

1                                   A bill to be entitled  
 2           An act relating to Lee County; creating the Sanibel Public  
 3           Library District, an independent special district for  
 4           public library purposes in the county; providing  
 5           legislative intent; providing a charter for the district;  
 6           fixing boundaries of the district; providing powers;  
 7           providing for a governing body, officers, budget and  
 8           taxing authority, and indebtedness; providing for  
 9           planning; providing for construction and severability;  
 10          providing for a referendum; providing an effective date.

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

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

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

24           Section 3. Boundaries.--

25           (1) The boundaries of the lands to be included within the  
 26 district are those that are coterminous with the boundaries of  
 27 the City of Sanibel, Lee County, as such city's boundaries are

28 set forth in chapter 74-606, Laws of Florida, as amended by  
 29 chapter 89-402, Laws of Florida.

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 ad valorem taxes and user  
 44 fees; to lease or purchase real and personal property; to borrow  
 45 money and to issue bonds, notes, and evidence of indebtedness;  
 46 to apply for and receive grants; to accept donations; and to  
 47 employ such personnel and engage services of such persons as are  
 48 deemed necessary for the proper function and operation of the  
 49 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  
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  
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  
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; fees.--The  
130 fiscal year begins on October 1 of each year and extends until  
131 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 one-half of one mill per year, except as otherwise  
140 provided by general law. All taxes shall be levied, assessed,  
141 and collected in the same manner as county taxes.

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

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

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

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

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

163 (3) The district is specifically authorized to expend  
164 funds to purchase, lease, own, and maintain one or more public  
165 libraries within the district's jurisdiction; to construct one  
166 or more public library facilities as the board deems necessary

167 in the exercise of its powers; and to dispose of surplus real or  
168 personal property and to enter into interlocal agreements or  
169 other arrangements to assist in achievement of the powers and  
170 purposes of the district.

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

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

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

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

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