

By Representatives Starks, Posey, Trovillion, Feeney,  
Constantine, Brummer, Johnson, Reddick and Sublette

1                                   A bill to be entitled  
2           An act relating to Orange County; providing for  
3           codification of special laws regarding special  
4           districts pursuant to chapter 97-255, Laws of  
5           Florida, relating to the Orange County Library  
6           District, an independent special tax district  
7           in Orange County; codifying and reenacting  
8           chapter 80-555, Laws of Florida, as amended by  
9           chapters 81-450 and 91-372, Laws of Florida;  
10          providing legislative findings and intent;  
11          ratifying and confirming the creation and  
12          establishment of the Orange County Library  
13          District; clarifying powers regarding debt  
14          secured by non-ad valorem revenues; ratifying  
15          the appointments and terms of existing members  
16          of the Orange County Library Board of Trustees;  
17          deleting obsolete provisions; repealing ss. 10  
18          and 11 of chapter 80-555, Laws of Florida, and  
19          chapters 81-450 and 91-372, Laws of Florida;  
20          providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

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24           Section 1. Section 1 is created to read:  
25           Section 1. Pursuant to chapter 97-255, Laws of  
26 Florida, this act constitutes the codification of all special  
27 acts relating to the Orange County Library District. It is the  
28 intent of the Legislature in enacting this law to provide a  
29 single, comprehensive special act charter for the district,  
30 including all current legislative authority granted to the  
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1 district by its several legislative enactments and any  
2 additional authority granted by this act.

3 Section 2. Section 2 is created to read:

4 Section 2. Chapter 80-555, Laws of Florida, chapter  
5 81-450, Laws of Florida, and chapter 91-372, Laws of Florida,  
6 relating to the Orange County Library District, are codified,  
7 reenacted, amended, and repealed as herein provided.

8 Section 3. Section 1 of chapter 80-555, Laws of  
9 Florida, is amended to read:

10 Section ~~3.1~~. Short Title.--This act shall be known and  
11 may be cited as the "Orange County Library District Act."

12 Section 4. Section 4 is created to read:

13 Section 4. Legislative findings and intent.--

14 (1) FINDINGS.--The Legislature finds that the Orange  
15 County Library District, an independent special district  
16 created in 1980 to provide library services and facilities in  
17 all of Orange County except the cities of Winter Park and  
18 Maitland, has provided high quality library service to  
19 district residents and taxpayers throughout its existence.  
20 Authorized to levy ad valorem taxes for operating expenses and  
21 debt service, the library district has consistently levied  
22 taxes substantially below its statutory maximum, and has used  
23 the tax revenue efficiently and effectively. Both the Orange  
24 County Library District Act and the ad valorem tax authority  
25 were expressly approved by the voters of the district by  
26 referendum on September 9, 1980, as required by s. 9(b),  
27 Article VII of the State Constitution, and the trust and  
28 confidence given by the electors to the district has been  
29 rewarded with quality library facilities and services.

30 (2) INTENT.--This act constitutes the reenactment and  
31 codification of all special acts relating to the district

1 pursuant to s. 189.429, Florida Statutes. This law is intended  
2 to provide a single, comprehensive special act charter for the  
3 district that ratifies and continues all powers and authority,  
4 including its taxing authority, granted to the district by its  
5 several previous legislative enactments and that grants such  
6 additional authority and imposes such additional requirements  
7 and limitations as may be provided by this act.

8 Section 5. Section 2 of chapter 80-555, Laws of  
9 Florida, as amended by chapter 91-372, Laws of Florida, is  
10 amended to read:

11 Section 5.2 Orange County Library District:  
12 establishment; boundaries; governing board.--

13 (1)(a) ESTABLISHMENT.--The creation of ~~There is hereby~~  
14 ~~created~~ the Orange County Library District pursuant to chapter  
15 80-555, Laws of Florida, for the purpose of providing library  
16 services and facilities within the district is hereby ratified  
17 ~~pursuant to this act.~~

18 (2)(b) BOUNDARIES.--The Orange County Library District  
19 is composed of all areas of Orange County, Florida, except the  
20 incorporated areas of the Cities of Winter Park and Maitland,  
21 as the boundaries of those municipalities may from time to  
22 time exist.

23 (3)(c) GOVERNING BOARD.--The Governing Board of the  
24 Orange County Library District is composed of the Board of  
25 County Commissioners of Orange County, Florida, and one member  
26 appointed by the City Council of the City of Orlando, Florida.  
27 Such city council appointees shall be appointed for a term of  
28 2 years, shall not serve more than three consecutive terms,  
29 and may be removed from the governing board for cause by the  
30 city council.

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1           Section 6. Section 3 of chapter 80-555, Laws of  
2 Florida, as amended by chapter 81-450, Laws of Florida, is  
3 amended to read:

4           Section 6.3. Governing board powers.--The governing  
5 board shall have the power to:

6           (1)~~(a)~~ Levy annually an ad valorem tax upon taxable  
7 property within the district in the same manner as other  
8 county and municipal ad valorem taxes are levied, provided  
9 that:

10           (a)~~1~~. The millage allocated to annual operating and  
11 maintenance expenses of the district shall not exceed one (1)  
12 mill; and

13           (b)~~2~~. The millage allocated to debt service shall not  
14 exceed an amount necessary to pay principal of and interest on  
15 bonds issued under subsection (4).~~(d)~~ hereof; and

16           ~~3. The tax first levied after the effective date of  
17 this act shall not exceed 0.512 mill.~~

18           (2)~~(b)~~ Purchase, lease, construct, or otherwise  
19 acquire capital projects related to the library services and  
20 facilities of the district and to convey such capital projects  
21 to the Orange County Library Board of Trustees in trust for  
22 the benefit of the residents in the district.

23           (3)~~(c)~~ Appropriate and expend revenue of the district,  
24 subject to the limitations of this act.

25           (4)~~(d)~~ Issue bonds, notes, any other certificates of  
26 indebtedness, or any form of tax or bond anticipation notes or  
27 certificates payable from all or any portion of the ad valorem  
28 tax revenues of the district, but only when the proceeds of  
29 such bonds, notes, certificates of indebtedness, or tax  
30 anticipation notes or certificates are used to finance or  
31 refinance capital projects related to library services or

1 facilities of the district, and only when such indebtedness is  
2 approved at referendum pursuant to law. Bonds issued hereunder  
3 shall be payable from taxes to be levied on all taxable  
4 property in the district without limitation as to rate or  
5 amount. However, the aggregate amount of bonds issued and  
6 outstanding hereunder at any time shall not require in any  
7 year for the payment of principal and interest falling due an  
8 amount greater than one (1) mill on the assessed valuation of  
9 all taxable property in the district at the time of the  
10 issuance of such bonds. In issuing such bonds or other forms  
11 of indebtedness, the governing board may pledge the full faith  
12 and credit of the district for service of the debt to be  
13 incurred.

14        ~~(5)(e)~~ Issue revenue bonds or notes payable from the  
15 proceeds of any fees, charges, fines, rentals, grants, or  
16 other sources of revenue (except ad valorem taxes) which may  
17 be or become available to the district; to pledge such  
18 revenues to the payment of such revenue bonds or notes; to  
19 make all customary or necessary covenants for the security of  
20 such revenue bonds or notes (including covenants to assure the  
21 adequacy of such revenues and the proper collection, holding,  
22 and disposition thereof); to agree to pay some or all expenses  
23 of maintenance and operation from sources other than pledged  
24 revenues (and not to diminish the rate of taxation available  
25 therefor); to capitalize interest and reserves in such amounts  
26 as the governing board may deem necessary; to pay all costs of  
27 issuance of such bonds or notes, including fiscal, legal, bond  
28 insurance, and printing expenses from bond or note proceeds or  
29 other sources; and to apply the proceeds of said revenue bonds  
30 or notes to the payment of the cost of any or all facilities  
31 or property (real or personal, including books) which said

1 district is empowered to acquire, including all architectural,  
2 legal, engineering, and other professional costs in connection  
3 therewith, or to the refunding of previously issued revenue  
4 bonds or notes.

5 (6)~~(f)~~ Issue such bonds, revenue bonds or notes, tax  
6 or bond anticipation notes, or other forms of indebtedness at  
7 such interest rate or rates as the governing board may  
8 determine.

9 (7)~~(g)~~ Appoint members to the Orange County Library  
10 Board of Trustees as provided in section 8 ~~below~~.

11 (8)~~(h)~~ Budget, appropriate, and pay revenues of the  
12 district to the board of trustees for operation and  
13 maintenance of library services and facilities, and, when  
14 conveyed to the board of trustees, such revenues shall be  
15 deemed revenues of the board of trustees to be expended by the  
16 trustees at their discretion pursuant to the powers granted  
17 under ~~Section 6~~ of this act and subject to limitations  
18 contained in ~~Section 4~~ of this act.

19 (9)~~(i)~~ Exercise powers of eminent domain over private  
20 property pursuant to law, but only where such property will be  
21 used for a public purpose related to library services and  
22 facilities. This power of eminent domain shall not extend to  
23 property owned by any municipality.

24 Section 7. Section 4 of chapter 80-555, Laws of  
25 Florida, is amended to read:

26 Section 7.4~~7.4~~. Use of tax revenues; supplemental  
27 appropriations and services in kind.--Ad valorem tax revenue  
28 of the district may be used only for the operation and  
29 maintenance expenses of district library services and  
30 facilities, for capital expenditures related to district  
31 library services and facilities, or for servicing debt

1 incurred in financing or refinancing capital projects as  
2 authorized by this act. Notwithstanding any other provision of  
3 this act, any county or city may appropriate, and the 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 8. Section 5 of chapter 80-555, Laws of  
12 Florida, is amended to read:

13 Section 8.5. Orange County Library Board of Trustees:  
14 establishment and purpose; appointment of members, terms,  
15 removal, and vacancies; compensation; quorum, rules of  
16 procedure, and seal.--

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

23 (2)~~(b)~~ APPOINTMENT OF MEMBERS, TERMS, REMOVAL, AND  
24 VACANCIES.--The Orange County Board of Trustees shall consist  
25 of five members appointed by the governing board, two of whom  
26 shall be nominated by the City of Orlando. A nominee of the  
27 City of Orlando shall be appointed by the governing board to  
28 the board of trustees unless rejected for good cause shown.

29 (a)~~1.~~ ~~The members first appointed shall serve terms as~~  
30 ~~follows: Two appointees, including one nominated by the City~~  
31 ~~of Orlando, shall each serve an initial term of four years;~~

1 ~~one appointee shall serve an initial term of three years; the~~  
2 ~~other appointee nominated by the City shall serve an initial~~  
3 ~~term of two years; the remaining appointee shall serve an~~  
4 ~~initial term of one year. The first year of each initial term~~  
5 ~~shall be deemed to have expired on the last day of the year~~  
6 ~~during which the Governing Board appoints the initial members.~~  
7 ~~Thereafter,~~All members shall serve terms of four years,  
8 except that each member shall continue to serve beyond his or  
9 her term until a successor is appointed, and the term of the  
10 successor shall be reduced by the amount of the holdover. No  
11 member shall serve more than two full terms consecutively or  
12 more than ten consecutive years. No person employed either by  
13 Orange County or by the City of Orlando shall serve on the  
14 board of trustees during the time of such employment. Further,  
15 no elected official of any county or municipality may serve on  
16 the board of trustees during the term of elected office. The  
17 appointment of all members serving as of the effective date of  
18 this act, and the terms for which they were appointed, are  
19 hereby ratified and validated.

20 (b)2. Any trustee may be removed by majority vote of  
21 the governing board for good cause affecting his or her  
22 ability to perform the his duties as a member, or for  
23 misfeasance, malfeasance, or nonfeasance in office, but only  
24 after a hearing at which such trustee is given the right to  
25 present evidence in his or her own behalf and only upon a  
26 finding by majority vote of the governing board that good  
27 cause for removal affecting the member's ability to perform  
28 the his duties as a member exists, or a finding that the  
29 trustee he was guilty of misfeasance, malfeasance, or  
30 nonfeasance in office.

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1           (c)~~3~~ Upon the occurrence of a vacancy on the board of  
2 trustees, the governing board shall appoint a new member to  
3 serve during the unexpired portion of the term no later than  
4 ninety days after occurrence or discovery of the vacancy.

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

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

19           Section 9. Section 6 of chapter 80-555, Laws of  
20 Florida, is amended to read:

21           Section 9.6~~6~~. Powers of the Orange County Library Board  
22 of Trustees.--The Orange County Library Board of Trustees  
23 shall have the following powers:

24           (1)~~(a)~~ To manage, administer, operate, supervise,  
25 oversee, and maintain all library facilities and services,  
26 programs, and functions for the benefit of the residents of  
27 the Orange County Library District.

28           (2)~~(b)~~ To purchase, lease, or otherwise acquire real  
29 and personal property, and generally to take all other actions  
30 regarding such property as may be necessary in the prudent  
31 management, operation, and maintenance of district library

1 services and facilities. However, all property, real or  
2 personal, acquired by the board of trustees from whatever  
3 source or by whatever means shall be deemed to be held in  
4 trust for the benefit of the residents of this district for  
5 library purposes. If the powers of the board of trustees under  
6 this act are ever rescinded or dissolved for whatever reason,  
7 all rights, title, and interest of the trustees in all  
8 property then owned by the trustees shall revert automatically  
9 to the governing board or its successor to be held in trust  
10 for the benefit of the residents of the district for library  
11 purposes.

12 (3)~~(c)~~ To lease, grant, sell, or otherwise convey real  
13 property upon approval of the governing board.

14 (4)~~(d)~~ To dispose of personal property as necessary in  
15 the prudent management, operation, and maintenance of library  
16 services and facilities.

17 (5)~~(e)~~ To employ personnel and to take all other  
18 actions consistent with generally accepted employment  
19 practices.

20 (6)~~(f)~~ To retain attorneys, accountants, architects,  
21 engineers, and other consultants and professionals.

22 (7)~~(g)~~ To accept gifts of money or property for the  
23 beneficial use of the residents of the district and to act as  
24 trustee with full legal capacity to administer any money or  
25 property conveyed to the district in trust by any party,  
26 private or public, whether by will, deed, or other instrument,  
27 or by any court of competent jurisdiction.

28 (8)~~(h)~~ To contract with any county, city, or other  
29 public body for the provision ~~providing~~ of library services  
30 within or outside of the district, provided that library  
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1 services outside the district shall not be subsidized by the  
2 ad valorem revenues of the district.

3 (9)~~(i)~~ To apply for and accept any grant of money or  
4 property from any governmental body or private organization  
5 and to enter into contracts incidental thereto.

6 (10)~~(j)~~ To serve as agent for and to enter into  
7 contracts on ~~in~~ behalf of the governing board, but only to the  
8 extent expressly approved by the governing board.

9 (11)~~(k)~~ To adopt and implement rules, regulations,  
10 policies, and procedures for the management, operation, and  
11 maintenance of library services and facilities in the  
12 district, and to set fees, fines, and other charges in  
13 connection with such operation ~~operations~~ and services.

14 (12)~~(l)~~ To contract, to receive and expend money, to  
15 sue and be sued, and generally to perform all other acts  
16 necessary or incidental to the express powers and duties  
17 granted or imposed by this act or by any instrument of trust.

18 Section 10. Section 7 of chapter 80-555, Laws of  
19 Florida, as amended by chapter 91-372, Laws of Florida, is  
20 amended to read:

21 Section 10.7 Duties of the Orange County Library Board  
22 of Trustees.--

23 (1)~~(a)~~ Each member of the board of trustees, before  
24 entering upon his or her duties, shall take and subscribe the  
25 oath or affirmation required by the Constitution of the State  
26 of Florida. A record of each oath shall be filed with the  
27 Department of State and with the Orange County Comptroller.

28 (2)~~(b)~~ The board of trustees shall comply with the  
29 budget and audit requirements of ss. 189.418(4) and 218.34,  
30 Florida Statutes, and any successor or other applicable  
31 general laws.

1           (3)~~(c)~~ The board of trustees shall perform fully all  
2 duties prescribed by any trust instruments which may from time  
3 to time convey property to the trustees from the governing  
4 board or from other public or private persons or entities, but  
5 only to the extent that such trust instruments are not  
6 inconsistent with this act.

7           (4)~~(d)~~ The board of trustees shall be bound by all  
8 covenants securing any revenue bonds or notes issued from time  
9 to time by the governing board.

10           Section 11. Section 8 of chapter 80-555, Laws of  
11 Florida, is amended to read:

12           Section 11.8~~7~~. Entitlement of district residents to  
13 library services; enforcement; limitation of trustee  
14 liability.--

15           (1)~~(a)~~ ENTITLEMENT OF DISTRICT RESIDENTS TO LIBRARY  
16 SERVICES.--For so long as the governing board levies an ad  
17 valorem tax pursuant to ~~Section 5~~ of this act for the  
18 operation and maintenance of library services and facilities,  
19 all residents of the district shall be entitled to use of the  
20 general library services and facilities without charge.  
21 However, nothing in this subsection prohibits the board of  
22 trustees from imposing fines for delinquent library materials  
23 or charges for library services and facilities which are  
24 specialized and of a type not typically used by the general  
25 public. Further, such entitlement shall cease and shall not  
26 apply if and when ad valorem tax revenues are used solely for  
27 servicing debt incurred in the acquisition or refinancing of  
28 capital projects.

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

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

8 Section 12. Section 9 of chapter 80-555, Laws of  
9 Florida, is amended to read:

10 Section 12.9~~9~~. Severability.--If any portion of this  
11 act is held invalid or unconstitutional by any court of law,  
12 all remaining portions of the act shall remain in full force  
13 and effect if, and only if, the intent of the Legislature can  
14 continue to be effected.

15 Section 13. Section 13 is created to read:

16 Section 13. Sections 10 and 11 of chapter 80-555, Laws  
17 of Florida, chapter 81-450, Laws of Florida, and chapter  
18 91-372, Laws of Florida, are repealed.

19 Section 14. This act shall take effect upon becoming a  
20 law.

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