

By the Committee on Governmental Oversight and Productivity;  
and Senators Garcia and Villalobos

302-2287-03

1                                   A bill to be entitled  
2           An act relating to public libraries; amending  
3           s. 257.17, F.S.; authorizing municipalities to  
4           receive operating grants; establishing minimum  
5           standards for receipt of funds; removing  
6           minimum population requirement for  
7           municipalities to be eligible to receive funds;  
8           amending s. 257.191, F.S.; revising provisions  
9           relating to construction grants; amending s.  
10          257.22, F.S.; permitting eligible political  
11          subdivisions to receive warrants; amending s.  
12          257.23, F.S.; requiring certification of annual  
13          tax income by a specified date; clarifying  
14          authority with regard to applications for  
15          grants; repealing s. 257.19, F.S., relating to  
16          library construction grants; amending s.  
17          257.261, F.S.; revising provisions relating to  
18          confidentiality of public library registration  
19          and circulation records to authorize disclosure  
20          of information to the parent or guardian of a  
21          library patron under age 16, for the purpose of  
22          collecting fines or recovering overdue books or  
23          other materials; providing an effective date.

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25           WHEREAS, in enacting revisions to the State Aid to  
26   Libraries program, the Legislature recognizes that the  
27   original intent of aiding and encouraging the establishment of  
28   free library service throughout the state by offering grants  
29   to individual counties is succeeding because all counties in  
30   this state are currently participating in the program, and

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1           WHEREAS, the Legislature recognizes that providing  
2 state aid to independent municipal libraries while supporting  
3 political subdivisions that are currently participating in the  
4 State Aid to Libraries program is a valuable contribution to  
5 the extension of the state's public library development plan,  
6 and

7           WHEREAS, the Legislature further recognizes the need  
8 for state aid in order to equalize the level of service that  
9 public libraries in various communities throughout the state  
10 are able to provide, to promote free library service that  
11 benefits all residents of the state, and to promote  
12 coordination among public libraries in order to improve the  
13 delivery of library services, NOW, THEREFORE,

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15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Section 257.17, Florida Statutes, is  
18 amended to read:

19           257.17 Operating grants.--A political subdivision that  
20 has been designated by a county or municipality as the single  
21 library administrative unit is eligible to receive from the  
22 state an annual operating grant of not more than 25 percent of  
23 all local funds expended by that political subdivision during  
24 the second preceding fiscal year for the operation and  
25 maintenance of a library, under the following conditions:

26           (1) Eligible political subdivisions include:

27           (a) A county that establishes or maintains a library  
28 or that gives or receives free library service by contract  
29 with a municipality or nonprofit library corporation or  
30 association within such county;

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1 (b) A county that joins with one or more counties to  
2 establish or maintain a library or contracts with another  
3 county, a special district, a special tax district, or one or  
4 more municipalities in another county to receive free library  
5 service;

6 (c) A special district or special tax district that  
7 establishes or maintains a library and provides free library  
8 service; or

9 (d) A municipality ~~with a population of 200,000 or~~  
10 ~~more~~ that establishes or maintains a library or that ~~and~~ gives  
11 or receives free library service by contract with a nonprofit  
12 library corporation or association within the municipality.

13 (2) The library established or maintained by such  
14 political subdivision shall:

15 (a) Be operated under a single administrative head who  
16 is an employee of the single library administrative unit and  
17 who has completed a library education program accredited by  
18 the American Library Association. The single administrative  
19 head shall have at least 2 years of full-time paid  
20 professional experience, after completing the library  
21 education program, in a public library that is open to the  
22 public for a minimum of 40 hours per week.~~and~~

23 (b) Expend its funds centrally.~~†~~

24 ~~(b) Have an operating budget of at least \$20,000 per~~  
25 ~~year from local sources; and~~

26 (c) Give the same free library service provided to its  
27 own ~~all~~ residents to residents of all political subdivisions  
28 within the county which receive operating grants from the  
29 state of the county or residents of the special district or  
30 special tax district.

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1           (d) Have at least one library or branch library open  
2 for 40 or more hours per week.

3           (e) Have a long-range plan, an annual plan of service,  
4 and an annual budget.

5           (f) Engage in joint planning for coordination of  
6 library services within the county or counties that receive  
7 operating grants from the state.

8           (3) Any political subdivision establishing public  
9 library service for the first time shall submit a certified  
10 copy of its appropriation for library service, and its  
11 eligibility to receive an operating grant shall be based upon  
12 such appropriation.

13           ~~(4)(a) A municipality with a population of 200,000 or~~  
14 ~~more that establishes or maintains a library is eligible to~~  
15 ~~receive from the state an annual operating grant of not more~~  
16 ~~than 25 percent of all local funds expended by that~~  
17 ~~municipality during the second preceding fiscal year for the~~  
18 ~~operation and maintenance of a library, under the following~~  
19 ~~conditions:~~

20           ~~1. The municipal library is operated under a single~~  
21 ~~administrative head and expends its funds centrally;~~

22           ~~2. The municipal library has an operating budget of at~~  
23 ~~least \$20,000 per year from local sources; and~~

24           ~~3. The municipal library provides free library service~~  
25 ~~to all residents of the municipality.~~

26           ~~(b) This subsection is repealed on July 1, 2002.~~

27           Section 2. Section 257.191, Florida Statutes, is  
28 amended to read:

29           257.191 Construction grants.--The Division of Library  
30 and Information Services may accept and administer library  
31 construction moneys appropriated to it and shall allocate such

1 appropriation to municipal, county, and regional libraries in  
2 the form of library construction grants on a matching basis.  
3 The local matching portion shall be no less than the grant  
4 amount, on a dollar-for-dollar basis, up to the maximum grant  
5 amount, unless the matching requirement is waived by s.  
6 288.06561 50 percent. Initiation of a library construction  
7 project 12 months or less prior to the grant award under this  
8 section shall not affect the eligibility of an applicant to  
9 receive a library construction grant.The division shall adopt  
10 rules for the administration of library construction grants.  
11 For the purposes of this section, s. 257.21 does not apply.

12 Section 3. Section 257.22, Florida Statutes, is  
13 amended to read:

14 257.22 Division of Library and Information Services;  
15 allocation of funds.--Any moneys that may be appropriated for  
16 use by a county, a municipality, a special district, or a  
17 special tax district for the maintenance of a library or  
18 library service shall be administered and allocated by the  
19 Division of Library and Information Services in the manner  
20 prescribed by law. On or before December 1 of each year, the  
21 division shall certify to the Comptroller the amount to be  
22 paid to each county, municipality, special district, or  
23 special tax district, and the Comptroller shall issue warrants  
24 to the eligible political subdivisions ~~respective boards of~~  
25 ~~county commissioners or chief municipal executive authorities~~  
26 ~~for the amount so allocated.~~

27 Section 4. Section 257.23, Florida Statutes, is  
28 amended to read:

29 257.23 Application for grant.--

30 ~~(1)~~ The board of county commissioners of any county,  
31 the chief executive officer of a municipality, or the

1 governing body of a special district or a special tax district  
2 desiring to receive a grant under the provisions of ss.  
3 257.14-257.25 shall apply therefor to the Division of Library  
4 and Information Services on or before October 1 of each year  
5 on a form to be provided by the division. ~~In~~ The application,  
6 which shall be signed by the chair of the board of county  
7 commissioners and attested by the clerk of the circuit court  
8 or the appropriate officer in a charter county, by the chief  
9 executive officer of a municipality and attested by the clerk  
10 of the municipality, or by the chair of the governing body and  
11 attested by the chief financial officer of a special district  
12 or a special tax district. The county, municipality, special  
13 district, or special tax district ~~the board of county~~  
14 ~~commissioners~~ shall agree to observe the standards established  
15 by the division as authorized in s. 257.15. On or before  
16 December 1 each year, the applicant shall certify the annual  
17 tax income and the rate of tax or the annual appropriation for  
18 the free library or free library service, and shall furnish  
19 such other pertinent information as the division may require.

20 ~~(2) The chief municipal executive authority of any~~  
21 ~~municipality desiring to receive a grant under the provisions~~  
22 ~~of ss. 257.14-257.25 shall apply therefor to the Division of~~  
23 ~~Library and Information Services on or before October 1 of~~  
24 ~~each year on a form to be provided by the division. In the~~  
25 ~~application, which shall be signed by the chief municipal~~  
26 ~~executive officer and attested by the clerk of the circuit~~  
27 ~~court, the chief municipal executive authority shall agree to~~  
28 ~~observe the standards established by the division as~~  
29 ~~authorized in s. 257.15, shall certify the annual tax income~~  
30 ~~and the rate of tax or the annual appropriation for the free~~  
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1 ~~library, and shall furnish such other pertinent information as~~  
2 ~~the division may require.~~

3 Section 5. Section 257.19, Florida Statutes, is  
4 repealed.

5 Section 6. Section 257.261, Florida Statutes, is  
6 amended to read:

7 257.261 Library registration and circulation  
8 records.--

9 (1) All registration and circulation records of every  
10 public library, except statistical reports of registration and  
11 circulation, are confidential and exempt from the provisions  
12 of s. 119.07(1) and from s. 24(a) of Art. I of the State  
13 Constitution. ~~Except in accordance with proper judicial order,~~  
14 ~~a person may not make known in any manner any information~~  
15 ~~contained in such records, except as provided in this section.~~

16 (2) As used in this section, the term "registration  
17 records" includes any information that a library requires a  
18 patron to provide in order to become eligible to borrow books  
19 and other materials, and the term "circulation records"  
20 includes all information that identifies the patrons who  
21 borrow particular books and other materials.

22 (3)(a) Except in accordance with a proper judicial  
23 order, a person may not make known in any manner any  
24 information contained in records made confidential and exempt  
25 by this section, except as otherwise provided in this section.

26 (b) A This section does not prohibit any library, or  
27 any business operating jointly with the library may, only for  
28 the purpose of collecting fines or recovering overdue books,  
29 documents, films, or other items or materials owned or  
30 otherwise belonging to the library, disclose, from disclosing  
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1 information made confidential and exempt by this section to  
2 the following:

3 1. The library patron named in the records;

4 2. In the case of a library patron less than 16 years  
5 of age, the parent or guardian of that patron named in the  
6 records;

7 3. Any entity that collects fines on behalf of a  
8 library, unless the patron is less than 16 years of age, in  
9 which case only information identifying the patron's parent or  
10 guardian may be released;

11 4. Municipal or county law enforcement officials,  
12 unless the patron is 16 years of age, in which case only  
13 information identifying the patron's parent or guardian may be  
14 released;or to

15 5. Judicial officials., for the purpose of recovering  
16 overdue books, documents, films, or other items or materials  
17 owned or otherwise belonging to the library. This section does  
18 not prohibit any library, or any business operating jointly  
19 with the library, from disclosing information to municipal or  
20 county law enforcement officials or to judicial officials or  
21 to any business for the purpose of collecting fines or overdue  
22 books, documents, films, or other items or materials. In the  
23 case of a public library patron under the age of 16, a public  
24 library may only release confidential information relating to  
25 the parent or guardian of the person under 16.

26 (4) Any person who violates this section commits is  
27 guilty of a misdemeanor of the second degree, punishable as  
28 provided in s. 775.082 or s. 775.083.

29 Section 7. This act shall take effect July 1, 2003.



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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 1434

Substitutes the provisions of the Committee Substitute for Senate Bill 192 for subsection 6 of the bill. That bill clarifies the public records exemption for library registration and circulation records and permits parents of children under 16 to have access to their children's records when books are overdue or fees are due.