

By Senator Peadar

1-1171-02

See HB

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.

28
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 used in
24 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 debt
30 service, an ad valorem tax upon real and tangible personal
31 property within the district in the same manner as other

1 county and municipal ad valorem taxes are levied, provided
2 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 and
8 debt service shall not exceed the amount necessary to pay the
9 principal of, and interest on, bonds issued under paragraph
10 (j) and in any event shall not exceed 0.5 mill. During any
11 year in which the governing body levies ad valorem taxes for
12 the purpose of servicing debt issued pursuant to this
13 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 these taxes shall be limited to a maximum levy
6 of 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 must be approved by a majority
18 of the electors voting in a bond referendum conducted pursuant
19 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 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 the 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 municipality may appropriate, and the governing
12 board may accept and expend, funds for library facilities,
13 services, programs, and operations which are supplemental to
14 ad valorem tax revenues otherwise collected pursuant to this
15 act. Further, any county or municipality may provide to the
16 board services and in-kind contributions of any nature
17 whatsoever in support of library facilities, services,
18 programs, and operations.

19 Section 5. Support services.--

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

7 Section 6. Entitlement of district residents to
8 library services.--For as long as the governing board levies
9 an ad valorem tax pursuant to paragraph (5)(g) of section 3
10 for the operation and maintenance of library services and
11 facilities, all residents of the district shall be entitled to
12 use of the general library services and facilities without
13 charge. However, nothing in this section shall be construed as
14 prohibiting the board from imposing fines for delinquent
15 library materials or establishing charges for library services
16 and facilities that are specialized and of a type not
17 typically used by the general public and that the board would
18 otherwise not be able to make available without such user
19 charges. 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 Section 7. Prohibition against other taxation for
24 libraries.--As long as the governing board levies the ad
25 valorem tax authorized by this act, the Escambia County Board
26 of County Commissioners, the Pensacola City Council, and any
27 other taxing authorities within the boundaries of the district
28 are hereby prohibited from levying any tax for library
29 facilities, services, or other library purposes, excluding the
30 library facilities, services, and other library purposes of
31 the school library system.

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

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

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

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

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