

By Representative Healey

1                                   A bill to be entitled  
2           An act relating to Palm Beach County; providing  
3           for codification of special laws regarding  
4           special districts pursuant to Chapter 189,  
5           Florida Statutes, relating to the Palm Beach  
6           County Library District, a dependent special  
7           taxing district in Palm Beach County; amending,  
8           codifying, and repealing chapters 67-1869,  
9           76-460, and 86-431, Laws of Florida; ratifying  
10          and confirming the creation and establishment  
11          of the Palm Beach County Library District;  
12          providing definitions; providing for a library  
13          advisory board; providing operating rules and  
14          procedures; providing for budget and reports;  
15          providing for contractual service; providing  
16          for title of library to be in county; providing  
17          for receipt of gifts and bequests; providing  
18          for taxation and contracts; providing for a  
19          county library fund; providing an effective  
20          date.

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

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24           Section 1. Pursuant to chapter 189, Florida Statutes,  
25 this act constitutes the codification of all special acts  
26 relating to the Palm Beach 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.

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1           Section 2. Chapter 67-1869, Laws of Florida, chapter  
2 76-460, Laws of Florida, and chapter 86-431, Laws of Florida,  
3 relating to the Palm Beach County Library District, are  
4 codified, reenacted, amended, and repealed as herein provided.

5           Section 3. The Palm Beach County Library District is  
6 re-created and reenacted to read:

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

9           Section 2. Palm Beach County Library District  
10 Charter.--It is the intent of this act to create a Palm Beach  
11 County Library District for which the governing body will be  
12 the Board of County Commissioners of Palm Beach County, for  
13 the purpose of establishing, operating, and maintaining a free  
14 public library or providing for contractual library services  
15 for the benefit and use of the residents of Palm Beach County,  
16 who are taxed for such library or library service. This taxing  
17 district shall be subject to chapter 120, Florida Statutes, as  
18 it pertains to the Florida Administrative Procedure Act, when  
19 applicable.

20           A. Definitions.--As used in this chapter, the  
21 following words and terms shall have the following meanings,  
22 unless some other meaning is clearly indicated:

23           (1) "Library advisory board" shall refer to a board of  
24 citizens, which shall represent the board of county  
25 commissioners in matters pertaining to county free public  
26 libraries or free public library service. This shall include,  
27 but not be limited to, matters of policy, budgeting, and  
28 employment of the head librarian.

29           (2) "Commission" shall mean the Board of County  
30 Commissioners of Palm Beach County.

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1       (3) "Contractual library service" shall refer to the  
2 library service provided by the county to its residents by  
3 means of a contractual arrangement.

4       (4) "District" shall refer to the Palm Beach County  
5 Library District which shall include all taxable property  
6 within the county not already taxed for library purposes by a  
7 municipality.

8       (5) "Palm Beach County Library System" or "library  
9 system" shall refer to the entity created by the district to  
10 provide free public library services.

11       B. Organization for administration of the library  
12 system.--The responsibility for operating and maintaining the  
13 library system shall be delegated to a head librarian,  
14 qualified according to standards established by the library  
15 advisory board.

16       C. Library advisory board.--The commission shall  
17 appoint a citizens advisory board to represent them in  
18 administering the library system. The library advisory board  
19 shall select the head librarian, and make policy and budget  
20 decisions subject to the approval of the commission. The  
21 commission shall appoint the library advisory board to consist  
22 of not more than fifteen (15) citizens of the district, and  
23 establish qualifications and terms for membership. The library  
24 advisory board shall serve without pay, but may be reimbursed  
25 for actual expenses subject to the approval of the commission.

26       D. Operating rules and procedures.--The library  
27 advisory board may establish such rules, regulations, and  
28 procedures as are deemed necessary for the operation of the  
29 library system; provided, however, that no such rule,  
30 regulation, or procedure shall conflict with any law, statute,  
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1 or regulation established by the Legislature of this state or  
2 the commission of the county.

3 E. Budgets; reports.--Budgets and reports shall be  
4 prepared and filed by the head librarian in accordance with  
5 instructions and regulations of the commission, but in no case  
6 shall the budget be filed later than July 1 of each year or  
7 the annual report later than January 1 for the preceding  
8 fiscal year.

9 F. Contractual library service.--In carrying out the  
10 provisions of this chapter, the commission may either acquire  
11 and provide for the maintenance and operation of a free public  
12 library for the county, or may provide free library service to  
13 the citizens of the county by entering into a contract  
14 therefor with any municipality or municipalities, or both,  
15 with any nonprofit library corporation or association in Palm  
16 Beach County owning a free public library, or with any other  
17 county or municipality in the state owning a free public  
18 library. Any municipality or any nonprofit library corporation  
19 or association owning a free public library in Palm Beach  
20 County may enter into a contract with the county to receive  
21 services including, but not limited to, library materials and  
22 technical assistance from the library system upon such terms  
23 as may be agreed upon by the county and the governmental body  
24 of the library contracting therewith.

25 G. Title of library to be in the county.--The title  
26 and ownership of all land, buildings, facilities, equipment,  
27 and library materials constructed or acquired by or on behalf  
28 of the library library system shall be in Palm Beach County.

29 H. Gifts and bequests.--The commission is authorized  
30 to receive on behalf of the district any gift, bequest, or  
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1 devise for the library system or for use in the county  
2 contractual library service.

3 I. Taxation and contracts.--

4 (1) In order to establish and maintain a free public  
5 library or to provide contractual library services, the  
6 commission may levy an annual tax, in the same manner and at  
7 the same time as other county taxes, upon all taxable property  
8 within the district, and may thereafter enter into a contract  
9 with any municipality in Palm Beach County to furnish free  
10 public library service upon terms to be agreed upon by the  
11 county and the governing body of the library contracting  
12 therewith.

13 (2) Any municipality owning or operating a public  
14 library, or any nonprofit library corporation or association  
15 in Palm Beach County owning a free public library, may enter  
16 into a contract with the commission to furnish or receive any  
17 library service upon terms to be agreed upon by the parties  
18 thereto, or any municipality without a free public library may  
19 enter into a contract with the commission to receive library  
20 service upon the terms to be agreed upon by the county and the  
21 governing body of the municipality.

22 J. County library fund.--

23 (1) All funds of the district, whether derived from  
24 taxation or otherwise, shall constitute a separate fund to be  
25 known as the county library fund, and shall be expended only  
26 for library purposes. The expenses incurred by the library  
27 system shall be paid by warrants drawn by the commission,  
28 payable out of the county library fund. At the end of each  
29 fiscal year, all moneys unexpended in the county library fund  
30 shall be appropriated as part of this fund for the subsequent  
31 fiscal year.

- 1       (2) The commission shall not make expenditures in any  
2 year in excess of the amount available for library purposes.
- 3       (3) Library capital improvements may be funded by:  
4       (a) A multi-year levy; or  
5       (b) Bonds issued by the commission; or  
6       (c) As part of the annual tax; or  
7       (d) Any appropriate public funding source.
- 8       (4) The commission is hereby authorized to submit a  
9 referendum for library capital improvements to the voters of  
10 the district.
- 11       (5) Upon approval of a majority of the voters of the  
12 district, the commission shall levy the voter-approved millage  
13 for the number of years likewise approved, or authorize the  
14 issuance of bonds and necessary millage for debt service.
- 15       (6) Library capital improvements may include:  
16       (a) Acquisition of library sites.  
17       (b) Acquisition, construction, or renovation of  
18 buildings.
- 19       (c) Acquisition of bookmobiles.  
20       (d) Acquisition of initial furniture and equipment.  
21       (e) Acquisition and processing of initial library  
22 material collections.
- 23       (7) If any municipality not a part of the district  
24 chooses to enter the district, that municipality must transfer  
25 resources currently being used to provide public library  
26 service and/or such other resources as would be required for  
27 the library system to provide to the residents of the entering  
28 municipality comparable library service to that provided  
29 throughout the district.
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1           Section 4. The provisions of this act shall be  
2 liberally construed in order to carry out effectively the  
3 purposes of this act.

4           Section 5. It is declared to be the legislative intent  
5 that if any section, subsection, sentence, clause, or  
6 provision of this act is held invalid, the remainder of this  
7 act shall not be affected.

8           Section 6. Chapters 67-1869, 76-460, and 86-431, Laws  
9 of Florida, are repealed.

10          Section 7. This act shall take effect upon becoming a  
11 law.

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