

House Bill No. 1381

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 ad valorem taxes and user 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 boundaries are set forth in chapter 74-606, Laws of Florida, as amended by chapter 89-402, Laws of Florida.

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

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

Section 5. Governing body; elections; vacancies; no compensation; oath; bond.—

(1) The district shall be governed by a board of seven commissioners who shall be qualified electors residing within the district, be elected by the qualified electors residing within the district, and serve terms of 4 years each or until a successor takes office. Terms shall be staggered, with three commissioners elected in one election cycle and four commissioners elected in the other election cycle. In the initial election, to be conducted by the Lee County Supervisor of Elections within 120 days after approval of the referendum in section 12, the three commissioners receiving the highest number of votes shall be elected to the initial 4-year terms ending in 2010 and the other four commissioners elected shall be elected to the initial 2-year terms ending in 2008. Candidates shall qualify in accordance with chapter 189, Florida Statutes, and with the Florida Election Code. Terms shall commence on the 7th day after the election.

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

(3) Elections shall be on a nonpartisan basis.

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

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

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

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

Section 6. Officers; bylaws; removal; disbursements; records; open meetings; quorum.—

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

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

(3) The board, through its secretary, shall keep a permanent record book entitled "Record of Proceedings of Sanibel Public Library District" in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts shall be recorded. The record book shall be open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes. The record book shall be kept at the office or other regular place of business maintained by the board within the district. All meetings of the board shall be open to the public as may be required by chapters 189 and 286, Florida Statutes, and other applicable general law.

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

Section 7. Fiscal year; budget; millage; taxes; fees.—The fiscal year begins on October 1 of each year and extends until September 30 of the ensuing year.

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

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

(3) The board may, by resolution of the board, fix and collect rates, fees, rentals, fares, or other user fees for property, facilities, and services made available, furnished, or to be furnished by the district.

(4) It is the intent of the Legislature that during the first fiscal year of operation and until the district is able to adopt its own millage and budget, funding shall continue to be provided through the library's current funding mechanisms. Additionally, without limiting its general powers, the district shall have full power to borrow money and to accept property or funds necessary for the operation of the district until such time as the district is able to adopt its own millage and budget and to raise its own revenues.

Section 8. Indebtedness; use of funds.—

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

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

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

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

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

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

Section 12. Referendum.—On or before December 1, 2005, the Lee County Commission shall call and the Supervisor of Elections of Lee County shall conduct a referendum, in accordance with the provisions of law relating to elections currently in force, on the question of whether the Sanibel Public Library District shall be created by special act of the Legislature with authority to impose an ad valorem tax at a rate not to exceed one-half of one mill.

Section 13. This act shall take effect only if a majority of those qualified electors of the Sanibel Public Library District voting in a referendum held pursuant to this act approve the referendum question in accordance with section 12, except that this section and section 12 shall take effect upon becoming a law.

Approved by the Governor June 1, 2005.

Filed in Office Secretary of State June 1, 2005.