

A bill to be entitled

An act relating to Lee County; creating the Sanibel Public Library District, an independent special district for public library purposes in the county; providing legislative intent; providing a charter for the district; fixing boundaries of the district; providing powers; providing for a governing body, officers, budget and taxing authority, and indebtedness; providing for planning; providing for construction and severability; providing for a referendum; providing an effective date.

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

Section 1. District establishment.--For the purposes of providing public library services; the assessment, levy, and collection of taxes, non-ad valorem assessments, and fees; the operation of district facilities and services; and all other purposes stated in this act consistent with chapter 189, Florida Statutes, and other applicable general law, an independent special district is hereby created and established in Lee County, to be known as the Sanibel Public Library District.

Section 2. Name.--The name of the district shall be the Sanibel Public Library District.

Section 3. Boundaries.--

(1) The boundaries of the lands to be included within the district are those that are coterminous with the boundaries of the City of Sanibel, Lee County, as such city's boundaries are set forth in chapter 74-606, Laws of Florida, as amended by chapter 89-402, Laws of Florida.

HB 1381

2005

30 (2) The boundaries of the district may be modified,
31 extended, or enlarged upon approval or ratification by the
32 Legislature.

33 Section 4. Powers.--The district shall have, and the board
34 may exercise by majority vote, all powers that an independent
35 special district is authorized by law to have, specifically
36 including, without limitation, all powers set forth in chapter
37 189, Florida Statutes, and in chapter 257, Florida Statutes, to
38 the extent applicable. Without limiting any general or special
39 powers otherwise granted by law, the district shall have the
40 power to establish and maintain one or more public library
41 facilities and to provide all services as are customary for
42 public libraries to provide; to sue and be sued; to enter into
43 agreements or compacts; to impose taxes, assessments, and impact
44 and user fees; to lease or purchase real and personal property;
45 to borrow money and to issue bonds, notes, and evidence of
46 indebtedness; to apply for and receive grants; to accept
47 donations; and to employ such personnel and engage services of
48 such persons as are deemed necessary for the proper function and
49 operation of the district.

50 Section 5. Governing body; elections; vacancies; no
51 compensation; oath; bond.--

52 (1) The district shall be governed by a board of seven
53 commissioners who shall be qualified electors residing within
54 the district, be elected by the qualified electors residing
55 within the district, and serve terms of 4 years each or until a
56 successor takes office. Terms shall be staggered, with three
57 commissioners elected in one election cycle and four
58 commissioners elected in the other election cycle. In the

HB 1381

2005

59 initial election, to be conducted by the Lee County Supervisor
 60 of Elections within 120 days after approval of the referendum in
 61 section 12, the three commissioners receiving the highest number
 62 of votes shall be elected to the initial 4-year terms ending in
 63 2010 and the other four commissioners elected shall be elected
 64 to the initial 2-year terms ending in 2008. Candidates shall
 65 qualify in accordance with chapter 189, Florida Statutes, and
 66 with the Florida Election Code. Terms shall commence on the 7th
 67 day after the election.

68 (2) Elections shall be on the first Tuesday after the
 69 first Monday in November unless otherwise required by law or by
 70 action of the Lee County Supervisor of Elections pursuant to
 71 law.

72 (3) Elections shall be on a nonpartisan basis.

73 (4) If a vacancy occurs on the board for any reason, the
 74 remaining commissioners may appoint a qualified person to fill
 75 the seat until the next general election, at which time an
 76 election shall be held to fill the vacancy for the remaining
 77 term, if any.

78 (5) Commissioners shall continue to serve without
 79 compensation, but shall be entitled to payment or reimbursement
 80 of actual and necessary expenses incurred in performance of
 81 their duties, to the extent authorized by board bylaws. Any
 82 future provision for payment of any salary or honorarium shall
 83 be determined in accordance with and subject to limitations set
 84 forth in general law.

85 (6) Each commissioner shall, upon assuming office, take
 86 and subscribe to the oath of office prescribed by s. 5(b), Art.
 87 II of the State Constitution and section 876.05, Florida

HB 1381

2005

88 Statutes.

89 (7) Each commissioner, within 30 days after assuming
 90 office, must give the Governor a good and sufficient surety bond
 91 in the sum of \$5,000, and the treasurer the sum of \$10,000, or
 92 as otherwise may be required by law, the cost thereof being
 93 borne by the district, conditioned on his or her faithful
 94 performance of his or her duties of office.

95 Section 6. Officers; bylaws; removal; disbursements;
 96 records; open meetings; quorum.--

97 (1) The commissioners, within 14 days after election, and
 98 annually in the same month, shall organize by electing from
 99 their number a chair, a vice chair, a secretary, and a
 100 treasurer. The same commissioner may be both secretary and
 101 treasurer. The board shall adopt bylaws to provide policies and
 102 procedures for conducting its business and exercising its powers
 103 granted herein. The bylaws shall define excused and unexcused
 104 absences. The board shall remove any commissioner who has three
 105 consecutive, unexcused absences from regularly scheduled
 106 meetings.

107 (2) Funds of the district may be disbursed only upon the
 108 order or pursuant to resolution or action of the board or by
 109 warrant or check signed by the treasurer or other person or
 110 persons authorized by the board. However, a petty cash account
 111 may be authorized by the board. The board may give the treasurer
 112 additional powers and duties that it deems appropriate.

113 (3) The board, through its secretary, shall keep a
 114 permanent record book entitled "Record of Proceedings of Sanibel
 115 Public Library District" in which the minutes of all meetings,
 116 resolutions, proceedings, certificates, bonds given by

HB 1381

2005

117 commissioners, and corporate acts shall be recorded. The record
 118 book shall be open to inspection in the same manner as state,
 119 county, and municipal records are open under chapter 119,
 120 Florida Statutes. The record book shall be kept at the office or
 121 other regular place of business maintained by the board within
 122 the district. All meetings of the board shall be open to the
 123 public as may be required by chapters 189 and 286, Florida
 124 Statutes, and other applicable general law.

125 (4) Unless otherwise required by law, a majority of
 126 commissioners in office shall constitute a quorum for the
 127 conduct of business. Action may be taken only by a majority vote
 128 of a quorum present.

129 Section 7. Fiscal year; budget; millage; taxes;
 130 assessments.--The fiscal year begins on October 1 of each year
 131 and extends until September 30 of the ensuing year.

132 (1) The board shall annually prepare, consider, and adopt
 133 a district budget pursuant to the applicable requirements of
 134 chapter 200, Florida Statutes, for purposes of providing funds
 135 for the district.

136 (2) The board shall fix and cause to be levied on all
 137 taxable property of the district a millage sufficient to meet
 138 the requirements of the budget. The millage rate shall not
 139 exceed 1 mill per year, except as otherwise provided by general
 140 law. All taxes shall be levied, assessed, and collected in the
 141 same manner as county taxes.

142 (3) Non-ad valorem assessments and user and impact fees
 143 shall be levied and collected in accordance with applicable
 144 provisions of general law.

145 (4) It is the intent of the Legislature that during the

HB 1381

2005

146 first fiscal year of operation and until the district is able to
 147 adopt its own millage and budget, funding shall continue to be
 148 provided through the library's current funding mechanisms, and
 149 nothing herein is intended to prohibit Lee County from including
 150 the district in its library taxing district for such first
 151 fiscal year. Additionally, without limiting its general powers,
 152 the district shall have full power to borrow money and to accept
 153 property or funds necessary for the operation of the district
 154 until such time as the district is able to adopt its own millage
 155 and budget and to raise its own revenues.

156 Section 8. Indebtedness; use of funds.--

157 (1) The district may incur debt and issue bonds or any
 158 other evidences of indebtedness as provided and to the extent
 159 limited by s. 12, Art. VII of the State Constitution and chapter
 160 189, Florida Statutes.

161 (2) Funds of the district may be used for any purpose of
 162 the district in accordance with this charter and with provisions
 163 of any other applicable general laws and special acts.

164 (3) The district is specifically authorized to expend
 165 funds to purchase, lease, own, and maintain one or more public
 166 libraries within the district's jurisdiction; to construct one
 167 or more public library facilities as the board deems necessary
 168 in the exercise of its powers; and to dispose of surplus real or
 169 personal property and to enter into interlocal agreements or
 170 other arrangements to assist in achievement of the powers and
 171 purposes of the district.

172 Section 9. Plan.--The district shall adopt a 5-year plan
 173 to identify the facilities, equipment, personnel, and revenue
 174 needed by the district over the next 5-year period. The plan

HB 1381

2005

175 shall be updated in accordance with section 189.415, Florida
 176 Statutes, and such plan satisfies the requirement for a public
 177 facilities report required by section 189.415(2), Florida
 178 Statutes.

179 Section 10. This act shall be construed as remedial and
 180 shall be liberally construed to promote the purpose for which
 181 it is intended.

182 Section 11. It is declared to be the intent of the
 183 Legislature that if any section, subsection, sentence, clause,
 184 phrase, or portion of this act is held invalid or
 185 unconstitutional for any reason, by any court of competent
 186 jurisdiction, such holding shall not affect the validity of the
 187 remaining portions hereof.

188 Section 12. This act shall take effect upon approval by a
 189 majority vote of those qualified electors of Lee County voting
 190 in a referendum to be conducted by the Lee County Supervisor of
 191 Elections in conjunction with the next general election or at an
 192 earlier date that the Lee County Supervisor of Elections may be
 193 able to conduct an election by mail ballot or otherwise, in
 194 accordance with the provisions of law relating to elections
 195 currently in force in the district, except that this section
 196 shall take effect upon becoming a law.