

By Senator Saunders

37-800A-05

See HB 1381

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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

1 boundaries are set forth in chapter 74-606, Laws of Florida,
2 as amended by chapter 89-402, Laws of Florida.

3 (2) The boundaries of the district may be modified,
4 extended, or enlarged upon approval or ratification by the
5 Legislature.

6 Section 4. Powers.--The district shall have, and the
7 board may exercise by majority vote, all powers that an
8 independent special district is authorized by law to have,
9 specifically including, without limitation, all powers set
10 forth in chapter 189, Florida Statutes, and in chapter 257,
11 Florida Statutes, to the extent applicable. Without limiting
12 any general or special powers otherwise granted by law, the
13 district shall have the power to establish and maintain one or
14 more public library facilities and to provide all services as
15 are customary for public libraries to provide; to sue and be
16 sued; to enter into agreements or compacts; to impose taxes,
17 assessments, and impact and user fees; to lease or purchase
18 real and personal property; to borrow money and to issue
19 bonds, notes, and evidence of indebtedness; to apply for and
20 receive grants; to accept donations; and to employ such
21 personnel and engage services of such persons as are deemed
22 necessary for the proper function and operation of the
23 district.

24 Section 5. Governing body; elections; vacancies; no
25 compensation; oath; bond.--

26 (1) The district shall be governed by a board of seven
27 commissioners who shall be qualified electors residing within
28 the district, be elected by the qualified electors residing
29 within the district, and serve terms of 4 years each or until
30 a successor takes office. Terms shall be staggered, with three
31 commissioners elected in one election cycle and four

1 commissioners elected in the other election cycle. In the
2 initial election, to be conducted by the Lee County Supervisor
3 of Elections within 120 days after approval of the referendum
4 in section 12, the three commissioners receiving the highest
5 number of votes shall be elected to the initial 4-year terms
6 ending in 2010 and the other four commissioners elected shall
7 be elected to the initial 2-year terms ending in 2008.

8 Candidates shall qualify in accordance with chapter 189,
9 Florida Statutes, and with the Florida Election Code. Terms
10 shall commence on the 7th day after the election.

11 (2) Elections shall be on the first Tuesday after the
12 first Monday in November unless otherwise required by law or
13 by action of the Lee County Supervisor of Elections pursuant
14 to law.

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

16 (4) If a vacancy occurs on the board for any reason,
17 the remaining commissioners may appoint a qualified person to
18 fill the seat until the next general election, at which time
19 an election shall be held to fill the vacancy for the
20 remaining term, if any.

21 (5) Commissioners shall continue to serve without
22 compensation, but shall be entitled to payment or
23 reimbursement of actual and necessary expenses incurred in
24 performance of their duties, to the extent authorized by board
25 bylaws. Any future provision for payment of any salary or
26 honorarium shall be determined in accordance with and subject
27 to limitations set forth in general law.

28 (6) Each commissioner shall, upon assuming office,
29 take and subscribe to the oath of office prescribed by s.
30 5(b), Art. II of the State Constitution and section 876.05,
31 Florida Statutes.

1 (7) Each commissioner, within 30 days after assuming
2 office, must give the Governor a good and sufficient surety
3 bond in the sum of \$5,000, and the treasurer the sum of
4 \$10,000, or as otherwise may be required by law, the cost
5 thereof being borne by the district, conditioned on his or her
6 faithful performance of his or her duties of office.

7 Section 6. Officers; bylaws; removal; disbursements;
8 records; open meetings; quorum.--

9 (1) The commissioners, within 14 days after election,
10 and annually in the same month, shall organize by electing
11 from their number a chair, a vice chair, a secretary, and a
12 treasurer. The same commissioner may be both secretary and
13 treasurer. The board shall adopt bylaws to provide policies
14 and procedures for conducting its business and exercising its
15 powers granted herein. The bylaws shall define excused and
16 unexcused absences. The board shall remove any commissioner
17 who has three consecutive, unexcused absences from regularly
18 scheduled meetings.

19 (2) Funds of the district may be disbursed only upon
20 the order or pursuant to resolution or action of the board or
21 by warrant or check signed by the treasurer or other person or
22 persons authorized by the board. However, a petty cash account
23 may be authorized by the board. The board may give the
24 treasurer additional powers and duties that it deems
25 appropriate.

26 (3) The board, through its secretary, shall keep a
27 permanent record book entitled "Record of Proceedings of
28 Sanibel Public Library District" in which the minutes of all
29 meetings, resolutions, proceedings, certificates, bonds given
30 by commissioners, and corporate acts shall be recorded. The
31 record book shall be open to inspection in the same manner as

1 state, county, and municipal records are open under chapter
2 119, Florida Statutes. The record book shall be kept at the
3 office or other regular place of business maintained by the
4 board within the district. All meetings of the board shall be
5 open to the public as may be required by chapters 189 and 286,
6 Florida Statutes, and other applicable general law.

7 (4) Unless otherwise required by law, a majority of
8 commissioners in office shall constitute a quorum for the
9 conduct of business. Action may be taken only by a majority
10 vote of a quorum present.

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

14 (1) The board shall annually prepare, consider, and
15 adopt a district budget pursuant to the applicable
16 requirements of chapter 200, Florida Statutes, for purposes of
17 providing funds for the district.

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

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

27 (4) It is the intent of the Legislature that during
28 the first fiscal year of operation and until the district is
29 able to adopt its own millage and budget, funding shall
30 continue to be provided through the library's current funding
31 mechanisms, and nothing herein is intended to prohibit Lee

1 County from including the district in its library taxing
2 district for such first fiscal year. Additionally, without
3 limiting its general powers, the district shall have full
4 power to borrow money and to accept property or funds
5 necessary for the operation of the district until such time as
6 the district is able to adopt its own millage and budget and
7 to raise its own revenues.

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

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

13 (2) Funds of the district may be used for any purpose
14 of the district in accordance with this charter and with
15 provisions of any other applicable general laws and special
16 acts.

17 (3) The district is specifically authorized to expend
18 funds to purchase, lease, own, and maintain one or more public
19 libraries within the district's jurisdiction; to construct one
20 or more public library facilities as the board deems necessary
21 in the exercise of its powers; and to dispose of surplus real
22 or personal property and to enter into interlocal agreements
23 or other arrangements to assist in achievement of the powers
24 and purposes of the district.

25 Section 9. Plan.--The district shall adopt a 5-year
26 plan to identify the facilities, equipment, personnel, and
27 revenue needed by the district over the next 5-year period.
28 The plan shall be updated in accordance with section 189.415,
29 Florida Statutes, and such plan satisfies the requirement for
30 a public facilities report required by section 189.415(2),
31 Florida Statutes.

1 Section 10. This act shall be construed as remedial
2 and shall be liberally construed to promote the purpose for
3 which it is intended.

4 Section 11. It is declared to be the intent of the
5 Legislature that if any section, subsection, sentence, clause,
6 phrase, or portion of this act is held invalid or
7 unconstitutional for any reason, by any court of competent
8 jurisdiction, such holding shall not affect the validity of
9 the remaining portions hereof.

10 Section 12. This act shall take effect upon approval
11 by a majority vote of those qualified electors of Lee County
12 voting in a referendum to be conducted by the Lee County
13 Supervisor of Elections in conjunction with the next general
14 election or at an earlier date that the Lee County Supervisor
15 of Elections may be able to conduct an election by mail ballot
16 or otherwise, in accordance with the provisions of law
17 relating to elections currently in force in the district,
18 except that this section shall take effect upon becoming a
19 law.