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HB 0445, Engrossed 1

2003 Legislature

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

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65-1823, 75-418, 79-489, 79-491, 81-414, 85-441, and 91-404, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

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



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

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

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



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

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



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



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

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



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

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



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

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

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

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

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