

1                                   A bill to be entitled  
2           An act relating to Escambia County; creating  
3           the West Florida Regional Library District, an  
4           independent special district; providing for the  
5           acquisition, construction, reconstruction,  
6           improvement, operation, maintenance, and  
7           financing of a public library system for the  
8           citizens of Escambia County and the City of  
9           Pensacola; providing boundaries; providing for  
10          library services beyond district boundaries;  
11          providing for a governing board and the manner  
12          of appointing and removing its members and for  
13          their terms of office; providing that the  
14          governing board shall serve without  
15          compensation; providing for powers; providing  
16          for levy of ad valorem taxes on real and  
17          tangible personal property subject to  
18          referendum approval of the electors;  
19          authorizing the issuance of debt obligations;  
20          providing that debt obligations payable by ad  
21          valorem taxation and maturing more than 12  
22          months after issuance must be approved by  
23          referendum of the electors; providing for  
24          referendum; providing prohibition against levy  
25          of taxes for library purposes by certain local  
26          governments; providing for amendment; providing  
27          for severability; providing an effective date.

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29   Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Short title.--This act may be cited as the  
2 "West Florida Regional Library District Act."

3           Section 2. Creation and purpose; boundaries.--

4           (1) CREATION AND PURPOSE.--Subject to approval by  
5 referendum election held pursuant to section 8 of this act,  
6 there is created the West Florida Regional Library District,  
7 an independent special taxing district created for the purpose  
8 of providing the only library system services and facilities  
9 for all citizens of Escambia County and the City of Pensacola,  
10 excluding the Escambia County School District library system  
11 and any libraries of the University of West Florida and  
12 Pensacola Junior College.

13           (2) BOUNDARIES.--The boundaries of the West Florida  
14 Regional Library District shall be the boundaries of Escambia  
15 County.

16           Section 3. Governing board; establishment;  
17 composition; appointment of members; terms, removal, and  
18 vacancies; compensation; quorum, rules of procedure, and seal;  
19 powers.--

20           (1) ESTABLISHMENT.--The governing body of the West  
21 Florida Regional Library District shall be known as the West  
22 Florida Regional Library District Governing Board, a public  
23 body corporate and politic, hereinafter referred to as the  
24 "governing board" or the "board," which shall exercise all  
25 administrative and policymaking functions for the district.  
26 The board shall be deemed a public instrumentality, and  
27 exercise by the board of the powers conferred by this act  
28 shall be deemed the performance of an essential public  
29 function.

30           (2) COMPOSITION AND APPOINTMENT, TERMS, OATH, REMOVAL,  
31 AND VACANCIES.--

1           (a) The governing board shall be composed of three  
2 registered voters of Escambia County appointed by the Board of  
3 County Commissioners of Escambia County, and three registered  
4 voters of the City of Pensacola appointed by the Pensacola  
5 City Council. A seventh member, who shall be a registered  
6 voter of Escambia County, shall be appointed by a majority  
7 vote of the six.

8           (b) All members of the governing board shall be  
9 appointed for an initial term of 3 years. All members shall  
10 serve terms of 3 years, except that each member shall hold  
11 over in office until a successor is nominated and appointed in  
12 the same manner as provided for initial appointments, and the  
13 term of the successor shall be reduced by the amount of the  
14 predecessor's holdover. No member shall serve more than two  
15 consecutive full terms, or more than 6 consecutive years. Any  
16 member may be removed for cause by the governing body which  
17 appointed such member.

18           (c) Each member of the board, before entering upon his  
19 or her duties, shall take and subscribe to the oath or  
20 affirmation required by the State Constitution. A record of  
21 each oath shall be filed with the Department of State and with  
22 the Clerk of the Circuit Court of Escambia County. Each member  
23 of the board shall abide by the same financial disclosure  
24 requirements and any other reporting requirements that would  
25 be applicable to a member of the Escambia County Board of  
26 County Commissioners.

27           (d) Any member may be removed by majority vote of the  
28 other members of the governing board for good cause affecting  
29 his or her ability to perform his or her duties as a member,  
30 or for misfeasance, malfeasance, or nonfeasance in office, but  
31 only after a hearing at which the member is given the right to

1 present evidence on his or her own behalf and only upon a  
2 finding by majority vote of the other members of the governing  
3 board that good cause for removal affecting the member's  
4 ability to perform the duties as a member exists, or upon a  
5 finding that the member is guilty of misfeasance, malfeasance,  
6 or nonfeasance in office.

7 (e) Upon the occurrence of a vacancy on the board, by  
8 removal or otherwise, the Escambia County Board of County  
9 Commissioners, the Pensacola City Council, or the organization  
10 representing any other governmental entity within or without  
11 the district that is a signatory to an interlocal agreement,  
12 as appropriate, shall appoint a member to fill the vacancy.  
13 Such appointee shall be a member of the governing body of the  
14 entity making the appointment and shall serve the remainder of  
15 the term of the member whose departure has created the  
16 vacancy.

17 (3) COMPENSATION.--Members shall serve without  
18 compensation, except that they may be reimbursed pursuant to  
19 section 112.061, Florida Statutes, for reasonable travel and  
20 per diem expenses incurred in the course of their duties and  
21 responsibilities as members, on behalf of the governing board  
22 or otherwise, in engaging in the business of the district. The  
23 board shall adopt a travel policy to govern official travel.

24 (4) QUORUM, RULES OF PROCEDURE, AND SEAL.--A quorum  
25 shall consist of a majority of the members of the board, and  
26 official action shall be taken only upon majority vote of the  
27 members present and voting. The board shall adopt bylaws for  
28 election of officers and for the conduct of orderly  
29 proceedings and shall adopt a common seal for certification of  
30 its actions.

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1           (5) POWERS OF THE BOARD.--The board shall have the  
2 power to:

3           (a) Adopt, implement, and amend rules, regulations,  
4 policies, and procedures for the management, operation, and  
5 maintenance of library services and facilities in the  
6 district, including, but not limited to, lending policies,  
7 gift policies, and book selection policies.

8           (b) Develop, adopt, and implement an annual budget for  
9 a fiscal year commencing on October 1 and, further, develop  
10 plans and programs for the operation, maintenance, and  
11 physical expansion of the facilities and operations of the  
12 district.

13           (c) Set fees, fines, and other charges in connection  
14 with the operations and services of the district and establish  
15 administrative mechanisms for the collection of those fees and  
16 other charges, subject to the provisions of section 6.

17           (d) Enter into contracts, receive and expend moneys,  
18 sue and be sued, and generally perform all other acts  
19 necessary or incidental to the express powers and duties  
20 granted or imposed by this act or by any instrument of trust.

21           (e) Lease, grant, sell, or otherwise convey real and  
22 personal property.

23           (f) Receive gifts of money or property to be utilized  
24 in providing library facilities, materials, or other  
25 library-oriented programs; spend moneys, grants, proceeds, or  
26 gifts; and administer any other form of property provided to  
27 the district by a gift, trust, deed, or will.

28           (g) Annually levy, for annual operating and  
29 maintenance expenditures and for capital improvements and/or  
30 debt service, an ad valorem tax upon real and tangible  
31 personal property within the district in the same manner as

1 other county and municipal ad valorem taxes are levied,  
2 provided that:

3 1. The millage allocated to annual operating and  
4 maintenance expenses of the district shall not exceed 1 mill,  
5 except that for the first 3 years from the effective date of  
6 this act such millage shall not exceed 0.5 mill.

7 2. The millage allocated to capital improvements  
8 and/or debt service shall not exceed the amount necessary to  
9 pay the principal of, and interest on, bonds issued under  
10 paragraph (j) and in any event shall not exceed 0.5 mill.  
11 During any year in which the governing body levies ad valorem  
12 taxes for the purpose of servicing debt issued pursuant to  
13 this paragraph, the maximum annual capital improvement millage  
14 authorized by this paragraph shall be reduced by the millage  
15 actually levied to service such debt.

16 (h) Purchase, lease, lease purchase, construct,  
17 reconstruct, or otherwise acquire capital projects related to  
18 the library services and facilities of the district.  
19 Lease-purchase arrangements may include such contracts and  
20 agreements deemed necessary or convenient by the governing  
21 board, and any rental or other payments required thereunder  
22 may be secured by any lawfully available funds of the  
23 district.

24 (i) Appropriate and expend revenue of the district,  
25 subject to the limitations of this act.

26 (j) Issue from time to time limited tax bonds, notes,  
27 any other certificates of indebtedness, or any form of limited  
28 tax or bond anticipation notes or certificates payable from  
29 all or any portion of the 0.5 mill capital improvement millage  
30 provided for in subparagraph (g)2., but only when the proceeds  
31 of such bonds, notes, certificates of indebtedness, or tax or

1 bond anticipation notes or certificates are used to finance or  
2 refinance capital projects related to library services or  
3 facilities of the district. Bonds issued hereunder shall be  
4 payable from taxes to be levied on all taxable property in the  
5 district, but said taxes shall be limited to a maximum levy of  
6 0.5 mill. In issuing such bonds or other forms of  
7 indebtedness, the governing board may pledge the faith and  
8 credit of the district for service of the debt to be incurred,  
9 up to the 0.5 mill limit.

10 (k) Issue bonds, notes, certificates of indebtedness,  
11 or any form of tax or bond anticipation notes or certificates  
12 payable from all or any portion of the ad valorem tax revenues  
13 of the district, provided that if such bonds, notes,  
14 certificates of indebtedness, or tax anticipation notes or  
15 certificates mature more than 12 months after the date of  
16 issuance:

17 1. The issuance thereof shall be approved by a  
18 majority of the electors voting in a bond referendum conducted  
19 pursuant to law.

20 2. The proceeds thereof shall be used only to finance  
21 or refinance capital projects related to library services or  
22 facilities of the system. Bonds or other forms of indebtedness  
23 issued pursuant to this subsection shall be payable from ad  
24 valorem taxes to be levied on all taxable property in the  
25 district without limitation as to rate or amount. In issuing  
26 such bonds or other forms of indebtedness, the governing board  
27 may pledge the full faith and credit of the district for  
28 service of the debt to be incurred.

29 (l) Issue revenue bonds, notes, including bond  
30 anticipation notes, or other certificates of indebtedness  
31 payable from the proceeds of any fees, charges, fines,

1 rentals, grants, or other sources of revenue, except ad  
2 valorem taxes, which may be or may become available to the  
3 district and, in connection therewith, to:

4 1. Pledge such revenues to the payment of such revenue  
5 bonds, notes, or other certificates of indebtedness.

6 2. Make all customary or necessary covenants for the  
7 security of such revenue bonds, notes, or other certificates  
8 of indebtedness, including covenants to ensure the adequacy of  
9 such revenues and the proper collection, holding, and  
10 disposition thereof.

11 3. Agree to pay some or all expenses of maintenance  
12 and operation from sources other than pledged revenues, and  
13 not to diminish the rate of taxation available therefor.

14 4. Capitalize interest and reserves in such amounts as  
15 the governing board may deem necessary.

16 5. Pay all or any portion of the costs of issuance of  
17 such bonds, notes, or other certificates of indebtedness,  
18 including fiscal, legal, bond insurance, and printing  
19 expenses, from the proceeds of such bonds, notes, or other  
20 certificates of indebtedness or from other sources.

21 6. Apply the proceeds of said revenue bonds, notes, or  
22 other certificates of indebtedness to the payment of the cost  
23 of any or all facilities or property, real or personal,  
24 including books, which said district is empowered to acquire,  
25 including all architectural, legal, engineering, and other  
26 professional costs incurred in connection therewith, or to the  
27 refunding of previously issued bonds, notes, or other  
28 certificates of indebtedness.

29 (m) Issue such bonds, revenue bonds, tax or bond  
30 anticipation notes, or other forms of indebtedness at such  
31 interest rate or rates as the governing board may determine



1 appropriate, not exceeding the maximum rates permitted by  
2 general law.

3 (n) Provide for the management, administration,  
4 operation, supervision, oversight, and maintenance of all  
5 library facilities, and the services, programs, and functions  
6 thereof, for the benefit of the residents of Escambia County  
7 and the City of Pensacola and for any other jurisdiction which  
8 may become a member of the district by entering into an  
9 agreement with the library board.

10 (o) Purchase, lease, or otherwise acquire real and  
11 personal property, and generally take all other actions  
12 regarding such property as may be necessary in the prudent  
13 management, operation, and maintenance of library district  
14 services and facilities. All property, real or personal,  
15 acquired by the governing board from whatever source or by  
16 whatever means shall be deemed to be held in trust for the  
17 benefit of the residents of the district for library purposes.  
18 In the event that the district is dissolved, all of the assets  
19 of the district shall be evenly divided between the Pensacola  
20 City Council and the Escambia County Board of County  
21 Commissioners irrespective of the geographical location of the  
22 assets. The specific disposition of the assets shall be  
23 determined by negotiations and mutual agreement between the  
24 two parties.

25 (p) Dispose of real or personal property as necessary  
26 for the prudent management, operation, and maintenance of  
27 library services and facilities.

28 (q) Provide for the employment of personnel and all  
29 matters relative thereto through the contractual agreement  
30 with the City of Pensacola referred to in subsection (1) of  
31 section 5.

1           (r) Retain attorneys, accountants, architects,  
2 engineers, and other consultants and professionals, pursuant  
3 to applicable general law.

4           (s) Contract with the City of Pensacola for the  
5 provision of library services and personnel and the  
6 administration of those services and personnel within or  
7 outside the district, provided that library services outside  
8 the district shall not be subsidized by the ad valorem tax  
9 revenues of the district. The costs of providing library  
10 services pursuant to paragraph (v) within any jurisdiction  
11 outside the district boundaries shall be borne by such  
12 jurisdiction.

13           (t) Apply for and accept any grant of money or  
14 property from any governmental body or private organization  
15 and enter into contracts incidental thereto.

16           (u) Adopt rules for the regulation of its affairs and  
17 the conduct of its business and perform all other acts  
18 necessary to enable the governing board to properly carry out  
19 the purposes of this act.

20           (v) Enter into agreements with any public agency as  
21 defined in section 163.01, Florida Statutes, to provide  
22 library services within the jurisdiction of such public  
23 agency.

24           (w) Plan and coordinate with Escambia County and the  
25 City of Pensacola to ensure that library system facilities  
26 comply with applicable elements of local comprehensive plans.

27           (x) Comply with all applicable provisions of law,  
28 including without limitation those provisions of chapter 189,  
29 Florida Statutes, applicable to independent special districts  
30 and applicable provisions of chapter 218, Florida Statutes.

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1           Section 4. Use of tax revenues; supplemental  
2 appropriations and in-kind services.--

3           (1) Ad valorem tax revenue of the district shall be  
4 used for the following purposes only:

5           (a) Operation and maintenance expenses of library  
6 district services and facilities.

7           (b) Capital expenditures related to library district  
8 services and facilities within the district.

9           (c) Servicing debt incurred pursuant to this act.

10          (2) Notwithstanding any other provision of this act,  
11 any county or city may appropriate, and the governing board  
12 may accept and expend, funds for library facilities, services,  
13 programs, and operations which are supplemental to ad valorem  
14 tax revenues otherwise collected pursuant to this act.

15 Further, any county or city may provide to the board services  
16 and in-kind contributions of any nature whatsoever in support  
17 of library facilities, services, programs, and operations.

18          Section 5. Support services.--

19          (1) The governing board shall arrange for the  
20 provision of budgeting, building and grounds maintenance,  
21 personnel, purchasing, legal, accounting and treasury  
22 services, and all general government services to the library  
23 district through a contract for such services with the City of  
24 Pensacola. All employees, with the exception of members of the  
25 board, shall be considered employees of the City of Pensacola  
26 for purposes of this act. Such contract shall provide for the  
27 reimbursement of all administrative costs to the City of  
28 Pensacola, both direct and indirect. Indirect costs shall be  
29 calculated based upon a formula approved by the board and the  
30 City of Pensacola.

1           (2) The City Attorney of the City of Pensacola shall  
2 provide legal services to the library district through the  
3 contractual relationship provided for in subsection (1).

4           Section 6. Entitlement of district residents to  
5 library services.--For as long as the governing board levies  
6 an ad valorem tax pursuant to paragraph (5)(g) of section 3  
7 for the operation and maintenance of library services and  
8 facilities, all residents of the district shall be entitled to  
9 use of the general library services and facilities without  
10 charge. However, nothing in this section shall be construed as  
11 prohibiting the board 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 and which the board would  
15 otherwise not be able to make available without such user  
16 charges. Further, such entitlement shall cease and shall not  
17 apply if and when ad valorem tax revenues are used solely for  
18 servicing debt incurred in the acquisition or refinancing of  
19 capital projects.

20           Section 7. Prohibition against other taxation for  
21 libraries.--As long as the governing board levies the ad  
22 valorem tax authorized by this act, the Escambia County Board  
23 of County Commissioners, the Pensacola City Council, and any  
24 other taxing authorities within the boundaries of the district  
25 are hereby prohibited from levying any tax for library  
26 facilities, services, or other library purposes, excluding the  
27 library facilities, services, and other library purposes of  
28 the school library system.

29           Section 8. Referendum authority to levy ad valorem  
30 taxes and to issue debt obligations payable from ad valorem  
31 taxes; dissolution of district upon nonapproval.--A referendum

1 of the electors of Escambia County shall be held prior to  
2 December 31, 2003, to authorize the creation of the West  
3 Florida Regional Library District and its power to levy ad  
4 valorem taxes on real and tangible personal property within  
5 the limitations and for the purposes provided in paragraph  
6 (5)(g) of section 3. The Pensacola City Council shall, by  
7 resolution, prepare the referendum ballot language and fix the  
8 date of the referendum election, and shall provide for such  
9 notices as may be required by the Florida Election Code.

10 Section 9. This act may be amended by law.

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

16 Section 11. This act shall take effect only upon its  
17 approval by a majority vote of those qualified electors of  
18 Escambia County voting in a referendum to be held by the  
19 Pensacola City Council in conjunction with a primary, general,  
20 special, or other election to be held in Escambia County prior  
21 to December 31, 2003, except that this section shall take  
22 effect upon becoming a law.

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