

House Bill No. 971

An act relating to Palm Beach County; providing for codification of special laws regarding special districts pursuant to Chapter 189, Florida Statutes, relating to the Palm Beach County Library District, a dependent special taxing district in Palm Beach County; amending, codifying, and repealing chapters 67-1869, 76-460, and 86-431, Laws of Florida; ratifying and confirming the creation and establishment of the Palm Beach County Library District; providing definitions; providing for a library advisory board; providing operating rules and procedures; providing for budget and reports; providing for contractual service; providing for title of library to be in county; providing for receipt of gifts and bequests; providing for taxation and contracts; providing for a county library fund; providing an effective date.

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

Section 1. Pursuant to chapter 189, Florida Statutes, this act constitutes the codification of all special acts relating to the Palm Beach County Library District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments.

Section 2. Chapter 67-1869, Laws of Florida, chapter 76-460, Laws of Florida, and chapter 86-431, Laws of Florida, relating to the Palm Beach County Library District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Palm Beach County Library District is re-created and reenacted to read:

Section 1. Short title.—This act shall be known and may be cited as the “Palm Beach County Library District Act.”

Section 2. Palm Beach County Library District Charter.—It is the intent of this act to create a Palm Beach County Library District for which the governing body will be the Board of County Commissioners of Palm Beach County, for the purpose of establishing, operating, and maintaining a free public library or providing for contractual library services for the benefit and use of the residents of Palm Beach County, who are taxed for such library or library service. This taxing district shall be subject to chapter 120, Florida Statutes, as it pertains to the Florida Administrative Procedure Act, when applicable.

A. Definitions.—As used in this chapter, the following words and terms shall have the following meanings, unless some other meaning is clearly indicated:

(1) “Library advisory board” shall refer to a board of citizens, which shall represent the board of county commissioners in matters pertaining to county free public libraries or free public library service. This shall include, but not be limited to, matters of policy, budgeting, and employment of the head librarian.

(2) “Commission” shall mean the Board of County Commissioners of Palm Beach County.

(3) “Contractual library service” shall refer to the library service provided by the county to its residents by means of a contractual arrangement.

(4) “District” shall refer to the Palm Beach County Library District which shall include all taxable property within the county not already taxed for library purposes by a municipality.

(5) “Palm Beach County Library System” or “library system” shall refer to the entity created by the district to provide free public library services.

B. Organization for administration of the library system.—The responsibility for operating and maintaining the library system shall be delegated to a head librarian, qualified according to standards established by the library advisory board.

C. Library advisory board.—The commission shall appoint a citizens advisory board to represent them in administering the library system. The library advisory board shall select the head librarian, and make policy and budget decisions subject to the approval of the commission. The commission shall appoint the library advisory board to consist of at least seven (7) and not more than fifteen (15) citizens of the district, and establish qualifications and terms for membership. The library advisory board shall serve without pay, but may be reimbursed for actual expenses subject to the approval of the commission.

D. Operating rules and procedures.—The library advisory board may establish such rules, regulations, and procedures as are deemed necessary for the operation of the library system; provided, however, that no such rule, regulation, or procedure shall conflict with any law, statute, or regulation established by the Legislature of this state or the commission of the county.

E. Budgets; reports.—Budgets and reports shall be prepared and filed by the head librarian in accordance with instructions and regulations of the commission, but in no case shall the budget be filed later than July 1 of each year or the annual report later than January 1 for the preceding fiscal year.

F. Contractual library service.—In carrying out the provisions of this chapter, the commission may either acquire and provide for the maintenance and operation of a free public library for the county, or may provide free library service to the citizens of the county by entering into a contract therefor with any municipality or municipalities, or both, with any nonprofit library corporation or association in Palm Beach County owning a free public library, or with any other county or municipality in the state owning a free public library. Any municipality or any nonprofit library corporation

or association owning a free public library in Palm Beach County may enter into a contract with the county to receive services including, but not limited to, library materials and technical assistance from the library system upon such terms as may be agreed upon by the county and the governmental body of the library contracting therewith.

G. Title of library to be in the county.—The title and ownership of all land, buildings, facilities, equipment, and library materials constructed or acquired by or on behalf of the library library system shall be in Palm Beach County.

H. Gifts and bequests.—The commission is authorized to receive on behalf of the district any gift, bequest, or devise for the library system or for use in the county contractual library service.

I. Taxation and contracts.—

(1) In order to establish and maintain a free public library or to provide contractual library services, the commission may levy an annual tax, in the same manner and at the same time as other county taxes, upon all taxable property within the district, and may thereafter enter into a contract with any municipality in Palm Beach County to furnish free public library service upon terms to be agreed upon by the county and the governing body of the library contracting therewith.

(2) Any municipality owning or operating a public library, or any non-profit library corporation or association in Palm Beach County owning a free public library, may enter into a contract with the commission to furnish or receive any library service upon terms to be agreed upon by the parties thereto, or any municipality without a free public library may enter into a contract with the commission to receive library service upon the terms to be agreed upon by the county and the governing body of the municipality.

J. County library fund.—

(1) All funds of the district, whether derived from taxation or otherwise, shall constitute a separate fund to be known as the county library fund, and shall be expended only for library purposes. The expenses incurred by the library system shall be paid by warrants drawn by the commission, payable out of the county library fund. At the end of each fiscal year, all moneys unexpended in the county library fund shall be appropriated as part of this fund for the subsequent fiscal year.

(2) The commission shall not make expenditures in any year in excess of the amount available for library purposes.

(3) Library capital improvements may be funded by:

(a) A multi-year levy; or

(b) Bonds issued by the commission; or

(c) As part of the annual tax; or

(d) Any appropriate public funding source.

(4) The commission is hereby authorized to submit a referendum for library capital improvements to the voters of the district.

(5) Upon approval of a majority of the voters of the district voting, the commission shall levy the voter approved millage for the number of years likewise approved, or authorize the issuance of bonds and necessary millage for debt service.

(6) Library capital improvements may include:

(a) Acquisition of library sites.

(b) Acquisition, construction, or renovation of buildings.

(c) Acquisition of bookmobiles.

(d) Acquisition of initial furniture and equipment.

(e) Acquisition and processing of initial library material collections.

(7) If any municipality not a part of the district chooses to enter the district, that municipality must transfer resources currently being used to provide public library service and/or such other resources as would be required for the library system to provide to the residents of the entering municipality comparable library service to that provided throughout the district.

Section 4. The provisions of this act shall be liberally construed in order to carry out effectively the purposes of this act.

Section 5. It is declared to be the legislative intent that if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of this act shall not be affected.

Section 6. Chapters 67-1869, 76-460, and 86-431, Laws of Florida, are repealed.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor May 22, 2000.

Filed in Office Secretary of State May 22, 2000.