

By Senator Gibson

9-00929B-14

20141548\_\_

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.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
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.—

9-00929B-14

20141548

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 on  
51 all taxable property in the district at a rate of up to 1 mill  
52 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

9-00929B-14

20141548\_\_

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 with  
79 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 obligation  
84 of the City of Jacksonville. The face of the bond must include a  
85 statement to the effect that such obligations are solely  
86 obligations of the district, secured solely by the taxes or  
87 other revenues of the district pledged as security for the

9-00929B-14

20141548\_\_

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

9-00929B-14

20141548\_\_

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

9-00929B-14

20141548\_\_

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 domain.

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

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

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

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

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

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

9-00929B-14

20141548\_\_

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

178 (2) POWERS.—The trustee board:

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

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

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

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

194 (e) Shall have the power to:

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

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

203 3. Lease, grant, sell, or otherwise convey real property

9-00929B-14

20141548\_\_

204 upon approval of the governing board.

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

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

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

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

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

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

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

231 11. Adopt and implement rules, policies, and procedures for  
232 the management, operation, and maintenance of library services



9-00929B-14

20141548\_\_

233 and facilities in the district, and to set fees, fines, and  
234 other charges in connection with such operation and services.

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

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

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

251 Section 7. Use of revenues.—

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

254 (a) Providing district library services;

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

258 (c) Servicing debt incurred in financing or refinancing  
259 library and library-related facilities.

260 (2) Notwithstanding any other provision of this act, the  
261 county or municipality may appropriate, and the Jacksonville

9-00929B-14

20141548\_\_

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

269 Section 8. Audit rights; transition period.-

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

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

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

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