

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 chapter
18 80-555, Laws of Florida, and chapters 81-450
19 and 91-372, Laws of Florida; providing an
20 effective date.

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

23
24 Section 1. Pursuant to chapter 97-255, Laws of
25 Florida, this act constitutes the codification of all special
26 acts relating to the Orange County Library District. It is the
27 intent of the Legislature in enacting this law to provide a
28 single, comprehensive special act charter for the district,
29 including all current legislative authority granted to the
30 district by its several legislative enactments and any
31 additional authority granted by this act.

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4 reenacted, amended, and repealed as herein provided.

5 Section 3. Short Title.--This act shall be known and
6 may be cited as the "Orange County Library District Act."

7 Section 4. Legislative findings and intent.--

8 (1) FINDINGS.--The Legislature finds that the Orange
9 County Library District, an independent special district
10 created by chapter 80-555, Laws of Florida, to provide library
11 services and facilities in all of Orange County except the
12 cities of Winter Park and Maitland, has provided high quality
13 library service to district residents and taxpayers throughout
14 its existence. Authorized to levy ad valorem taxes for
15 operating expenses and debt service, the library district has
16 consistently levied taxes substantially below its statutory
17 maximum, and has used the tax revenue efficiently and
18 effectively. Both the Orange County Library District Act and
19 the ad valorem tax authority were expressly approved by the
20 voters of the district by referendum on September 9, 1980, as
21 required by s. 9(b), Article VII of the State Constitution,
22 and the trust and confidence given by the electors to the
23 district has been rewarded with quality library facilities and
24 services.

25 (2) INTENT.--This act constitutes the reenactment and
26 codification of all special acts relating to the district
27 pursuant to s. 189.429, Florida Statutes. This law is intended
28 to provide a single, comprehensive special act charter for the
29 district that ratifies and continues all powers and authority,
30 including its taxing authority, granted to the district by its
31 several previous legislative enactments and that grants such

1 additional authority and imposes such additional requirements
2 and limitations as may be provided by this act.

3 Section 5. Orange County Library District:
4 establishment; boundaries; governing board.--

5 (1) ESTABLISHMENT.--The creation of the Orange County
6 Library District pursuant to chapter 80-555, Laws of Florida,
7 for the purpose of providing library services and facilities
8 within the district is hereby ratified.

9 (2) BOUNDARIES.--The Orange County Library District is
10 composed of all areas of Orange County, Florida, except the
11 incorporated areas of the Cities of Winter Park and Maitland,
12 as the boundaries of those municipalities may from time to
13 time exist.

14 (3) GOVERNING BOARD.--The Governing Board of the
15 Orange County Library District is composed of the Board of
16 County Commissioners of Orange County, Florida, and one member
17 appointed by the City Council of the City of Orlando, Florida.
18 Such city council appointees shall be appointed for a term of
19 2 years, shall not serve more than three consecutive terms,
20 and may be removed from the governing board for cause by the
21 city council.

22 Section 6. Governing board powers.--The governing
23 board shall have the power to:

24 (1) Levy annually an ad valorem tax upon taxable
25 property within the district in the same manner as other
26 county and municipal ad valorem taxes are levied, provided
27 that:

28 (a) The millage allocated to annual operating and
29 maintenance expenses of the district shall not exceed one (1)
30 mill; and

31

1 (b) The millage allocated to debt service shall not
2 exceed an amount necessary to pay principal of and interest on
3 bonds issued under subsection (4).

4 (2) Purchase, lease, construct, or otherwise acquire
5 capital projects related to the library services and
6 facilities of the district and to convey such capital projects
7 to the Orange County Library Board of Trustees in trust for
8 the benefit of the residents in the district.

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

11 (4) Issue bonds, notes, any other certificates of
12 indebtedness, or any form of tax or bond anticipation notes or
13 certificates payable from all or any portion of the ad valorem
14 tax revenues of the district, but only when the proceeds of
15 such bonds, notes, certificates of indebtedness, or tax
16 anticipation notes or certificates are used to finance or
17 refinance capital projects related to library services or
18 facilities of the district, and only when such indebtedness is
19 approved at referendum pursuant to law. Bonds issued hereunder
20 shall be payable from taxes to be levied on all taxable
21 property in the district without limitation as to rate or
22 amount. However, the aggregate amount of bonds issued and
23 outstanding hereunder at any time shall not require in any
24 year for the payment of principal and interest falling due an
25 amount greater than one (1) mill on the assessed valuation of
26 all taxable property in the district at the time of the
27 issuance of such bonds. In issuing such bonds or other forms
28 of indebtedness, the governing board may pledge the full faith
29 and credit of the district for service of the debt to be
30 incurred.

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1 (5) Issue revenue bonds or notes payable from the
2 proceeds of any fees, charges, fines, rentals, grants, or
3 other sources of revenue (except ad valorem taxes) which may
4 be or become available to the district; to pledge such
5 revenues to the payment of such revenue bonds or notes; to
6 make all customary or necessary covenants for the security of
7 such revenue bonds or notes (including covenants to assure the
8 adequacy of such revenues and the proper collection, holding,
9 and disposition thereof); to agree to pay some or all expenses
10 of maintenance and operation from sources other than pledged
11 revenues (and not to diminish the rate of taxation available
12 therefor); to capitalize interest and reserves in such amounts
13 as the governing board may deem necessary; to pay all costs of
14 issuance of such bonds or notes, including fiscal, legal, bond
15 insurance, and printing expenses from bond or note proceeds or
16 other sources; and to apply the proceeds of said revenue bonds
17 or notes to the payment of the cost of any or all facilities
18 or property (real or personal, including books) which said
19 district is empowered to acquire, including all architectural,
20 legal, engineering, and other professional costs in connection
21 therewith, or to the refunding of previously issued revenue
22 bonds or notes.

23 (6) Issue such bonds, revenue bonds or notes, tax or
24 bond anticipation notes, or other forms of indebtedness at
25 such interest rate or rates as the governing board may
26 determine.

27 (7) Appoint members to the Orange County Library Board
28 of Trustees as provided in section 8.

29 (8) Budget, appropriate, and pay revenues of the
30 district to the board of trustees for operation and
31 maintenance of library services and facilities, and, when

1 conveyed to the board of trustees, such revenues shall be
2 deemed revenues of the board of trustees to be expended by the
3 trustees at their discretion pursuant to the powers granted
4 under this act and subject to limitations contained in this
5 act.

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

11 Section 7. Use of tax revenues; supplemental
12 appropriations and services in kind.--Ad valorem tax revenue
13 of the district may be used only for the operation and
14 maintenance expenses of district library services and
15 facilities, for capital expenditures related to district
16 library services and facilities, or for servicing debt
17 incurred in financing or refinancing capital projects as
18 authorized by this act. Notwithstanding any other provision of
19 this act, any county or city may appropriate, and the board of
20 trustees may accept and expend, funds for library facilities,
21 services, programs, and operations which are supplemental to
22 ad valorem tax revenues otherwise collected pursuant to this
23 act. Further, any county or city may provide to the board of
24 trustees services and in-kind contributions of any nature
25 whatsoever in support of library facilities, services,
26 programs, and operations.

27 Section 8. Orange County Library Board of Trustees:
28 establishment and purpose; appointment of members, terms,
29 removal, and vacancies; compensation; quorum, rules of
30 procedure, and seal.--

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1 (1) ESTABLISHMENT AND PURPOSE.--There is hereby
2 established the Orange County Library Board of Trustees, a
3 public body corporate and politic. The board of trustees shall
4 be deemed a public instrumentality, and the exercise by the
5 trustees of the powers conferred by this act shall be deemed
6 the performance of an essential public function.

7 (2) APPOINTMENT OF MEMBERS, TERMS, REMOVAL, AND
8 VACANCIES.--The Orange County Board of Trustees shall consist
9 of five members appointed by the governing board, two of whom
10 shall be nominated by the City of Orlando. A nominee of the
11 City of Orlando shall be appointed by the governing board to
12 the board of trustees unless rejected for good cause shown.

13 (a) All members shall serve terms of four years,
14 except that each member shall continue to serve beyond his or
15 her term until a successor is appointed, and the term of the
16 successor shall be reduced by the amount of the holdover. No
17 member shall serve more than two full terms consecutively or
18 more than ten consecutive years. No person employed either by
19 Orange County or by the City of Orlando shall serve on the
20 board of trustees during the time of such employment. Further,
21 no elected official of any county or municipality may serve on
22 the board of trustees during the term of elected office. The
23 appointment of all members serving as of the effective date of
24 this act, and the terms for which they were appointed, are
25 hereby ratified and validated.

26 (b) Any trustee may be removed by majority vote of the
27 governing board for good cause affecting his or her ability to
28 perform the duties as a member, or for misfeasance,
29 malfeasance, or nonfeasance in office, but only after a
30 hearing at which such trustee is given the right to present
31 evidence in his or her own behalf and only upon a finding by

1 majority vote of the governing board that good cause for
2 removal affecting the member's ability to perform the duties
3 as a member exists, or a finding that the trustee was guilty
4 of misfeasance, malfeasance, or nonfeasance in office.

5 (c) Upon the occurrence of a vacancy on the board of
6 trustees, the governing board shall appoint a new member to
7 serve during the unexpired portion of the term no later than
8 ninety days after occurrence or discovery of the vacancy.

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

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

23 Section 9. Powers of the Orange County Library Board
24 of Trustees.--The Orange County Library Board of Trustees
25 shall have the following powers:

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

30 (2) To purchase, lease, or otherwise acquire real and
31 personal property, and generally to take all other actions

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

14 (3) To lease, grant, sell, or otherwise convey real
15 property upon approval of the governing board.

16 (4) To dispose of personal property as necessary in
17 the prudent management, operation, and maintenance of library
18 services and facilities.

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

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

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

29 (8) To contract with any county, city, or other public
30 body for the provision of library services within or outside
31 of the district, provided that library services outside the

1 district shall not be subsidized by the ad valorem revenues of
2 the district.

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

9 (11) 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 and services.

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

18 Section 10. Duties of the Orange County Library Board
19 of Trustees.--

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

25 (2) The board of trustees shall comply with the budget
26 and audit requirements of ss. 189.418(4) and 218.34, Florida
27 Statutes, and any successor or other applicable general laws.

28 (3) The board of trustees shall perform fully all
29 duties prescribed by any trust instruments which may from time
30 to time convey property to the trustees from the governing
31 board or from other public or private persons or entities, but

1 only to the extent that such trust instruments are not
2 inconsistent with this act.

3 (4) The board of trustees shall be bound by all
4 covenants securing any revenue bonds or notes issued from time
5 to time by the governing board.

6 Section 11. Entitlement of district residents to
7 library services; enforcement; limitation of trustee
8 liability.--

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

23 (2) ENFORCEMENT.--Except as otherwise provided by the
24 trust instrument, the provisions and requirements of any trust
25 for which the board of trustees acts as trustee may be
26 enforced only by the governing board.

27 (3) LIMITATION ON TRUSTEE LIABILITY.--Absent personal
28 negligence, no member of the Orange County Library Board of
29 Trustees shall incur any personal liability for the tortious
30 acts or violations of fiduciary duty of any employee of the
31 board of trustees.

1 Section 12. Severability.--If any portion of this act
2 is held invalid or unconstitutional by any court of law, all
3 remaining portions of the act shall remain in full force and
4 effect if, and only if, the intent of the Legislature can
5 continue to be effected.

6 Section 13. Chapter 80-555, Laws of Florida, chapter
7 81-450, Laws of Florida, and chapter 91-372, Laws of Florida,
8 are repealed.

9 Section 14. This act shall take effect upon becoming a
10 law.