

**STORAGE NAME:** h1695.ca  
**DATE:** March 25, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
ANALYSIS - LOCAL LEGISLATION**

**BILL #:** HB 1695  
**RELATING TO:** Orange County Library District  
**SPONSOR(S):** Representative Starks and others  
**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:

The bill codifies all prior special acts relating to the Orange County Library District into a single act.

The bill does not make any substantive changes to current law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of all special districts' charters 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exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, Florida Statutes, by (1) extending the deadline to codify to December 1, 2004; (2) allowing for the adoption of the codification schedule provided for in an October 3, 1997 memorandum issued by the Chair of the Committee on Community Affairs; (3) removing the prohibition of substantive amendments in a district's codification bill; and (4) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

**SCHEDULE OF SUBMITTALS OF SPECIAL DISTRICTS' CHARTERS**

|   |                          |
|---|--------------------------|
| Special Districts with 2 special acts (45 districts)                  | 1999 Legislative Session |
| Special Districts with 3 or 4 special acts (63 districts)             | 2000 Legislative Session |
| Special Districts with 5, 6 or 7 special acts (53 districts)          | 2001 Legislative Session |
| Special Districts with 8, 9, 10, 11 or 12 special acts (56 districts) | 2002 Legislative Session |
| Special Districts with 13 or more (54 districts)                      | 2003 Legislative Session |
| Special Fire Control Districts (47 districts)                         | 2004 Legislative Session |

Also, subsection 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:

The bill codifies 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 (District) into a single act.

The bill removes obsolete language which was preempted by applicable chapters.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 80-555, Laws of Florida; chapter 81-450, Laws of Florida; and chapter 91-372, 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?

No.

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

No.

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

No.

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

An agency or program is not eliminated or reduced.

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

Not applicable.

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

Not applicable.

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

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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

No.

4. Individual Freedom:

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

No.

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

No.

5. Family Empowerment:

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

The bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

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

Not applicable.

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

Not applicable.

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

No.

- 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:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

**E. SECTION-BY-SECTION ANALYSIS:**

**Section 1:** Provides that this act is the codification required under section 189.429, Florida Statutes (1998).

**Section 2:** Codifies, reenacts, amends, and repeals special acts relating to the District's charter.

**Section 3:** Provides the act should be known and may be cited as the "Orange County Library District Act."

**Section 4:** Provides for legislative finding that the District is an independent special district; provides legislative finding that the District is authorized to levy ad valorem taxes for operating expenses and debt service; provides legislative intent that the act codifies all special acts relating to the District pursuant to section 189.429, F.S.

**Section 5:** Ratifies, confirms, and restates District formation pursuant to chapter 80-55, Laws of Florida, describes the District's boundaries; provides governing board is composed of County Commissioners of Orange County, and one member appointed by the city council of the City of Orlando.

**Section 6 :** Provides for the powers of the governing board.

**Section 7:** Provides for the duties relating to ad valorem taxation.

**Section 8:** Provides for the establishment and purpose of the Orange County Library Board of Trustees; provides for the appointment, terms, removals, and vacancies of the board.

**Section 9:** Provides for the powers of the Orange County Library Board of Trustees.

**Section 10:** Provides for the duties of the Orange County Library Board of Trustees.

**Section 11:** Provides that all residents of the District shall be entitled to use the general library services and facilities without a charge; provides for limited liability for the board of trustees for tortious acts or violations of fiduciary duty incurred by any employee of the board of trustees.

**Section 12:** Provides for the severability of any unconstitutional provision.

**Section 13:** Repeals special acts relating to the District's charter.

**Section 14:** Provides an effective date of upon becoming law.

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III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 30, 1999

WHERE? The Orlando Sentinel

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:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor has agreed to a strike-everything amendment to remove all coding and allow the charter to become law in a reader-friendly form. The initial coding of the bill is preferable for research purposes. However, at the conclusion of the research effort, the coding serves no useful purpose. In keeping with the purpose of the special district's codification effort, the amendment produces an up-to date and reader-friendly document.

The amendment also corrects the repealer section to repeal all sections of 80-555, Laws of Florida, because they are now incorporated into the new act.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

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Aimee Diaz

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Joan Highsmith-Smith