



1 A bill to be entitled

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

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Pursuant to section 189.429, Florida Statutes,
16 this act constitutes the codification of all special acts
17 relating to the Fort Myers Beach Public Library District. It is
18 the intent of the Legislature in enacting this law to provide a
19 single, comprehensive special act charter for the district,
20 including all current legislative authority granted to the
21 district by its several legislative enactments and any
22 additional authority granted by this act.

23 Section 2. Chapters 65-1823, 75-418, 79-489, 79-491, 81-
24 414, 85-441, and 91-404, Laws of Florida, are codified,
25 reenacted, amended, and repealed as herein provided.

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



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

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36 All that part of Lee County that is located and situated
37 within San Carlos Island; Estero Island; the easterly one-half
38 (1/2) of Section 13, Township 46 South, Range 23 East; Section
39 18, Township 46 South, Range 24 East; and Section 7, Township 46
40 South, Range 24 East, except that part which is located and
41 situated North of the old railroad grade.

42
43 Section 2. Governing body.--The District shall be governed
44 by a board which shall consist of seven qualified residents.
45 Candidates shall be required to open depositories and appoint
46 treasurers prior to accepting any contributions or expending any
47 funds, provided that where a candidate accepts no contributions
48 and does no advertising and the only expenditure is the filing
49 fee or the fee required for checking signatures, the candidate
50 shall not be required to open a depository or appoint a
51 treasurer. All members of the governing board of the District
52 shall serve for a term of 4 years. Nothing herein shall affect
53 the current term of office or require the early expiration of
54 the current term of office of any current member of the
55 governing board of the District. Each elected member of the
56 governing board shall assume office immediately upon his or her



57 election. Members of the governing board of the District shall
58 receive no compensation. Vacancies on the governing board of the
59 District shall be filled by the Governor for the remainder of
60 the term, and copies of all resignations or vacancies and
61 appointments shall be sent to the Supervisor of Elections. All
62 District elections shall be on the first Tuesday after the first
63 Monday in November of even-numbered years. The registered voters
64 residing within the District shall be permitted to vote. Costs
65 of any election shall be borne by the District. All elections
66 shall be called by resolution of the governing board of the
67 District. Election results shall be determined by a plurality of
68 the votes cast. Candidates shall qualify from noon of the 63rd
69 day through noon of the 49th day prior to the election. The
70 methods of qualifying shall be uniform pursuant to chapter 99,
71 Florida Statutes, and section 189.405, Florida Statutes, as said
72 laws may be amended from time to time. The District may provide
73 for the conduct of District elections by the Supervisor of
74 Elections for Lee County, Florida, or as otherwise described by
75 Florida law, specifically section 189.405, Florida Statutes, as
76 said laws may be amended from time to time.

77 Section 3. Officers; meetings; powers.--Within 10 days
78 after the election of the members of the governing board, the
79 members shall meet and elect from their membership a president,
80 vice-president, secretary, corresponding secretary, and
81 treasurer; however, the same member may be both secretary and
82 treasurer. The treasurer of the governing board, when entering
83 upon his or her duties, shall give a sufficient bond to the
84 Governor in the sum of \$3,000 for the faithful performance of



85 his or her duties as treasurer, the premium for the bond to be
86 paid by the District. The treasurer shall make a report at each
87 regular meeting of the governing board. Warrants for the payment
88 of labor, equipment, property, or other expenses of the
89 governing board, and in carrying into effect this act and its
90 purposes, shall be payable by the treasurer of the governing
91 board on accounts and vouchers in the manner approved by the
92 governing board. The governing board shall meet regularly at
93 times designated by the governing board for the purpose of
94 carrying out the business of the District. Meetings of the
95 members of the governing board of the District shall be noticed
96 and regulated as provided by chapters 189 and 286, Florida
97 Statutes, or any other applicable general law, as said laws may
98 be amended from time to time. The governing board shall meet
99 each year and prepare a budget of proposed expenditures for the
100 ensuing year and fix a millage rate for the ensuing year in
101 accordance with the provisions of section 200.065, Florida
102 Statutes, as said law may be amended from time to time. The
103 budget shall be limited to a sum which can be raised by the
104 imposition of a tax as provided by section 4 of this charter,
105 and the use thereof shall be limited to library purposes within
106 the District. The District shall have and the governing board
107 may exercise the general powers and special powers prescribed
108 herein and by general law, as said laws may be amended from time
109 to time. In particular, the governing board is authorized to
110 buy, own, lease, and maintain library facilities, equipment,
111 books, and supplies; to acquire, by purchase, lease, gift,
112 dedication, devise, or otherwise, property both real and



113 personal, and any other property as the governing board may deem
114 necessary or proper in order to provide the residents within the
115 District with the most complete library facilities as finances
116 may permit; to make and execute contracts and other instruments
117 necessary or convenient to exercise and carry out the powers of
118 the District, including contracting for the services of
119 consultants; to issue bonds; to borrow money, accept gifts, and
120 apply for and use grants or loans of money or other property
121 from any government agency or person for any District purposes
122 and to enter into agreements required in connection therewith,
123 and to hold, use, sell, and dispose of such moneys or property
124 for any District purpose in accordance with the terms of the
125 gift, grant, loan, or agreement relating thereto; to adopt
126 procedures, ordinances, or resolutions necessary to conduct
127 District business and to satisfy the requirements of the
128 District, including those requirements prescribed in chapter
129 189, Florida Statutes; to invest and reinvest any surplus public
130 funds as provided in chapter 218, Florida Statutes; and to
131 negotiate and contract with any library facility within the
132 District that has been in existence for at least 5 years on the
133 date that this act becomes law and which has been determined by
134 the Internal Revenue Service of the United States Treasury
135 Department to be tax-exempt under the laws of the United States
136 for the purpose of allocating funds to the library facility or
137 property in kind, either real or personal, and in furtherance of
138 providing facilities for the residents within the District.

139 Section 4. Taxes; non-ad valorem assessments; bond
140 issuance.--The District governing board shall fix and cause to



141 be levied on all property of the District a millage sufficient
142 to meet the requirements of the adopted budget; however, 1 mill
143 is the maximum that can be levied in any one year, except as may
144 be provided in any applicable general law, as said laws may be
145 amended from time to time. The District shall have such
146 authority to levy non-ad valorem assessments as prescribed in
147 chapter 189, Florida Statutes, and any other applicable general
148 law, as said laws may be amended from time to time. The District
149 shall have such authority to issue bonds as prescribed in
150 chapter 189, Florida Statutes, and any other applicable general
151 law, as said laws may be amended from time to time, for District
152 purposes. The taxes received by the District herein shall be
153 limited for library purposes within the District, and upon
154 assessment having been made, the assessment shall be in
155 substitution and shall supercede, within the District, any other
156 taxes, whether special or included within the general fund,
157 which the Board of County Commissioners of Lee County may levy
158 or attempt to levy within this District for library purposes.

159 Section 5. Assessment and collection of taxes and
160 assessments.--Taxes and assessments herein provided for shall be
161 assessed and collected in the manner prescribed by applicable
162 general law, as said laws may be amended from time to time. In
163 particular, the taxes provided for herein shall be assessed and
164 collected in the same manner and form as provided for the
165 assessment and collection of county taxes and subject to a 3-
166 percent commission for assessing and a 3-percent commission for
167 collecting same. The tax collector shall distribute taxes



168 collected on behalf of the District pursuant to general law, as
169 said laws may be amended from time to time.

170 Section 4. This act shall be construed as remedial and
171 shall be liberally construed to promote the purpose for which it
172 is intended.

173 Section 5. If any clause or provision of this act is
174 declared as unconstitutional or invalid for any cause or reason,
175 it shall be eliminated from this act, and the remaining portion
176 of this act shall remain in full force and effect as if said
177 unconstitutional or invalid portion had not been incorporated
178 herein.

179 Section 6. Chapters 65-1823, 75-418, 79-489, 79-491, 81-
180 414, 85-441, and 91-404, Laws of Florida, are repealed.

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