

By Senator Haridopolos

26-1152-05

See HB 1079

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A bill to be entitled

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

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

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

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 Chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.

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

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

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2       All that part of Merritt Island, lying South of  
3       the southerly boundary line of the Merritt  
4       Island Launching area, National Aeronautics and  
5       Space Administration, and bounded on the East  
6       by the waters of the Banana River, and on the  
7       West by the waters of the Indian River,  
8       excepting therefrom the lands of the Port  
9       Canaveral Authority,  
10  
11 is created into a library district to be known as the Merritt  
12 Island Public Library District, hereinafter referred to as  
13 "the district."  
14       Section 2. The Governor is authorized to appoint  
15 fifteen residents of the district as the Merritt Island  
16 library district board, hereinafter referred to as the  
17 "library board." The members of the library board shall,  
18 subject to the following, serve terms of 3 years each, unless  
19 removed for cause by the Governor. The first library board,  
20 however, shall consist of five members appointed for 3 years,  
21 five members appointed for 2 years, and five members appointed  
22 for 1 year. Subsequent appointments or reappointments shall be  
23 for a period of 3 years. The library board members shall  
24 receive no compensation and must reside within the area  
25 designated in section 1. The library board members shall be  
26 appointed by the Governor and assume their duties within a  
27 reasonable time after this act becomes a law.  
28       Section 3. Within 10 days after the appointment and  
29 qualifications of the members of the library board, the  
30 members shall meet and elect from their number a chair, first  
31 vice chair, second vice chair, recording secretary,

1 corresponding secretary, and treasurer, provided, however,  
2 that the same member may be both secretary and treasurer.

3 Section 4. The library board shall meet each year and  
4 prepare a budget of proposed expenditures for the ensuing  
5 year. The meeting must be held on a date that conforms to, and  
6 does not conflict with, the requirements of section 200.065,  
7 Florida Statutes. Each year, a public hearing within the  
8 district must also be held after notice has been published at  
9 least once, to give residents living within the district an  
10 opportunity to review the proposed budget. The budget shall be  
11 funded by the imposition of a tax not to exceed one-half of 1  
12 mill on the real and tangible personal property with the  
13 district less all such property exempt from taxation by the  
14 constitution or statutes of the state, and the use thereof  
15 shall be limited to the library purposes within the district.  
16 If, at the public hearing, a request for a rehearing is made  
17 and granted, the rehearing must be held on a date that  
18 conforms to, and does not conflict with, the requirements of  
19 section 200.065, Florida Statutes.

20 Section 5. The adoption by the library board of an  
21 annual budget for the library district pursuant to section 4  
22 shall be accepted by the Brevard County board of commissioners  
23 and/or the Brevard County Tax Assessor and a millage  
24 assessment on the real and tangible personal property within  
25 the library district shall be made in order to produce the  
26 requirements set forth in said budget, provided, however, that  
27 in no event shall the assessment be in excess of one-half of 1  
28 mill. The tax receipts shall be limited for library purposes  
29 within the district.

30 Section 6. The library board shall constitute a body  
31 politic and body corporate; it shall have perpetual existence;

1 it shall adopt and use a common seal and may alter the same;  
2 it may contract and be contracted with; and it may sue and be  
3 sued in its corporate name. It shall have the additional  
4 powers by grant, purchase, lease, devise, gift, or bequest, or  
5 in any other manner, real property, personal property, or any  
6 estate or interest therein, and to improve, maintain, sell,  
7 lease, mortgage, or otherwise encumber the same, or any part  
8 thereof, or any interest therein, upon such terms and  
9 conditions as the board shall fix and determine, and said  
10 determination shall be deemed conclusive, except in case of  
11 fraud or gross abuse of discretion; and to plan, build,  
12 construct, repair, fix, purchase, sell, mortgage, encumber,  
13 furnish, equip, supply, operate, manage, maintain, and conduct  
14 a library, and any facilities, buildings, and structures  
15 related to and customarily used, conducted, or operated in  
16 conjunction with a library.

17 Section 7. Warrants for the payment of labor,  
18 equipment, property, or other expenses of the library board,  
19 and in carrying into effect this act and its purposes, shall  
20 be payable by the treasurer of the library board on accounts  
21 and vouchers in the manner approved by the library board.

22 Section 8. (1) If taxes as provided for shall have  
23 been collected by the tax collector of Brevard County, he or  
24 she shall, on or before the 10th day of each month, report to  
25 the secretary of the board the collections made for the  
26 preceding month and remit the same to the treasurer of the  
27 library board and take a receipt for the same from the  
28 treasurer. The tax collector shall be relieved from all other  
29 liability as to the amount paid the treasurer of the library  
30 board.

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1           (2) The taxes provided for shall be assessed and  
2 collected in the same manner and form as provided for the  
3 assessment and collection of county taxes and a reasonable  
4 charge may be made by the tax assessor and the tax collector  
5 for assessing and collecting the same.

6           Section 9. The chair and treasurer of the library  
7 board, when entering upon their duties, shall give a  
8 sufficient bond to the Governor in the sum of \$10,000 each for  
9 the faithful performance of their duties. The premium for the  
10 bonds shall be paid by the district. The library board shall  
11 designate a depository or depositories for the funds of the  
12 library board and shall establish by resolution of the library  
13 board the method and authority under which such funds may be  
14 withdrawn from such depository or depositories; however, no  
15 fewer than two signatures are required on any checks drawn on  
16 the funds of the library board and one signature must be that  
17 of either the treasurer or the chair.

18           Section 10. The treasurer shall, before April 11 of  
19 each year, make his or her semiannual report of the receipt  
20 and expenditures of the funds of the district to the library  
21 board. Before October 11 of each year, the treasurer shall  
22 make his or her annual report of receipts and expenditures of  
23 the funds of the district to the library board. The reports  
24 shall be in writing, setting forth the amount of money  
25 received, from whom received, itemized amounts of  
26 expenditures, and to whom paid and for what payment is made.  
27 At the time of making the report to the library board the  
28 treasurer shall also file a copy of the report with the Board  
29 of County Commissioners of Brevard County.

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

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

4           Section 13. The library board shall keep accurate  
5 minutes of its meetings and proceedings, and the minutes shall  
6 be open to public inspection at all reasonable times at the  
7 premises or office of the library board. All meetings of the  
8 library board shall be open to the public and all meetings  
9 shall be held within the district.

10           Section 14. Under the authority of s. 2, Art. XII, and  
11 s. 9(b), Art. VII, of the State Constitution, the provisions  
12 of sections 200.071, 200.091, and 200.141, Florida Statutes,  
13 are hereby declared to be inapplicable to the Merritt Island  
14 Public Library District, and said statutory provisions shall  
15 not affect the power of the Merritt Island Public Library  
16 District to levy, assess, collect, and enforce ad valorem  
17 taxes as provided under all general, special, or local laws  
18 relating to said district.

19           Section 15. Nothing contained herein is to be  
20 construed or interpreted to affect the authority of Brevard  
21 County to levy 10 mills on the dollar of assessed value for  
22 county purposes as authorized under Section 9(b), Article VII  
23 of the State Constitution and section 200.071, Florida  
24 Statutes, or to affect the authority of Brevard County to  
25 continue at a greater rate of taxation in excess of 10 mills  
26 for county purposes as provided in section 200.071(3) and  
27 section 200.091, Florida Statutes, providing for counties to  
28 continue to levy millage at a greater rate of taxation in  
29 excess of 10 mills for county purposes.

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

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