

AUG 04 1998

RP/BS

RESOLUTION
of the
GOVERNING BOARD OF THE ORANGE COUNTY LIBRARY DISTRICT
regarding

**CODIFICATION OF SPECIAL ACT FOR THE ORANGE COUNTY
LIBRARY DISTRICT**

Resolution No. 98-M-25B

WHEREAS, the Orange County Library District (the "District"), an independent special district, was created in 1980 by Chapter 80-555, Laws of Florida (the "Act"), to provide library services and facilities in Orange County, except for the cities of Winter Park and Maitland;

WHEREAS, the Governing Board of the District is composed of the Board of County Commissioners of Orange County, Florida and one member appointed by the City Council of the City of Orlando, Florida;

WHEREAS, the District is an independent special district authorized to levy ad valorem taxes for operating expenses and debt service;

WHEREAS, both the Act and the ad valorem tax were expressly approved by the voters of the District at referendum in September, 1980, as required by Article VII, Section 9.B. of the Florida Constitution;

WHEREAS, the District has provided high quality service to District residents and taxpayers throughout its existence and has consistently levied taxes substantially below its statutory maximums and has used the tax revenue efficiently and effectively;

WHEREAS, the Act has been amended by Chapter 81-450, Laws of Florida, and Chapter 91-372, Laws of Florida, since the date of its enactment;

WHEREAS, the Florida Legislature passed Chapters 97-255 and 98-327, Laws of Florida, hereafter the "Consolidation Act" which calls for each special district to draft a codified charter, at its expense, so that the District's special acts may be presented to the legislature to be codified into a single act for reenactment by the legislature if there is more than one special act for the District;

WHEREAS, the proposed bill contained in Exhibit "A" hereto codifies into a single act for submission to the legislature in accordance with the Consolidation Act, Chapter 80-555, Laws of Florida, Chapter 81-450, Laws of Florida, and Chapter 91-372, Laws of Florida; and

WHEREAS, the Library District will present to and request the Florida Legislature to enact a bill in the form and substance of the proposed bill attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE ORANGE COUNTY LIBRARY DISTRICT:

1. The Governing Board hereby declares its support for the proposed codification of Chapter 80-555, Laws of Florida, Chapter 81-450, Laws of Florida, and Chapter 91-372, Laws of Florida, into a single act to be reenacted by the Florida Legislature.

2. The Governing Board hereby requests the Florida Legislature to enact a bill substantially in the form and substance attached hereto as Exhibit "A."

3. The Clerk to the Board of County Commissioners is hereby authorized and directed to deliver a copy of this Resolution to each of the members of the Orange County Legislative Delegation, prior to the Delegation's next 1998 public hearing.

4. This Resolution shall take effect immediately.

ADOPTED BY THE GOVERNING BOARD AFTER PUBLIC HEARING THIS 4TH DAY OF AUGUST, 1998.

ORANGE COUNTY LIBRARY DISTRICT

By: Governing Board

By: Linda W. Chapin

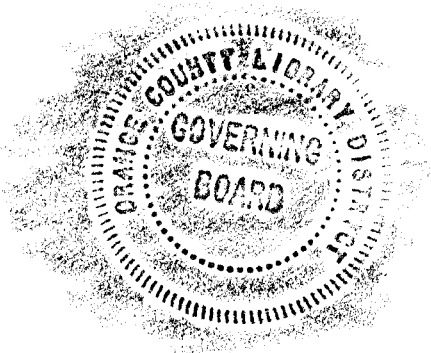
Linda W. Chapin

As Chairman of the Governing Board

ATTEST: Martha O. Haynie, County Comptroller
As Clerk to the Governing Board

By: Martha O. Haynie

Deputy Clerk



1 A bill to be entitled

2 An act relating to Orange County, Florida; reenacting and
3 codifying the Orange County Library District Act (Ch. 80-555,
4 as amended by Chs. 81-450 and 91-372), as required by
5 s.189.429, F.S.; providing legislative findings and intent;
6 ratifying and confirming the creation and establishment of the
7 Orange County Library District; clarifying powers regarding
8 debt secured by non-ad valorem revenues; ratifying the
9 appointments and terms of existing members of the Orange
10 County Library Board of Trustees; deleting obsolete provisions;
11 providing for an effective date; providing for repeal of Chs. 80-
12 555, 81-450 and 91-372.

13
14 **Be It Enacted by the Legislature of the State of Florida:**

15 The Orange County Library District Act, Ch. 80-555, Laws of Florida, as amended
16 by Chs. 81-450 and 91-372, Laws of Florida, is amended, reenacted, and codified as
17 follows:

18 Section 1. Short Title. This act shall be known and may be cited as the "Orange
19 County Library District Act."

20 Section 2. Legislative Findings and Intent.

21 (a) FINDINGS.--The legislature finds that the Orange County Library
22 District, an independent special district created in 1980 to provide library services and
23 facilities in all of Orange County except the cities of Winter Park and Maitland, has
24 provided high quality library service to district residents and taxpayers throughout its
25 existence. Authorized to levy ad valorem taxes for operating expenses and debt service, the
26 library district has consistently levied taxes substantially below its statutory maximum, and
27 has used the tax revenue efficiently and effectively. Both the Orange County Library

1 District Act and the ad valorem tax authority were expressly approved by the voters of the
2 district at referendum on September 9, 1980, as required by article VII, section 9(b) of the
3 constitution, and the trust and confidence given by the electors to the district has been
4 rewarded with quality library facilities and services.

5 (b) INTENT.--This act constitutes the reenactment and codification of all special
6 acts relating to the district pursuant to s. 189.429, F.S.. This law is intended to provide a
7 single, comprehensive special act charter for the district that ratifies and continues all powers
8 and authority, including its taxing authority, granted to the district by its several previous
9 legislative enactments and that grants such additional authority and imposes such additional
10 requirements and limitations as may be provided by this act.

11 Section ~~2~~ 3. Orange County Library District: Establishment; Boundaries; Governing
12 Board.

13 (a) Establishment. ~~There is hereby created the~~ The creation of the Orange
14 County Library District pursuant to Chapter 80-55 for the purpose of providing library
15 services and facilities pursuant to this act within the district is hereby ratified.

16 (b) Boundaries. The Orange County Library District is composed of all
17 areas of Orange County, Florida, except the incorporated areas of the Cities of Winter Park
18 and Maitland, as the boundaries of those municipalities may from time to time exist.

19 (c) Governing Board. The Governing Board of the Orange County Library
20 District is composed of the Board of County Commissioners of Orange County, Florida, and
21 one member appointed by the City Council of the City of Orlando, Florida. Such City
22 Council appointees shall be appointed for a term of 2 years, shall not serve more than three
23 consecutive terms and may be removed from the Governing Board for a cause by the City
24 Council.

25 Section ~~3~~ 4. Governing Board Powers. The Governing Board shall have the power
26 to:

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

4 1. The millage allocated to annual operating and maintenance
5 expenses of the district shall not exceed one (1) mill; and

6 2. The millage allocated to debt service shall not exceed an amount
7 necessary to pay principal of and interest on bonds issued under subsection (d) hereof; ~~and.~~

8 3. ~~The tax first levied after the effective date of this act shall not~~
9 ~~exceed 0.512 mill.~~

10 (b) Purchase, lease, construct or otherwise acquire capital projects related
11 to the library services and facilities of the district and to convey such capital projects to the
12 Orange County Library Board of Trustees in trust for the benefit of the residents in the
13 district.

14 (c) Appropriate and expend revenue of the district, subject to the
15 limitations of this act.

16 (d) Issue bonds, notes, any other certificates of indebtedness or any form
17 of tax or bond anticipation notes or certificates payable from all or any portion of the ad
18 valorem tax revenues of the district, but only when the proceeds of such bonds, notes,
19 certificates of indebtedness, or tax anticipation notes or certificates are used to finance or
20 refinance capital projects related to library services or facilities of the district, and only when
21 such indebtedness is approved at referendum pursuant to law. Bonds issued hereunder shall
22 be payable from taxes to be levied on all taxable property in the district without limitation
23 as to rate or amount. However, the aggregate amount of bonds issued and outstanding
24 hereunder at any time shall not require in any year for the payment of principal and interest
25 falling due an amount greater than one (1) mill on the assessed valuation of all taxable
26 property in the district at the time of the issuance of such bonds. In issuing such bonds or

1 other forms of indebtedness, the Governing Board may pledge the full faith and credit of the
2 district for service of the debt to be incurred.

3 (e) Issue revenue bonds or notes, payable from the proceeds of any fees,
4 charges, fines, rentals, grants or other sources of revenue (except ad valorem taxes) which
5 may be or become available to the district; to pledge such revenues to the payment of such
6 revenue bonds or notes; to make all customary or necessary covenants for the security of
7 such revenue bonds or notes (including covenants to assure the adequacy of such revenues
8 and the proper collection, holding and disposition thereof); to agree to pay some or all
9 expenses of maintenance and operation from sources other than pledged revenues (and not
10 to diminish the rate of taxation available therefor); to capitalize interest and reserves in such
11 amounts as the Governing Board may deem necessary; to pay all costs of issuance of such
12 bonds or notes, including fiscal, legal, bond insurance and printing expenses from bond or
13 note proceeds or other sources; and to apply the proceeds of said revenue bonds or notes to
14 the payment of the cost of any or all facilities or property (real or personal, including books)
15 which said district is empowered to acquire, including all architectural, legal, engineering
16 and other professional costs in connection therewith, or to the refunding of previously issued
17 revenue bonds or notes.

18 (f) Issue such bonds, revenue bonds or notes, tax or bond anticipation
19 notes, or other forms of indebtedness at such interest rate or rates as the Governing Board
20 may determine.

21 (g) Appoint members to the Orange County Library Board of Trustees as
22 provided below.

23 (h) Budget, appropriate and pay revenues of the district to the Board of
24 Trustees for operation and maintenance of library services and facilities, and, when
25 conveyed to the Board of Trustees, such revenues shall be deemed revenues of the Board
26 of Trustees to be expended by the Trustees at their discretion pursuant to the powers granted
27 under ~~Section 6~~ of this act and subject to limitations contained in ~~Section 4~~ of this act.

1 (i) Exercise powers of eminent domain over private property pursuant to
2 law, but only where such property will be used for a public purpose related to library
3 services and facilities. This power of eminent domain shall not extend to property owned
4 by any municipality.

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

15 Section ~~5~~ 6. Orange County Library Board of Trustees: Establishment and Purpose;
16 Appointment of Members, Terms, Removal, and Vacancies; Compensation; Quorum, Rules
17 of Procedure, and Seal.

18 (a) Establishment and Purpose. There is hereby established the Orange
19 County Library Board of Trustees, a public body corporate and politic. The Board of
20 Trustees shall be deemed a public instrumentality, and the exercise by the Trustees of the
21 powers conferred by this act shall be deemed the performance of an essential public
22 function.

23 (b) Appointment of Members, Terms, Removal and Vacancies. The
24 Orange County Board of Trustees shall consist of five members appointed by the Governing
25 Board, two of whom shall be nominated by the City of Orlando. A nominee of the City of
26 Orlando shall be appointed by the Governing Board to the Board of Trustees unless rejected
27 for good cause shown.

1 (1) ~~The members first appointed shall serve terms as follows: Two~~
2 ~~appointees, including one nominated by the City of Orlando, shall each serve an initial term~~
3 ~~of four years; one appointee shall serve an initial term of three years; the other appointee~~
4 ~~nominated by the City shall serve an initial term of two years; the remaining appointee shall~~
5 ~~serve an initial term of one year. The first year of each initial term shall be deemed to have~~
6 ~~expired on the last day of the year during which the Governing Board appoints the initial~~
7 ~~members. Thereafter, all All members shall serve terms of four years, except that each~~
8 ~~member shall continue to serve beyond his or her term until a successor is appointed, and~~
9 ~~the term of the successor shall be reduced by the amount of the holdover. No member shall~~
10 ~~serve more than two full terms consecutively or more than ten consecutive years. No person~~
11 ~~employed either by Orange County or by the City of Orlando shall serve on the Board of~~
12 ~~Trustees during the time of such employment. Further, no elected official of any county or~~
13 ~~municipality may serve on the Board of Trustees during the term of elected office. The~~
14 ~~appointment of all members serving as of the effective date of this act, and the terms for~~
15 ~~which they were appointed, are hereby ratified and validated.~~

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

23 (3) Upon the occurrence of a vacancy on the Board of Trustees, the
24 Governing Board shall appoint a new member to serve during the unexpired portion of the
25 term no later than ninety days after occurrence or discovery of the vacancy.

26 (c) Compensation. Trustees shall serve without compensation, except that
27 they may be reimbursed for reasonable travel and per diem expenses incurred in the course

1 of their duties and responsibilities as trustees or on behalf of the Governing Board or
2 otherwise in engaging in the business of the district. Any such reimbursement for travel or
3 per diem expenses shall be in amounts pursuant to general law.

4 (d) Quorum, Rules of Procedure and Seal. A quorum shall consist of three
5 members of the Board of Trustees, and official action shall be taken only upon majority of
6 the trustees present and voting. The Board of Trustees shall adopt by-laws for election of
7 officers and orderly proceedings and shall adopt a common seal for the certification of its
8 actions.

9 Section ~~6~~ 7. Powers of the Orange County Library Board of Trustees. The
10 Orange County Library Board of Trustees shall have the following powers:

11 (a) To manage, administer, operate, supervise, oversee, and maintain all
12 library facilities and services, programs and functions for the benefit of the residents of the
13 Orange County Library District.

14 (b) To purchase, lease or otherwise acquire real and personal property, and
15 generally to take all other actions regarding such property as may be necessary in the prudent
16 management, operation and maintenance of district library services and facilities. However,
17 all property, real or personal, acquired by the Board of Trustees from whatever source or by
18 whatever means shall be deemed to be held in trust for the benefit of the residents of this
19 district for library purposes. If the powers of the Board of Trustees under this Act are ever
20 rescinded or dissolved for whatever reason, all rights, title and interest of the trustees in all
21 property then owned by the trustees shall revert automatically to the Governing Board or its
22 successor to be held in trust for the benefit of the residents of the district for library
23 purposes.

24 (c) To lease, grant, sell or otherwise convey real property upon approval
25 of the Governing Board.

26 (d) To dispose of personal property as necessary in the prudent
27 management, operation and maintenance of library services and facilities.

1 (e) To employ personnel and to take all other actions consistent with
2 generally accepted employment practices.

3 (f) To retain attorneys, accountants, architects, engineers, and other
4 consultants and professionals.

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

9 (h) To contract with any county, city, or other public body for the ~~providing~~
10 provision of library services within or outside of the district, provided that library services
11 outside the district shall not be subsidized by the ad valorem revenues of the district.

12 (i) To apply for and accept any grant of money or property from any
13 governmental body or private organization and to enter into contracts incidental thereto.

14 (j) To serve as agent for and to enter into contracts ~~in~~ on behalf of the
15 Governing Board, but only to the extent expressly approved by the Governing Board.

16 (k) To adopt and implement rules, regulations, policies, and procedures for
17 the management, operation and maintenance of library services and facilities in the district,
18 and to set fees, fines and other charges in connection with such operations and services.

19 (l) To contract, to receive and expend money, to sue and be sued, and
20 generally to perform all other acts necessary or incidental to the express powers and duties
21 granted or imposed by this act or by any instrument of trust.

22 Section 7 ~~8~~. Duties of the Orange County Library Board of Trustees.

23 (a) Each member of the Board of Trustees, before entering upon his duties,
24 shall take and subscribe the oath or affirmation required by the Constitution of the State of
25 Florida. A record of each oath shall be filed with the Department of State and with the
26 Orange County Comptroller.

1 (b) The Board of Trustees shall comply with the budget and audit
2 requirements of ss. 189.418(4) and 218.34, Florida Statutes, and any successor or other
3 applicable general laws.

4 (c) The Board of Trustees shall perform fully all duties prescribed by any
5 trust instruments which may from time to time convey property to the trustees from the
6 Governing Board or from other public or private persons or entities, but only to the extent
7 that such trust instruments are not inconsistent with this act.

8 (d) The Board of Trustees shall be bound by all covenants securing any
9 revenue bonds or notes issued from time to time by the Governing Board

10 Section ~~8~~ 9. Entitlement of District Residents to Library Services; Enforcement;
11 Limitation of Trustee Liability.

12 (a) Entitlement of District Residents to Library Services. For so long as
13 the Governing Board levies an ad valorem tax pursuant to ~~Section 5~~ of this act for the
14 operation and maintenance of library services and facilities, all residents of the district shall
15 be entitled to use of the general library services and facilities without charge. However,
16 nothing in this subsection prohibits the Board of Trustees from imposing fines for
17 delinquent library materials or charges for library services and facilities which are
18 specialized and of a type not typically used by the general public. Further, such entitlement
19 shall cease and shall not apply if and when ad valorem tax revenues are used solely for
20 servicing debt incurred in the acquisition or refinancing of capital projects.

21 (b) Enforcement. Except as otherwise provided by the trust instrument, the
22 provisions and requirements of any trust for which the Board of Trustees acts as trustee may
23 be enforced only by the Governing Board.

24 (c) Limitation on Trustee Liability. Absent personal negligence, no
25 member of the Orange County Library Board of Trustees shall incur any personal liability
26 for the tortious acts or violations of fiduciary duty of any employee of the Board of Trustees.

1 Section 9 10. Severability. If any portion of this act is held invalid or
2 unconstitutional by any court of law, all remaining portions of the act shall remain in full
3 force and effect if, and only if, the intent of the Legislature can continue to be effected.

4 Section 10 11. Effective Dates; Approval at Referendum; Transitional Provisions:
5 (a) This section act shall take effect upon becoming a law.

6 (b) All other sections of this act shall take effect only upon approval as

7 follows:

8 (1) By a majority vote of the qualified electors residing within the
9 proposed district and voting on such question; and

10 (2) By a majority vote of the qualified electors residing within the

11 corporate limits of the City of Orlando and voting on such question. The referendum on
12 such question shall be held at the 1980 General Election or at such earlier primary or special
13 election as the Board of County Commissioners of Orange County may designate. The
14 Board of County Commissioners shall provide at least thirty (30) days notice of the election
15 as required by s. 100.342, Florida Statutes.

16 (c) The question of whether to issue bonds or other forms of indebtedness

17 for the sole purpose of expanding the downtown branch of the Orlando Public Library, as
18 authorized by this act, shall be presented to the electors of the proposed district at the
19 referendum required by subsection (b). Such question of incurring debt shall be separate and
20 distinct from the question of approving this act, and no such indebtedness payable from ad-
21 valorem taxes shall be issued unless this act is approved in the manner described by
22 subsection (b) and the issuance of said bonds or other forms of indebtedness is approved by
23 a majority vote of the qualified electors residing within the proposed district and voting on
24 the question:

25 (d) The Board of County Commissioners and other relevant constitutional

26 officers of Orange County may, at their discretion, take administrative actions as appropriate

1 prior to the referendum to permit the tax authorized by this act to be first levied in 1980, but
2 no tax shall be levied unless approved in the manner provided for in this act.

3 ~~————— (e) ——— In the event this act is approved in the manner provided by subsection~~
4 ~~(b), but the question of the authority to issue bonds or other forms of indebtedness is not~~
5 ~~approved in the manner provided by subsection (c), then the Board of County~~
6 ~~Commissioners may, in its discretion, call subsequent referendum of referendums on the~~
7 ~~question of whether to issue bonds of other forms of indebtedness, as authorized by this act.~~

8 ~~————— (f) ——— The defeat of this act at the referendum required by subsection (b) shall~~
9 ~~not be deemed to repeal, prohibit, or in any way limit the special taxing power delegated to~~
10 ~~the Board of County Commissioners of Orange County under s. 150.08, Florida Statutes~~
11 ~~(1963), as amended by Chapter 71-14, Laws of Florida.~~

12
13 Section 11. ~~Delay in Exercise of Powers; Prohibition on Taxing Power.~~

14 ~~(a) ——— Delay in Exercise of Powers by Governing Board. The Governing~~
15 ~~Board of the Orange County Library District shall be prohibited from exercising the powers~~
16 ~~conferred by Section 5 of this act until such time as this act is approved in the manner~~
17 ~~described by Section 13(b) and either a referendum on whether to issue bonds or other forms~~
18 ~~of indebtedness for the sole purpose of expanding the downtown branch of the Orlando~~
19 ~~Public Library is approved by the electors of the proposed district in the manner provided~~
20 ~~by law or the Board of County Commissioners of Orange County and the City Council of~~
21 ~~the City of Orlando by ordinance authorize the Government board to exercise the powers~~
22 ~~conferred by Section 5. It is the specific intention of this section to prohibit the Governing~~
23 ~~Board from appointing any members of the Board of Trustees, or levying any ad valorem~~
24 ~~tax, or exercising any powers whatsoever until such time as the contingencies provided in~~
25 ~~this section as set.~~

26 ~~(b) ——— As long as the Governing Board levies the ad valorem tax authorized~~
27 ~~by this act, the Board of County Commissioners of Orange County is prohibited from~~

1 ~~levying the tax authorized by s. 150.08, Florida Statutes (1963), as amended by Chapter 71-~~
2 ~~14, Laws of Florida.~~

3 Section 12. Repeal of Prior Special Acts. Chapter 80-555, Laws of Florida, Chapter
4 81-450, Laws of Florida, and Chapter 91-372, Laws of Florida, are repealed.

5 Section 13. This act shall take effect upon becoming a law.

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