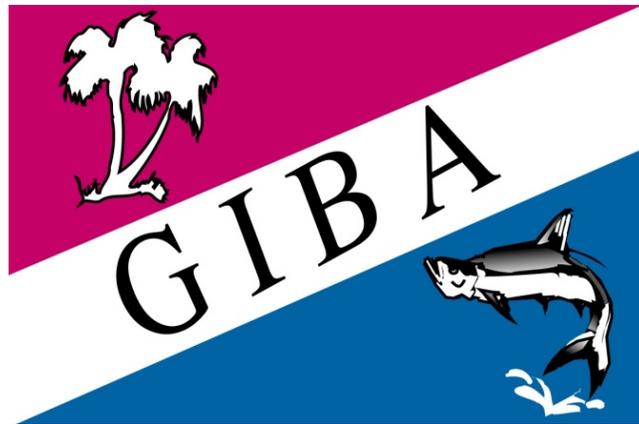


Gasparilla Island Bridge Authority

REQUEST FOR PROPOSAL Registered Investment Advisor

RFP #2021-01



P.O. Box 1918
Boca Grande, Florida 33921
www.giba.us
Kathy Banson-Verrico, Executive Director

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OVERVIEW

Fund Background:

The Gasparilla Island Bridge Authority is a special purpose organization that owns the bridge and causeway from the mainland to Gasparilla Island. Its primary purpose is to effectively maintain and operate the bridge thus enabling vehicular traffic to and from the island and allowing for boat traffic on the intracoastal waterway.

Mission:

The purpose of the capital reserve fund is to build capital to support future maintenance needs, contingencies and ultimately, future bridge replacement.

Source of Funding:

The portfolio will be funded by surplus cash flow from toll revenues.

Fund Size:

At inception it is anticipated that the Fund will approximate \$2 million, growing to approximately \$8 million in the 5th year and approximately \$16 million in the 10th year (without accounting for investment returns).

Investment Objectives:

Consistent with Florida regulatory requirements, the priorities of the fund's structure will be as follows:

1. Safety of Principal /Capital Preservation
2. Liquidity/ Ease of Sale at Stated Market Values
3. Prudence and Ethical Conduct
4. Transparency/Public Access to Reports

The fund has a long-term time horizon (10 years or more) and is seeking to grow capital in a way that is consistent with the foregoing principles.

Fund investments will be held in a dedicated separate account with assets held by a qualified custodian and will be managed by an SEC registered investment advisor.

Governance:

1. Board of Directors:

The Board of the Authority is responsible for developing and approving the investment policy of the Fund, selecting, and approving the Investment Manager (and Custodian), and reviewing the performance and holdings of the Fund on a quarterly basis. The Investment Policy and Investment Manager will be reviewed for approval annually.

2. Executive Director:

Responsible for monthly portfolio tracking and point person for administrative matters.

3. Investment Manager:

The Investment Manager will (1) administer the Fund, (2) implement investment actions consistent with its investment guidelines, (3) prepare regular portfolio reports (custodial monthly statements) and quarterly market and portfolio reviews, and (4) recommend a custodian.

INTRODUCTION

The State of Florida Independent Special District known as the Gasparilla Island Bridge Authority (the “GIBA”) was created by Special Act 96-507 of the Florida Legislature. The GIBA is run by a Board of five (5) elected voting Supervisors and four (4) appointed non-voting Supervisors who meet quarterly. The GIBA Special Tax District includes all voters within the geographic area from the CR 775/ Causeway intersection (in Charlotte County), south along the Boca Grande Causeway past North and Cole Islands to the southernmost point of Boca Grande (in Lee County). The mission of the GIBA is to maintain safe and efficient traffic flow at all times through the toll booths, along the causeway and along the Intracoastal water way, and to make fair and balanced decisions which impact a diverse group of stakeholders including owners, travelers, local businesses, and employees.

The Boca Grande Swing Bridge, two fixed-span bridges and causeway are in southwest Charlotte County near Placida. It is the only land link from Charlotte County to the three barrier islands known as North Island, Cole Island and Gasparilla Island. All three bridges and the causeway are operated and maintained by the GIBA and owned by the public residing within the GIBA Special District.

PURPOSE

The GIBA Board of Supervisors is seeking to create a new designated reserve fund to provide for future maintenance needs, contingencies, and ultimately bridge replacement. GIBA is seeking to invest in a separate account with direct ownership of securities/deposits rather than a pooled vehicle. This fund requires the service of a well-qualified SEC registered investment advisor. The advisor will be expected to manage the proposed fund, make recommendations on potential investments, and assist GIBA with all investment related objectives. It is anticipated the investments will be held in custody by a reputable and experienced securities custodial firm.

CURRENT PERMITTED INVESTMENTS

GIBA does not currently have a written investment policy therefore investments are limited to those specified in the Florida Statutes TAXATION AND FINANCE Chapter 218 FINANCIAL MATTERS PERTAINING TO POLITICAL SUBDIVISIONS Section 218.415 subsection 17. A copy of the statute is included as Attachment A. At this time, the GIBA Board of Supervisors voted to limit permitted holdings of the fund to the following types of investments:

- A. Direct obligations of the US government.
- B. Deposits with banking institutions in an amount up to FDIC insurable limits per institution (\$250K).

INVESTMENT OBJECTIVES

The priorities of the structure of funds will be as follows:

- A. Safety of Principal/Capital Preservation
- B. Liquidity/Ease of Sale at Stated Market Values
- C. Prudence and Ethical Conduct
- D. Transparency/Public Access to Reports

All recommended investments are limited to those specified in Florida Statute 218.415 subsection 17.

REPORTING

GIBA requires monthly investment statements, including a detailed list of holdings, together with investment income and purchase/sale activity. In addition, GIBA will seek to receive overall portfolio information such as current book yield, market value and weighted average maturity. Monthly

investment statements will be reviewed by the GIBA Executive Director for accuracy. The portfolio will be subject to a quarterly investment performance review by the GIBA Board of Supervisors at its regular quarterly meetings.

MINIMUM QUALIFICATIONS

To be considered by GIBA, proposing Advisor must:

- A. Have a minimum of five (5) years of experience in managing fixed income assets for governmental agencies or units.
- B. Currently manage at least \$5 billion of domestic fixed income assets for public organizations. The firm's own funds will not count as public funds.
- C. Have at least one investment advisory office in the State of Florida.
- D. Assign an account manager to GIBA with a minimum of five (5) years' experience in public funds investment management, who is familiar with all applicable Florida statutes regarding qualified investments for public entities.
- E. Provide online reporting with prior day portfolio information.
- F. Be registered with the Securities and Exchange Commission under the Investment Advisor's Act of 1940.
- G. Be financially solvent and appropriately capitalized to be able to service GIBA for the duration of the contract.
- H. Have Errors & Omissions and Fiduciary Liability Insurance coverage of at least \$10 million.
- I. Adhere to the Code of Professional and Ethical Standards as described by Association for Investment Management Research "AIMR" (CFA Institute).

PROPOSAL CONTENTS

To be considered for selection, the financial advisory firm must submit a complete response to this Request that includes mandatory information and/or requirements in the following format. Responses must be in the same order as the questions presented, stating acceptance of modifications or additions to, or a statement of the inability to provide, said service. Failure to provide any of the information requested below may be cause for the proposal to be rejected.

A. Basic Elements

1. Title Page showing the request for proposal's subject; the firm's name; the name, address, and telephone number of a contact person; and the date of the proposal.
2. Transmittal letter stating the proposer's understanding of the work to be done, the commitment to perform the work within the time period, a statement why the firm believes itself to be best qualified to perform the engagement and a statement that the proposal is a firm and irrevocable offer for the engagement period. Include the signature of an authorized official of the firm who has been designated to submit the proposal on behalf of their firm.
3. Confirm that your firm adheres to the Code of Professional and Ethical Standards as described by AIMR.
4. Confirm that your firm is completely independent of any financial institution or securities brokerage firm; or fully and continuously disclose any relationships with such financial institution(s) and/or securities brokerage firm(s). The financial advisory firm must disclose any commissions, bonuses, or soft-dollar payments resulting from the firm's relationship with the GIBA.
5. Provide a list of five (5) public client references, including Florida entities for which your firm currently manages public funds. Include client name, contact personnel, address, phone number, length of time you have managed their assets.

B. Firm Background

1. Describe the organization, date founded and ownership of your firm. Identify and explain if the firm experienced a significant change in organizational structure, ownership, or management during the past three (3) years.
2. Describe any potential conflicts of interest your firm may have in the management of this account, such as soft dollar arrangements with brokers.
3. Identify the types of accounts primarily managed by your firm.
4. Identify locations of the firm's office(s) in the State of Florida, and which office will service the GIBA.
5. Include Part II of your most recent Form ADV. If you are exempt from registering with the Securities and Exchange Commission (SEC) under the Investment Advisor's Act of 1940, please document your reasons.
6. Describe any SEC, NASD or any other regulatory censure or litigation involving your firm or the individual that will be providing investment service to the GIBA during the past five (5) years. Please provide information beginning with closed cases and their resolution, followed by pending cases and expected outcome.
7. Summarize fidelity bond coverage, errors and omissions, employee dishonesty, fiduciary liability insurance, or other fiduciary coverage your firm carries. Provide a Certificate of Insurance.

C. Experience

1. Describe your firm's experience in managing investment portfolios for public funds and governmental entities specifically any relevant experience managing public funds in Florida.
2. Describe the team that will support the GIBA and the role of each individual.
3. Summarize your assets under management (public funds only) over the past five (5) years.

D. Personnel

1. Provide a summary organizational chart showing your proposed project team including analytical investment and research staff, other decision support and back-office support. Identify the primary contact and describe the roles of each key person.
2. Provide resumes for all key investment professionals who will be directly responsible for the investment of the GIBA's funds. Include the following information: title, number of years at your firm, total number of years of experience, professional designations, or licenses.

E. Investment Management Approach and Discipline

1. Briefly describe your firm's investment management philosophy for adding value to a client's portfolio.
2. Describe the types of securities you propose to purchase, and how you will provide liquidity.
3. Describe how investment ideas are originated and how researched, and how the ultimate investment decision is made. Explain how investment decisions are then implemented, monitored, and evaluated.
4. Describe how your firm will review the credit of financial institutions it utilizes and securities to be purchased from these institutions.
5. Describe procedures for portfolio review and client contact.
6. Briefly describe any additional feature, attributes, or conditions, which GIBA should consider in selecting your firm including suggested performance benchmarks.

F. Accounting and Reporting

1. Describe the investment accounting and reporting system used by your firm and confirm that it complies with AIMR. Confirm that your firm provides total return calculations.
2. Describe your firm's ability to provide online account access to clients.
3. Describe the format of reports that you would provide to the GIBA (including the methods and formulas used to calculate yield and performance). Sample reports should be included.

G. Fees

Provide the fee schedule and additional expenses.

Questions must be submitted in writing to kathy@giba.us. Responses to questions will be posted as Addenda on the GIBA website and it is the bidding firm's responsibility to download addenda. Do not contact GIBA staff or Board Members via telephone with questions.

GIBA reserves the right to accept or reject any or all responses, to waive irregularities and/or informalities and to disregard all non-conforming, non-responsive, unbalanced, or conditional bids. GIBA complies with all Equal Opportunity requirements. All qualified firms will receive consideration without regard to race, creed, color, national origin, sex, marital status, religion, ancestry, mental or physical handicap or age.

EVALUATION AND SELECTION

During the evaluation process the GIBA Board may, at its discretion, request firms to make oral presentations.

TERM OF CONTRACT

GIBA reserves the right to negotiate the terms and conditions of the contract with the selected firm. It is the intent of the GIBA to award a contract for an initial three (3) year period with the option for GIBA to renew for two, one-year periods for a possible total of five years. The contract may be terminated for convenience by either Party upon 30 days advance written notice

ADDITIONAL INFORMATION

GENERAL TERMS AND CONDITIONS

Questions or Clarifications

Any questions or requests for clarification must be submitted in written or e-mail form to the GIBA. The GIBA shall not be responsible for oral interpretations given by any GIBA employee, representative, or others. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given. If any addenda are issued to this RFP, the GIBA will attempt to notify all prospective proposers who have secured same; however, it shall be the responsibility of each proposer, prior to submitting their proposal, to contact the GIBA to determine if addenda were issued. Any question or request must include the RFP number and title.

Proposal Expenses

All proposal preparation expenses are to be borne by the proposer.

Disclosure

Upon receipt, responses become "Public Records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes.

Reserved Rights

The GIBA reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the GIBA, depending on available competition and timely needs of the GIBA. The GIBA reserves the right to award the contract to a responsible proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the GIBA. The GIBA shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the GIBA reserves the right to make such investigation, as it deems necessary to determine the ability of any proposer to perform the work or service requested. The proposer shall provide all information the GIBA deems necessary to make this determination.

Applicable Laws

The proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida will apply to any resulting agreement.

Code of Ethics

With respect to this proposal, if any proposer violates or is a party to a violation of the State of Florida per Florida Statutes, Chapter 112, Part III, Code of Ethics for Public Officers and Employees, such proposer may be disqualified from performing the work described in this proposal or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from submitting any future proposals for work or for goods or services for the GIBA.

Public Entity Crimes

Pursuant to Section 287.133(2)(a) of the Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

Equal Employment Opportunity

The GIBA, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all prospective proposers that they will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color, creed, sex, age or national origin in consideration for an award.

Americans with Disabilities Act

The Board of Supervisors of the GIBA does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the GIBA's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for the public meetings specified herein (i.e., Information Conference or Proposal Opening), should contact the person named on the first page of this document at least twenty-four (24) hours in advance of the activity.

AWARD

Award of this RFP shall be made to the firm that, in the sole opinion of the GIBA, best satisfies the needs of the GIBA.

SUBMITTAL REQUIREMENTS

Proposals shall be received until Wednesday December 15, 2021 at 4:00 pm.

Mailing Address:

Gasparilla Island Bridge Authority
P.O. Box 1918
Boca Grande, Florida 33921-1918

Physical Address:

Gasparilla Island Bridge Authority
6201 Boca Grande Causeway
Placida, FL 33946

Email: kathy@giba.us

Proposals not received by deadline will not be considered.

TIME REQUIREMENTS

Proposal Calendar

Request for proposal issued	Monday November 15, 2021
Final date for questions	Wednesday December 1, 2021
Due date for proposals	December 15, 2021
Committee Review	January 2022
Interview of Firms	TBD at the GIBA Board's discretion
Contract awarded	February 2022

Gasparilla Island Bridge Authority

RFP2021-01 Attachment A

Select Year:

The 2021 Florida Statutes

[Title XIV](#)
TAXATION AND
FINANCE

[Chapter 218](#)
FINANCIAL MATTERS PERTAINING TO POLITICAL
SUBDIVISIONS

[View Entire
Chapter](#)

218.415 Local government investment policies.—Investment activity by a unit of local government must be consistent with a written investment plan adopted by the governing body, or in the absence of the existence of a governing body, the respective principal officer of the unit of local government and maintained by the unit of local government or, in the alternative, such activity must be conducted in accordance with subsection (17). Any such unit of local government shall have an investment policy for any public funds in excess of the amounts needed to meet current expenses as provided in subsections (1)-(16), or shall meet the alternative investment guidelines contained in subsection (17). Such policies shall be structured to place the highest priority on the safety of principal and liquidity of funds. The optimization of investment returns shall be secondary to the requirements for safety and liquidity. Each unit of local government shall adopt policies that are commensurate with the nature and size of the public funds within its custody.

(1) **SCOPE.**—The investment policy shall apply to funds under the control of the unit of local government in excess of those required to meet current expenses. The investment policy shall not apply to pension funds, including those funds in chapters 175 and 185, or funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds.

(2) **INVESTMENT OBJECTIVES.**—The investment policy shall describe the investment objectives of the unit of local government. Investment objectives shall include safety of capital, liquidity of funds, and investment income, in that order.

(3) **PERFORMANCE MEASUREMENT.**—The investment policy shall specify performance measures as are appropriate for the nature and size of the public funds within the custody of the unit of local government.

(4) **PRUDENCE AND ETHICAL STANDARDS.**—The investment policy shall describe the level of prudence and ethical standards to be followed by the unit of local government in carrying out its investment activities with respect to funds described in this section. The unit of local government shall adopt the Prudent Person Rule, which states that: “Investments should be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.”

(5) **LISTING OF AUTHORIZED INVESTMENTS.**—The investment policy shall list investments authorized by the governing body of the unit of local government, subject to the provisions of subsection (16). Investments not listed in the investment policy are prohibited. If the policy authorizes investments in derivative products, the policy must require that the unit of local government’s officials responsible for making investment decisions or chief financial officer have

developed sufficient understanding of the derivative products and have the expertise to manage them. For purposes of this subsection, a “derivative” is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or index or asset values. If the policy authorizes investments in reverse repurchase agreements or other forms of leverage, the policy must limit the investments to transactions in which the proceeds are intended to provide liquidity and for which the unit of local government has sufficient resources and expertise.

(6) **MATURITY AND LIQUIDITY REQUIREMENTS.**—The investment policy shall require that the investment portfolio is structured in such manner as to provide sufficient liquidity to pay obligations as they come due. To that end, the investment policy should direct that, to the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash-flow requirements.

(7) **PORTFOLIO COMPOSITION.**—The investment policy shall establish guidelines for investments and limits on security issues, issuers, and maturities. Such guidelines shall be commensurate with the nature and size of the public funds within the custody of the unit of local government.

(8) **RISK AND DIVERSIFICATION.**—The investment policy shall provide for appropriate diversification of the investment portfolio. Investments held should be diversified to the extent practicable to control the risk of loss resulting from overconcentration of assets in a specific maturity, issuer, instrument, dealer, or bank through which financial instruments are bought and sold. Diversification strategies within the established guidelines shall be reviewed and revised periodically, as deemed necessary by the appropriate management staff.

(9) **AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS.**—The investment policy should specify the authorized securities dealers, issuers, and banks from whom the unit of local government may purchase securities.

(10) **THIRD-PARTY CUSTODIAL AGREEMENTS.**—The investment policy shall provide appropriate arrangements for the holding of assets of the unit of local government. Securities should be held with a third party; and all securities purchased by, and all collateral obtained by, the unit of local government should be properly designated as an asset of the unit of local government. No withdrawal of securities, in whole or in part, shall be made from safekeeping, except by an authorized staff member of the unit of local government. Securities transactions between a broker-dealer and the custodian involving purchase or sale of securities by transfer of money or securities must be made on a “delivery vs. payment” basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction.

(11) **MASTER REPURCHASE AGREEMENT.**—The investment policy shall require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the Master Repurchase Agreement. All repurchase agreement transactions shall adhere to the requirements of the Master Repurchase Agreement.

(12) **BID REQUIREMENT.**—The investment policy shall require that the unit of local government’s staff determine the approximate maturity date based on cash-flow needs and market conditions, analyze and select one or more optimal types of investment, and competitively bid the security in question when feasible and appropriate. Except as otherwise required by law, the bid deemed to best meet the investment objectives specified in subsection (2) must be selected.

(13) **INTERNAL CONTROLS.**—The investment policy shall provide for a system of internal controls and operational procedures. The unit of local government’s officials responsible for making investment decisions or chief financial officer shall establish a system of internal controls which shall be in writing and made a part of the governmental entity’s operational procedures. The investment policy shall provide for review of such controls by independent auditors as part of any financial audit periodically required of the unit of local government. The internal controls should be designed to prevent losses of funds which might arise from fraud, employee error, misrepresentation by third

parties, or imprudent actions by employees of the unit of local government.

(14) CONTINUING EDUCATION.—The investment policy shall provide for the continuing education of the unit of local government’s officials responsible for making investment decisions or chief financial officer. Such officials must annually complete 8 hours of continuing education in subjects or courses of study related to investment practices and products.

(15) REPORTING.—The investment policy shall provide for appropriate annual or more frequent reporting of investment activities. To that end, the governmental entity’s officials responsible for making investment decisions or chief financial officer shall prepare periodic reports for submission to the legislative and governing body of the unit of local government, which shall include securities in the portfolio by class or type, book value, income earned, and market value as of the report date. Such reports shall be available to the public.

(16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT POLICIES.—Those units of local government electing to adopt a written investment policy as provided in subsections (1)-(15) may by resolution invest and reinvest any surplus public funds in their control or possession in:

(a) The Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969, as provided in s. [163.01](#).

(b) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency.

(c) Interest-bearing time deposits or savings accounts in qualified public depositories as defined in s. [280.02](#).

(d) Direct obligations of the United States Treasury.

(e) Federal agencies and instrumentalities.

(f) Rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel.

(g) Securities of, or other interests in, any open-end or closed-end management-type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided that the portfolio of such investment company or investment trust is limited to obligations of the United States Government or any agency or instrumentality thereof and to repurchase agreements fully collateralized by such United States Government obligations, and provided that such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

(h) Other investments authorized by law or by ordinance for a county or a municipality.

(i) Other investments authorized by law or by resolution for a school district or a special district.

(17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT POLICY.—Those units of local government electing not to adopt a written investment policy in accordance with investment policies developed as provided in subsections (1)-(15) may invest or reinvest any surplus public funds in their control or possession in:

(a) The Local Government Surplus Funds Trust Fund, or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act of 1969, as provided in s. [163.01](#).

(b) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency.

(c) Interest-bearing time deposits or savings accounts in qualified public depositories, as defined in s. [280.02](#).

(d) Direct obligations of the U.S. Treasury.

The securities listed in paragraphs (c) and (d) shall be invested to provide sufficient liquidity to pay obligations as they come due.

(18) SECURITIES; DISPOSITION.—

(a) Every security purchased under this section on behalf of the governing body of a unit of local

government must be properly earmarked and:

1. If registered with the issuer or its agents, must be immediately placed for safekeeping in a location that protects the governing body's interest in the security;
2. If in book entry form, must be held for the credit of the governing body by a depository chartered by the Federal Government, the state, or any other state or territory of the United States which has a branch or principal place of business in this state as defined in s. [658.12](#), or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state, and must be kept by the depository in an account separate and apart from the assets of the financial institution; or
3. If physically issued to the holder but not registered with the issuer or its agents, must be immediately placed for safekeeping in a secured vault.

(b) The unit of local government's governing body may also receive bank trust receipts in return for investment of surplus funds in securities. Any trust receipts received must enumerate the various securities held, together with the specific number of each security held. The actual securities on which the trust receipts are issued may be held by any bank depository chartered by the Federal Government, this state, or any other state or territory of the United States which has a branch or principal place of business in this state as defined in s. [658.12](#), or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in this state.

(19) **SALE OF SECURITIES.**—When the invested funds are needed in whole or in part for the purposes originally intended or for more optimal investments, the unit of local government's governing body may sell such investments at the then-prevailing market price and place the proceeds into the proper account or fund of the unit of local government.

(20) **PREEXISTING CONTRACT.**—Any public funds subject to a contract or agreement existing on October 1, 2000, may not be invested contrary to such contract or agreement.

(21) **PREEMPTION.**—Any provision of any special act, municipal charter, or other law which prohibits or restricts a local governmental entity from complying with this section or any rules adopted under this section is void to the extent of the conflict.

(22) **AUDITS.**—Certified public accountants conducting audits of units of local government pursuant to s. [218.39](#) shall report, as part of the audit, whether or not the unit of local government has complied with this section.

(23) **AUTHORIZED DEPOSITS.**—In addition to the investments authorized for local governments in subsections (16) and (17) and notwithstanding any other provisions of law, a unit of local government may deposit any portion of surplus public funds in its control or possession in accordance with the following conditions:

(a) The funds are initially deposited in a qualified public depository, as defined in s. [280.02](#), selected by the unit of local government.

(b) The selected depository arranges for depositing the funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation in one or more federally insured banks or savings and loan associations, wherever located, for the account of the unit of local government.

(c) The full amount of the principal and accrued interest of each financial deposit instrument is insured by the Federal Deposit Insurance Corporation.

(d) The selected depository acts as custodian for the unit of local government with respect to each financial deposit instrument issued for its account.

History.—s. 1, ch. 95-194; s. 2, ch. 97-9; s. 3, ch. 2000-264; ss. 66, 141, ch. 2001-266; s. 2, ch. 2005-126; s. 1, ch. 2007-89; s. 42, ch. 2008-4; s. 2, ch. 2009-140.