

## House Bill No. 1079

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 Chapters 65-1289, 72-477, 76-330, 82-263, and 94-449, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.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

All that part of Merritt Island, lying South of the southerly boundary line of the Merritt Island Launching area, National Aeronautics and Space Administration, and bounded on the East by the waters of the Banana River, and on the West by the waters of the Indian River, excepting therefrom the lands of the Port Canaveral Authority,

is created into a library district to be known as the Merritt Island Public Library District, hereinafter referred to as "the district."

Section 2. The Governor is authorized to appoint fifteen residents of the district as the Merritt Island library district board, hereinafter referred to as the "library board." The members of the library board shall, subject to the following, serve terms of 3 years each, unless removed for cause by the Governor. The first library board, however, shall consist of five members appointed for 3 years, five members appointed for 2 years, and five members appointed for 1 year. Subsequent appointments or reappointments shall be for a period of 3 years. The library board members shall receive no compensation and must reside within the area designated in section 1. The library board members shall be appointed by the Governor and assume their duties within a reasonable time after this act becomes a law.

Section 3. Within 10 days after the appointment and qualification of the members of the library board, the members shall meet and elect from their number a chair, first vice chair, second vice chair, recording secretary, corresponding secretary, and treasurer, provided, however, that the same member may be both secretary and treasurer.

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

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

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

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

Section 8. (1) If taxes as provided for shall have been collected by the tax collector of Brevard County, he or she shall, on or before the 10th day

of each month, report to the secretary of the board the collections made for the preceding month and remit the same to the treasurer of the library board and take a receipt for the same from the treasurer. The tax collector shall be relieved from all other liability as to the amount paid the treasurer of the library board.

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

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

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

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

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

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

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

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

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

Approved by the Governor June 1, 2005.

Filed in Office Secretary of State June 1, 2005.