

STORAGE NAME: h0971z.ca
DATE: May 8, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 00-405, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
FINAL ANALYSIS - LOCAL LEGISLATION**

BILL #: 1ST ENG/HB 971
RELATING TO: Palm Beach Co. Library District
SPONSOR(S): Representative Jacobs
TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
- (2) FINANCE & TAXATION (FRC) YEAS 15 NAYS 0
- (3)
- (4)
- (5)

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. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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, L.O.F., respectively.

Codification

Codification is the process of bringing up-to-date a special act. Special acts are not codified and, after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts.

Codification of special districts' charters was authorized by the 1997 Legislature when it 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

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 36 special districts have codified their charters. Following is a list of special districts which have been codified pursuant to sections 189.429 and 191.015, Florida Statutes, and the corresponding Laws of Florida:

Alachua County Library District	Ch. 98-502
Anastasia Mosquito Control District	Ch. 99-449
Baker County Hospital District	Ch. 99-431
Carrollwood Recreation District	Ch. 98-475, as amended by Ch. 99-418
Cedar Key Water & Sewer District	Ch. 98-473
Central Broward Water Control District	Ch. 98-501
Charlotte County Airport Authority	Ch. 98-508
Citrus County Hospital Board	Ch. 99-442
Citrus County Mosquito Control District	Ch. 99-432
County Line Drainage District	Ch. 99-417
East Charlotte Drainage District	Ch. 99-439
Flagler Estates Road & Water District	Ch. 98-529
Florosa Fire Control District	Ch. 99-479

Hillsboro Inlet District	Ch. 99-433
Immokalee Water & Sewer District	Ch. 98-495
Joshua Water Control District	Ch. 99-460
Lake Apopka Natural Gas District	Ch. 99-454
Lake Worth Drainage District	Ch. 98-525, as amended by Ch. 99-422
Lee County Bonita Springs Fire Control District	Ch. 98-464
Lee County Hyacinth Control District	Ch. 98-462
Lee County Mosquito Control District	Ch. 98-461
Loxahatchee Groves Water Control District	Ch. 99-425
North Bay Fire Control District	Ch. 98-470
North Naples Fire District	Ch. 99-450
Ocean City-Wright District	Ch. 99-478
Old Plantation Water Control District	Ch. 99-435
Orange County Library District	Ch. 99-486
Panama City-Bay Co. Airport	Ch. 98-527
Ranger Drainage District	Ch. 99-453
South Broward Drainage District	Ch. 98-524
Tindall Hammock Irrigation District	Ch. 98-523
Twelve Oaks Special District	Ch. 99-452
West Coast Inland Navigation District	Ch. 98-526

In 1998, the Environmental Protection Commission in Hillsborough County unsuccessfully attempted to codify its charter. The District is scheduled to codify in 2002. In 1999, there were two unsuccessful codifications. Mid-Bay Bridge Authority's codification bill passed the Legislature, but was vetoed by the Governor. The Authority was scheduled to codify its charter in 1999. The South Walton Fire District's codification bill died on the House calendar on April 30, 1999; the District is scheduled to codify its charter in 2004.

According to the Schedule of Submittals of Special Districts' Charters and information relating to charters previously codified, there are 94 special districts that should have been codified during the 1999 session but which were not. There are 56 special districts that are scheduled for codification during the 2000 Legislative Session.

Status Statement Language

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.

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 at least seven and not more than fifteen 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."

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 of the District voting, 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.

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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.

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 [X] No []

IF YES, WHEN? January 7, 2000

WHERE? Palm Beach Post

B. REFERENDUM(S) REQUIRED? Yes [] No [X]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] 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:

Two amendments were adopted by the Committee on Community Affairs on March 8, 2000. One amendment clarifies the minimum number of members to be appointed to the library advisory board, and the other clarifies the vote necessary to approve the levy of a millage. The amendments were adopted by the House of Representatives on April 6, 2000 and were engrossed into the bill upon passage by the House.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell

Joan Highsmith-Smith

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AS REVISED BY THE COMMITTEE ON FINANCE & TAXATION:

Prepared by:

Staff Director:

Kama D.S. Monroe

Alan Johansen

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell

Joan Highsmith-Smith