

ENROLLED
 HB 1381, Engrossed 1

2005 Legislature

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.

11
 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

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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

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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

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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

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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

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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

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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.

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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.