

Bill No. CS for CS for SB 2072

Amendment No. Barcode 680982

	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.

30 4. The accomplishment of the authorized purposes of a
31 legal entity created under this paragraph is in all respects

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

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17 (Redesignate subsequent sections.)

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

21 And the title is amended as follows:

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

23

24 insert:

25 amending s. 163.01, F.S.; revising provisions

26 with respect to the Florida Interlocal

27 Cooperation Act of 1969; authorizing entities

28 to finance certain facilities under the act;

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