

CHAPTER 243

EDUCATIONAL INSTITUTIONS LAW; REVENUE CERTIFICATES

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PART I

EDUCATIONAL INSTITUTIONS LAW

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243.01 Definitions.—The following terms, wherever used or referred to in this part, shall have the following meanings unless a different meaning clearly appears in the context:

(1) The term "institution" shall mean any institution under the jurisdiction of the Board of Regents.

(2) The term "board" shall mean the Board of Regents.

(3) The term "revenue certificate" shall mean bonds, revenue bonds, or other forms of indebtedness, or certificates with respect to the repayment of any loans, issued on behalf of the Board of Regents pursuant to this part.

(4) The term "to acquire" shall include to purchase, to erect, to build, to construct, to reconstruct, to repair, to replace, to extend, to better, to equip, to develop, to rehabilitate, to remodel, to enlarge, to furnish, or to improve a project, in each case to the extent the same constitutes fixed capital outlay expenditures.

(5) The term "project" shall mean and include buildings, structures, improvements, real estate, and related interests in real estate and appurtenances, fixtures, and equipment of every kind, nature, and description, which may be required by or convenient for the purpose of an institution, including, without limiting the generality of the foregoing, administration, exhibition, lecture, recreational and teaching halls, bookstores, commons, dining halls, dormitories, auditoriums, libraries, infirmaries, laundries, laboratories, museums, student unions, swimming pools, watertowers, fire prevention and firefighting systems, gymnasiums, stadiums, dwellings, green-

houses, farm buildings, and stables, or parts thereof, or additions thereto; or any one, or more than one, or all of the foregoing, or any combination thereof, acquired pursuant to this part.

History.—s. 2, ch. 16981, 1935; CGL 1936 Supp. 788(2); s. 2, ch. 20920, 1941; s. 2, ch. 21788, 1943; s. 7, ch. 22858, 1945; s. 2, ch. 63-204, s. 18, ch. 65-130, s. 6, ch. 94-230.

Note.—Former s. 240.16.

243.02 Powers.—The board shall have all the powers necessary or advisable to carry out and effectuate the purposes and provisions of s. 240.2093 and this part and is hereby authorized:

(1) Pursuant to the State Bond Act, to borrow money and issue interest-bearing revenue certificates or other forms of indebtedness to acquire any projects approved by the Legislature and to provide for the payment of the same and for the rights of the holders thereof as herein provided.

(2) To pledge any trust funds which are available, and not otherwise obligated, for purposes of securing the revenue certificates and to combine such funds as the board may deem appropriate.

(3) To adopt such rules as may be necessary for carrying out the requirements of this part and to perform all acts and do all things necessary or convenient to carry out the powers granted herein.

History.—s. 3, ch. 16981, 1935; CGL 1936 Supp. 788(3); s. 3, ch. 20920, 1941; s. 3, ch. 21788, 1943; s. 7, ch. 22858, 1945; s. 7, ch. 94-230.

Note.—Former s. 240.17.

243.03 Resolution for issuance of revenue certificates.—The issuance of revenue certificates under the provisions of this part and the State Bond Act shall be requested by resolution of the board. Said revenue certificates shall bear interest at such rate or rates not exceeding the interest rate limitations set forth in s. 215.84(3), provided that certificates may be sold at a reasonable discount to par not to exceed 3 percent, except that this limitation on discount does not apply to the portion of the discount that constitutes original issue discount. Said revenue certificates may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, not exceeding 30 years from their respective dates, may be in such form, either coupon or registered, may carry such registration privileges, may be executed in such manner, may be payable in such medium of payment and at such place or places, may be subject to such terms of redemption, with or without premium, may contain such terms, covenants, and conditions, and may be declared or become due before the maturity date thereof as such resolution or other resolutions may provide. The revenue certificate may be sold at public sale by competitive bid or negotiated sale.

Pending the preparation of the definitive certificates, interim receipts or certificates in such form and with such provisions as said board may determine may be issued to the purchaser or purchasers of certificates sold pursuant to this part. Said certificates and interim receipts shall be fully negotiable within the meaning and for all the purposes of the negotiable instruments law.

History.—s. 4, ch. 16981, 1935; CGL 1936 Supp. 788(4); s. 4, ch. 20920, 1941; s. 4, ch. 21788, 1943; s. 7, ch. 22858, 1945; s. 1, ch. 67-97; s. 1, ch. 68-6; s. 1, ch. 68-109; s. 22, ch. 73-302; s. 8, ch. 94-230.

Note.—Former s. 240.18.

243.04 Powers to secure revenue certificates.—

The board, in connection with the issuance of revenue certificates to acquire any projects for an institution or in order to secure the payment of such revenue certificates and interest thereon, shall have power by resolution:

(1) To fix and maintain fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such projects.

(2) To provide that such revenue certificates shall be secured by a first, exclusive, and closed lien on the income and revenue (but not the real property of such institution) derived from, and shall be payable from, fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such project.

(3) To pledge and assign to, or in trust for the benefit of, the holder or holders of such revenue certificates an amount of the income and revenue derived from fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such project.

(4) To covenant with or for the benefit of the holder or holders of such revenue certificates that so long as any of such revenue certificates shall remain outstanding and unpaid, such institution will fix, maintain, and collect in such installments as may be agreed upon an amount of the fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such project, which shall be sufficient to pay when due such revenue certificates and interest thereon, and to create and maintain reasonable reserves therefor, and to pay the cost of operation and maintenance of such project, which costs of operation and maintenance shall be determined by the board in its absolute discretion.

(5) To make and enforce and agree to make and enforce parietal rules that shall ensure the use of such project by all students in attendance at such institutions to the maximum extent to which such project is capable of serving such students.

(6) To covenant that so long as any of such revenue certificates shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined:

(a) Voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to the lien of such revenue certificates upon any of the income and revenues derived from fees, rentals, and other charges from students and others using or being served by, or having the right to

use, or having the right to be served by, such project, or

(b) Convey or otherwise alienate such project or the real estate upon which such project shall be located, except at a price sufficient to pay all such revenue certificates then outstanding and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such revenue certificates.

(7) To covenant as to the procedure by which the terms of any contract with a holder or holders of such revenue certificates may be amended or abrogated, the amount of percentage of revenue certificates the holder or holders of which must consent thereto, and the manner in which such consent may be given.

(8) To vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of such revenue certificates and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to such revenue certificates; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of revenue certificates of any specified amount or percentage of such revenue certificate may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(9) To vest in a trustee or trustees or the holder or holders of any specified amount or percentage of revenue certificates the right to apply to any court of competent jurisdiction for and have granted the appointment of a receiver or receivers of the income and revenue pledged and assigned to or for the benefit of the holder or holders of such revenue certificates, which receiver or receivers may have and be granted such powers and duties as such court may order or decree for the protection of the revenue certificate holders.

(10) To make covenants with the holders of any bonds and to perform any other duties and responsibilities which are deemed necessary or advisable to enhance the security of such bonds, and the marketability thereof, and which are customary in accordance with the market requirements for the sale of such bonds.

History.—s. 5, ch. 16981, 1935; CGL 1936 Supp. 788(5); s. 5, ch. 20920, 1941; s. 5, ch. 21788, 1943; s. 7, ch. 22858, 1945; s. 9, ch. 94-230.

Note.—Former s. 240.19.

243.06 Remedies of any holder of revenue certificates.—

Any holder or holders of revenue certificates, including a trustee, or trustees for holders of such revenue certificates, shall have the right, in addition to all other rights, by mandamus or other suit, action, or proceeding in any court of competent jurisdiction to enforce his or her or their rights against the board to fix and collect such rentals and other charges adequate to carry out any agreement as to or pledge of such fees, rentals, or other charges, and require the board to carry out any other covenants and agreements and to perform its duties under this part.

History.—s. 7, ch. 16981, 1935; CGL 1936 Supp. 788(7); s. 7, ch. 20920, 1941; s. 7, ch. 21788, 1943; s. 7, ch. 22858, 1945; s. 10, ch. 26484, 1951; ss. 15, 35, ch. 69-106; s. 10, ch. 94-230; s. 837, ch. 95-148.

Note.—Former s. 240.21.

243.08 Validity of revenue certificates.—The revenue certificates bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to be officers of the board. The validity of the revenue certificates shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the revenue certificates or taken in connection therewith.

History.—s. 9, ch. 16981, 1935; CGL 1936 Supp. 788(9); s. 9, ch. 20920, 1941; s. 9, ch. 21788, 1943; s. 7, ch. 22858, 1945.

Note.—Former s. 240.23.

243.09 Prohibitions against obligating state.—Nothing in this part shall be construed to authorize the board to contract a debt on behalf of, or in any way to obligate, the state, or to pledge, assign, or encumber in any way, or to permit the pledging, assigning, or encumbering in any way of, appropriations made by the Legislature.

History.—s. 10, ch. 16981, 1935; CGL 1936 Supp. 788(10); s. 10, ch. 20920, 1941; s. 10, ch. 21788, 1943; s. 7, ch. 22858, 1945; s. 11, ch. 94-230.

Note.—Former s. 240.24.

243.10 Revenue certificate obligations of Board of Regents.—All revenue certificates issued pursuant to this part shall be obligations of the board, payable only in accordance with the terms thereof and shall not be obligations general, special, or otherwise of the state. Such revenue certificates shall not be a bond or debt of the state, and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the board other than the income and revenue pledged and assigned to, or in trust for the benefit of, the holder or holders of such revenue certificates.

History.—s. 11, ch. 16981, 1935; CGL 1936 Supp. 788(11); s. 11, ch. 20920, 1941; s. 11, ch. 21788, 1943; s. 7, ch. 22858, 1945; s. 12, ch. 94-230.

Note.—Former s. 240.25.

243.105 Tax exemption and eligibility as legal investments.—

(1) The exercise of the powers granted by this part in all respects constitutes the performance of essential public functions for the benefit of the people of the state. All properties, revenues, or other assets of the Board of Regents for which revenue certificates are issued under this part, and all revenue certificates issued hereunder and the interest thereon, shall be exempt from all taxation by any agency or instrumentality of a county, municipality, or the state. The exemption granted by this section is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(2) All obligations issued pursuant to this part shall be and constitute legal investments without limitation for all public bodies and for all banks, savings banks, guardians, insurance funds, trustees, or other fiduciaries and shall be and constitute eligible securities to be deposited as collateral for security of any state, county, municipal, or other public funds.

History.—s. 13, ch. 94-230.

243.11 Supplemental nature of part; construction and purpose.—

The powers conferred by this part shall be in addition to and supplemental to, and the limitations imposed by this part shall not affect, the powers conferred by any other law, general or special, and revenue certificates may be issued hereunder without any referendum, notwithstanding the provisions of any other such law and without regard to the procedure required by any other such law. Insofar as the provisions of this part are inconsistent with the provisions of any other law, general or special, the provisions of this part shall be controlling.

History.—s. 13, ch. 16981, 1935; CGL 1936 Supp. 788(12); s. 1, ch. 17729, 1937; s. 1, ch. 19347, 1939; s. 13, ch. 20920, 1941; s. 13, ch. 21788, 1943; s. 7, ch. 22858, 1945; s. 14, ch. 94-230.

Note.—Former s. 240.26.

243.141 Board of Administration to act as fiscal agent.—

Prior to the issuance of any revenue certificates, the Board of Regents may request the State Board of Administration to advise the Board of Regents as to the fiscal sufficiency of the proposed issue. Upon sale and delivery of any revenue certificates and disbursement of the proceeds thereof pursuant to this part, the State Board of Administration may upon request of the Board of Regents take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any revenue certificates issued pursuant to this part. The State Board of Administration shall upon request of the Board of Regents invest all funds, including reserve funds, available for any revenue certificates issued pursuant to this part in the manner provided in s. 215.47. The Board of Regents may from time to time provide by its duly adopted resolution the duties the State Board of Administration shall perform, and such duties may be changed, modified, or repealed by subsequent resolution as the Board of Regents may deem appropriate.

History.—s. 1, ch. 63-427; s. 2, ch. 63-204; s. 18, ch. 65-130; s. 115, ch. 79-222; s. 15, ch. 94-230.

243.151 Lease agreements; land, facilities.—

(1) Each university is authorized to negotiate and, upon approval of the Board of Regents, enter into agreements to lease land under its jurisdiction to for-profit and nonprofit corporations, registered by the Secretary of State to do business in this state, for the purpose of erecting thereon facilities and accommodations necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the Board of Regents. Such agreement will be for a term not in excess of 99 years or the life expectancy of the permanent facilities constructed thereon, whichever is shorter, and shall include as a part of the consideration provisions for the eventual ownership of the completed facilities by the state. The Board of Trustees of the Internal Improvement Trust Fund upon request of the university shall lease any such property to the university for sublease as heretofore provided.

(2) Each university is authorized to enter into agreements with for-profit and nonprofit corporations, registered by the Secretary of State to do business in this state, whereby income-producing buildings, improvements, and facilities necessary and desirable to serve

the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the Board of Regents, are acquired by purchase or lease-purchase by the university, upon approval of the Board of Regents and approval of the project by the Legislature. When such agreements provide for lease-purchase of facilities erected on land that is not under the jurisdiction of the university, the agreement shall include as a part of the consideration provisions for the eventual ownership of the land and facility by the state. Agreements for lease-purchase shall not exceed 30 years or the life expectancy of the permanent facility constructed, whichever is shorter. Notwithstanding the provisions of any other law, the Board of Regents may enter into an agreement for the lease-purchase of a facility under this section for a term greater than 1 year when such term has been approved by the Legislature as part of the project. Each university, upon approval of the Board of Regents, is authorized to use any auxiliary trust funds, available and not otherwise obligated, to pay rent to the owner should income from the facilities not be sufficient in any debt payment period. The trust funds used for payment of rent shall be reimbursed as soon as possible to the extent that income from the facilities exceeds the amount necessary for such debt payment.

(3) Agreements as provided in this section shall be entered into with an offeror resulting from publicly announced competitive bids or proposals, except that the university may enter into an agreement with a direct-support organization as provided in s. 240.299, which shall enter into subsequent agreements for financing and constructing the project after receiving competitive bids or proposals. Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the university or not, shall conform to the construction standards and codes applicable to university facilities. The Board of Regents shall adopt such rules as are necessary to carry out its duties and responsibilities imposed by this section.

(4) Agreements executed by the Board of Regents prior to January 1, 1980, for the purposes listed herein shall be validated, and said board's capacity to act in such cases ratified and confirmed.

History.—ss. 1, 2, 4, ch. 69-404; ss. 27, 35, ch. 69-106; s. 12, ch. 75-302; s. 1, ch. 79-216; s. 116, ch. 79-222; ss. 1, 2, ch. 80-359; s. 4, ch. 82-137; s. 44, ch. 82-241; s. 16, ch. 94-230; s. 19, ch. 95-243; s. 30, ch. 95-392.

PART II

COUNTIES HIGHER EDUCATIONAL FACILITIES AUTHORITIES LAW

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243.18 Short title.—This part may be referred to as the "Higher Educational Facilities Authorities Law."

History.—s. 1, ch. 69-345.

243.19 Findings and declaration of necessity.—It is declared that for the benefit of the people of the state, the increase of their commerce, welfare, and prosperity, and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities; that it is essential that institutions for higher education within each county in the state be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities and that it is the purpose of this part to provide a measure of assistance and an alternate method to enable institutions of higher education in each county of this state to provide the facilities and structures which are sorely needed to accomplish the purposes of this part. The necessity in the public interest of the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

History.—s. 2, ch. 69-345.

243.20 Definitions.—The following terms, wherever used or referred to in this part shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "educational facilities authority" means any of the public corporations created by s. 243.21 or any board, body, commission, department, or officer of the county succeeding to the principal functions thereof or to whom the powers conferred upon each authority by this part shall be given by this part.

(2) "Commission" means the board of county commissioners or other legislative body charged with governing the county (as the case may be).

(3) "Clerk" means the clerk of the commission or the officer of the county charged with the duties customarily imposed upon the clerk thereof.

(4) "Real property" includes all lands, including improvements and fixtures thereon, and any property of any nature appurtenant thereto, or used in connection therewith and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(5) "Project" means a structure suitable for use as a dormitory or other housing facility, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, and maintenance, storage, or utility facility, and other structures or facilities related thereto, or required thereto, or required or useful for the instruction of students, or the conducting of research, or the operation of an institution for higher education, including parking and other facilities or structures, essential or convenient for the orderly conduct of such institution for higher education and shall also include equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items which are customarily deemed to result in a current operating charge.

(6) "Cost," as applied to a project or any portion thereof financed under the provisions of this part, embraces all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements and interests acquired or used for a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be removed, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period of 30 months after completion of such construction, provisions for working capital, reserves for principal and interest and for extensions, enlargements, additions and improvements, cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

(7) "Bonds" or "revenue bonds" mean revenue bonds of the authority issued under the provisions of this part, including revenue refunding bonds, notwithstanding that the same may be secured by mortgage or the full faith and credit of a participating institution for higher education or any other lawfully pledged security of a participating institution for higher education.

(8) "Institution for higher education" means an educational institution which by virtue of law or charter is an accredited, nonprofit educational institution empowered to provide a program of education beyond the high school level.

(9) "Participating institution" means an institution for higher education which, pursuant to the provisions of this part, shall undertake the financing and construction or acquisition of a project or shall undertake the refunding or refinancing of obligations or of a mortgage or of advances as provided in and permitted by this part.

History.—s. 3, ch. 69-345.

(1) In each county there is hereby created a public body corporate and politic to be known as the "_____ County Educational Facilities Authority." Each of said authorities is constituted as a public instrumentality and the exercise by an authority of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. Each of said authorities shall not transact any business or exercise any power hereunder until and unless the commission by proper ordinance or resolution shall declare that there is a need for an authority to function in such county. The determination as to whether there is such need for an authority to function:

(a) May be made by the commission on its own motion, or

(b) Shall be made by the commission upon filing of a petition signed by 25 residents of the county asserting that there is need for an authority to function in such county and requesting that the commission so declare.

(2) The commission may adopt the ordinance or resolution declaring that there is need for an educational facilities authority in the county if it shall find that the youth of the county do not have the fullest opportunity to learn and to develop their intellectual and mental capacities because there is a shortage of educational facilities or projects at the institutions for higher education located within the county.

(3) In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have been established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of an ordinance or resolution by the commission declaring the need for the authority. Such ordinance or resolution shall be sufficient if it declares that there is such a need for an authority in the county. A copy of such ordinance or resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

(4) The aforementioned ordinance or resolution shall designate not less than five persons as members of the authority created for said county. One of such members shall be a trustee, director, officer, or employee of an institution for higher education if there be such an institution located in such county. Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, one for 4 years, and the remainder for 5 years, and in each case until his or her successor is appointed and has qualified. Thereafter, the commission shall appoint for terms of 5 years each a member or members to succeed those whose terms expire. The commission shall fill any vacancy for an unexpired term. A member of the authority shall be eligible for reappointment. Any member of the authority may be removed by the commission for misfeasance, malfeasance, or willful neglect of duty. Each member of the authority before entering upon his or her duties shall take and subscribe the oath or affirmation required by the State Constitution. A record of each such oath shall be filed in the office of the Department of State and with the clerk.

(5) The authority shall annually elect one of its members as chair and one as vice chair, and shall also appoint an executive director who shall not be a member

243.21 Creation of educational facilities authorities.—

of the authority and who shall serve at the pleasure of the authority and receive such compensation as shall be fixed by the authority.

(6) The executive director shall keep a record of the proceedings of the authority and shall be custodian of all books, documents and papers filed with the authority and of the minute book or journal of the authority and of its official seal. He or she may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates.

(7) A majority of the members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present at a meeting of the authority shall be necessary for any action taken by an authority; provided, however, any action may be taken by an authority with the unanimous consent of all of the members of an authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under the provisions of this part may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

(8) The members of the authority shall receive no compensation for the performance of their duties hereunder but each such member shall be paid his or her necessary expenses incurred while engaged in the performance of such duties.

(9) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a trustee, director, officer, or employee of an institution for higher education to serve as a member of the authority.

History.—s. 4, ch. 69-345; ss. 10, 35, ch. 69-106; s. 4, ch. 86-214; s. 84, ch. 95-148.

243.22 Powers of authority.—The purpose of the authority shall be to assist institutions for higher education in the construction, financing, and refinancing of projects, and for this purpose the authority is authorized and empowered:

(1) To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of its affairs and the conduct of its business.

(2) To adopt an official seal and alter the same at pleasure.

(3) To maintain an office at such place or places in the county as it may designate.

(4) To sue and be sued in its own name, and plead and be impleaded.

(5) To determine the location and character of any project to be financed under the provisions of this part; and

(a) To construct, reconstruct, maintain, repair, operate, lease as lessee or lessor and regulate the same;

(b) To enter into contracts for any or all of such purposes;

(c) To enter into contracts for the management and operation of a project; and

(d) To designate a participating institution for higher education as its agent to determine the location and character of a project undertaken by such participating institution for higher education under the provisions of this part and as the agent of the authority, to construct, reconstruct, maintain, repair, operate, lease as lessee or lessor, and regulate the same, and, as the agent of the authority, to enter into contracts for any or all of such purposes, including contracts for the management and operation of such project.

(6) To issue bonds, bond anticipation notes and other obligations of the authority for any of its corporate purposes, and to fund or refund the same, all as provided in this part.

(7) Generally, to fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with any person, partnership, association, or corporation or other body public or private in respect thereof.

(8) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating institution for higher education as its agent to establish rules and regulations for the use of a project undertaken by such participating institution for higher education.

(9) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation.

(10) To receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof, and to receive and accept loans, grants, aid, or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loans, grants, aid, and contributions are made.

(11) To mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance such projects.

(12) To make loans to any participating institution for higher education for the cost of a project in accordance with an agreement between the authority and the participating institution for higher education; provided no such loan shall exceed the total cost of the project as determined by the participating institution for higher education and approved by the authority.

(13) To make loans to a participating institution for higher education to refund outstanding obligations, mortgages or advances issued, made or given by such participating institution for higher education for the cost of a project.

(14) To charge to and equitably apportion among participating institutions for higher education its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this part.

(15) To do all things necessary or convenient to carry out the purposes of this part.

History.—s. 5, ch. 69-345.

243.23 Payment of expenses.—All expenses incurred in carrying out the provisions of this part shall

be payable solely from funds provided under the authority of this part, and no liability or obligation shall be incurred by an authority hereunder beyond the extent to which moneys shall have been provided under the provisions of this part.

History.—s. 6, ch. 69-345.

243.24 Acquisition of real property.—The authority is authorized and empowered, directly or by and through a participating institution for higher education as its agent, to acquire by purchase solely from funds provided under the authority of this part, or by gift or devise, such lands, structures, property, real or personal, rights, rights-of-way, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, which are located within or without the state as it may deem necessary or convenient for the construction or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the authority or in the name of a participating institution for higher education as its agent.

History.—s. 7, ch. 69-345.

243.25 Conveyance of title or interest to participating institutions.—When the principal of and interest on revenue bonds of the authority issued to finance the cost of a particular project or projects at a participating institution for higher education, including any revenue refunding bonds issued to refund and refinance such revenue bonds, have been fully paid and retired or when adequate provision has been made fully to pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the authority shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating institution for higher education, free and clear of all liens and encumbrances, all to the extent that title to such project or projects shall not, at the time, then be vested in such participating institution for higher education.

History.—s. 8, ch. 69-345.

243.26 Notes of authority.—The authority is authorized from time to time to issue its negotiable notes for any corporate purpose and renew from time to time any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. Any resolution or resolutions authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or resolutions authorizing revenue bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants or conditions which it is authorized to include in any bonds. All such notes shall be payable solely from the revenues of the

authority, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

History.—s. 9, ch. 69-345.

243.27 Revenue bonds.—

(1) The authority is authorized from time to time to issue its negotiable revenue bonds for any corporate purpose. In anticipation of the sale of such revenue bonds, the authority may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the authority available therefor and not otherwise pledged, or from the proceeds of sale of the revenue bonds of the authority in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a bond resolution of the authority may contain.

(2) The revenue bonds and notes of every issue shall be payable solely out of revenues of the authority, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues. Notwithstanding that revenue bonds and notes may be payable from a special fund, they shall be and be deemed to be for all purposes negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(3) The revenue bonds may be issued as serial bonds or as term bonds; or the authority, in its discretion, may issue bonds of both types. The revenue bonds shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times not exceeding 50 years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The revenue bonds or notes may be sold at public or private sale for such price or prices as the authority shall determine. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(4) Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

(a) Pledging of all or any part of the revenues of a project or any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation, or association or other body, public or private, to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to such agreements with bondholders as may then exist.

(b) The rentals, fees, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues.

(c) The setting aside of reserves or sinking funds, and the regulation and disposition thereof.

(d) Limitations on the right of the authority or its agent to restrict and regulate the use of the project.

(e) Limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds.

(f) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds.

(g) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

(h) Limitations on the amount of moneys derived from the project to be expended for operating, administrative, or other expenses of the authority.

(i) The acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default.

(j) The mortgaging of a project and the site thereof for the purpose of securing the bondholders.

(5) Neither the members of the authority nor any person executing the revenue bonds or notes shall be liable personally on the revenue bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(6) The authority shall have power out of any funds available therefor to purchase its bonds or notes. The authority may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with bondholders.

History.—s. 10, ch. 69-345; s. 23, ch. 73-302; s. 1, ch. 77-174; s. 2, ch. 81-195.

243.28 Security of bondholders.—In the discretion of the authority any revenue bonds issued under the provisions of this part may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement or the resolution providing for the issuance of such revenue bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion thereof. Such trust agreement or resolution providing for the issuance of such revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution or resolutions of the authority authorizing revenue bonds thereof. Any bank or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and

of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

History.—s. 11, ch. 69-345.

243.29 Payment of bonds.—Revenue bonds issued under the provisions of this part shall not be deemed to constitute a debt or liability of the state or of the county or a pledge of the faith and credit of the state or of any such county, but shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the State of Florida nor the authority shall be obligated to pay the same or the interest thereon except from revenues of the project or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of this part shall not directly or indirectly or contingently obligate the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

History.—s. 12, ch. 69-345; s. 1, ch. 77-174.

243.30 Rates, rents, fees, and charges.—

(1) The authority is authorized to fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues, if any:

(a) To pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for.

(b) To pay the principal of and the interest on outstanding revenue bonds of the authority issued in respect of such project as the same shall become due and payable.

(c) To create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the authority.

Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this state other than the authority.

(2) A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution

authorizing the issuance of any revenue bonds of the authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such revenue bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority.

(3) The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such revenue bonds issued to finance projects at a particular institution for higher education without distinction or priority of one over another; provided the authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project at an institution for higher education and for the revenue bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security herein authorized to other revenue bonds of the authority and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds.

History.—s. 13, ch. 69-345.

243.31 Trust funds.—All moneys received pursuant to the authority of this part, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this part. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and the resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide.

History.—s. 14, ch. 69-345.

243.32 Remedies of bondholders.—Any holder of revenue bonds issued under the provisions of this part or any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any

such trust agreement securing, such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this part or by such resolution or trust agreement to be performed by the authority or by any officer, employee or agent thereof, including the fixing, charging and collecting of the rates, rents, fees and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established and collected.

History.—s. 15, ch. 69-345.

243.33 Tax exemption.—The exercise of the powers granted by this part will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a project by the authority or its agent will constitute the performance of an essential public function, neither the authority nor its agent shall be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the authority or its agents under the provisions of this part or upon the income therefrom, and any bonds issued under the provisions of this part, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the county and by the municipalities and other political subdivisions in the state. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income or profits on debt obligations owned by corporations.

History.—s. 16, ch. 69-345; s. 7, ch. 73-327.

243.34 Refunding bonds.—

(1) The authority is hereby authorized to provide for the issuance of revenue bonds of the authority for the purpose of refunding any revenue bonds of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase or maturity of such revenue bonds, and, if deemed advisable by the authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or any portion thereof.

(2) The proceeds of any such revenue bonds issued for the purpose of refunding outstanding revenue bonds may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of such outstanding revenue bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the authority.

(3) Any such escrowed proceeds, pending such use, may be invested and reinvested in direct obligations of the United States of America, or in certificates of deposit or time deposits secured by direct obligations

of the United States, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding revenue bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner.

(4) The portion of the proceeds of any such revenue bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project may be invested and reinvested in direct obligations of the United States, or in certificates of deposit or time deposits secured by direct obligations of the United States, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the authority in any lawful manner.

(5) All such revenue bonds shall be subject to the provisions of this part in the same manner and to the same extent as other revenue bonds issued pursuant to this part.

History.—s. 17, ch. 69-345.

243.35 Legal investment.—Bonds issued by the authority under the provisions of this part are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now or may hereafter be authorized by law.

History.—s. 18, ch. 69-345.

243.36 Reports.—Within the first 90 days of each calendar year, the authority shall make a report to the governing body of the county of its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its

operations during such year. The authority shall cause an audit of its books and accounts to be made at least once each year by certified public accountants and the cost thereof shall be paid by the authority from funds available to it pursuant to this part.

History.—s. 19, ch. 69-345.

243.37 State agreement.—The state does hereby pledge to and agree with the holders of any obligations issued under this part, and with those parties who may enter into contracts with an authority pursuant to the provisions of this part, that the state will not limit or alter the rights hereby vested in the authority until such obligations, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the authority, provided nothing herein contained shall preclude such limitation or alteration if and when adequate provision shall be made by law for the protection of the holders of such obligations of an authority or those entering into such contracts with an authority. An authority is authorized to include this pledge and undertaking for the state in such obligations or contracts.

History.—s. 20, ch. 69-345.

243.38 Alternate means.—The foregoing sections of this part shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws; provided the issuance of revenue bonds and revenue refunding bonds under the provisions of this part need not comply with the requirements of any other law applicable to the issuance of bonds. Except as otherwise expressly provided in this part, none of the powers granted to the authority under the provisions of this part shall be subject to the supervision or regulation or require the approval or consent of any municipality or political subdivision or any commission, board, body, bureau, official or agency thereof or of the state.

History.—s. 21, ch. 69-345.

243.39 Liberal construction.—This part, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

History.—s. 22, ch. 69-345.

243.40 Provisions of part controlling.—To the extent that the provisions of this part are inconsistent with the provisions of any general statute or special act or parts thereof, the provisions of this part shall be deemed controlling.

History.—s. 23, ch. 69-345; s. 1, ch. 77-174.