

ENROLLED
 HB 1079, Engrossed 1

2005 Legislature

1 A bill to be entitled
 2 An act relating to the Merritt Island Public Library
 3 District, Brevard County; codifying, amending, reenacting,
 4 and repealing chapters 65-1289, 72-477, 76-330, 82-263,
 5 and 94-449, Laws of Florida, relating to the district;
 6 providing boundaries; providing for appointment of a
 7 library board; prescribing its duties, powers, and
 8 authority; providing for raising funds by taxation;
 9 providing a method of levying, collecting, and disbursing
 10 such funds; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Pursuant to section 189.429, Florida Statutes,
 15 this act constitutes the codification of all special acts
 16 relating to the Merritt Island Public Library District. It is
 17 the intent of the Legislature in enacting this law to provide a
 18 single, comprehensive special act charter for the Merritt Island
 19 Public Library District, including all current legislative
 20 authority granted to the Merritt Island Public Library District
 21 by its several legislative enactments and additional authority
 22 granted by this act.

23 Section 2. Chapters 65-1289, 72-477, 76-330, 82-263, and
 24 94-449, Laws of Florida, are codified, amended, reenacted, and
 25 repealed as herein provided.

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

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

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

38
 39 is created into a library district to be known as the Merritt
 40 Island Public Library District, hereinafter referred to as "the
 41 district."

42 Section 2. The Governor is authorized to appoint fifteen
 43 residents of the district as the Merritt Island library district
 44 board, hereinafter referred to as the "library board." The
 45 members of the library board shall, subject to the following,
 46 serve terms of 3 years each, unless removed for cause by the
 47 Governor. The first library board, however, shall consist of
 48 five members appointed for 3 years, five members appointed for 2
 49 years, and five members appointed for 1 year. Subsequent
 50 appointments or reappointments shall be for a period of 3 years.
 51 The library board members shall receive no compensation and must
 52 reside within the area designated in section 1. The library
 53 board members shall be appointed by the Governor and assume
 54 their duties within a reasonable time after this act becomes a
 55 law.

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

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

78 Section 5. The adoption by the library board of an annual
79 budget for the library district pursuant to section 4 shall be
80 accepted by the Brevard County board of commissioners and/or the
81 Brevard County Tax Assessor and a millage assessment on the real
82 and tangible personal property within the library district shall
83 be made in order to produce the requirements set forth in said

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84 budget, provided, however, that in no event shall the assessment
 85 be in excess of one-half of 1 mill. The tax receipts shall be
 86 limited for library purposes within the district.

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

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

109 Section 8. (1) If taxes as provided for shall have been
 110 collected by the tax collector of Brevard County, he or she
 111 shall, on or before the 10th day of each month, report to the

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112 secretary of the board the collections made for the preceding
 113 month and remit the same to the treasurer of the library board
 114 and take a receipt for the same from the treasurer. The tax
 115 collector shall be relieved from all other liability as to the
 116 amount paid the treasurer of the library board.

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

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

134 Section 10. The treasurer shall, before April 11 of each
 135 year, make his or her semiannual report of the receipt and
 136 expenditures of the funds of the district to the library board.
 137 Before October 11 of each year, the treasurer shall make his or
 138 her annual report of receipts and expenditures of the funds of
 139 the district to the library board. The reports shall be in

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140 writing, setting forth the amount of money received, from whom
141 received, itemized amounts of expenditures, and to whom paid and
142 for what payment is made. At the time of making the report to
143 the library board the treasurer shall also file a copy of the
144 report with the Board of County Commissioners of Brevard County.

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

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

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

156 Section 14. Under the authority of s. 2, Art. XII, and s.
157 9(b), Art. VII, of the State Constitution, the provisions of
158 sections 200.071, 200.091, and 200.141, Florida Statutes, are
159 hereby declared to be inapplicable to the Merritt Island Public
160 Library District, and said statutory provisions shall not affect
161 the power of the Merritt Island Public Library District to levy,
162 assess, collect, and enforce ad valorem taxes as provided under
163 all general, special, or local laws relating to said district.

164 Section 4. Chapters 65-1289, 72-477, 76-330, 82-263, and
165 94-449, Laws of Florida, are repealed.

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