

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 Lee County; creating the Sanibel Public
7 Library District, an independent special district for
8 public library purposes in the county; providing
9 legislative intent; providing a charter for the district;
10 fixing boundaries of the district; providing powers;
11 providing for a governing body, officers, budget and
12 taxing authority, and indebtedness; providing for
13 planning; providing for construction and severability;
14 providing for a referendum; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. District establishment.--For the purposes of
19 providing public library services; the assessment, levy, and
20 collection of ad valorem taxes and user fees; the operation of
21 district facilities and services; and all other purposes stated
22 in this act consistent with chapter 189, Florida Statutes, and
23 other applicable general law, an independent special district is

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24 hereby created and established in Lee County, to be known as the
 25 Sanibel Public Library District.

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

28 Section 3. Boundaries.--

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

34 (2) The boundaries of the district may be modified,
 35 extended, or enlarged upon approval or ratification by the
 36 Legislature.

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

52 deemed necessary for the proper function and operation of the
 53 district.

54 Section 5. Governing body; elections; vacancies; no
 55 compensation; oath; bond.--

56 (1) The district shall be governed by a board of seven
 57 commissioners who shall be qualified electors residing within
 58 the district, be elected by the qualified electors residing
 59 within the district, and serve terms of 4 years each or until a
 60 successor takes office. Terms shall be staggered, with three
 61 commissioners elected in one election cycle and four
 62 commissioners elected in the other election cycle. In the
 63 initial election, to be conducted by the Lee County Supervisor
 64 of Elections within 120 days after approval of the referendum in
 65 section 12, the three commissioners receiving the highest number
 66 of votes shall be elected to the initial 4-year terms ending in
 67 2010 and the other four commissioners elected shall be elected
 68 to the initial 2-year terms ending in 2008. Candidates shall
 69 qualify in accordance with chapter 189, Florida Statutes, and
 70 with the Florida Election Code. Terms shall commence on the 7th
 71 day after the election.

72 (2) Elections shall be on the first Tuesday after the
 73 first Monday in November unless otherwise required by law or by
 74 action of the Lee County Supervisor of Elections pursuant to
 75 law.

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

77 (4) If a vacancy occurs on the board for any reason, the
 78 remaining commissioners may appoint a qualified person to fill
 79 the seat until the next general election, at which time an

80 election shall be held to fill the vacancy for the remaining
 81 term, if any.

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

89 (6) Each commissioner shall, upon assuming office, take
 90 and subscribe to the oath of office prescribed by s. 5(b), Art.
 91 II of the State Constitution and section 876.05, Florida
 92 Statutes.

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

99 Section 6. Officers; bylaws; removal; disbursements;
 100 records; open meetings; quorum.--

101 (1) The commissioners, within 14 days after election, and
 102 annually in the same month, shall organize by electing from
 103 their number a chair, a vice chair, a secretary, and a
 104 treasurer. The same commissioner may be both secretary and
 105 treasurer. The board shall adopt bylaws to provide policies and
 106 procedures for conducting its business and exercising its powers
 107 granted herein. The bylaws shall define excused and unexcused

108 absences. The board shall remove any commissioner who has three
 109 consecutive, unexcused absences from regularly scheduled
 110 meetings.

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

117 (3) The board, through its secretary, shall keep a
 118 permanent record book entitled "Record of Proceedings of Sanibel
 119 Public Library District" in which the minutes of all meetings,
 120 resolutions, proceedings, certificates, bonds given by
 121 commissioners, and corporate acts shall be recorded. The record
 122 book shall be open to inspection in the same manner as state,
 123 county, and municipal records are open under chapter 119,
 124 Florida Statutes. The record book shall be kept at the office or
 125 other regular place of business maintained by the board within
 126 the district. All meetings of the board shall be open to the
 127 public as may be required by chapters 189 and 286, Florida
 128 Statutes, and other applicable general law.

129 (4) Unless otherwise required by law, a majority of
 130 commissioners in office shall constitute a quorum for the
 131 conduct of business. Action may be taken only by a majority vote
 132 of a quorum present.

133 Section 7. Fiscal year; budget; millage; taxes; fees.--The
 134 fiscal year begins on October 1 of each year and extends until
 135 September 30 of the ensuing year.

136 (1) The board shall annually prepare, consider, and adopt
 137 a district budget pursuant to the applicable requirements of
 138 chapter 200, Florida Statutes, for purposes of providing funds
 139 for the district.

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

146 (3) The board may, by resolution of the board, fix and
 147 collect rates, fees, rentals, fares, or other user fees for
 148 property, facilities, and services made available, furnished, or
 149 to be furnished by the district.

150 (4) It is the intent of the Legislature that during the
 151 first fiscal year of operation and until the district is able to
 152 adopt its own millage and budget, funding shall continue to be
 153 provided through the library's current funding mechanisms.
 154 Additionally, without limiting its general powers, the district
 155 shall have full power to borrow money and to accept property or
 156 funds necessary for the operation of the district until such
 157 time as the district is able to adopt its own millage and budget
 158 and to raise its own revenues.

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

160 (1) The district may incur debt and issue bonds or any
 161 other evidences of indebtedness as provided and to the extent
 162 limited by s. 12, Art. VII of the State Constitution and chapter
 163 189, Florida Statutes.

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

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

175 Section 9. Plan.--The district shall adopt a 5-year plan
176 to identify the facilities, equipment, personnel, and revenue
177 needed by the district over the next 5-year period. The plan
178 shall be updated in accordance with section 189.415, Florida
179 Statutes, and such plan satisfies the requirement for a public
180 facilities report required by section 189.415(2), Florida
181 Statutes.

182 Section 10. This act shall be construed as remedial and
183 shall be liberally construed to promote the purpose for which
184 it is intended.

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

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191 Section 12. Referendum.--On or before December 1, 2005,
192 the Lee County Commission shall call and the Supervisor of
193 Elections of Lee County shall conduct a referendum, in
194 accordance with the provisions of law relating to elections
195 currently in force, on the question of whether the Sanibel
196 Public Library District shall be created by special act of the
197 Legislature with authority to impose an ad valorem tax at a
198 rate not to exceed one-half of one mill.

199 Section 13. This act shall take effect only if a majority
200 of those qualified electors of the Sanibel Public Library
201 District voting in a referendum held pursuant to this act
202 approve the referendum question in accordance with section 12,
203 except that this section and section 12 shall take effect upon
204 becoming a law.