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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.

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

22 (c) The millage allocated to capital improvements
23 shall not exceed 0.5 mill annually until April 1, 2001, and
24 shall then be terminated. During any year in which the
25 governing body levies ad valorem taxes for the purpose of
26 servicing debt issued pursuant to subsection (5) of this
27 section, the maximum annual capital improvement millage
28 authorized by this subsection shall be reduced by the millage
29 actually levied to service such debt.

30 (2) Purchase, lease, lease-purchase, construct, or
31 otherwise acquire capital projects related to the library

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

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

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

26 (5) Issue bonds, notes, any other certificates of
27 indebtedness, or any form of tax or bond anticipation notes or
28 certificates payable from all or any portion of the ad valorem
29 tax revenues of the district, provided that if such bonds,
30 notes, certificates of indebtedness, or tax anticipation notes
31 or certificates mature more than 12 months after issuance:

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (10) Appropriate and convey revenue of the district to
28 the Alachua County Library Board of Trustees for the operation
29 and maintenance of library services and facilities. When so
30 conveyed to the board of trustees, such revenues shall be
31 deemed revenues of the board of trustees, to be expended by

1 the trustees in accordance with the adopted budget and at
2 their discretion pursuant to the powers granted under section
3 6, subject to limitations contained in section 4.

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

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

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

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

1 (15) Dispose of personal property as necessary for the
2 prudent management, operation, and maintenance of library
3 services and facilities.

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

9 (17) Retain attorneys, accountants, architects,
10 engineers, and other consultants and professionals, pursuant
11 to applicable general law.

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

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

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

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

27 (1) Operation and maintenance expenses of library
28 district services and facilities.

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

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

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

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

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

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

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

7 Nominations shall be submitted within 90 days after the
8 expiration of a term. No member shall serve more than two full
9 terms consecutively, or more than 8 consecutive years. No
10 person employed by either Alachua County or the City of
11 Gainesville shall serve on the board of trustees during the
12 time of such employment. Further, no elected official of any
13 county or municipality may serve on the board of trustees
14 during the term of elected office.

15 (b) Any trustee may be removed by majority vote of the
16 governing board for good cause affecting his or her ability to
17 perform his or her duties as a member, or for misfeasance,
18 malfeasance, or nonfeasance in office, but only after a
19 hearing at which the trustee is given the right to present
20 evidence in his or her own behalf and only upon a finding by
21 majority vote of the governing board that good cause for
22 removal affecting the member's ability to perform the duties
23 as a member exists, or upon a finding that the member is
24 guilty of misfeasance, malfeasance, or nonfeasance in office.

25 (c) Within 90 days after the occurrence or discovery
26 of a vacancy on the board of trustees, by removal or
27 otherwise, the Board of County Commissioners of Alachua
28 County, the Gainesville City Commission, or the organization
29 representing the other municipalities within the county, as
30 appropriate, shall nominate a group of three persons from
31 which an individual shall be selected to fill the vacancy, who

1 shall be appointed by the governing board to serve during the
2 unexpired portion of the term.

3 (d) If required nominations are not received by the
4 governing board within the 90-day period specified in
5 paragraph (a) or paragraph (c), the governing board shall be
6 authorized to make the appointment or appointments, at its
7 discretion, for which such nominations were required.

8 (3) COMPENSATION.--Trustees shall serve without
9 compensation, except that they may be reimbursed for
10 reasonable travel and per diem expenses incurred in the course
11 of their duties and responsibilities as trustees, on behalf of
12 the governing board or otherwise, in engaging in the business
13 of the district. Any such reimbursement for travel or per diem
14 expenses shall be in amounts authorized pursuant to s.
15 112.061, Florida Statutes.

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

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

25 (1) Review annually the Alachua County Long-Range
26 Library Facilities and Development Plan, and recommend
27 amendments to the governing board.

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

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

4 (4) Provide a recommendation to the governing board
5 whenever a library director is to be selected, after first
6 advertising for the position and conducting interviews, such
7 recommendation to contain a list of three potential candidates
8 from which the governing board may choose, and conduct an
9 annual review and evaluation of the person occupying the
10 position of library director, submitting an evaluation report
11 to the governing board.

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

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

25 (7) Adopt and implement rules, regulations, policies,
26 and procedures, with the approval of the governing board, for
27 the management, operation, and maintenance of library services
28 and facilities in the district, including, but not limited to,
29 lending policies, gift policies, and book selection policies.

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

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

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

10 Section 7. Duties of the Alachua County Library Board
11 of Trustees.--

12 (1) Each member of the board of trustees, before
13 entering upon his or her duties, shall take and subscribe to
14 the oath or affirmation required by the State Constitution. A
15 record of each oath shall be filed with the Department of
16 State and with the Clerk of Alachua County.

17 (2) The board of trustees shall perform fully all
18 duties prescribed by any trust instruments which may from time
19 to time convey property to the trustees from the governing
20 board or from other public or private persons or entities, but
21 only to the extent that such trust instruments and the duties
22 prescribed therein are not inconsistent with this act.

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

26 Section 8. Support services.--

27 (1) The governing board shall arrange for the
28 provision of budgeting, building and grounds maintenance,
29 personnel, purchasing, and similar general government services
30 to the library district.

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

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

6 (4) The audit of the library district's financial
7 statements shall be performed as a part of the annual audit of
8 Alachua County's financial statements.

9 Section 9. Entitlement of district residents to
10 library services; enforcement; limitation on trustee
11 liability.--

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

27 (2) ENFORCEMENT.--Except as otherwise provided by the
28 trust instrument, the provisions and requirements of any trust
29 for which the board of trustees acts as trustee may be
30 enforced only by the governing board.

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

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

11 Section 11. Prohibition on taxing power; future
12 referenda.--

13 (1) PROHIBITION ON TAXING POWER.--As long as the
14 governing board levies the ad valorem tax authorized by this
15 act, the Board of County Commissioners of Alachua County, the
16 Gainesville City Commission, and all other taxing authorities
17 in the Alachua County Library District are hereby prohibited
18 from levying any tax for library facilities, services, or
19 other library purposes, excluding the library facilities,
20 services, and other library purposes of the school library
21 system.

22 (2) REFERENDA ON AUTHORITY TO ISSUE BONDS, ETC.--In
23 the event that the question as to the authority to issue bonds
24 or other forms of indebtedness under subsection (5) of section
25 3 is not approved at a referendum held pursuant thereto, the
26 governing board may, in its discretion, call subsequent
27 referenda on such question as authorized by this act.

28 Section 12. Chapters 85-376 and 87-529, Laws of
29 Florida, are repealed.

30 Section 13. This act shall take effect upon becoming a
31 law.