

STORAGE NAME: h4103.ca

DATE: March 24, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 4103

RELATING TO: Alachua County Library District

SPONSOR(S): Representative Chestnut

COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS
 - (2) FINANCE & TAXATION
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill codifies all prior special acts relating to the Alachua County Library District into one special act. The bill makes no substantive changes.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Alachua County Library District, an independent district, was created in 1985 to provide the only library system services and facilities for all Alachua County Citizens, excluding the school library system.

Codification & Status Statement

The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of special districts' charters (including fire control districts), either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation. However, in the 1997 interim, some districts expressed the need to request substantive changes to their charters but because of the number of amendments (special acts) to their charters, they do not have time to codify.

As a result, the Chair of the Committee on Community Affairs issued a Memorandum on October 3, 1997, explaining the policy of the Committee for charter codifications for the 1998 Legislative Session. In part the Memorandum states:

1. Although two bills are preferable (one to codify and one to accomplish the substantive change), the House Committee on Community Affairs will accept one bill (containing the codification and substantive change).
2. The substantive change, if included in the codifying local bill, **must be advertised** clearly and concisely, i.e., "a substantive change to the charter is being sought affecting membership of the Board," or whatever change(s) is applicable.
3. If a substantive change is needed to a District's charter this Session, but codification is too large a task to accomplish at the same time, the Committee will hear bills for any substantive changes that a legislative delegation deems necessary.
4. The Committee will accept voluntary charter codifications from any district for the 1998 Legislative Session. A schedule for submitting the codifying charter is attached and is based on the number of special acts a district currently enjoys. The attached proposed schedule of submittals is based on an extended deadline of 2004, which must be accomplished legislatively. The Committee will have a bill to address this issue during the 1998 Legislative Session. Keep in mind, if they choose to do so, a district may submit its codification earlier than the proposed schedule indicates.

Also, section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

B. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Alachua County Library District into one special act. The bill makes no substantive changes.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapters 85-376 and 87-529, Laws of Florida

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: States the short title of the act as the "Alachua County Library District."

Section 2: Creates the Alachua County Library District; provides that it is an independent district; provides boundaries of district; and provides the membership of the District's governing board.

Section 3: Grants powers to the District's governing board; those powers include, but are not limited to:

- authority to levy ad valorem tax including requirements of allocation of millage,
- appropriate and expend revenue,
- lease, purchase, and construct capital projects,
- issue tax bonds, bonds, notes and other indebtedness including requirements of bonds,
- appoint members to District's board of trustees
- manage library facilities
- exercise powers of eminent domain, and
- hire professionals.

Section 4: Provides requirements on the use of tax revenues; and provides for usage of received supplemental income.

Section 5: Establishes the Alachua County Library Board of Trustees; provides for the appointment of members, terms, removal and vacancies; and provides that trustees are not compensated except for trustee related activities.

Section 6: Grants powers to the Board of Trustees.

Section 7: Provides duties of trustees.

Section 8: Provides that the governing board shall arrange general government services; provides that the county attorney shall provide legal services; provides for accounting and treasury services for the board of trustees; and provides for annual audit.

Section 9: Provides district residents an entitlement to library services; provides that charges may be levied for late fees and specialized services; and provides for enforcement of trust provisions; and limits trustee liability.

Section 10: Provides a severability clause.

Section 11: Prohibits other governing bodies in Alachua County from levying additional ad valorem taxes for library purposes; and allows the governing board to call subsequent referenda on any bond issue not approved at prior referendum.

Section 12: Grants the power to take administrative actions in order to permit authorized tax.

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Section 13: Provides procedures to make 1985 law effective; and requires initial approval to levy ad valorem taxes by referendum.

Section 14: Repeals chapters 85-376 and 87-529, Laws of Florida.

Section 15: Provides effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 24, 1998

WHERE? Gainesville, Florida; The Gainesville Sun

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

In 1993, the Florida Attorney General issued an opinion relating to the Alachua County Library District. The opinion answered four questions raised by the District. The opinion stated:

- The Alachua County Attorney's office is responsible for providing legal services to the District, unless the County is unable to provide the services; in that event, independent legal counsel may be retained.
- The clerk of the circuit court is responsible for providing accounting and treasury services to the District;
- The library is required to have an annual audit of its financial statements as part of the county's audit; and
- The governing board has the authority to obtain support services.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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