

By Senator Saunders

37-991-03

See HB 445

1 A bill to be entitled
2 An act relating to the Fort Myers Beach Public
3 Library District; codifying, amending, and
4 reenacting special acts relating to the
5 district; providing membership, powers, and
6 duties of the governing board of the district;
7 providing for the levying of non-ad valorem
8 assessments and the issuance of bonds;
9 providing for the collection of taxes and
10 assessments; providing construction; providing
11 severability; repealing chapters 65-1823,
12 75-418, 79-489, 79-491, 81-414, 85-441, and
13 91-404, Laws of Florida; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Pursuant to section 189.429, Florida
19 Statutes, this act constitutes the codification of all special
20 acts relating to the Fort Myers Beach Public Library District.
21 It is the intent of the Legislature in enacting this law to
22 provide a single, comprehensive special act charter for the
23 district, including all current legislative authority granted
24 to the district by its several legislative enactments and any
25 additional authority granted by this act.

26 Section 2. Chapters 65-1823, 75-418, 79-489, 79-491,
27 81-414, 85-441, and 91-404, Laws of Florida, are codified,
28 reenacted, amended, and repealed as herein provided.

29 Section 3. The charter for the Fort Myers Beach Public
30 Library District is re-created and reenacted to read:

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1 Section 1. Creation.--There is hereby made, created,
2 and established the Fort Myers Beach Public Library District,
3 an independent special district, hereinafter referred to as
4 "the District," through the codification and reenactment of
5 the District's several legislative enactments, which shall
6 include the following described land:

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8 All that part of Lee County that is located and
9 situated within San Carlos Island; Estero
10 Island; the easterly one-half (1/2) of Section
11 13, Township 46 South, Range 23 East; Section
12 18, Township 46 South, Range 24 East; and
13 Section 7, Township 46 South, Range 24 East,
14 except that part which is located and situated
15 North of the old railroad grade.

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17 Section 2. Governing body.--The District shall be
18 governed by a board which shall consist of seven qualified
19 residents. Candidates shall be required to open depositories
20 and appoint treasurers prior to accepting any contributions or
21 expending any funds, provided that where a candidate accepts
22 no contributions and does no advertising and the only
23 expenditure is the filing fee or the fee required for checking
24 signatures, the candidate shall not be required to open a
25 depository or appoint a treasurer. All members of the
26 governing board of the District shall serve for a term of 4
27 years. Nothing herein shall affect the current term of office
28 or require the early expiration of the current term of office
29 of any current member of the governing board of the District.
30 Each elected member of the governing board shall assume office
31 immediately upon his or her election. Members of the governing

1 board of the District shall receive no compensation. Vacancies
2 on the governing board of the District shall be filled by the
3 Governor for the remainder of the term, and copies of all
4 resignations or vacancies and appointments shall be sent to
5 the Supervisor of Elections. All District elections shall be
6 on the first Tuesday after the first Monday in November of
7 even-numbered years. The registered voters residing within the
8 District shall be permitted to vote. Costs of any election
9 shall be borne by the District. All elections shall be called
10 by resolution of the governing board of the District. Election
11 results shall be determined by a plurality of the votes cast.
12 Candidates shall qualify from noon of the 63rd day through
13 noon of the 49th day prior to the election. The methods of
14 qualifying shall be uniform pursuant to Florida law,
15 especially chapter 99, Florida Statutes, and section 189.405,
16 Florida Statutes, as said laws may be amended from time to
17 time. The District may provide for the conduct of District
18 elections by the Supervisor of Elections for Lee County,
19 Florida, or as otherwise described by Florida law,
20 specifically section 189.405, Florida Statutes, as said laws
21 may be amended from time to time.

22 Section 3. Officers; meetings; powers.--Within 10 days
23 after the election of the members of the governing board, the
24 members shall meet and elect from their membership a
25 president, vice-president, secretary, corresponding secretary,
26 and treasurer; however, the same member may be both secretary
27 and treasurer. The treasurer of the governing board, when
28 entering upon his or her duties, shall give a sufficient bond
29 to the Governor in the sum of \$3,000 for the faithful
30 performance of his or her duties as treasurer, the premium for
31 the bond to be paid by the District. The treasurer shall make

1 a report at each regular meeting of the governing board.
2 Warrants for the payment of labor, equipment, property, or
3 other expenses of the governing board, and in carrying into
4 effect this act and its purposes, shall be payable by the
5 treasurer of the governing board on accounts and vouchers in
6 the manner approved by the governing board. The governing
7 board shall meet regularly at times designated by the
8 governing board for the purpose of carrying out the business
9 of the District. Meetings of the members of the governing
10 board of the District shall be noticed and regulated as
11 provided by chapters 189 and 286, Florida Statutes, or any
12 other applicable general law, as said laws may be amended from
13 time to time. The governing board shall meet each year and
14 prepare a budget of proposed expenditures for the ensuing year
15 and fix a millage rate for the ensuing year in accordance with
16 the provisions of section 200.065, Florida Statutes, as said
17 law may be amended from time to time. The budget shall be
18 limited to a sum which can be raised by the imposition of a
19 tax not to exceed 1 mill on the real and tangible personal
20 property within the District, and the use thereof shall be
21 limited to library purposes within the District. The District
22 shall have and the governing board may exercise the general
23 powers and special powers prescribed herein and by general
24 law, as said laws may be amended from time to time. In
25 particular, the governing board is authorized to buy, own,
26 lease, and maintain library facilities, equipment, books, and
27 supplies; to acquire, by purchase, lease, gift, dedication,
28 devise, or otherwise, property both real and personal, and any
29 other property as the governing board may deem necessary or
30 proper in order to provide the residents within the District
31 with the most complete library facilities as finances may

1 permit; to make and execute contracts and other instruments
2 necessary or convenient to exercise and carry out the powers
3 of the District, including contracting for the services of
4 consultants; to issue bonds; to borrow money, accept gifts,
5 and apply for and use grants or loans of money or other
6 property from any government agency or person for any District
7 purposes and to enter into agreements required in connection
8 therewith, and to hold, use, sell, and dispose of such moneys
9 or property for any District purpose in accordance with the
10 terms of the gift, grant, loan, or agreement relating thereto;
11 to adopt procedures, ordinances, or resolutions necessary to
12 conduct District business and to satisfy the requirements of
13 the District, including those requirements prescribed in
14 chapter 189, Florida Statutes; to invest and reinvest any
15 surplus public funds as provided in chapter 218, Florida
16 Statutes; and to negotiate and contract with any library
17 facility within the District that has been in existence for at
18 least 5 years on the date that this act becomes law and which
19 has been determined by the Internal Revenue Service of the
20 United States Treasury Department to be tax-exempt under the
21 laws of the United States for the purpose of allocating funds
22 to the library facility or property in kind, either real or
23 personal, and in furtherance of providing facilities for the
24 residents within the District.

25 Section 4. Taxes; non-ad valorem assessments; bond
26 issuance.--The District governing board shall fix and cause to
27 be levied on all property of the District a millage sufficient
28 to meet the requirements of the adopted budget; however, 1
29 mill is the maximum that can be levied in any one year, except
30 as may be provided in any applicable general law, as said laws
31 may be amended from time to time. The District shall have such

1 authority to levy non-ad valorem assessments as prescribed in
2 chapter 189, Florida Statutes, and any other applicable
3 general law, as said laws may be amended from time to time.
4 The District shall have such authority to issue bonds as
5 prescribed in chapter 189, Florida Statutes, and any other
6 applicable general law, as said laws may be amended from time
7 to time, for District purposes. The taxes received by the
8 District herein shall be limited for library purposes within
9 the District, and upon assessment having been made, the
10 assessment shall be in substitution and shall supersede,
11 within the District, any other taxes, whether special or
12 included within the general fund, which the Board of County
13 Commissioners of Lee County may levy or attempt to levy within
14 this District for library purposes.

15 Section 5. Assessment and collection of taxes and
16 assessments.--Taxes and assessments herein provided for shall
17 be assessed and collected in the manner prescribed by
18 applicable general law, as said laws may be amended from time
19 to time. In particular, the taxes provided for herein shall be
20 assessed and collected in the same manner and form as provided
21 for the assessment and collection of county taxes and subject
22 to a 3-percent commission for assessing and a 3-percent
23 commission for collecting same. The tax collector shall
24 distribute taxes collected on behalf of the District pursuant
25 to general law, as said laws may be amended from time to time.

26 Section 4. This act shall be construed as remedial and
27 shall be liberally construed to promote the purpose for which
28 it is intended.

29 Section 5. If any clause or provision of this act is
30 declared as unconstitutional or invalid for any cause or
31 reason, it shall be eliminated from this act, and the

1 remaining portion of this act shall remain in full force and
2 effect as if said unconstitutional or invalid portion had not
3 been incorporated herein.

4 Section 6. Chapters 65-1823, 75-418, 79-489, 79-491,
5 81-414, 85-441, and 91-404, Laws of Florida, are repealed.

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

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