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CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Merritt Island Public Library
7 District, Brevard County; codifying, amending, reenacting,
8 and repealing chapters 65-1289, 72-477, 76-330, 82-263,
9 and 94-449, Laws of Florida, relating to the district;
10 providing boundaries; providing for appointment of a
11 library board; prescribing its duties, powers, and
12 authority; providing for raising funds by taxation;
13 providing a method of levying, collecting, and disbursing
14 such funds; providing an effective 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 Statutes,
19 this act constitutes the codification of all special acts
20 relating to the Merritt Island Public Library District. It is
21 the intent of the Legislature in enacting this law to provide a
22 single, comprehensive special act charter for the Merritt Island
23 Public Library District, including all current legislative

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24 authority granted to the Merritt Island Public Library District
 25 by its several legislative enactments and additional authority
 26 granted by this act.

27 Section 2. Chapters 65-1289, 72-477, 76-330, 82-263, and
 28 94-449, Laws of Florida, are codified, amended, reenacted, and
 29 repealed as herein provided.

30 Section 3. The Merritt Island Public Library District is
 31 re-created and reenacted to read:

32 Section 1. All that part of Merritt Island, Florida,
 33 bounded and as described as:

34
 35 All that part of Merritt Island, lying South of the
 36 southerly boundary line of the Merritt Island
 37 Launching area, National Aeronautics and Space
 38 Administration, and bounded on the East by the waters
 39 of the Banana River, and on the West by the waters of
 40 the Indian River, excepting therefrom the lands of the
 41 Port Canaveral Authority,

42
 43 is created into a library district to be known as the Merritt
 44 Island Public Library District, hereinafter referred to as "the
 45 district."

46 Section 2. The Governor is authorized to appoint fifteen
 47 residents of the district as the Merritt Island library district
 48 board, hereinafter referred to as the "library board." The
 49 members of the library board shall, subject to the following,
 50 serve terms of 3 years each, unless removed for cause by the
 51 Governor. The first library board, however, shall consist of

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52 five members appointed for 3 years, five members appointed for 2
 53 years, and five members appointed for 1 year. Subsequent
 54 appointments or reappointments shall be for a period of 3 years.
 55 The library board members shall receive no compensation and must
 56 reside within the area designated in section 1. The library
 57 board members shall be appointed by the Governor and assume
 58 their duties within a reasonable time after this act becomes a
 59 law.

60 Section 3. Within 10 days after the appointment and
 61 qualification of the members of the library board, the members
 62 shall meet and elect from their number a chair, first vice
 63 chair, second vice chair, recording secretary, corresponding
 64 secretary, and treasurer, provided, however, that the same
 65 member may be both secretary and treasurer.

66 Section 4. The library board shall meet each year and
 67 prepare a budget of proposed expenditures for the ensuing year.
 68 The meeting must be held on a date that conforms to, and does
 69 not conflict with, the requirements of section 200.065, Florida
 70 Statutes. Each year, a public hearing within the district must
 71 also be held after notice has been published at least once, to
 72 give residents living within the district an opportunity to
 73 review the proposed budget. The budget shall be funded by the
 74 imposition of a tax not to exceed one-half of 1 mill on the real
 75 and tangible personal property within the district less all such
 76 property exempt from taxation by the constitution or statutes of
 77 the state, and the use thereof shall be limited to the library
 78 purposes within the district. If, at the public hearing, a
 79 request for a rehearing is made and granted, the rehearing must

80 be held on a date that conforms to, and does not conflict with,
 81 the requirements of section 200.065, Florida Statutes.

82 Section 5. The adoption by the library board of an annual
 83 budget for the library district pursuant to section 4 shall be
 84 accepted by the Brevard County board of commissioners and/or the
 85 Brevard County Tax Assessor and a millage assessment on the real
 86 and tangible personal property within the library district shall
 87 be made in order to produce the requirements set forth in said
 88 budget, provided, however, that in no event shall the assessment
 89 be in excess of one-half of 1 mill. The tax receipts shall be
 90 limited for library purposes within the district.

91 Section 6. The library board shall constitute a body
 92 politic and body corporate; it shall have perpetual existence;
 93 it shall adopt and use a common seal and may alter the same; it
 94 may contract and be contracted with; and it may sue and be sued
 95 in its corporate name. It shall have the additional powers to
 96 acquire by grant, purchase, lease, devise, gift, or bequest, or
 97 in any other manner, real property, personal property, or any
 98 estate or interest therein, and to improve, maintain, sell,
 99 lease, mortgage, or otherwise encumber the same, or any part
 100 thereof, or any interest therein, upon such terms and conditions
 101 as the board shall fix and determine, and said determination
 102 shall be deemed conclusive, except in case of fraud or gross
 103 abuse of discretion; and to plan, build, construct, repair, fix,
 104 purchase, sell, mortgage, encumber, furnish, equip, supply,
 105 operate, manage, maintain, and conduct a library, and any
 106 facilities, buildings, and structures related to and customarily
 107 used, conducted, or operated in conjunction with a library.

108 Section 7. Warrants for the payment of labor, equipment,
 109 property, or other expenses of the library board, and in
 110 carrying into effect this act and its purposes, shall be payable
 111 by the treasurer of the library board on accounts and vouchers
 112 in the manner approved by the library board.

113 Section 8. (1) If taxes as provided for shall have been
 114 collected by the tax collector of Brevard County, he or she
 115 shall, on or before the 10th day of each month, report to the
 116 secretary of the board the collections made for the preceding
 117 month and remit the same to the treasurer of the library board
 118 and take a receipt for the same from the treasurer. The tax
 119 collector shall be relieved from all other liability as to the
 120 amount paid the treasurer of the library board.

121 (2) The taxes provided for shall be assessed and collected
 122 in the same manner and form as provided for the assessment and
 123 collection of county taxes and a reasonable charge may be made
 124 by the tax assessor and the tax collector for assessing and
 125 collecting the same.

126 Section 9. The chair and treasurer of the library board,
 127 when entering upon their duties, shall give a sufficient bond to
 128 the Governor in the sum of \$10,000 each for the faithful
 129 performance of their duties. The premium for the bonds shall be
 130 paid by the district. The library board shall designate a
 131 depository or depositories for the funds of the library board
 132 and shall establish by resolution of the library board the
 133 method and authority under which such funds may be withdrawn
 134 from such depository or depositories; however, no fewer than two
 135 signatures are required on any checks drawn on the funds of the

136 library board and one signature must be that of either the
 137 treasurer or the chair.

138 Section 10. The treasurer shall, before April 11 of each
 139 year, make his or her semiannual report of the receipt and
 140 expenditures of the funds of the district to the library board.
 141 Before October 11 of each year, the treasurer shall make his or
 142 her annual report of receipts and expenditures of the funds of
 143 the district to the library board. The reports shall be in
 144 writing, setting forth the amount of money received, from whom
 145 received, itemized amounts of expenditures, and to whom paid and
 146 for what payment is made. At the time of making the report to
 147 the library board the treasurer shall also file a copy of the
 148 report with the Board of County Commissioners of Brevard County.

149 Section 11. This act shall be liberally construed to
 150 promote the purposes for which it is intended.

151 Section 12. In the event that any part of this act shall
 152 be held void for any reason, the determinations shall not affect
 153 any other part thereof.

154 Section 13. The library board shall keep accurate minutes
 155 of its meetings and proceedings, and the minutes shall be open
 156 to public inspection at all reasonable times at the premises or
 157 office of the library board. All meetings of the library board
 158 shall be open to the public and all meetings shall be held
 159 within the district.

160 Section 14. Under the authority of s. 2, Art. XII, and s.
 161 9(b), Art. VII, of the State Constitution, the provisions of
 162 sections 200.071, 200.091, and 200.141, Florida Statutes, are
 163 hereby declared to be inapplicable to the Merritt Island Public

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164 | Library District, and said statutory provisions shall not affect
165 | the power of the Merritt Island Public Library District to levy,
166 | assess, collect, and enforce ad valorem taxes as provided under
167 | all general, special, or local laws relating to said district.

168 | Section 4. Chapters 65-1289, 72-477, 76-330, 82-263, and
169 | 94-449, Laws of Florida, are repealed.

170 | Section 5. This act shall take effect upon becoming a law.