

1                                   A bill to be entitled  
 2           An act relating to Duval County; creating the Duval  
 3           County Library District to provide public library  
 4           services in the county; providing district boundaries;  
 5           establishing a governing board; providing membership  
 6           and duties; providing district powers to be exercised  
 7           by the governing board; authorizing the levy of ad  
 8           valorem taxes and the issuance of bonds to support the  
 9           district; establishing that the Jacksonville Board of  
 10          Library Trustees reports to the governing board;  
 11          providing membership and powers; providing for  
 12          dissolution; requiring an annual report; providing for  
 13          the use of ad valorem and other revenues; requiring a  
 14          referendum; providing an effective date.

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 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, a special district is hereby  
 24           created and established in Duval County, to be known as the  
 25           Duval County Library District.

26           Section 2. Boundaries.—The boundaries of the Duval County

27 Library District are coterminous with the boundaries of Duval  
 28 County.

29 Section 3. Governing board.—

30 (1) MEMBERSHIP.—The district shall be governed by a board  
 31 composed of the following five elected officials:

32 (a) The Mayor of the City of Jacksonville.

33 (b) Three members of the Jacksonville City Council  
 34 appointed by the Jacksonville City Council. Such members shall  
 35 serve for at least 1 year but not more than 2 years, and the  
 36 Jacksonville City Council is empowered to set the lengths of  
 37 terms of service of its appointees.

38 (c) The chair of the Duval County School Board.

39 (2) MEETINGS AND DUTIES.—The governing board shall meet at  
 40 least quarterly and shall exercise the district powers as  
 41 enumerated in section 4. The governing board shall receive  
 42 reports and recommendations from the Jacksonville Board of  
 43 Library Trustees. In setting the millage, the governing board  
 44 shall consider the trustee board's recommendation for a millage  
 45 rate that provides for library stability and for library  
 46 services that meet the community's needs.

47 Section 4. District powers.—

48 (1) The district shall have the following powers, which  
 49 shall be exercised by the governing board:

50 (a) Ad valorem taxes.—The power to levy ad valorem taxes  
 51 on all taxable property in the district at a rate of up to 1  
 52 mill in any year. The millage levied by the district for library

53 purposes, when added to the millage levied by the City of  
54 Jacksonville, may not exceed the millage cap as provided by law  
55 for the city. If the Consolidated City of Jacksonville chooses  
56 to levy more than 19 mills, up to its cap of 20 mills, in any  
57 given year, the district's right to levy up to 1 mill shall be  
58 reduced by the millage that is over and above 19 mills to ensure  
59 that the current total millage cap is not exceeded. The  
60 district's millage cap of 1 mill may be increased only by the  
61 voters of Duval County through a referendum. The millage levied  
62 for library purposes shall be used exclusively for:

63 1. The acquisition, construction, improvement, operation,  
64 maintenance, repair, renewal, and replacement of library and  
65 library-related facilities within the district; and

66 2. The payment of debt service on district bonds.

67 (b) Bonds.—In order to finance or refinance the  
68 acquisition, construction, and improvement of library and  
69 library-related facilities in the district, the district shall  
70 have:

71 1. Any such powers granted to municipalities under part II  
72 of chapter 166, Florida Statutes, as well as all corresponding  
73 powers granted to counties under chapter 125, Florida Statutes,  
74 if:

75 a. To the extent required by s. 12, Article VII of the  
76 State Constitution, bonds or other obligations of the district  
77 are approved at a referendum;

78 b. The offer and sale of district obligations complies

79 with s. 218.385, Florida Statutes;

80 c. The obligations of the district bear interest at rates  
 81 determined by the governing board in accordance with s. 215.84,  
 82 Florida Statutes;

83 d. Obligations of the district are not a debt or  
 84 obligation of the City of Jacksonville. The face of the bond  
 85 must include a statement to the effect that such obligations are  
 86 solely obligations of the district, secured solely by the taxes  
 87 or other revenues of the district pledged as security for the  
 88 bonds, and that no holder or owner of such obligations has the  
 89 right to payment of the principal, premium, if any, and interest  
 90 on such obligations from the taxes or other revenues of the City  
 91 of Jacksonville; and

92 e. The sum of the maximum annual debt service on all bonds  
 93 of the district secured by and payable from the proceeds of ad  
 94 valorem taxes levied and collected by the district and  
 95 outstanding at any time, including bonds proposed to be issued,  
 96 and the amount required for the operation, maintenance, repair,  
 97 renewal, and replacement of library and library-related  
 98 facilities for the most recent complete fiscal year are shown by  
 99 certificate of the district, delivered at the time of the  
 100 issuance and delivery of such ad valorem tax bonds, and  
 101 calculated as of the date of sale of such bonds, up to the  
 102 amount raised from the levy by the district of millage at a rate  
 103 of 1 mill on the assessed valuation of all taxable property in  
 104 the district as shown on the tax rolls of the City of

105 Jacksonville as of the valuation date immediately preceding the  
 106 date of sale of the ad valorem tax bonds.

107 2. The authority to validate obligations as provided under  
 108 chapter 75, Florida Statutes;

109 3. In addition to and without limiting the generality of  
 110 paragraph (a) and this paragraph, the power to:

111 a. Issue bonds, notes, and other certificates of  
 112 indebtedness, or any form of tax or bond anticipation notes or  
 113 certificates, or revenue bonds or notes if the proceeds of such  
 114 bonds, notes, certificates of indebtedness, tax anticipation  
 115 notes or certificates, or revenue bonds or notes are used to  
 116 finance or refinance the acquisition, construction, and  
 117 improvement of library and library-related facilities in the  
 118 district. Bonds issued shall be secured by a lien upon and  
 119 pledge of, and shall be payable from, the proceeds of ad valorem  
 120 taxes to be levied on all taxable property in the district or  
 121 from the proceeds of any fees, charges, fines, rentals, grants,  
 122 or other sources of revenue of the district, or both. The  
 123 district may make all customary or necessary covenants for the  
 124 security of such obligations, including covenants to assure the  
 125 adequacy of security and the proper collection, holding, and  
 126 disposition thereof; capitalize interest and reserves in amounts  
 127 the district's governing board deems necessary; and pay from  
 128 bond or note proceeds or other sources all costs of issuing such  
 129 bonds or notes, including, without limiting the generality of  
 130 the foregoing, fiscal expenses, legal expenses, bond insurance

131 premiums, and printing expenses. Before issuing any bonds  
 132 secured by ad valorem taxes, the district shall provide the  
 133 certificate required by sub-subparagraph 1.e. regarding  
 134 feasibility within the 1-mill cap.

135 b. Issue such bonds, revenue bonds or notes, tax or bond  
 136 anticipation notes, or other forms of indebtedness at such  
 137 interest rate or rates as the governing board may determine.

138 (c) Board of Trustees.—The power to appoint members to the  
 139 Jacksonville Board of Library Trustees as provided in section 6.

140 (d) Revenues.—The power to budget, appropriate, and pay  
 141 revenues of the district to the Jacksonville Board of Library  
 142 Trustees for providing district library services and for the  
 143 operation, maintenance, repair, renewal, and replacement of  
 144 library and library-related facilities in the district. When  
 145 conveyed to the trustee board, such revenues shall be deemed  
 146 revenues of the trustee board to be expended by the trustee  
 147 board at its discretion pursuant to the powers granted under  
 148 this act and subject to limitations contained in this act.

149 (2) The district does not have the power of eminent  
 150 domain.

151 Section 5. The City of Jacksonville shall continue to own  
 152 all real and personal property that it currently owns and shall  
 153 be responsible for any associated debt for such owned assets  
 154 unless and until the same are transferred by sale, lease, or  
 155 otherwise to the district.

156 Section 6. The Jacksonville Board of Library Trustees.—

157 (1) MEMBERSHIP.—The trustee board, whose composition is  
158 described in s. 90.101 of the Jacksonville Ordinance Code, shall  
159 continue in existence on the effective date of the establishment  
160 of the district. Thereafter, the trustee board shall be subject  
161 to the following:

162 (a) The term of a trustee shall continue until the term  
163 expires under existing law; thereafter, any vacancy shall be  
164 filled by the governing board.

165 (b) The trustee board shall have 12 voting members; two  
166 members shall be appointed from and must reside in each of the  
167 five city council at-large groups, and two members shall be  
168 appointed at large. Members shall serve 4-year terms but may  
169 hold over until their respective successors are appointed and  
170 confirmed. The terms shall continue to be staggered so that  
171 three members are appointed to 4-year terms every year. A member  
172 appointed to the trustee board for two consecutive full terms  
173 may not be appointed to the next succeeding term.

174 (c) The governing board may add nonvoting members to the  
175 trustee board.

176 (d) Other than reimbursement for expenses allowed by law,  
177 voting or nonvoting members of the trustee board shall serve  
178 without compensation.

179 (2) POWERS.—The trustee board:

180 (a) May solicit funds and receive, accept, and exercise  
181 control over funds, property, gifts, legacies, or devises  
182 granted to the Jacksonville Public Library.

183 (b) Shall employ and may discharge a library director and  
 184 such other persons as necessary to conduct a free library  
 185 service. The person employed as library director must have a  
 186 master's degree in library science and at least 5 years'  
 187 experience in library administration.

188 (c) Shall comply with the budget and audit requirements of  
 189 applicable law and fully perform all duties prescribed by any  
 190 trust instruments that convey property to the trustee board, but  
 191 only to the extent that such trust instruments are not  
 192 inconsistent with this act.

193 (d) Shall be bound by all covenants securing any revenue  
 194 bonds or notes issued by the governing board.

195 (e) Shall have the power to:

196 1. Manage, administer, operate, supervise, oversee, and  
 197 maintain all library facilities and services, programs, and  
 198 functions for the benefit of district residents.

199 2. Purchase, lease, or otherwise acquire real and personal  
 200 property and generally to take all other actions regarding such  
 201 property as may be necessary in the prudent management,  
 202 operation, and maintenance of district library services and  
 203 facilities.

204 3. Lease, grant, sell, or otherwise convey real property  
 205 upon approval of the governing board.

206 4. Dispose of personal property as necessary in the  
 207 prudent management, operation, and maintenance of library  
 208 services and facilities.



209       5. Employ personnel and take all other actions consistent  
 210 with generally accepted employment practices.

211       6. Retain attorneys, accountants, architects, engineers,  
 212 and other consultants and professionals. The district shall use  
 213 the legal services of the Office of the General Counsel of the  
 214 City of Jacksonville, except in those cases in which the Office  
 215 of the General Counsel determines that the city legal staff  
 216 cannot provide legal services in the required legal area.

217       7. Accept gifts of money or property for the beneficial  
 218 use of district residents and to act as trustee with full legal  
 219 capacity to administer property conveyed to the district in  
 220 trust by any private or public party.

221       8. Contract with any other public body for the provision  
 222 of library services. The district may use any of the services  
 223 available to governmental units through the City of Jacksonville  
 224 but is not required to do so. The use of such services shall be  
 225 on a contractual basis.

226       9. Apply for and accept any grant of money or property  
 227 from any governmental body or private organization and enter  
 228 into contracts incidental thereto.

229       10. Serve as agent for, and enter into contracts on behalf  
 230 of, the governing board, but only to the extent expressly  
 231 approved by the governing board.

232       11. Adopt and implement rules, policies, and procedures  
 233 for the management, operation, and maintenance of library  
 234 services and facilities in the district, and to set fees, fines,

235 and other charges in connection with such operation and  
236 services.

237 12. Contract, receive and expend money, sue and be sued,  
238 and generally perform all other acts necessary or incidental to  
239 the express powers and duties granted or imposed by this act or  
240 by an instrument of trust.

241 (3) DISSOLUTION.—If the powers of the trustee board are  
242 rescinded or dissolved, all rights, title, and interest of the  
243 trustee board in property then owned by the trustee board  
244 reverts automatically to the governing board or its successor to  
245 be held in trust for the benefit of district residents for  
246 library purposes.

247 (4) ANNUAL REPORT.—On or before July 1 of each year, the  
248 trustee board shall submit a written annual report to the  
249 district's governing board as to the state of the library system  
250 and shall submit a recommendation for a proposed millage rate  
251 within the 1-mill cap which is required to provide for library  
252 stability and library services that meet the community's needs.

253 Section 7. Use of revenues.—

254 (1) Ad valorem tax revenue of the district may be used  
255 only for:

256 (a) Providing district library services;

257 (b) Operating, maintaining, acquiring, constructing, and  
258 improving the library and library-related facilities in the  
259 district; or

260 (c) Servicing debt incurred in financing or refinancing

261 library and library-related facilities.

262 (2) Notwithstanding any other provision of this act, the  
263 county or municipality may appropriate, and the Jacksonville  
264 Board of Library Trustees may accept and expend, funds for  
265 library facilities, services, programs, and operations that are  
266 supplemental to ad valorem tax revenues otherwise collected  
267 pursuant to this act. Further, a county or municipality may  
268 provide to the trustee board services and in-kind contributions  
269 of any nature in support of library facilities, services,  
270 programs, and operations.

271 Section 8. Audit rights; transition period.—

272 (1) AUDIT RIGHTS.—The Consolidated City of Jacksonville  
273 and Office of the City Council Auditor shall have the right to  
274 audit the district for any purpose without restriction.

275 (2) TRANSITION PERIOD.—To facilitate the full transition  
276 of library operations from the City of Jacksonville to the  
277 district, there shall be a transition period. During the  
278 transition period, the district may defer or delay full  
279 operation of library operations, and the City of Jacksonville  
280 and the district are authorized to enter into any agreement that  
281 would facilitate the transition of library operations to the  
282 district.

283 Section 9. Straw ballot.—The referendum in section 10  
284 shall only be held if the straw ballot measure held on August  
285 26, 2014, is approved by the electors.

HB 1341

2014

286           Section 10. This act shall take effect only upon its  
287 approval by a majority vote of the electors of Duval County  
288 voting in a referendum to be held in conjunction with the  
289 election to be held in Duval County on March 24, 2015, except  
290 that this section and section 9 shall take effect upon becoming  
291 a law.