

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; amending s. 336.025, F.S.; providing  
17          for certain municipalities within small  
18          counties to use gas tax revenues for certain  
19          infrastructure projects; providing an  
20          appropriation; providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Paragraph (g) of subsection (7) of section  
25   163.01, Florida Statutes, is amended to read:

26           163.01 Florida Interlocal Cooperation Act of 1969.--  
27           (7)

28           (g)1. Notwithstanding any other provisions of this  
29   section, any separate legal entity created under this section,  
30   the membership of which is limited to municipalities and  
31   counties of the state, may acquire, own, construct, improve,

1 operate, and manage public facilities, or finance facilities  
2 on behalf of any person, relating to a governmental function  
3 or purpose, including, but not limited to, wastewater  
4 facilities, water or alternative water supply facilities, and  
5 water reuse facilities, which may serve populations within but  
6 not ~~or~~ outside of the members of the entity unless the  
7 governing body of the county or municipality where the  
8 population to be served is located grants the entity  
9 permission to provide service within the boundaries of that  
10 county or municipality and the county in which the facilities  
11 are located assumes rate-setting jurisdiction over the  
12 facilities or delegates such jurisdiction to the Florida  
13 Public Service Commission, except for regional water supply  
14 authorities created pursuant to s. 373.1963, and the sale or  
15 resale of bulk supplies of water or the sale or resale of  
16 wastewater services pursuant to s. 367.022. Notwithstanding  
17 s. 367.171(7), except as provided in this paragraph, any  
18 separate legal entity created under this paragraph is not  
19 subject to commission jurisdiction and may not provide utility  
20 services within the service area of an existing utility system  
21 unless it has received the consent of the utility. The entity  
22 may finance or refinance the acquisition, construction,  
23 expansion, and improvement of such facilities relating to a  
24 governmental function or purpose ~~the public facility~~ through  
25 the issuance of its bonds, notes, or other obligations under  
26 this section or as otherwise authorized by law. The entity has  
27 all the powers provided by the interlocal agreement under  
28 which it is created or which are necessary to finance, own,  
29 operate, or manage the public facility, including, without  
30 limitation, the power to establish rates, charges, and fees  
31 for products or services provided by it, the power to levy

1 special assessments, the power to sell or finance all or a  
2 portion of such ~~its~~ facility, and the power to contract with a  
3 public or private entity to manage and operate such ~~its~~  
4 facilities or to provide or receive facilities, services, or  
5 products. Except as may be limited by the interlocal agreement  
6 under which the entity is created, all of the privileges,  
7 benefits, powers, and terms of s. 125.01, relating to  
8 counties, and s. 166.021, relating to municipalities, are  
9 fully applicable to the entity. However, neither the entity  
10 nor any of its members on behalf of the entity may exercise  
11 the power of eminent domain over the facilities or property of  
12 any existing water or wastewater plant utility system, nor may  
13 the entity acquire title to any water or wastewater plant  
14 utility facilities, other facilities, or property which was  
15 acquired by the use of eminent domain after the effective date  
16 of this act. Bonds, notes, and other obligations issued by the  
17 entity are issued on behalf of the public agencies that are  
18 members of the entity.

19         2. Any entity created under this section may also  
20 issue bond anticipation notes in connection with the  
21 authorization, issuance, and sale of bonds. The bonds may be  
22 issued as serial bonds or as term bonds or both. Any entity  
23 may issue capital appreciation bonds or variable rate bonds.  
24 Any bonds, notes, or other obligations must be authorized by  
25 resolution of the governing body of the entity and bear the  
26 date or dates; mature at the time or times, not exceeding 40  
27 years from their respective dates; bear interest at the rate  
28 or rates; be payable at the time or times; be in the  
29 denomination; be in the form; carry the registration  
30 privileges; be executed in the manner; be payable from the  
31 sources and in the medium or payment and at the place; and be

1 subject to the terms of redemption, including redemption prior  
2 to maturity, as the resolution may provide. If any officer  
3 whose signature, or a facsimile of whose signature, appears on  
4 any bonds, notes, or other obligations ceases to be an officer  
5 before the delivery of the bonds, notes, or other obligations,  
6 the signature or facsimile is valid and sufficient for all  
7 purposes as if he or she had remained in office until the  
8 delivery. The bonds, notes, or other obligations may be sold  
9 at public or private sale for such price as the governing body  
10 of the entity shall determine. Pending preparation of the  
11 definitive bonds, the entity may issue interim certificates,  
12 which shall be exchanged for the definitive bonds. The bonds  
13 may be secured by a form of credit enhancement, if any, as the  
14 entity deems appropriate. The bonds may be secured by an  
15 indenture of trust or trust agreement. In addition, the  
16 governing body of the legal entity may delegate, to an  
17 officer, official, or agent of the legal entity as the  
18 governing body of the legal entity may select, the power to  
19 determine the time; manner of sale, public or private;  
20 maturities; rate of interest, which may be fixed or may vary  
21 at the time and in accordance with a specified formula or  
22 method of determination; and other terms and conditions as may  
23 be deemed appropriate by the officer, official, or agent so  
24 designated by the governing body of the legal entity. However,  
25 the amount and maturity of the bonds, notes, or other  
26 obligations and the interest rate of the bonds, notes, or  
27 other obligations must be within the limits prescribed by the  
28 governing body of the legal entity and its resolution  
29 delegating to an officer, official, or agent the power to  
30 authorize the issuance and sale of the bonds, notes, or other  
31 obligations.

1           3. Bonds, notes, or other obligations issued under  
2 subparagraph 1. may be validated as provided in chapter 75.  
3 The complaint in any action to validate the bonds, notes, or  
4 other obligations must be filed only in the Circuit Court for  
5 Leon County. The notice required to be published by s. 75.06  
6 must be published in Leon County and in each county that is a  
7 member of the entity issuing the bonds, notes, or other  
8 obligations, or in which a member of the entity is located,  
9 and the complaint and order of the circuit court must be  
10 served only on the State Attorney of the Second Judicial  
11 Circuit and on the state attorney of each circuit in each  
12 county that is a member of the entity issuing the bonds,  
13 notes, or other obligations or in which a member of the entity  
14 is located. Section 75.04(2) does not apply to a complaint for  
15 validation brought by the legal entity. The bonds of an entity  
16 created pursuant to this section subsequent to the effective  
17 date of this provision to finance facilities on behalf of any  
18 person other than the entity created pursuant to this section  
19 shall also be validated, as provided in chapter 75, in the  
20 circuit court in each county in which a facility financed by  
21 such bonds may be located.

22           4. The accomplishment of the authorized purposes of a  
23 legal entity created under this paragraph is in all respects  
24 for the benefit of the people of the state, for the increase  
25 of their commerce and prosperity, and for the improvement of  
26 their health and living conditions. Since the legal entity  
27 will perform essential governmental functions in accomplishing  
28 its purposes, the legal entity is not required to pay any  
29 taxes or assessments of any kind whatsoever upon any property  
30 acquired or used by it for such purposes or upon any revenues  
31 at any time received by it. The bonds, notes, and other

1 obligations of an entity, their transfer and the income  
2 therefrom, including any profits made on the sale thereof, are  
3 at all times free from taxation of any kind by the state or by  
4 any political subdivision or other agency or instrumentality  
5 thereof. The exemption granted in this subparagraph is not  
6 applicable to any tax imposed by chapter 220 on interest,  
7 income, or profits on debt obligations owned by corporations.

8 Section 2. Paragraphs (a) and (c) of subsection (1)  
9 and subsections (4), (5), (6), (7), (8), and (9) of section  
10 163.05, Florida Statutes, are amended to read:

11 163.05 Small County Technical Assistance Program.--

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

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

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

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

23 (a) Be a foundation that meets the requirements for  
24 nonprofit status under s. 501(c)(3) of the Internal Revenue  
25 Code with a governing board which includes in its membership  
26 county commissioners and professional staff of the county  
27 ~~public agency or private, nonprofit corporation, association,~~  
28 ~~or entity.~~

29 (b) Have substantial and documented experience working  
30 closely with county governments in providing both educational  
31 and technical assistance.

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

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

6           ~~(d)~~ ~~Annually submit information to assist the~~  
7 ~~Legislative Committee on Intergovernmental Relations in~~  
8 ~~preparing a performance review that will include an analysis~~  
9 ~~of the effectiveness of the program.~~

10           (e) Assist small counties in developing alternative  
11 revenue sources.

12           (f) Provide assistance to small counties in ~~the~~ areas  
13 such as of financial management, accounting, investing,  
14 purchasing, planning and budgeting, debt issuance, public  
15 management, management systems, computers and information  
16 technology, economic and community development, and public  
17 safety management.

18           (g) Provide for an annual independent financial audit  
19 of the program.

20           (h) In each county served, conduct a needs assessment  
21 upon which the assistance provided for that county will be  
22 designed.

23           (5)(a) The Commissioner of Agriculture ~~Comptroller~~  
24 shall issue a request for proposals to provide assistance to  
25 small counties. The request for proposals shall be required no  
26 more frequently than every third year beginning with fiscal  
27 year 2004-2005. All contracts in existence on the effective  
28 date of this act between the Comptroller and any other party  
29 with respect to the Small County Technical Assistance Program  
30 may be accepted by the Commissioner of Agriculture as the  
31 party in interest and said contracts shall remain in full

1 ~~force and effect according to their terms.~~ At the request of  
2 ~~the Comptroller, the Legislative Committee on~~  
3 ~~Intergovernmental Relations shall assist in the preparation of~~  
4 ~~the request for proposals.~~

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

7 ~~(c) The Legislative Committee on Intergovernmental~~  
8 ~~Relations shall review each contract proposal and submit to~~  
9 ~~the Comptroller, in writing, advisory comments and~~  
10 ~~recommendations, citing with specificity the reasons for its~~  
11 ~~recommendations.~~

12 ~~(c)(d)~~ The Commissioner of Agriculture ~~Comptroller~~ and  
13 ~~the council~~ shall consider the following factors in reviewing  
14 contract proposals:

15 1. The demonstrated capacity of the provider to  
16 conduct needs assessments and implement the program as  
17 proposed.

18 2. The number of small counties to be served under the  
19 proposal.

20 3. The cost of the program as specified in a proposed  
21 budget.

22 4. The short-term and long-term benefits of the  
23 assistance to small counties.

24 5. The form and extent to which existing resources,  
25 services, and information that are available from state and  
26 local agencies, universities, and the private sector will be  
27 used by the provider under the contract.

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



1           ~~(7) The Comptroller may enter into contracts and~~  
2 ~~agreements with other state and local agencies and with any~~  
3 ~~person, association, corporation, or entity other than the~~  
4 ~~program providers, for the purpose of administering this~~  
5 ~~section.~~

6           (7)(8) The Commissioner of Agriculture Comptroller  
7 shall provide fiscal oversight to ensure that funds expended  
8 for the program are used in accordance with the contracts  
9 entered into pursuant to subsection (4) and shall conduct a  
10 performance review of the program as may be necessary to  
11 ensure that the goals and objectives of the program are being  
12 met.

13           ~~(9) The Legislative Committee on Intergovernmental~~  
14 ~~Relations shall annually conduct a performance review of the~~  
15 ~~program. The findings of the review shall be presented in a~~  
16 ~~report submitted to the Governor, the President of the Senate,~~  
17 ~~the Speaker of the House of Representatives, and the~~  
18 ~~Comptroller by January 15 of each year.~~

19           Section 3. Subsection (8) of section 336.025, Florida  
20 Statutes, is amended to read:

21           336.025 County transportation system; levy of local  
22 option fuel tax on motor fuel and diesel fuel.--

23           (8) In addition to the uses specified in subsection  
24 (7), the governing body of a county with a population of  
25 50,000 or less on April 1, 1992, or a municipality within such  
26 county, may use the proceeds of the tax levied pursuant to  
27 paragraph (1)(a) in any fiscal year to fund infrastructure  
28 projects, if such projects are consistent with the local  
29 government's approved comprehensive plan or, if the approval  
30 or denial of the plan has not become final, consistent with  
31 the plan last submitted to the state land planning agency. In

1 addition, no more than an amount equal to the proceeds from 4  
2 cents per gallon of the tax imposed pursuant to paragraph  
3 (1)(a) may be used by such county for the express and limited  
4 purpose of paying for a court-ordered refund of special  
5 assessments. Except as provided in subsection (7), such funds  
6 shall not be used for the operational expenses of any  
7 infrastructure. Such funds may be used for infrastructure  
8 projects under this subsection only after the local  
9 government, prior to the fiscal year in which the funds are  
10 proposed to be used, or if pledged for bonded indebtedness,  
11 prior to the fiscal year in which the bonds will be issued,  
12 has held a duly noticed public hearing on the proposed use of  
13 the funds and has adopted a resolution certifying that the  
14 local government has met all of the transportation needs  
15 identified in its approved comprehensive plan or, if the  
16 approval or denial of the plan has not become final,  
17 consistent with the plan last submitted to the state land  
18 planning agency. The proceeds shall not be pledged for bonded  
19 indebtedness for a period exceeding 10 years, except that, for  
20 the express and limited purpose of using such proceeds in any  
21 fiscal year to pay a court-ordered refund of special  
22 assessments, the proceeds may be pledged for bonded  
23 indebtedness not exceeding 15 years. For the purposes of this  
24 subsection, "infrastructure" has the same meaning as provided  
25 in s. 212.055.

26 Section 4. Specific Appropriation 2252 in the  
27 2002-2003 General Appropriations Act is hereby repealed and an  
28 identical amount is hereby appropriated to the Department of  
29 Agriculture and Consumer Services from the General Revenue  
30 Fund for the purposes of this act.

31 Section 5. This act shall take effect June 30, 2002.