

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 445 W/ CS Fort Myers Beach Public Library District  
**SPONSOR(S):** Green  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government &amp; Veterans' Affairs</u>	<u>18 Y, 0 N w/CS</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Finance and Tax</u>		<u>Monroe</u>	<u>Diez-Arguelles</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

The bill codifies all prior special acts relating to the Fort Myers Beach Public Library District of Lee County, an independent special district, into a single act.

This bill preserves the district's current authority to impose and collect a sum which can be raised by a tax not to exceed 1 mill on the real and tangible personal property within the district. The use is limited to library purposes within the district. Any increase must be approved by vote of the electors.

This bill preserves the district's authority to levy non-ad valorem assessments, and to issue bonds. The bill also makes other changes that do not alter the effect of existing law pertaining to the District.

No fiscal impacts are anticipated according to the Economic Impact Statement (EIS).

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0445.ft.doc  
**DATE:** March 21, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the Fort Myers Beach Public Library District of Lee County, an independent special district, into a single act.

The Fort Myers Beach Library District (District) was established in 1965 by chapter 65-1823, Laws of Florida. The bill preserves the district's authority to levy up to 1 mill of property tax on all real and tangible personal property in the district, for expenditure on library activities.

In 1975, the board's size was reduced from a 13-member board to a 7 member board each being residents of the districts and elected to 4-year terms.

In 1991, chapter 91-404, Laws of Florida, amended the charter to provide that the collection and distribution of property taxes by the Lee County Tax Collector would be governed by current statutory provisions. Also, the library board was relieved of the responsibility of presenting its annual budget to the Lee County Commission or the Lee County Tax Collector. The bill changed the duties of the treasurer to stipulate that a financial status report be presented to the board at each regular meeting, instead of semiannually.

The bill also makes others changes that do not alter the effect of existing law pertaining to the District.

#### **Codification**

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended section 189.429, Florida Statutes to provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded

indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Since the enactment of sections 189.429 and 191.015, F.S., 122 special districts have codified their charters.

### **Status Statement Language**

Section 189.404(5), F.S., provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the Department of Community Affairs' determination or declaratory statement regarding the status of the district.

#### **C. SECTION DIRECTORY:**

**Section 1.** Provides that this act is the codification required under section 189.429, Florida Statutes; states the intent of the Legislature is to have a single, comprehensive special act charter and the intent is to preserve all powers granted by this and previous acts.

**Section 2.** Amends, reenacts, and codifies special acts relating to the district's charter.

**Section 3.** Re-creates and reenacts the Fort Myers Beach Public Library District charter and re-creates the District as follows:

Section 1: Provides for the creation and establishment of the district; states the district is an independent special district; describes the boundaries for the district.

Section 2: Provides for the membership, powers, and duties of the governing board of the district.

Section 3: Provides the organization of the governing board of the district; provides the treasurer shall give a sufficient bond to the Governor in the sum of \$3,000; provides for notices of the board meetings; preserves the district's existing authority to levy an ad valorem tax, a millage sufficient to meet the requirements of the adopted budget not to exceed 1 mill on the real and tangible personal property within the District, limited to library purposes within the District; provides for the district's powers; provides the district is authorized by buy, own, lease, and maintain library facilities, equipment, books, and supplies; to acquire property both real and personal, and any other property as the board may deem necessary or proper in order to provide the residents within the district with the most complete library facilities as finances may permit; provides for contracts; provides for the district to issue bonds; to borrow money, accept gifts, apply for and use grants or loans of money or other property from any government agency or person from any District purpose; provides the district to invest and reinvest any surplus public funds as provided by law; provides for negotiation and contracting with any library facility within the District.

Section 4: Preserves the district's existing authority to levy an ad valorem tax, a millage sufficient to meet the requirements of the adopted budget; provided 1 mill is the maximum that can be levied in any one year, except as may be provided in any applicable general law or special law, as amended; provides the district has the authority to levy non-ad valorem assessments; provides the district has the authority to issue bonds; provides the taxes received by the district are limited for

library purposes; provides that once the assessment has been made, the assessment will be in substitution and supercede, within the district, any other taxes, whether special or included within the general fund, which the Commissioners of Lee County may levy or attempt to levy within this district for library purposes.

Section 5: Provides for the assessment and collection of taxes and assessments by the District, pursuant to general or special law, as may be amended.

**Section 4.** Provides for liberal construction of the act.

**Section 5.** Provides for the severability of any invalid or unconstitutional provisions.

**Section 6.** Repeals chapters 65-1823, 75-418, 79-489, 79-491, 81-414, 85-441, and 91-404, Laws of Florida.

**Section 7.** Provides an effective date of upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 27, 2003

WHERE? News-Press, Fort Myers, Lee County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not Applicable.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

## IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Committee on Local Government & Veterans' Affairs adopted three amendments on March 13, 2003. The first amendment corrects directory language, the second amendment is technical, and the third amendment removes redundant language.