

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Community Affairs offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Pursuant to chapter 97-255, Laws of Florida, this act constitutes the codification of all special acts relating to the Orange 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 and any additional authority granted by this act.

Section 2. Chapter 80-555, Laws of Florida, chapter 81-450, Laws of Florida, and chapter 91-372, Laws of Florida, relating to the Orange County Library District, are codified, reenacted, amended, and repealed as herein provided.

Section 3. Short Title.--This act shall be known and may be cited as the "Orange County Library District Act."

Section 4. Legislative findings and intent.--

Amendment No. 1 (for drafter's use only)

1           (1) FINDINGS.--The Legislature finds that the Orange  
2 County Library District, an independent special district  
3 created by chapter 80-555, Laws of Florida, to provide library  
4 services and facilities in all of Orange County except the  
5 cities of Winter Park and Maitland, has provided high quality  
6 library service to district residents and taxpayers throughout  
7 its existence. Authorized to levy ad valorem taxes for  
8 operating expenses and debt service, the library district has  
9 consistently levied taxes substantially below its statutory  
10 maximum, and has used the tax revenue efficiently and  
11 effectively. Both the Orange County Library District Act and  
12 the ad valorem tax authority were expressly approved by the  
13 voters of the district by referendum on September 9, 1980, as  
14 required by s. 9(b), Article VII of the State Constitution,  
15 and the trust and confidence given by the electors to the  
16 district has been rewarded with quality library facilities and  
17 services.

18           (2) INTENT.--This act constitutes the reenactment and  
19 codification of all special acts relating to the district  
20 pursuant to s. 189.429, Florida Statutes. This law is intended  
21 to provide a single, comprehensive special act charter for the  
22 district that ratifies and continues all powers and authority,  
23 including its taxing authority, granted to the district by its  
24 several previous legislative enactments and that grants such  
25 additional authority and imposes such additional requirements  
26 and limitations as may be provided by this act.

27           Section 5. Orange County Library District:  
28 establishment; boundaries; governing board.--

29           (1) ESTABLISHMENT.--The creation of the Orange County  
30 Library District pursuant to chapter 80-555, Laws of Florida,  
31 for the purpose of providing library services and facilities

Amendment No. 1 (for drafter's use only)

1 within the district is hereby ratified.

2 (2) BOUNDARIES.--The Orange County Library District is  
3 composed of all areas of Orange County, Florida, except the  
4 incorporated areas of the Cities of Winter Park and Maitland,  
5 as the boundaries of those municipalities may from time to  
6 time exist.

7 (3) GOVERNING BOARD.--The Governing Board of the  
8 Orange County Library District is composed of the Board of  
9 County Commissioners of Orange County, Florida, and one member  
10 appointed by the City Council of the City of Orlando, Florida.  
11 Such city council appointees shall be appointed for a term of  
12 2 years, shall not serve more than three consecutive terms,  
13 and may be removed from the governing board for cause by the  
14 city council.

15 Section 6. Governing board powers.--The governing  
16 board shall have the power to:

17 (1) Levy annually an ad valorem tax upon taxable  
18 property within the district in the same manner as other  
19 county and municipal ad valorem taxes are levied, provided  
20 that:

21 (a) The millage allocated to annual operating and  
22 maintenance expenses of the district shall not exceed one (1)  
23 mill; and

24 (b) The millage allocated to debt service shall not  
25 exceed an amount necessary to pay principal of and interest on  
26 bonds issued under subsection (4).

27 (2) Purchase, lease, construct, or otherwise acquire  
28 capital projects related to the library services and  
29 facilities of the district and to convey such capital projects  
30 to the Orange County Library Board of Trustees in trust for  
31 the benefit of the residents in the district.

Amendment No. 1 (for drafter's use only)

1           (3) Appropriate and expend revenue of the district,  
2 subject to the limitations of this act.

3           (4) Issue bonds, notes, any other certificates of  
4 indebtedness, or any form of tax or bond anticipation notes or  
5 certificates payable from all or any portion of the ad valorem  
6 tax revenues of the district, but only when the proceeds of  
7 such bonds, notes, certificates of indebtedness, or tax  
8 anticipation notes or certificates are used to finance or  
9 refinance capital projects related to library services or  
10 facilities of the district, and only when such indebtedness is  
11 approved at referendum pursuant to law. Bonds issued hereunder  
12 shall be payable from taxes to be levied on all taxable  
13 property in the district without limitation as to rate or  
14 amount. However, the aggregate amount of bonds issued and  
15 outstanding hereunder at any time shall not require in any  
16 year for the payment of principal and interest falling due an  
17 amount greater than one (1) mill on the assessed valuation of  
18 all taxable property in the district at the time of the  
19 issuance of such bonds. In issuing such bonds or other forms  
20 of indebtedness, the governing board may pledge the full faith  
21 and credit of the district for service of the debt to be  
22 incurred.

23           (5) Issue revenue bonds or notes payable from the  
24 proceeds of any fees, charges, fines, rentals, grants, or  
25 other sources of revenue (except ad valorem taxes) which may  
26 be or become available to the district; to pledge such  
27 revenues to the payment of such revenue bonds or notes; to  
28 make all customary or necessary covenants for the security of  
29 such revenue bonds or notes (including covenants to assure the  
30 adequacy of such revenues and the proper collection, holding,  
31 and disposition thereof); to agree to pay some or all expenses

Amendment No. 1 (for drafter's use only)

1 of maintenance and operation from sources other than pledged  
2 revenues (and not to diminish the rate of taxation available  
3 therefor); to capitalize interest and reserves in such amounts  
4 as the governing board may deem necessary; to pay all costs of  
5 issuance of such bonds or notes, including fiscal, legal, bond  
6 insurance, and printing expenses from bond or note proceeds or  
7 other sources; and to apply the proceeds of said revenue bonds  
8 or notes to the payment of the cost of any or all facilities  
9 or property (real or personal, including books) which said  
10 district is empowered to acquire, including all architectural,  
11 legal, engineering, and other professional costs in connection  
12 therewith, or to the refunding of previously issued revenue  
13 bonds or notes.

14 (6) Issue such bonds, revenue bonds or notes, tax or  
15 bond anticipation notes, or other forms of indebtedness at  
16 such interest rate or rates as the governing board may  
17 determine.

18 (7) Appoint members to the Orange County Library Board  
19 of Trustees as provided in section 8.

20 (8) Budget, appropriate, and pay revenues of the  
21 district to the board of trustees for operation and  
22 maintenance of library services and facilities, and, when  
23 conveyed to the board of trustees, such revenues shall be  
24 deemed revenues of the board of trustees to be expended by the  
25 trustees at their discretion pursuant to the powers granted  
26 under this act and subject to limitations contained in this  
27 act.

28 (9) Exercise powers of eminent domain over private  
29 property pursuant to law, but only where such property will be  
30 used for a public purpose related to library services and  
31 facilities. This power of eminent domain shall not extend to

Amendment No. 1 (for drafter's use only)

1 property owned by any municipality.

2           Section 7. Use of tax revenues; supplemental  
3 appropriations and services in kind.--Ad valorem tax revenue  
4 of the district may be used only for the operation and  
5 maintenance expenses of district library services and  
6 facilities, for capital expenditures related to district  
7 library services and facilities, or for servicing debt  
8 incurred in financing or refinancing capital projects as  
9 authorized by this act. Notwithstanding any other provision of  
10 this act, any county or city may appropriate, and the board of  
11 trustees may accept and expend, funds for library facilities,  
12 services, programs, and operations which are supplemental to  
13 ad valorem tax revenues otherwise collected pursuant to this  
14 act. Further, any county or city may provide to the board of  
15 trustees services and in-kind contributions of any nature  
16 whatsoever in support of library facilities, services,  
17 programs, and operations.

18           Section 8. Orange County Library Board of Trustees:  
19 establishment and purpose; appointment of members, terms,  
20 removal, and vacancies; compensation; quorum, rules of  
21 procedure, and seal.--

22           (1) ESTABLISHMENT AND PURPOSE.--There is hereby  
23 established the Orange County Library Board of Trustees, a  
24 public body corporate and politic. The board of trustees shall  
25 be deemed a public instrumentality, and the exercise by the  
26 trustees of the powers conferred by this act shall be deemed  
27 the performance of an essential public function.

28           (2) APPOINTMENT OF MEMBERS, TERMS, REMOVAL, AND  
29 VACANCIES.--The Orange County Board of Trustees shall consist  
30 of five members appointed by the governing board, two of whom  
31 shall be nominated by the City of Orlando. A nominee of the

Amendment No. 1 (for drafter's use only)

1 City of Orlando shall be appointed by the governing board to  
2 the board of trustees unless rejected for good cause shown.

3 (a) All members shall serve terms of four years,  
4 except that each member shall continue to serve beyond his or  
5 her term until a successor is appointed, and the term of the  
6 successor shall be reduced by the amount of the holdover. No  
7 member shall serve more than two full terms consecutively or  
8 more than ten consecutive years. No person employed either by  
9 Orange County or by the City of Orlando shall serve on the  
10 board of trustees during the time of such employment. Further,  
11 no elected official of any county or municipality may serve on  
12 the board of trustees during the term of elected office. The  
13 appointment of all members serving as of the effective date of  
14 this act, and the terms for which they were appointed, are  
15 hereby ratified and validated.

16 (b) Any trustee may be removed by majority vote of the  
17 governing board for good cause affecting his or her ability to  
18 perform the duties as a member, or for misfeasance,  
19 malfeasance, or nonfeasance in office, but only after a  
20 hearing at which such trustee is given the right to present  
21 evidence in his or her own behalf and only upon a finding by  
22 majority vote of the governing board that good cause for  
23 removal affecting the member's ability to perform the duties  
24 as a member exists, or a finding that the trustee was guilty  
25 of misfeasance, malfeasance, or nonfeasance in office.

26 (c) Upon the occurrence of a vacancy on the board of  
27 trustees, the governing board shall appoint a new member to  
28 serve during the unexpired portion of the term no later than  
29 ninety days after occurrence or discovery of the vacancy.

30 (3) COMPENSATION.--Trustees shall serve without  
31 compensation, except that they may be reimbursed for

Amendment No. 1 (for drafter's use only)

1 reasonable travel and per diem expenses incurred in the course  
2 of their duties and responsibilities as trustees or on behalf  
3 of the governing board or otherwise in engaging in the  
4 business of the district. Any such reimbursement for travel or  
5 per diem expenses shall be in amounts pursuant to general law.

6 (4) QUORUM, RULES OF PROCEDURE, AND SEAL.--A quorum  
7 shall consist of three members of the board of trustees, and  
8 official action shall be taken only upon majority of the  
9 trustees present and voting. The board of trustees shall adopt  
10 bylaws for election of officers and orderly proceedings and  
11 shall adopt a common seal for the certification of its  
12 actions.

13 Section 9. Powers of the Orange County Library Board  
14 of Trustees.--The Orange County Library Board of Trustees  
15 shall have the following powers:

16 (1) To manage, administer, operate, supervise,  
17 oversee, and maintain all library facilities and services,  
18 programs, and functions for the benefit of the residents of  
19 the Orange County Library District.

20 (2) To purchase, lease, or otherwise acquire real and  
21 personal property, and generally to take all other actions  
22 regarding such property as may be necessary in the prudent  
23 management, operation, and maintenance of district library  
24 services and facilities. However, all property, real or  
25 personal, acquired by the board of trustees from whatever  
26 source or by whatever means shall be deemed to be held in  
27 trust for the benefit of the residents of this district for  
28 library purposes. If the powers of the board of trustees under  
29 this act are ever rescinded or dissolved for whatever reason,  
30 all rights, title, and interest of the trustees in all  
31 property then owned by the trustees shall revert automatically

Amendment No. 1 (for drafter's use only)

1 to the governing board or its successor to be held in trust  
2 for the benefit of the residents of the district for library  
3 purposes.

4 (3) To lease, grant, sell, or otherwise convey real  
5 property upon approval of the governing board.

6 (4) To dispose of personal property as necessary in  
7 the prudent management, operation, and maintenance of library  
8 services and facilities.

9 (5) To employ personnel and to take all other actions  
10 consistent with generally accepted employment practices.

11 (6) To retain attorneys, accountants, architects,  
12 engineers, and other consultants and professionals.

13 (7) To accept gifts of money or property for the  
14 beneficial use of the residents of the district and to act as  
15 trustee with full legal capacity to administer any money or  
16 property conveyed to the district in trust by any party,  
17 private or public, whether by will, deed, or other instrument,  
18 or by any court of competent jurisdiction.

19 (8) To contract with any county, city, or other public  
20 body for the provision of library services within or outside  
21 of the district, provided that library services outside the  
22 district shall not be subsidized by the ad valorem revenues of  
23 the district.

24 (9) To apply for and accept any grant of money or  
25 property from any governmental body or private organization  
26 and to enter into contracts incidental thereto.

27 (10) To serve as agent for and to enter into contracts  
28 on behalf of the governing board, but only to the extent  
29 expressly approved by the governing board.

30 (11) To adopt and implement rules, regulations,  
31 policies, and procedures for the management, operation, and

Amendment No. 1 (for drafter's use only)

1 maintenance of library services and facilities in the  
2 district, and to set fees, fines, and other charges in  
3 connection with such operation and services.

4 (12) To contract, to receive and expend money, to sue  
5 and be sued, and generally to perform all other acts necessary  
6 or incidental to the express powers and duties granted or  
7 imposed by this act or by any instrument of trust.

8 Section 10. Duties of the Orange County Library Board  
9 of Trustees.--

10 (1) Each member of the board of trustees, before  
11 entering upon his or her duties, shall take and subscribe the  
12 oath or affirmation required by the Constitution of the State  
13 of Florida. A record of each oath shall be filed with the  
14 Department of State and with the Orange County Comptroller.

15 (2) The board of trustees shall comply with the budget  
16 and audit requirements of ss. 189.418(4) and 218.34, Florida  
17 Statutes, and any successor or other applicable general laws.

18 (3) The board of trustees shall perform fully all  
19 duties prescribed by any trust instruments which may from time  
20 to time convey property to the trustees from the governing  
21 board or from other public or private persons or entities, but  
22 only to the extent that such trust instruments are not  
23 inconsistent with this act.

24 (4) The board of trustees shall be bound by all  
25 covenants securing any revenue bonds or notes issued from time  
26 to time by the governing board.

27 Section 11. Entitlement of district residents to  
28 library services; enforcement; limitation of trustee  
29 liability.--

30 (1) ENTITLEMENT OF DISTRICT RESIDENTS TO LIBRARY  
31 SERVICES.--For so long as the governing board levies an ad

Amendment No. 1 (for drafter's use only)

1 valorem tax pursuant to this act for the operation and  
2 maintenance of library services and facilities, all residents  
3 of the district shall be entitled to use of the general  
4 library services and facilities without charge. However,  
5 nothing in this subsection prohibits the board of trustees  
6 from imposing fines for delinquent library materials or  
7 charges for library services and facilities which are  
8 specialized and of a type not typically used by the general  
9 public. Further, such entitlement shall cease and shall not  
10 apply if and when ad valorem tax revenues are used solely for  
11 servicing debt incurred in the acquisition or refinancing of  
12 capital projects.

13 (2) ENFORCEMENT.--Except as otherwise provided by the  
14 trust instrument, the provisions and requirements of any trust  
15 for which the board of trustees acts as trustee may be  
16 enforced only by the governing board.

17 (3) LIMITATION ON TRUSTEE LIABILITY.--Absent personal  
18 negligence, no member of the Orange County Library Board of  
19 Trustees shall incur any personal liability for the tortious  
20 acts or violations of fiduciary duty of any employee of the  
21 board of trustees.

22 Section 12. Severability.--If any portion of this act  
23 is held invalid or unconstitutional by any court of law, all  
24 remaining portions of the act shall remain in full force and  
25 effect if, and only if, the intent of the Legislature can  
26 continue to be effected.

27 Section 13. Chapter 80-555, Laws of Florida, chapter  
28 81-450, Laws of Florida, and chapter 91-372, Laws of Florida,  
29 are repealed.

30 Section 14. This act shall take effect upon becoming a  
31 law.

Amendment No. 1 (for drafter's use only)

1 ===== T I T L E A M E N D M E N T =====  
2 And the title is amended as follows:  
3       On page 1, lines 17 and 18,  
4 remove from the title of the bill: all of said lines  
5  
6 and insert in lieu thereof:  
7       deleting obsolete provisions; repealing chapter  
8       80-555, Laws of Florida, and  
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