

Bill No. CS for CS for SB 2072

Amendment No.      Barcode 462678

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Geller moved the following amendment:

**Senate Amendment (with title amendment)**

On page 45, between lines 11 and 12,

insert:

Section 44. 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. 367.171(7), any separate legal entity created under this

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

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1 entity.

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

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

15           3. Bonds, notes, or other obligations issued under  
16 subparagraph 1. may be validated as provided in chapter 75.  
17 The complaint in any action to validate the bonds, notes, or  
18 other obligations must be filed only in the Circuit Court for  
19 Leon County. The notice required to be published by s. 75.06  
20 must be published in Leon County and in each county that is a  
21 member of the entity issuing the bonds, notes, or other  
22 obligations, or in which a member of the entity is located,  
23 and the complaint and order of the circuit court must be  
24 served only on the State Attorney of the Second Judicial  
25 Circuit and on the state attorney of each circuit in each  
26 county that is a member of the entity issuing the bonds,  
27 notes, or other obligations or in which a member of the entity  
28 is located. Section 75.04(2) does not apply to a complaint for  
29 validation brought by the legal entity. The bonds of an entity  
30 created pursuant to this section subsequent to the effective  
31 date of this provision to finance facilities on behalf of any

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1 person other than the entity created pursuant to this section  
2 shall also be validated, as provided in chapter 75, in the  
3 circuit court in each county in which a facility financed by  
4 such bonds may be located.

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

22  
23 (Redesignate subsequent sections.)

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

27 And the title is amended as follows:

28           On page 6, line 1, after the second semicolon

29  
30 insert:

31           amending s. 163.01, F.S.; revising language

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1           with respect to the Florida Interlocal  
2           Cooperation Act of 1969;  
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