

By Representative Chestnut

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A bill to be entitled
An act relating to Alachua County; codifying
and reenacting chapters 85-376 and 87-529, Laws
of Florida, relating to the Alachua County
Library District; repealing chapters 85-376 and
87-529, Laws of Florida, and s. 2 of chapter
90-501, Laws of Florida, relating to the
Alachua County Library District; providing an
effective date.

WHEREAS, chapter 97-255, Laws of Florida, amended
chapter 189, Florida Statutes, relating to special districts,
and created s. 189.429, Florida Statutes, requiring districts
to submit a draft codified charter so that their special acts
may be codified by the Legislature, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act shall be known and
may be cited as the "Alachua County Library District Act."

Section 2. Alachua County Library District;
establishment; boundaries; governing board.--

(1) ESTABLISHMENT.--There is hereby created the
Alachua County Library District, which is an independent
special taxing district created for the purpose of providing
the only library system services and facilities for all
citizens of Alachua County, excluding the school library
system, pursuant to this act.

(2) BOUNDARIES.--The Alachua County Library District
shall be composed of all areas of Alachua County, Florida.

1 (3) GOVERNING BOARD.--The Governing Board of the
2 Alachua County Library District, hereinafter referred to as
3 the "governing board," shall be composed of three members of
4 the Board of County Commissioners of Alachua County, to be
5 selected by the board, and two members of the Gainesville City
6 Commission, to be selected by the commission, who, when acting
7 together as the governing board, shall sit not as county or
8 city commissioners, but as members of the governing board of
9 the district.

10 Section 3. Powers of the governing board.--The
11 governing board shall have the power to:

12 (1) Annually levy an ad valorem tax upon taxable real
13 property within the district in the same manner as other
14 county and municipal ad valorem taxes are levied, provided
15 that:

16 (a) The millage allocated to annual operating and
17 maintenance expenses of the district shall not exceed 1.5
18 mills, except that, for the first year after the effective
19 date of this act, the millage allocated to such operating and
20 maintenance expenses shall not exceed 1.0 mill.

21 (b) The millage allocated to debt service shall not
22 exceed the amount necessary to pay the principal of, and
23 interest on, bonds issued under subsections (4) and (5).

24 (c) The millage allocated to capital improvements
25 shall not exceed 0.5 mill annually for the first 15 years
26 after the effective date of this act and shall then be
27 terminated. During any year in which the governing body levies
28 ad valorem taxes for the purpose of servicing debt issued
29 pursuant to subsection (5) of this section, the maximum annual
30 capital improvement millage authorized by this subsection
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1 shall be reduced by the millage actually levied to service
2 such debt.

3 (2) Purchase, lease, lease-purchase, construct, or
4 otherwise acquire capital projects related to the library
5 services and facilities of the district, and convey such
6 capital projects to the Alachua County Library Board of
7 Trustees in trust for the benefit of the residents in the
8 district. Lease-purchase arrangements may include such
9 contracts and agreements deemed necessary or convenient by the
10 governing board; any rental or other payments required
11 thereunder may be secured by any lawfully available funds of
12 the district.

13 (3) Appropriate and expend revenue of the district,
14 subject to the limitations of this act.

15 (4) Issue limited tax bonds, notes, any other
16 certificates of indebtedness, or any form of limited tax or
17 bond anticipation notes or certificates payable from all or
18 any portion of the 0.5 mill capital improvement millage
19 provided for in paragraph (1)(c), but only when the proceeds
20 of such bonds, notes, certificates of indebtedness, or tax or
21 bond anticipation notes or certificates are used to finance or
22 refinance capital projects related to library services or
23 facilities of the district. Bonds issued hereunder shall be
24 payable from taxes to be levied on all taxable property in the
25 district, but said taxes shall be limited to a maximum levy of
26 0.5 mill. In issuing such bonds or other forms of
27 indebtedness, the governing board may pledge the faith and
28 credit of the district for service of the debt to be incurred,
29 up to the 0.5 mill limit.

30 (5) Issue bonds, notes, any other certificates of
31 indebtedness, or any form of tax or bond anticipation notes or

1 certificates payable from all or any portion of the ad valorem
2 tax revenues of the district, provided that if such bonds,
3 notes, certificates of indebtedness, or tax anticipation notes
4 or certificates mature more than 12 months after issuance:

5 (a) The issuance thereof shall be approved by a
6 majority of the electors voting in a bond referendum conducted
7 pursuant to law; and

8 (b) The proceeds thereof shall be used only to finance
9 or refinance capital projects related to library services or
10 facilities of the district.

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12 Bonds or other forms of indebtedness issued pursuant to this
13 subsection shall be payable from ad valorem taxes to be levied
14 on all taxable property in the district without limitation as
15 to rate or amount. In issuing such bonds or other forms of
16 indebtedness, the governing board may pledge the full faith
17 and credit of the district for service of the debt to be
18 incurred.

19 (6) Issue revenue bonds, notes, including bond
20 anticipation notes, or other certificates of indebtedness
21 payable from the proceeds of any fees, charges, fines,
22 rentals, grants, or other sources of revenue, except ad
23 valorem taxes, which may be or may become available to the
24 district and, in connection therewith, to:

25 (a) Pledge such revenues to the payment of such
26 revenue bonds, notes, or other certificates of indebtedness;

27 (b) Make all customary or necessary covenants for the
28 security of such revenue bonds, notes, or other certificates
29 of indebtedness, including covenants to assure the adequacy of
30 such revenues and the proper collection, holding, and
31 disposition thereof;

1 (c) Agree to pay some or all expenses of maintenance
2 and operation from sources other than pledged revenues, and
3 not to diminish the rate of taxation available therefor;

4 (d) Capitalize interest and reserves in such amounts
5 as the governing board may deem necessary;

6 (e) Pay all costs of issuance of such bonds, notes, or
7 other certificates of indebtedness, including fiscal, legal,
8 bond insurance, and printing expenses, from the proceeds of
9 such bonds, notes, or other certificates of indebtedness or
10 other sources; and

11 (f) Apply the proceeds of said revenue bonds, notes,
12 or other certificates of indebtedness to the payment of the
13 cost of any or all facilities or property, real or personal,
14 including books, which said district is empowered to acquire,
15 including all architectural, legal, engineering, and other
16 professional costs incurred in connection therewith, or to the
17 refunding of previously issued revenue bonds, notes, or other
18 certificates of indebtedness.

19 (7) Issue such bonds, revenue bonds, tax or bond
20 anticipation notes, or other forms of indebtedness at such
21 interest rate or rates as the governing board may determine
22 appropriate.

23 (8) Appoint members to the Alachua County Library
24 Board of Trustees as provided in section 5.

25 (9) Adopt an annual budget for the district and
26 establish service levels which shall meet or exceed the
27 operating standards established by Division of Library
28 Services of the Department of State under authority contained
29 in s. 257.15, Florida Statutes.

30 (10) Appropriate and convey revenue of the district to
31 the Alachua County Library Board of Trustees for the operation

1 and maintenance of library services and facilities. When so
2 conveyed to the board of trustees, such revenues shall be
3 deemed revenues of the board of trustees, to be expended by
4 the trustees in accordance with the adopted budget and at
5 their discretion pursuant to the powers granted under section
6 6, subject to limitations contained in section 4.

7 (11) Adopt a long-range facilities and development
8 plan for the library district, to be known as the "Alachua
9 County Long-Range Library Facilities and Development Plan."

10 (12) Exercise powers of eminent domain over private
11 property pursuant to law, but only where such property will be
12 used for a public purpose related to library services and
13 facilities. This power of eminent domain shall not extend to
14 property owned by any municipality.

15 (13) Provide for the management, administration,
16 operation, supervision, oversight, and maintenance of all
17 library facilities, and the services, programs, and functions
18 thereof, for the benefit of the residents of the Alachua
19 County Library District.

20 (14) Purchase, lease, or otherwise acquire real and
21 personal property, and generally take all other actions
22 regarding such property as may be necessary in the prudent
23 management, operation, and maintenance of library district
24 services and facilities. However, all property, real or
25 personal, acquired by the Alachua County Library Board of
26 Trustees, from whatever source or by whatever means, shall be
27 deemed to be held in trust for the benefit of the residents of
28 the district for library purposes. If the Legislature should
29 ever rescind or dissolve, for whatever reason, all right,
30 title, and interest of the trustees in all property then owned
31 by the trustees, such right, title, and interest shall revert

1 automatically to the governing board, or its successor, to be
2 held in trust for the benefit of the residents of the district
3 for library purposes.

4 (15) Dispose of personal property as necessary for the
5 prudent management, operation, and maintenance of library
6 services and facilities.

7 (16) Provide for the employment of personnel and all
8 matters relative thereto through the development of a
9 personnel system structured to the operation and development
10 of a library district in accordance with current Alachua
11 County Personnel Regulations.

12 (17) Retain attorneys, accountants, architects,
13 engineers, and other consultants and professionals, pursuant
14 to applicable general law.

15 (18) Contract with any county, city, or other public
16 body for the provision of library services within or outside
17 the district, provided that library services outside the
18 district shall not be subsidized by the ad valorem revenues of
19 the district.

20 (19) Apply for and accept any grant of money or
21 property from any governmental body or private organization
22 and enter into contracts incidental thereto.

23 (20) Adopt rules for the regulation of its affairs and
24 the conduct of its business and perform all other acts
25 necessary to enable the governing board to properly carry out
26 the purposes of this act.

27 Section 4. Use of tax revenues; supplemental
28 appropriations and in-kind services.--Ad valorem tax revenue
29 of the district shall be used for the following purposes only:

30 (1) Operation and maintenance expenses of library
31 district services and facilities.

1 (2) Capital expenditures related to library district
2 services and facilities.

3 (3) Servicing debt incurred pursuant to this act.

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5 Notwithstanding any other provision of this act, any county or
6 city may appropriate, and the Alachua County Library Board of
7 Trustees may accept and expend, funds for library facilities,
8 services, programs, and operations which are supplemental to
9 ad valorem tax revenues otherwise collected pursuant to this
10 act. Further, any county or city may provide to the board of
11 trustees services and in-kind contributions of any nature
12 whatsoever in support of library facilities, services,
13 programs, and operations.

14 Section 5. Alachua County Library Board of Trustees;
15 establishment and purpose; appointment of members, terms,
16 removal, and vacancies; compensation; quorum, rules of
17 procedure, and seal.--

18 (1) ESTABLISHMENT AND PURPOSE.--There is hereby
19 established the Alachua County Library Board of Trustees, a
20 public body corporate and politic, hereinafter referred to as
21 the "board of trustees." The board of trustees shall be
22 deemed a public instrumentality, and exercise by the trustees
23 of the powers conferred by this act shall be deemed the
24 performance of an essential public function.

25 (2) APPOINTMENT OF MEMBERS, TERMS, REMOVAL, AND
26 VACANCIES.--The board of trustees shall consist of seven
27 members appointed by the governing board, three of whom shall
28 be selected from a group of five persons nominated by the
29 Board of County Commissioners of Alachua County, three of whom
30 shall be selected from a group of five persons nominated by
31 the Gainesville City Commission, and one of whom shall be

1 selected from a group of three persons nominated by the
2 organization representing the other municipalities of Alachua
3 County.

4 (a) In order to achieve staggering of terms, the
5 trustees first appointed shall serve terms as follows:

6 1. Two appointees, one nominated by the Gainesville
7 City Commission and one nominated by the Board of County
8 Commissioners of Alachua County, shall each serve an initial
9 term of 3 years;

10 2. Two appointees, one nominated by the Gainesville
11 City Commission and one nominated by the Board of County
12 Commissioners of Alachua County, shall each serve an initial
13 term of 2 years; and

14 3. Three appointees, one nominated by the Board of
15 County Commissioners of Alachua County, one nominated by the
16 Gainesville City Commission, and one nominated by an
17 organization representing the other municipalities of Alachua
18 County, shall serve an initial term of 1 year.

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20 Initial nominations shall be submitted within 90 days after
21 the effective date of this act. The first year of each initial
22 term shall be deemed to have expired on the last day of the
23 year during which the governing board appoints the initial
24 members.

25 (b) Upon expiration of initial terms, all members
26 shall serve terms of 3 years, except that each member shall
27 continue to serve beyond his or her term until a successor is
28 nominated and appointed in the same manner as provided for
29 initial appointments, and the term of the successor shall be
30 reduced by the amount of the predecessor's holdover.

31 Nominations shall be submitted within 90 days after the

1 expiration of a term. No member shall serve more than two full
2 terms consecutively, or more than 8 consecutive years. No
3 person employed by either Alachua County or the City of
4 Gainesville shall serve on the board of trustees during the
5 time of such employment. Further, no elected official of any
6 county or municipality may serve on the board of trustees
7 during the term of elected office.

8 (c) Any trustee may be removed by majority vote of the
9 governing board for good cause affecting his or her ability to
10 perform his or her duties as a member, or for misfeasance,
11 malfeasance, or nonfeasance in office, but only after a
12 hearing at which the trustee is given the right to present
13 evidence in his or her own behalf and only upon a finding by
14 majority vote of the governing board that good cause for
15 removal affecting the member's ability to perform the duties
16 as a member exists, or upon a finding that the member is
17 guilty of misfeasance, malfeasance, or nonfeasance in office.

18 (d) Within 90 days after the occurrence or discovery
19 of a vacancy on the board of trustees, by removal or
20 otherwise, the Board of County Commissioners of Alachua
21 County, the Gainesville City Commission, or the organization
22 representing the other municipalities within the county, as
23 appropriate, shall nominate a group of three persons from
24 which an individual shall be selected to fill the vacancy, who
25 shall be appointed by the governing board to serve during the
26 unexpired portion of the term.

27 (e) If required nominations are not received by the
28 governing board within the 90-day period specified in
29 paragraph (a), paragraph (b), or paragraph (d), the governing
30 board shall be authorized to make the appointment or
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1 appointments, at its discretion, for which such nominations
2 were required.

3 (3) COMPENSATION.--Trustees shall serve without
4 compensation, except that they may be reimbursed for
5 reasonable travel and per diem expenses incurred in the course
6 of their duties and responsibilities as trustees, on behalf of
7 the governing board or otherwise, in engaging in the business
8 of the district. Any such reimbursement for travel or per diem
9 expenses shall be in amounts authorized pursuant to s.
10 112.061, Florida Statutes.

11 (4) QUORUM, RULES OF PROCEDURE, AND SEAL.--A quorum
12 shall consist of four members of the board of trustees, and
13 official action shall be taken only upon majority vote of the
14 trustees present and voting. The board of trustees shall adopt
15 bylaws for election of officers and for the conduct of orderly
16 proceedings and shall adopt a common seal for certification of
17 its actions.

18 Section 6. Powers of the Alachua County Library Board
19 of Trustees.--The board of trustees shall have the power to:

20 (1) Review annually the Alachua County Long-Range
21 Library Facilities and Development Plan, and recommend
22 amendments to the governing board.

23 (2) Develop and submit to the governing board an
24 annual Library Services Level Plan.

25 (3) Develop and submit to the governing board for its
26 approval an annual library budget, based on the Library
27 Services Level Plan.

28 (4) Provide a recommendation to the governing board
29 whenever a library director is to be selected, after first
30 advertising for the position and conducting interviews, such
31 recommendation to contain a list of three potential candidates

1 from which the governing board may choose, and conduct an
2 annual review and evaluation of the person occupying the
3 position of library director, submitting an evaluation report
4 to the governing board.

5 (5) In accordance with the policy of the district,
6 receive gifts of money or property and submit the same with
7 recommendations to the governing board for acceptance and
8 direction as to the manner in which the governing board wishes
9 such money or property to be utilized in providing library
10 facilities, materials, or other library-oriented programs;
11 spend money, grants, proceeds, or gifts; and administer any
12 other form of property provided to the district by a gift,
13 trust, deed, or will, pursuant to the direction provided by
14 the governing board.

15 (6) Serve as agent for, and enter into contracts on
16 behalf of, the governing board, but only to the extent
17 expressly approved by the governing board.

18 (7) Adopt and implement rules, regulations, policies,
19 and procedures, with the approval of the governing board, for
20 the management, operation, and maintenance of library services
21 and facilities in the district, including, but not limited to,
22 lending policies, gift policies, and book selection policies.

23 (8) With approval of the governing board, set fees,
24 finances, and other charges in connection with the operations and
25 services of the Alachua County library system.

26 (9) Receive and expend moneys, sue and be sued, and
27 generally perform all other acts necessary or incidental to
28 the express powers and duties granted or imposed by this act
29 or by any instrument of trust.

30 (10) Lease, grant, sell, or otherwise convey real
31 property upon approval of the governing board.

1 Section 7. Duties of the Alachua County Library Board
2 of Trustees.--

3 (1) Each member of the board of trustees, before
4 entering upon his or her duties, shall take and subscribe to
5 the oath or affirmation required by the State Constitution. A
6 record of each oath shall be filed with the Department of
7 State and with the Clerk of Alachua County.

8 (2) The board of trustees shall perform fully all
9 duties prescribed by any trust instruments which may from time
10 to time convey property to the trustees from the governing
11 board or from other public or private persons or entities, but
12 only to the extent that such trust instruments and the duties
13 prescribed therein are not inconsistent with this act.

14 (3) The board of trustees shall be bound by all
15 covenants securing any revenue bonds issued from time to time
16 by the governing board.

17 Section 8. Support services.--

18 (1) The governing board shall arrange for the
19 provision of budgeting, building and grounds maintenance,
20 personnel, purchasing, and similar general government services
21 to the library district.

22 (2) The Alachua County Attorney shall provide legal
23 services to the library district.

24 (3) Accounting and treasury services for the board of
25 trustees shall be provided in the same manner as such services
26 are provided for the Alachua County General Fund.

27 (4) The audit of the library district's financial
28 statements shall be performed as a part of the annual audit of
29 Alachua County's financial statements.

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1 Section 9. Entitlement of district residents to
2 library services; enforcement; limitation on trustee
3 liability.--

4 (1) ENTITLEMENT OF DISTRICT RESIDENTS TO LIBRARY
5 SERVICES.--For as long as the governing board levies an ad
6 valorem tax pursuant to section 3 for the operation and
7 maintenance of library services and facilities, all residents
8 of the district shall be entitled to use of the general
9 library services and facilities without charge. However,
10 nothing in this subsection shall be construed as prohibiting
11 the board of trustees from imposing fines for delinquent
12 library materials or establishing charges for library services
13 and facilities which are specialized and of a type not
14 typically used by the general public. Further, such
15 entitlement shall cease and shall not apply if and when ad
16 valorem tax revenues are used solely for servicing debt
17 incurred in the acquisition or refinancing of capital
18 projects.

19 (2) ENFORCEMENT.--Except as otherwise provided by the
20 trust instrument, the provisions and requirements of any trust
21 for which the board of trustees acts as trustee may be
22 enforced only by the governing board.

23 (3) LIMITATION ON TRUSTEE LIABILITY.--Absent personal
24 negligence, no member of the Alachua County Library Board of
25 Trustees shall incur any personal liability for the tortious
26 acts or violations of fiduciary duty of any employee of the
27 board of trustees.

28 Section 10. Severability.--If any portion of this act
29 is held invalid or unconstitutional by any court of law, all
30 remaining portions of the act shall remain in full force and
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1 effect if, and only if, the intent of the Legislature can
2 continue to be effected.

3 Section 11. Prohibition on taxing power; future
4 referenda.--

5 (1) PROHIBITION ON TAXING POWER.--As long as the
6 governing board levies the ad valorem tax authorized by this
7 act, the Board of County Commissioners of Alachua County, the
8 Gainesville City Commission, and all other taxing authorities
9 in the Alachua County Library District are hereby prohibited
10 from levying any tax for library facilities, services, or
11 other library purposes, excluding the library facilities,
12 services, and other library purposes of the school library
13 system.

14 (2) REFERENDA ON AUTHORITY TO ISSUE BONDS, ETC.--In
15 the event that the question as to the authority to issue bonds
16 or other forms of indebtedness under subsection (5) of section
17 3 is not approved at a referendum held pursuant thereto, the
18 governing board may, in its discretion, call subsequent
19 referenda on such question as authorized by this act.

20 Section 12. Administrative actions.--The Board of
21 County Commissioners of Alachua County, the Gainesville City
22 Commission, and other relevant constitutional officers of
23 Alachua County may, at their discretion, take such
24 administrative actions as are deemed appropriate prior to
25 April 1, 1986, in order to permit the tax authorized by this
26 act to be first levied in 1986, but no tax shall be levied
27 unless approved in the manner provided for in section 13.

28 Section 13. In accordance with the provisions of
29 Section 11(a)(21) of Article III of the State Constitution, if
30 passed by at least a three-fifths vote of the membership of
31 each house, this act shall take effect April 1, 1986, and s.

1 165.022, Florida Statutes, shall be considered amended for the
2 purpose of creating an exception thereto, only upon the
3 express approval of the provisions of section 3 which
4 authorize the levy of ad valorem taxation by a majority vote
5 of those qualified electors of the district, as required by
6 Section 9 of Article VII of the State Constitution, voting in
7 a referendum to be held by the Board of County Commissioners
8 of Alachua County on the first Tuesday in November 1985, or at
9 such earlier primary or special election as the board of
10 county commissioners may designate, in accordance with the
11 provisions of law relating to elections currently in force in
12 the district, except that this section and section 12 shall
13 take effect upon becoming a law.

14 Section 14. Chapters 85-376 and 87-529, Laws of
15 Florida, are repealed.

16 Section 15. This act shall take effect upon becoming a
17 law.

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