

STORAGE NAME: h0971.ca

DATE: March 1, 2000

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

BILL #: HB 971

RELATING TO: Palm Beach Co. Library District

SPONSOR(S): Representative Healey

TIED BILL(S): None

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

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

The bill codifies all prior special acts relating to the District into a single act and repeals all prior special acts relating to the District's charter.

In addition to a restatement of existing charter language, the bill changes the name of the District, provides additional definitions, allows for a change in the number of citizens on the advisory board, and places the title and ownership of the library and its resources in the county. The bill describes how library capital improvements may be funded, removes a limitation on the millage rate and provides for a voter approved millage and number of years or the authorization to issue bonds and the necessary millage for debt service.

No fiscal impacts are anticipated for either fiscal year 2000-01 or 2001-02 according to the Economic Impact Statement.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- 1. Less Government Yes No N/A
- 2. Lower Taxes Yes No N/A
- 3. Individual Freedom Yes No N/A
- 4. Personal Responsibility Yes No N/A
- 5. Family Empowerment Yes No N/A

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Palm Beach County Library District was originally created in 1967, pursuant to chapter 67-1869, L.O.F. The language creating this special district was revised in 1976 and 1986, pursuant to chapters 76-460 and 86-431, respectively.

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exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.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	2003 Legislative Session

more (54 districts)

Special Fire Control
Districts (47 districts)

2004 Legislative Session

STATUS STATEMENT LANGUAGE

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.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies chapters 67-1869, 76-460, and 86-431, L.O.F., relating to the Palm Beach County Library District (District) into a single act.

The bill is primarily a restatement of existing charter language.

The bill changes the name of the District from the Palm Beach County Free Public Library Special Taxing District to the Palm Beach County Library District.

The bill provides additional definitions for "district" and the "Palm Beach County Library System."

The bill provides that the county commission shall appoint to the library advisory board *not more than* fifteen (15) citizens of the District rather than requiring fifteen citizens to be appointed.

The bill provides that title and ownership of all land, buildings, facilities, equipment, and library materials is to be located in the county rather than the District.

The bill describes how library capital improvements may be funded, including authority to issue bonds.

The bill removes restrictions on the millage limitation, time of levy, and property to be taxed. The bill provides instead for levy of a voter-approved millage and number of years or the voter-approved issuance of bonds and necessary millage of debt service.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification required pursuant to chapter 189, F.S. States the intent of the Legislature is to have a comprehensive special act charter for the District.

Section 2: Codifies, reenacts, amends, and repeals all special acts related to the District's charter as provided in the bill.

Section 3: Provides for the recreation and reenactment of the charter of the District:

Section 1: Provides that the act shall be known as the "Palm Beach County Library District Act."

STORAGE NAME: h0971.ca

DATE: March 1, 2000

PAGE 4

Section 2: Provides that it is the intent of the bill to create a Palm Beach County Library District for which the governing body is the Board of County Commissioners for Palm Beach County (Board) with the purpose of establishing, operating, and maintaining a free public library or providing for contractual library services.

Subsection A provides definitions for the charter.

Subsection B provides that the responsibility for operating and maintaining the library system shall be delegated to a head librarian.

Subsection C provides that the Board shall appoint a citizen's advisory board to represent them in administering the library system.

Subsection D provides that library advisory board may establish such rules, regulations, and procedures as are necessary for the operation of the library system.

Subsection E provides that budgets and reports shall be prepared and filed by the head librarian.

Subsection F provides that the Board may provide for the operation and maintenance of a free public library for the county or provide free library services by entering into a contract.

Subsection G provides that the title and ownership of all land, buildings, facilities, equipment, and library materials shall be in Palm Beach County.

Subsection H provides that the Board is authorized to receive, on behalf of the District, any gift, bequest, or devise for the library system.

Subsection I provides that the Board may levy an annual tax upon property and enter into a contract to furnish free public library service.

Subsection J, paragraph (1) provides that all funds of the district shall constitute a separate "county library fund" and shall be expended only for library purposes. Provides for the payment of expenses and reappropriation of unexpended funds.

Paragraph (2) prohibits the Board from making expenditures in excess of revenues available.

Paragraph (3) lists the sources for library capital improvements.

Paragraph (4) authorizes the Board to submit a referendum for library capital improvements to the voters of the district.

Paragraph (5) authorizes the Board, upon approval of a majority of the voters, to levy the voter approved millage.

Paragraph (6) describes what library capital improvements may include.

Paragraph (7) provides that if any municipality which is not part of the district chooses to enter the district, the municipality must transfer resources to the District.

Section 4: Provides that the provisions of this act shall be liberally construed.

Section 5: Provides that it is the legislative intent of this act that if any portion is held to be invalid, the remainder of the act shall not be affected.

STORAGE NAME: h0971.ca

DATE: March 1, 2000

PAGE 5

Section 6: Repeals all previous special acts.

Section 7: Provides that the bill shall take effect upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 7, 2000

WHERE? Palm Beach Post

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor is offering an amendment to clarify the number of members to be appointed to the library advisory board and to clarify the vote necessary to approve the levy of a millage.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell

Joan Highsmith-Smith