

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, CREATING THE HERNANDO COUNTY PUBLIC FACILITIES FINANCE AUTHORITY FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC CAPITAL IMPROVEMENTS; CONFERRING CERTAIN POWERS UPON THE AUTHORITY, INCLUDING THE POWER TO BORROW MONEY AND ISSUE REVENUE BONDS SECURED BY, AMONG OTHER THINGS, THE RECEIPTS TO BE DERIVED FROM OR IN CONNECTION WITH THE REPAYMENT BY ANY PARTICIPATING ENTITY OF FUNDS RECEIVED UNDER ANY PROGRAM ESTABLISHED BY THE AUTHORITY; PROVIDING THAT EACH MEMBER OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY SHALL BE A MEMBER OF THE AUTHORITY; PROVIDING FOR THE ORGANIZATION OF THE AUTHORITY; PROVIDING THAT THE AUTHORITY MAY ISSUE BONDS, REVENUES, CERTIFICATES AND OTHER EVIDENCES OF INDEBTEDNESS; PROVIDING THAT HERNANDO COUNTY SHALL PROVIDE CERTAIN FACILITIES FOR THE USE OF THE AUTHORITY; PROVIDING THAT THE ORDINANCE SHALL BE AMENDED IN THE MANNER PROVIDED BY LAW; PROVIDING AN EFFECTIVE DATE.

APR 21 1986

WHEREAS, the Board of County Commissioners (the "Board") of Hernando County, a political subdivision of the State of Florida (the "County"), desires to create a public body empowered to issue bonds to finance certain capital improvements to serve the needs of the residents of the County; and

WHEREAS, the Board has determined that the creation of this public body will result in administrative convenience and will otherwise assist in enabling the acquisition and financing of necessary public improvements at the lowest possible cost to the public; and

WHEREAS, pursuant to the authority conferred upon the Board by the Constitution of the State of Florida and by Chapter 125, Florida Statutes, and other applicable provisions of law (the "Act"), the Board is empowered to enact this ordinance and to perform the duties herein set forth, NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

Section 1. Definitions. As used herein, the capitalized terms used herein shall have the following meanings, unless the context hereof expressly requires otherwise:

"Authority" shall mean the Hernando County Public Facilities Finance Authority created by Section 2 of this Ordinance.

"Loan Agreement" shall mean any agreement, bond, revenue certificate, promissory note or other evidence of indebtedness given by a Participating Entity to secure or evidence its obligation to repay any borrowed money received by or on behalf of such Participating Entity under any Program.

"Ordinance" shall mean this ordinance, as amended and supplemented from time to time.

"Participating Entity" shall mean the County and any political subdivision or other public entity within the County which obtains any financing from or under any Program of the Authority.

"Program" shall mean any financing plan of the Authority by which funds are received by or on behalf of the Authority and are expected to be applied to the financing requirements of a Project.

"Project" shall mean any public capital improvement of a Participating Entity located within the territorial boundaries of Hernando County, Florida. The term "cost of a project" shall mean the cost of acquiring or constructing such project, and the cost of improvements, and shall include the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, which are deemed necessary for such acquisition or construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a reasonable period after the completion of construction, engineering and legal expenses, cost of plans, specifications, surveys, estimates of construction costs and of revenues, other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized, including the cost of establishing reserves and of credit enhancement devices and to such acquisition or construction and the placing of the project in operation.

Section 2. Authority Created. Pursuant to the Act, there is hereby created a separate public body corporate and politic of the State, to be known as the "Hernando County Public Facilities Finance Authority" for the purpose of providing financing for the cost of any Projects deemed necessary or desirable by the Authority, all in the manner provided herein. The Authority shall be wholly owned by Hernando County.

Section 3. Powers of the Authority. The Authority is hereby granted all legally delegable powers of local self-government which the Board may exercise, as may be necessary or convenient to effect the purposes of this Ordinance and to provide financing for the Projects herein described. To the extent not inconsistent with general or special law, such powers shall include, but shall not be restricted to, the power to:

(a) Adopt its own rules of procedure, select its officers and set the time and place of its official meetings.

(b) Provide for the prosecution and defense of legal causes in behalf of itself, or on behalf of any other party to any Loan Agreement.

(c) Enter into agreements with other governmental agencies within or without the state for the joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized purposes.

(d) To receive, administer, and comply with conditions and requirements respecting any gift, grant, or donation of any property or money from any source, whether federal, state or private.

(e) To make and execute financing agreements, contracts, deeds and other instruments necessary or convenient in the exercise of its powers and functions, including contracts with persons, firms, corporations, federal and state agencies, and other local agencies, to facilitate the financing, construction, leasing, or sale of any Project.

(f) To acquire by purchase, lease, gift or otherwise or to obtain options for the acquisition of, any property, real or personal, improved or unimproved, for the construction, operation, or maintenance of any Project.

(g) To sell, lease, exchange, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein, subject to the requirements of law.

(h) To pledge or assign any money, rents, charges, fees, or other revenues and any proceeds derived from sales of property, insurance, or condemnation awards or otherwise received under financing agreements.

(i) To construct, acquire, own, repair, maintain, extend, improve, rehabilitate, renovate, furnish, and equip Projects and to pay all or any part of the costs thereof from the proceeds of bonds of the Authority or from any contribution, gift, donation, or other funds made available to the local agency for such purpose.

(j) To fix, charge, and collect rents, fees, and charges for the use of any Project.

(k) Enter into contracts and other undertakings necessary or desirable to fulfill its purposes under this Agreement.

(l) Borrow money and issue revenue bonds, notes and certificates and other obligations of indebtedness for the purpose of providing funds for any Program; provided that any such borrowing by the Authority shall be repayable solely from and may be secured solely by a pledge of (1) the proceeds of any such borrowing, and the investment earnings on such proceeds prior to the application thereof to the purposes of the Program or the repayment of such borrowing; (2) the receipts to be derived from or in connection with the repayment by any Participating Entity of funds received under any Program; (3) the proceeds of any credit enhancement device obtained by the Authority in connection with such borrowings; and (4) any other source of funds derived by the Authority solely from its participation as the borrowing entity for any Program.

(m) Adopt resolutions necessary for the exercise of its powers.

(n) Perform any other acts not inconsistent with law which are in the common interest of any Participating Entity in connection with the purposes set forth herein, and to exercise all powers in connection therewith which are not specifically prohibited by this Ordinance or by law.

(o) Employ independent financial firms, trust companies, financial consultants and accounting firms and to contract or otherwise provide for audits of any of its funds, accounts and financial records.

No enumeration of powers herein shall be deemed exclusive or restrictive, but shall be deemed to incorporate all implied powers necessary or incident to the carrying out of such enumerated powers, including, specifically, authority to employ personnel, expend funds and enter into contractual obligations, all in furtherance of its express purposes herein.

The provisions of this section shall be liberally construed in order to effectively carry out the purposes of this Ordinance and to secure for the Participating Entities the most advantageous financing arrangements which may be obtained.

Section 4. Membership; Organization. There shall initially be five members of the Authority. Each member of the Board of County Commissioners of Hernando County shall be a member of the Authority.

Each member of the Authority shall be deemed to be acting in his or her official capacity. If any Authority member shall cease to be qualified as a member of the Board of County Commissioners of Hernando County, such person shall be deemed to have vacated his or her position on the Authority.

An Authority member's term shall continue from his date of appointment until such time as the Authority member shall no longer be qualified to serve on the Authority.

The Authority shall make all policies for its governance and shall formulate and may amend its own rules of procedures and written bylaws not inconsistent with this Agreement. Unless otherwise established in the case of an executive committee or board of directors, the majority of the Authority's voting membership shall constitute a quorum for the transaction of business, but fewer than a quorum by adjourn from time to time and may compel the attendance of absent members. The Authority shall select one of its members as chairman and another as vice-chairman and shall prescribe their duties, powers and terms of office.

The initial chairman shall be William T. Koenig, III. There shall also be an ex-officio clerk and secretary of the Authority as shall be appointed by a majority of the Authority. The initial ex-officio clerk and secretary of the Authority shall be Harold William Brown.

The Authority shall provide in its bylaws for holding special meetings. All meetings shall be given public notice and shall be open to the public. The Authority shall keep a record of its transactions, findings and determinations; and all records of the Authority and its staff shall be public records. Members of the Authority shall receive no compensation for their services, but shall be entitled to receive their necessary expenses incurred in the performance of their official duties within the limits of a budget adopted for such purpose by the Authority. The Authority shall prepare and adopt a budget for each fiscal year which shall be from the first day of October through and including the last day of September.

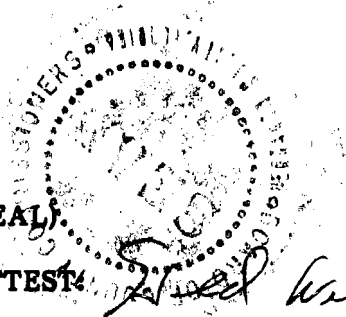
Section 5. Bonds, Revenues, Certificates and Other Obligations of the Authority. The Authority may evidence any borrowing authorized herein by the issuance of bonds, notes, certificates or other evidence of indebtedness (collectively, its "Bonds"); provided, however, that any such Bonds shall state on their face that the Bonds and the

obligation evidenced thereby shall not be or constitute a general obligation or indebtedness of the Authority, the County, the State of Florida, or any political subdivision thereof, but shall be a limited, special obligation of the Authority, payable solely from the revenues, receipts and other sources available to the Authority under a Program. Such Bonds shall further provide that no owner of any such Bond shall have the right to require or compel the payment of such Bonds except from the sources set forth therein. Nothing in this section shall be deemed to prohibit any Participating Entity from securing its Loan Agreement with any funds or obligations which may lawfully be pledged for such purpose.

Section 6. Facilities. Hernando County shall provide offices and work spaces, equipment, supplies and staff support necessary for the use of the Authority. All such non-expendable items shall remain the property of the County.

Section 7. Effective Date; Amendments. This ordinance shall be filed with the Department of State of the State of Florida by the clerk of the Board within ten days after enactment and shall take effect upon receipt of official acknowledgment from that office that said ordinance has been filed. This ordinance may be amended only in the manner provided by law.

HERNANDO COUNTY, FLORIDA



(SEAL)

By: William T. Koenig, III
Chairman,
Board of County Commissioners

ATTEST: Harold William Brown

HAROLD WILLIAM BROWN, CLERK OF CIRCUIT COURT,
EX OFFICIO CLERK TO THE
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk