A bill to be entitled

An act relating to Duval County; creating the Duval County Library District to provide public library services in the county; providing district boundaries; establishing a governing board; providing membership and duties; providing district powers to be exercised by the governing board; authorizing the levy of ad valorem taxes and the issuance of bonds to support the district; establishing the Jacksonville Board of Library Trustees answerable to the governing board; providing membership and powers; providing for dissolution; requiring an annual report; providing for the use of ad valorem and other revenues; providing a contingent 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, a special district is hereby created and established in Duval County, to be known as the Duval County Library District.

Section 2. Boundaries.—The boundaries of the Duval County Library District are the boundaries of Duval County.

Section 3. Governing board.—

(1) *Membership*.—The district shall be governed by a board composed of the following five elected officials:

(a) The Mayor of the City of Jacksonville.

(b) Three members of the Jacksonville City Council appointed by the Jacksonville City Council.

(c) The chair of the Duval County School Board.

(2) *Meetings and duties*.—The governing board shall meet at least quarterly and shall exercise the district powers as enumerated in section 5. The governing board shall receive reports and recommendations from the Jacksonville Board of Library Trustees. In setting the millage, the governing board shall consider the trustee board’s recommendation for a millage rate that provides for library stability and for library services that meet the community’s needs.

Section 4. District powers.—

(1) The district shall have the following powers which shall be exercised by the governing board:

(a) *Ad valorem taxes*.—The district shall have the power to levy ad valorem taxes on all taxable property in the district at a rate up to 1 mill in any year. The millage levied by the district for library purposes, when added to the millage levied by the City of Jacksonville, may not exceed the millage cap as provided by law for the city. The district’s millage cap of 1 mill may be increased only by the voters of Duval County through a referendum. The millage levied for library purposes shall be used exclusively for:

1. The acquisition, construction, improvement, operation, maintenance, repair, renewal, and replacement of library and library-related facilities within the district; and

2. The payment of debt service on district bonds.

(b) *Bonds*.—In order to finance or refinance the acquisition, construction, and improvement of library and library-related facilities in the district, the district shall have:

1. All powers granted to municipalities under part II of chapter 166, Florida Statutes, if:

a. To the extent required by s. 12, Article VII of the State Constitution, bonds or other obligations of the district are approved at a referendum;

b. The offer and sale of district obligations complies with s. 218.385, Florida Statutes;

c. The obligations of the district bear interest at rates determined by the governing board in accordance with s. 215.84, Florida Statutes;

d. Obligations of the district are not a debt or obligation of the City of Jacksonville and the face of the bond must include a statement to the effect that such obligations are solely obligations of the district, secured solely by the taxes or other revenues of the district pledged as security for the bonds, and that no holder or owner of such obligations has the right to payment of the principal, premium, if any, or interest on such obligations from the taxes or other revenues of the City of Jacksonville; and

e. The sum of the maximum annual debt service on all bonds of the district secured by and payable from the proceeds of ad valorem taxes levied and collected by the district and outstanding at any time, including bonds proposed to be issued, and the amount required for the operation, maintenance, repair, renewal, and replacement of library and library-related facilities for the most recent complete fiscal year are shown by certificate of the district, delivered at the time of the issuance and delivery of such ad valorem tax bonds, and calculated as of the date of sale of such bonds, up to the amount raised from the levy by the district of millage at a rate of 1 mill on the assessed valuation of all taxable property in the district as shown on the tax rolls of the City of Jacksonville as of the valuation date immediately preceding the date of sale of the ad valorem tax bonds.

2. The authority to validate obligations as provided under chapter 75, Florida Statutes;

3. In addition to and without limiting the generality of paragraphs (a) and (b), the power to:

a. Issue bonds, notes, and other certificates of indebtedness, or any form of tax or bond anticipation notes or certificates, or revenue bonds or notes if the proceeds of such bonds, notes, certificates of indebtedness, tax anticipation notes or certificates, revenue bonds or notes are used to finance or refinance the acquisition, construction, and improvement of library and library-related facilities in the district. Bonds issued shall be secured by a lien upon and pledge of, and shall be payable from, the proceeds of ad valorem taxes to be levied on all taxable property in the district or from the proceeds of any fees, charges, fines, rentals, grants, or other sources of revenue of the district, or both. The district may make all customary or necessary covenants for the security of such obligations, including covenants to assure the adequacy of security and the proper collection, holding, and disposition thereof; capitalize interest and reserves in amounts the district’s governing board deems necessary; and pay from bond or note proceeds or other sources all costs of issuing such bonds or notes, including, without limiting the generality of the foregoing, fiscal expenses, legal expenses, bond insurance premiums, and printing expenses. Before issuing any bonds secured by ad valorem taxes, the district shall provide the certificate required by sub-subparagraph 1.a. regarding feasibility within the 1 mill cap.

b. Issue such bonds, revenue bonds or notes, tax or bond anticipation notes, or other forms of indebtedness at such interest rate or rates as the governing board may determine.

(c) *Board of Trustees*.—Appoint members to the Jacksonville Board of Library Trustees as provided in section 5 of this act.

(d) *Revenues*.—Budget, appropriate, and pay revenues of the district to the Jacksonville Board of Library Trustees for providing district library services and for the operation, maintenance, repair, renewal, and replacement of library and library-related facilities in the district. When conveyed to the trustee board, such revenues shall be deemed revenues of the trustee board to be expended by the trustee board at its discretion pursuant to the powers granted under this act and subject to limitations contained in this act.

(2) The district does not have the power of eminent domain.

Section 5. The Jacksonville Board of Library Trustees.—

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

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

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

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

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

(2) *Powers*.—The trustee board:

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

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

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

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

(e) Shall have the power to:

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

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

3. Lease, grant, sell, or otherwise convey real property upon approval of the governing board.

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

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

6. Retain attorneys, accountants, architects, engineers, and other consultants and professionals.

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

8. Contract with any other public body for the provision of library services.

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

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

11. Adopt and implement rules, policies, and procedures for the management, operation, and maintenance of library services and facilities in the district, and to set fees, fines, and other charges in connection with such operation and services.

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

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

(4) *Annual Report*.—On or before July 1 of each year, the trustee board shall submit a written annual report to the district’s governing board as to the state of the library system and shall submit a recommendation for a proposed millage rate within the 1 mill cap which is required to provide for library stability and library services that meet the community’s needs.

Section 6. Use of revenues.—

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

(a) Providing district library services;

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

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

(2) Notwithstanding any other provision of this act, the county or municipality may appropriate, and the Jacksonville Board of Library Trustees may accept and expend, funds for library facilities, services, programs, and operations that are supplemental to ad valorem tax revenues otherwise collected pursuant to this act. Further, a county or municipality may provide to the trustee board services and in-kind contributions of any nature in support of library facilities, services, programs, and operations.

Section 7. This act shall take effect only upon its approval by a majority vote of the electors of Duval County voting in a referendum to held by the Jacksonville City Council in conjunction with the next primary, general, special, or other election to be held in Duval County, except that this section shall take effect upon becoming a law.