

STORAGE NAME: h4171.ca

DATE: April 2, 1998

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

BILL #: HB 4171

RELATING TO: Hernando County Law Library

SPONSOR(S): Representative Stabins

COMPANION BILL(S): SB 2576 (i)

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

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

This bill provides for the membership of the Hernando County Law Library Board and revises the powers and duties of the board. This bill provides for fees to fund the law library and provides for determination of fee amounts. This bill revises the powers and duties of the Hernando Board of County Commissioners with respect to the law library.

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II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Hernando County Law Library: The Hernando County Law Library was created by the Legislature by chapter 65-167, Laws of Florida. The enabling act has been subsequently amended by chapter 70-705, Laws of Florida. The law library is under the direction of the law library board and located in the courthouse.

The law library board consists of five members (three practicing members of the Brooksville bar association appointed by the Hernando County Board of County Commissioners, the judge of the 5th judicial circuit court, and the county judge of Hernando County). The members are appointed for 4-year terms. The law library has full power to purchase books and library equipment and enter into contracts. Three members constitute a quorum. Vacancies on the board are filled by appointment by the board of commissioners for the unexpired term.

The members of the law library board must meet within 30 days after their appointment and semiannually thereafter. The members must elect one member to serve as chairman, another as secretary, and another as treasurer.

The law library expenditures must not exceed revenues produced the preceding year.

The law library board is authorized to create and adopt rules and regulations governing the law library.

A five dollar fee is levied on each civil case, suit, or proceeding file in the circuit court of Hernando County, and on each ordinary probate case filed in the probate court of Hernando County. These fees are to be paid at the institution of each case, action, or proceeding and support the law library fund. Expenditures from the fund must be paid out upon the signature of its chairman or in his absence the vice-chairman, and countersigned by the secretary. Authorized signers and co-signer must post an approval bond in the amount required by the board of commissioners.

The Hernando County commissioners may acquire and provide for the maintenance and operation of the law library from existing facilities or establish new and independent facilities; however the county is not required to expend funds for the facilities, except those received from the law library fund.

The law library belongs to and is property of the board of county commissioners.

The chairman of the law library board must make an annual report to the board of county commissioners providing them with statistics and other information requested by the board of county commissioners.

Profit resulting from the operation of the library or its facilities is prohibited from benefiting the county or any person, firm, association, corporation, or organization.

Special Districts:

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.

STATUS STATEMENT LANGUAGE

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.

Note: According to the *1997 Official List of Special Districts*, dated October 1, 1997, the Hernando County Law Library is listed as a dependent district.

B. EFFECT OF PROPOSED CHANGES:

The bill makes certain stylistic changes to ch. 65-1627, Laws of Florida, as amended.

This bill removes the \$5.00 fee currently levied on civil and probate cases, suits, and proceedings and authorizes the board of county commissions to establish fees by ordinance. The fees may be used for the purchase of books and library equipment.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 65-162, Laws of Florida, as amended by ch. 70-705, 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?

Yes. This bill authorizes the Hernando County Board of County Commissioners to pass an ordinance to levy a fee on each civil and probate case, suite, or proceeding in Hernando County. Currently, the fee of \$5.00 is set by the Legislature through the local bill process.

- 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

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E. SECTION-BY-SECTION RESEARCH:

Substantive changes are contained in the following sections:

Section 1:

Section 5: Provides that the law library board be funded by fees established by Hernando County ordinance.

Section 7: Provides for levy of fees, established by ordinance, on each civil and probate case filed in the circuit and county courts of Hernando County.

Section 2: Provides that the bill becomes effective upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 3, 1998

WHERE? Brooksville, Hernando County, Florida; *Hernando Today*

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:

This bill is not a codification of the Hernando County Law Library charter.

This bill does not contain a statement of special district status, as required by section 189.404(5), Florida Statutes.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Tonya Sue Chavis, Esq.

Joan Highsmith-Smith