

STORAGE NAME: h0929a.jo.doc
DATE: April 12, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
JUDICIAL OVERSIGHT
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 929
RELATING TO: Rupert J. Smith Law Library
SPONSOR(S): Representative Mayfield
TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS YEAS 6 NAYS 0
 - (2) JUDICIAL OVERSIGHT YEAS 10 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Rubert J. Smith Law Library of Saint Lucie County into a single act. This bill also codifies Saint Lucie County ordinances applicable to the Library.

No fiscal impacts are anticipated according to the Economic Impact Statement (EIS).

On March 27, 2001, the Committee on Local Government & Veterans Affairs considered HB 929, adopted one amendment, and passed the bill. The amendment, which is traveling with the bill, is explained in this bill analysis. (See section V. "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:").

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:

N/A

B. PRESENT SITUATION:

In 1957, the Legislature authorized the creation of "a law library in the City of Fort Pierce," to be administered by a 3-member board of trustees. Since that time, Saint Lucie County has grown considerably. In 1988, the charter of the Library was amended to provide for one or more law library facilities within Saint Lucie County. The costs of operating the Library are funded through filing fees, collected by the Clerk of the Circuit Court of Saint Lucie County, on civil court actions.

Rupert J. Smith

Rupert J. Smith joined the Navy in 1942 and separated in 1946 as a Lieutenant Junior Grade. He attended American University from 1946 to 1947 and transferred to the University of Florida for both undergraduate and law school. He was recalled to the Navy in December 1950 and served honorably and with distinction through December 1952 as a Lieutenant Senior Grade during the Korean War.

After his service during the Korean War, Rupert Smith entered private practice and served as St. Lucie County's State Representative from 1956 to 1962. Rupert Smith served as the St. Lucie County Bar Association's representative to the St. Lucie County Law Library Board of Trustees from 1958 to 1959 and from 1962 through 1966. After being appointed Circuit Judge of the 19th Judicial Circuit in September 1981, he served as Judicial Representative to the St. Lucie County Law Library Board of Trustees from 1986 to his retirement in December 1984.

The Saint Lucie County Board of County Commissioners chose to honor the dedication and contributions of the Honorable Rupert J. Smith to St. Lucie County by changing the name of the Library to the "Rupert J. Smith Law Library of St. Lucie County" on April 25, 1995 with Resolution No. 95-92.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district

charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow 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) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove 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. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district.

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 to the department's determination or declaratory statement regarding the status of the district.

Schedule of Submittals of Special Districts' Charters

Special Districts with less than 2 special acts	1999 Legislative Session
Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session
Special Districts with more than 12 special acts	2003 Legislative Session
Special Fire Control Districts	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 89 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies chapters 57-1790, 71-895, 83-512, 88-516, Laws of Florida, relating to the Rupert J. Smith Law Library of St. Lucie County (Library) into a single act. This bill also codifies those portions of St. Lucie County Ordinance Numbers 95-92 and 99-09 applicable to the Library.

In compliance with section 189.404(5), Florida Statutes, this bill provides that the District is an independent special district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that this act is the codification required under section 189.429, Florida Statutes. States the Legislative intent for the act.

Section 2: Amends, codifies, reenacts, and repeals special acts relating to the Library's charter.

Section 3: Provides for the re-creation and reenactment of the charter for the Library and the following provisions.

Section 1: Provides the membership and organization of the governing board of the Library; provides the method of establishing the Library; provides the administrative duties of the governing board of the Library.

Section 2: Provides the methods for collecting fees and service charges; codifies schedule of Library fees and service charges from St. Lucie County Ordinance Number 99-09.

Section 3: Provides duties of the Library regarding revenue-raising capabilities and budget matters.

Section 4: Provides that funds appropriated for the use of the Library are to be placed in a "Law Library Fund"; provides the purposes for which funds appropriated for the use of the Library may be expended.

Section 5: Provides that all property acquired by the Library by whatever means is to be held and used as a charitable public trust for the benefit and use of the inhabitants of Saint Lucie County.

Section 4: Provides for the severability of any invalid provision.

Section 5: Provides that this act controls to the extent there is a conflict with other laws.

Section 6: Repeals special acts relating to the District's charter.

Section 7: Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN?

February 3, 2001

WHERE?

The Tribune, Fort Pierce, St. Lucie County, Florida

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B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

N/A

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 27, 2001, the Committee on Local Government & Veterans Affairs considered HB 929, adopted 1 amendment, and passed the bill. The amendment, which is traveling with the bill, clarifies that the Library is not being re-created by HB 929.

VI. SIGNATURES:

COMMITTEE ON JUDICIAL OVERSIGHT:

Prepared by:

Christopher J. Shipley

Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON JUDICIAL OVERSIGHT:

Prepared by:

Nathan L. Bond, J.D.

Staff Director:

Lynne Overton, J.D.