry the registration
17 privileges; be executed in the manner; be payable from the
18 sources and in the medium or payment and at the place; and be
19 subject to the terms of redemption, including redemption prior
20 to maturity, as the resolution may provide. If any officer
21 whose signature, or a facsimile of whose signature, appears on
22 any bonds, notes, or other obligations ceases to be an officer
23 before the delivery of the bonds, notes, or other obligations,
24 the signature or facsimile is valid and sufficient for all
25 purposes as if he or she had remained in office until the
26 delivery. The bonds, notes, or other obligations may be sold
27 at public or private sale for such price as the governing body
28 of the entity shall determine. Pending preparation of the
29 definitive bonds, the entity may issue interim certificates,
30 which shall be exchanged for the definitive bonds. The bonds
31 may be secured by a form of credit enhancement, if any, as the

1 entity deems appropriate. The bonds may be secured by an
2 indenture of trust or trust agreement. In addition, the
3 governing body of the legal entity may delegate, to an
4 officer, official, or agent of the legal entity as the
5 governing body of the legal entity may select, the power to
6 determine the time; manner of sale, public or private;
7 maturities; rate of interest, which may be fixed or may vary
8 at the time and in accordance with a specified formula or
9 method of determination; and other terms and conditions as may
10 be deemed appropriate by the officer, official, or agent so
11 designated by the governing body of the legal entity. However,
12 the amount and maturity of the bonds, notes, or other
13 obligations and the interest rate of the bonds, notes, or
14 other obligations must be within the limits prescribed by the
15 governing body of the legal entity and its resolution
16 delegating to an officer, official, or agent the power to
17 authorize the issuance and sale of the bonds, notes, or other
18 obligations.

19 3. Bonds, notes, or other obligations issued under
20 subparagraph 1. may be validated as provided in chapter 75.
21 The complaint in any action to validate the bonds, notes, or
22 other obligations must be filed only in the Circuit Court for
23 Leon County. The notice required to be published by s. 75.06
24 must be published in Leon County and in each county that is a
25 member of the entity issuing the bonds, notes, or other
26 obligations, or in which a member of the entity is located,
27 and the complaint and order of the circuit court must be
28 served only on the State Attorney of the Second Judicial
29 Circuit and on the state attorney of each circuit in each
30 county that is a member of the entity issuing the bonds,
31 notes, or other obligations or in which a member of the entity

1 is located. Section 75.04(2) does not apply to a complaint for
2 validation brought by the legal entity. The bonds of an entity
3 created pursuant to this section subsequent to the effective
4 date of this provision shall also be validated, as provided in
5 chapter 75, in the circuit court in each county in which a
6 facility financed by such bonds may be located.

7 4. The accomplishment of the authorized purposes of a
8 legal entity created under this paragraph is in all respects
9 for the benefit of the people of the state, for the increase
10 of their commerce and prosperity, and for the improvement of
11 their health and living conditions. Since the legal entity
12 will perform essential governmental functions in accomplishing
13 its purposes, the legal entity is not required to pay any
14 taxes or assessments of any kind whatsoever upon any property
15 acquired or used by it for such purposes or upon any revenues
16 at any time received by it. The bonds, notes, and other
17 obligations of an entity, their transfer and the income
18 therefrom, including any profits made on the sale thereof, are
19 at all times free from taxation of any kind by the state or by
20 any political subdivision or other agency or instrumentality
21 thereof. The exemption granted in this subparagraph is not
22 applicable to any tax imposed by chapter 220 on interest,
23 income, or profits on debt obligations owned by corporations.

24 Section 2. Paragraphs (a) and (c) of subsection (1)
25 and subsections (4), (5), (6), (7), (8), and (9) of section
26 163.05, Florida Statutes, are amended to read:

27 163.05 Small County Technical Assistance Program.--

28 (1) Among small counties, the Legislature finds that:

29 (a) The percentage of the population of small counties
30 residing in the unincorporated areas is relatively high based
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1 on the United States Decennial Census of 2000 ~~and increased~~
2 ~~substantially between 1980 and 1990.~~

3 (c) Fiscal shortfalls persist even though 12 ~~13~~ of the
4 small counties levied the maximum ad valorem millage
5 authorized in their jurisdictions in 2001 ~~1990~~ and an
6 additional 15 ~~13~~ small counties levied between 8 and 10 mills.

7 (4) The Commissioner of Agriculture ~~Comptroller~~ shall
8 enter into contracts with program providers who shall:

9 (a) Be a foundation that meets the requirements for
10 nonprofit status under s. 501(c)(3) of the Internal Revenue
11 Code with a governing board which includes in its membership
12 county commissioners and professional staff of the county
13 ~~public agency or private, nonprofit corporation, association,~~
14 ~~or entity.~~

15 (b) Have substantial and documented experience working
16 closely with county governments in providing both educational
17 and technical assistance.

18 (c) ~~(b)~~ Use existing resources, services, and
19 information that are available from state or local agencies,
20 universities, or the private sector.

21 (d) ~~(c)~~ Seek and accept funding from any public or
22 private source.

23 (d) ~~Annually submit information to assist the~~
24 ~~Legislative Committee on Intergovernmental Relations in~~
25 ~~preparing a performance review that will include an analysis~~
26 ~~of the effectiveness of the program.~~

27 (e) Assist small counties in developing alternative
28 revenue sources.

29 (f) Provide assistance to small counties in ~~the~~ areas
30 such as ~~of~~ financial management, accounting, investing,
31 purchasing, planning and budgeting, debt issuance, public

1 management, management systems, computers and information
2 technology, economic and community development, and public
3 safety management.

4 (g) Provide for an annual independent financial audit
5 of the program.

6 (h) In each county served, conduct a needs assessment
7 upon which the assistance provided for that county will be
8 designed.

9 (5)(a) The Commissioner of Agriculture ~~Comptroller~~
10 shall issue a request for proposals to provide assistance to
11 small counties. The request for proposals shall be required no
12 more frequently than every third year beginning with fiscal
13 year 2004-2005. All contracts in existence on the effective
14 date of this act between the Comptroller and any other party
15 with respect to the Small County Technical Assistance Program
16 may be accepted by the Commissioner of Agriculture as the
17 party in interest and said contracts shall remain in full
18 force and effect according to their terms. ~~At the request of~~
19 ~~the Comptroller, the Legislative Committee on~~
20 ~~Intergovernmental Relations shall assist in the preparation of~~
21 ~~the request for proposals.~~

22 (b) The Commissioner of Agriculture ~~Comptroller~~ shall
23 review each contract proposal submitted.

24 ~~(c) The Legislative Committee on Intergovernmental~~
25 ~~Relations shall review each contract proposal and submit to~~
26 ~~the Comptroller, in writing, advisory comments and~~
27 ~~recommendations, citing with specificity the reasons for its~~
28 ~~recommendations.~~

29 ~~(c)(d)~~ The Commissioner of Agriculture ~~Comptroller~~ and
30 the council shall consider the following factors in reviewing
31 contract proposals:

1 1. The demonstrated capacity of the provider to
2 conduct needs assessments and implement the program as
3 proposed.

4 2. The number of small counties to be served under the
5 proposal.

6 3. The cost of the program as specified in a proposed
7 budget.

8 4. The short-term and long-term benefits of the
9 assistance to small counties.

10 5. The form and extent to which existing resources,
11 services, and information that are available from state and
12 local agencies, universities, and the private sector will be
13 used by the provider under the contract.

14 (6) A decision of the Commissioner of Agriculture
15 ~~Comptroller~~ to award a contract under this section is final
16 and shall be in writing ~~with a copy provided to the~~
17 ~~Legislative Committee on Intergovernmental Relations.~~

18 ~~(7) The Comptroller may enter into contracts and~~
19 ~~agreements with other state and local agencies and with any~~
20 ~~person, association, corporation, or entity other than the~~
21 ~~program providers, for the purpose of administering this~~
22 ~~section.~~

23 (7)(8) The Commissioner of Agriculture Comptroller
24 shall provide fiscal oversight to ensure that funds expended
25 for the program are used in accordance with the contracts
26 entered into pursuant to subsection (4) and shall conduct a
27 performance review of the program as may be necessary to
28 ensure that the goals and objectives of the program are being
29 met.

30 ~~(9) The Legislative Committee on Intergovernmental~~
31 ~~Relations shall annually conduct a performance review of the~~

1 ~~program. The findings of the review shall be presented in a~~
2 ~~report submitted to the Governor, the President of the Senate,~~
3 ~~the Speaker of the House of Representatives, and the~~
4 ~~Comptroller by January 15 of each year.~~

5 Section 3. Specific Appropriation 2252 in the
6 2002-2003 General Appropriations Act is hereby repealed and an
7 identical amount is hereby appropriated to the Department of
8 Agriculture and Consumer Services from the General Revenue
9 Fund for the purposes of this act.

10 Section 4. This act shall take effect June 30, 2002.

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