

Bill No. CS/HB 1681, 2nd Eng.

Amendment No. Barcode 701022

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Geller moved the following **amendment to amendment**
(792734):

Senate Amendment (with title amendment)

On page 80, between lines 21 and 22,

insert:

Section 72. Paragraph (g) of subsection (7) of section
163.01, Florida Statutes, is amended to read:

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

(g)1. Notwithstanding any other provisions of this
section, any separate legal entity created under this section,
the membership of which is limited to municipalities and
counties of the state, may acquire, own, construct, improve,
operate, and manage public facilities, or finance facilities
on behalf of any person, relating to a governmental function
or purpose, including, but not limited to, wastewater
facilities, water or alternative water supply facilities, and
water reuse facilities, which may serve populations within or
outside of the members of the entity. Notwithstanding s.

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

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1 on behalf of the public agencies that are members of the
2 entity.

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

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

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18 (Redesignate subsequent sections.)

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

22 And the title is amended as follows:

23 On page 87, line 27, after the semicolon

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25 insert:

26 amending s. 163.01, F.S.; revising provisions
27 with respect to the Florida Interlocal
28 Cooperation Act of 1969; authorizing entities
29 to finance certain facilities under the act;

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