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CHAMBER ACTION

The Committee on Local Government & Veterans' Affairs recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Fort Myers Beach Public Library District; codifying, amending, and reenacting special acts relating to the district; providing membership, powers, and duties of the governing board of the district; providing for the levying of non ad-valorem assessments and the issuance of bonds; providing for the collection of taxes and assessments; providing construction; providing severability; repealing chapters 65-1823, 75-418, 79-489, 79-491, 81-414, 85-441, and 91-404, Laws of Florida; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Fort Myers Beach Public Library District. It is the intent of the Legislature in enacting this law to provide a



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29 single, comprehensive special act charter for the district,  
30 including all current legislative authority granted to the  
31 district by its several legislative enactments and any  
32 additional authority granted by this act.

33 Section 2. Chapters 65-1823, 75-418, 79-489, 79-491, 81-  
34 414, 85-441, and 91-404, Laws of Florida, are codified,  
35 reenacted, amended, and repealed as herein provided.

36 Section 3. The Fort Myers Beach Public Library District is  
37 re-created, and the charter for such District is re-created and  
38 reenacted to read:

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

45  
46 All that part of Lee County that is located and situated  
47 within San Carlos Island; Estero Island; the easterly one-half  
48 (1/2) of Section 13, Township 46 South, Range 23 East; Section  
49 18, Township 46 South, Range 24 East; and Section 7, Township 46  
50 South, Range 24 East, except that part which is located and  
51 situated North of the old railroad grade.

52  
53 Section 2. Governing body.--The District shall be governed  
54 by a board which shall consist of seven qualified residents.  
55 Candidates shall be required to open depositories and appoint  
56 treasurers prior to accepting any contributions or expending any



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57 funds, provided that where a candidate accepts no contributions  
58 and does no advertising and the only expenditure is the filing  
59 fee or the fee required for checking signatures, the candidate  
60 shall not be required to open a depository or appoint a  
61 treasurer. All members of the governing board of the District  
62 shall serve for a term of 4 years. Nothing herein shall affect  
63 the current term of office or require the early expiration of  
64 the current term of office of any current member of the  
65 governing board of the District. Each elected member of the  
66 governing board shall assume office immediately upon his or her  
67 election. Members of the governing board of the District shall  
68 receive no compensation. Vacancies on the governing board of the  
69 District shall be filled by the Governor for the remainder of  
70 the term, and copies of all resignations or vacancies and  
71 appointments shall be sent to the Supervisor of Elections. All  
72 District elections shall be on the first Tuesday after the first  
73 Monday in November of even-numbered years. The registered voters  
74 residing within the District shall be permitted to vote. Costs  
75 of any election shall be borne by the District. All elections  
76 shall be called by resolution of the governing board of the  
77 District. Election results shall be determined by a plurality of  
78 the votes cast. Candidates shall qualify from noon of the 63rd  
79 day through noon of the 49th day prior to the election. The  
80 methods of qualifying shall be uniform pursuant to chapter 99,  
81 Florida Statutes, and section 189.405, Florida Statutes, as said  
82 laws may be amended from time to time. The District may provide  
83 for the conduct of District elections by the Supervisor of  
84 Elections for Lee County, Florida, or as otherwise described by



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85 Florida law, specifically section 189.405, Florida Statutes, as  
86 said laws may be amended from time to time.

87 Section 3. Officers; meetings; powers.--Within 10 days  
88 after the election of the members of the governing board, the  
89 members shall meet and elect from their membership a president,  
90 vice-president, secretary, corresponding secretary, and  
91 treasurer; however, the same member may be both secretary and  
92 treasurer. The treasurer of the governing board, when entering  
93 upon his or her duties, shall give a sufficient bond to the  
94 Governor in the sum of \$3,000 for the faithful performance of  
95 his or her duties as treasurer, the premium for the bond to be  
96 paid by the District. The treasurer shall make a report at each  
97 regular meeting of the governing board. Warrants for the payment  
98 of labor, equipment, property, or other expenses of the  
99 governing board, and in carrying into effect this act and its  
100 purposes, shall be payable by the treasurer of the governing  
101 board on accounts and vouchers in the manner approved by the  
102 governing board. The governing board shall meet regularly at  
103 times designated by the governing board for the purpose of  
104 carrying out the business of the District. Meetings of the  
105 members of the governing board of the District shall be noticed  
106 and regulated as provided by chapters 189 and 286, Florida  
107 Statutes, or any other applicable general law, as said laws may  
108 be amended from time to time. The governing board shall meet  
109 each year and prepare a budget of proposed expenditures for the  
110 ensuing year and fix a millage rate for the ensuing year in  
111 accordance with the provisions of section 200.065, Florida  
112 Statutes, as said law may be amended from time to time. The



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113 budget shall be limited to a sum which can be raised by the  
114 imposition of a tax as provided by section 4 of this charter,  
115 and the use thereof shall be limited to library purposes within  
116 the District. The District shall have and the governing board  
117 may exercise the general powers and special powers prescribed  
118 herein and by general law, as said laws may be amended from time  
119 to time. In particular, the governing board is authorized to  
120 buy, own, lease, and maintain library facilities, equipment,  
121 books, and supplies; to acquire, by purchase, lease, gift,  
122 dedication, devise, or otherwise, property both real and  
123 personal, and any other property as the governing board may deem  
124 necessary or proper in order to provide the residents within the  
125 District with the most complete library facilities as finances  
126 may permit; to make and execute contracts and other instruments  
127 necessary or convenient to exercise and carry out the powers of  
128 the District, including contracting for the services of  
129 consultants; to issue bonds; to borrow money, accept gifts, and  
130 apply for and use grants or loans of money or other property  
131 from any government agency or person for any District purposes  
132 and to enter into agreements required in connection therewith,  
133 and to hold, use, sell, and dispose of such moneys or property  
134 for any District purpose in accordance with the terms of the  
135 gift, grant, loan, or agreement relating thereto; to adopt  
136 procedures, ordinances, or resolutions necessary to conduct  
137 District business and to satisfy the requirements of the  
138 District, including those requirements prescribed in chapter  
139 189, Florida Statutes; to invest and reinvest any surplus public  
140 funds as provided in chapter 218, Florida Statutes; and to



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141 negotiate and contract with any library facility within the  
142 District that has been in existence for at least 5 years on the  
143 date that this act becomes law and which has been determined by  
144 the Internal Revenue Service of the United States Treasury  
145 Department to be tax-exempt under the laws of the United States  
146 for the purpose of allocating funds to the library facility or  
147 property in kind, either real or personal, and in furtherance of  
148 providing facilities for the residents within the District.

149 Section 4. Taxes; non-ad valorem assessments; bond  
150 issuance.--The District governing board shall fix and cause to  
151 be levied on all property of the District a millage sufficient  
152 to meet the requirements of the adopted budget; however, 1 mill  
153 is the maximum that can be levied in any one year, except as may  
154 be provided in any applicable general law, as said laws may be  
155 amended from time to time. The District shall have such  
156 authority to levy non-ad valorem assessments as prescribed in  
157 chapter 189, Florida Statutes, and any other applicable general  
158 law, as said laws may be amended from time to time. The District  
159 shall have such authority to issue bonds as prescribed in  
160 chapter 189, Florida Statutes, and any other applicable general  
161 law, as said laws may be amended from time to time, for District  
162 purposes. The taxes received by the District herein shall be  
163 limited for library purposes within the District, and upon  
164 assessment having been made, the assessment shall be in  
165 substitution and shall supercede, within the District, any other  
166 taxes, whether special or included within the general fund,  
167 which the Board of County Commissioners of Lee County may levy  
168 or attempt to levy within this District for library purposes.



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169        Section 5. Assessment and collection of taxes and  
170 assessments.--Taxes and assessments herein provided for shall be  
171 assessed and collected in the manner prescribed by applicable  
172 general law, as said laws may be amended from time to time. In  
173 particular, the taxes provided for herein shall be assessed and  
174 collected in the same manner and form as provided for the  
175 assessment and collection of county taxes and subject to a 3-  
176 percent commission for assessing and a 3-percent commission for  
177 collecting same. The tax collector shall distribute taxes  
178 collected on behalf of the District pursuant to general law, as  
179 said laws may be amended from time to time.

180        Section 4. This act shall be construed as remedial and  
181 shall be liberally construed to promote the purpose for which it  
182 is intended.

183        Section 5. If any clause or provision of this act is  
184 declared as unconstitutional or invalid for any cause or reason,  
185 it shall be eliminated from this act, and the remaining portion  
186 of this act shall remain in full force and effect as if said  
187 unconstitutional or invalid portion had not been incorporated  
188 herein.

189        Section 6. Chapters 65-1823, 75-418, 79-489, 79-491, 81-  
190 414, 85-441, and 91-404, Laws of Florida, are repealed.

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