

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1685 Bay County Law Library
SPONSOR(S): Coley
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u></u>	<u>Nelson</u>	<u>Hamby</u>
2) <u></u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The Bay County Law Library is a dependent special district located in Bay County. This bill codifies all prior special acts of the district into a single act. The bill deletes obsolete provisions, and makes minor, stylistic changes to language in the district charter. The bill also contains provisions which are not contained in previous district special acts such as language which clarifies the board's ability to accept gifts and acquire supplies, and provides that all funds allocated to the library be used to maintain or operate the library. Finally, Board meetings are changed from semiannual to quarterly.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Codification

Codification is the process of compiling, updating and systematically arranging the special acts that comprise a special district's charter. After a district is created by special act of the Legislature, original charter provisions may be amended by subsequent special acts. Because special act amendments are not automatically incorporated into one special act charter, it is necessary to locate all special acts amending a district's original charter in order to ascertain its current status. This process can be difficult and time-consuming. Codification of special district charters permits readers to easily locate and identify the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature in ss. 189.429¹ and 191.015², F.S., both of which were amended in 1998. These laws provide for codification of all special district charters by December 1, 2004.³ Any codified act relating to a special district must provide for the repeal of all prior special acts relating to the district. The 2001 Legislature amended s. 189.429, F.S., to provide that reenactment of existing law: (1) shall not be construed to grant additional authority nor supersede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend or alter any covenants, contracts or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Since the enactment of ss. 189.429 and 191.015, F.S., 173 special districts have codified their charters.

The Bay County Law Library

The Bay County Law Library was created by ch. 69-835, L.O.F.⁴ The district is administered by a five member board. The library board is empowered to purchase books, library equipment and supplies, and to maintain and operate the law library from existing or new facilities.

This bill codifies all prior special acts of the district into a single act, as required by s. 189.429, F.S., and designates the Bay County Law Library as a dependent special district.⁵ The bill deletes obsolete provisions, and makes minor, stylistic changes to language in the district charter. The bill also

¹ Chapter 189, F.S., is known as the "Uniform Special District Accountability Act."

² Chapter 191, F.S., is known as the "Independent Special Fire Control District Act."

³ The 1998 amendment allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the House Committee on Community Affairs.

⁴ Chapter 69-835, L.O.F., has been amended by the following subsequent special acts: chs. 75-328, 96-464 and 96-530., L.O.F.

⁵ Pursuant to s.189.404 (5), F.S., 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. "Dependent special district" means a special district that meets at least one of the following criteria: (a) The membership of its governing body is identical to that of the governing body of a single county or a single municipality; (b) All members of its governing body are appointed by the governing body of a single county or a single municipality; (c) During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality; or (d) The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

changes the frequency of the board's meetings from semiannual to quarterly in order to reflect the current practice of the board, changes the board officers to provide for a vice chair and a combined secretary/treasurer, and clarifies the board's ability to accept gifts and acquire supplies. Additionally, this bill deletes prior language relating to Article V funding, and adds language which provides that all funds allocated to the law library be used to maintain or operate the library.⁶

In recreating and reenacting the charter for the district, the bill:

Section 1: Provides that the Bay County Law Library is created as a dependent special district in Bay County to be operated by a library board.

Section 2: (1) Provides that the library board be composed of three practicing members of the Bay County Bar Association (who shall be appointed by the Bay County Board of County Commissioners for four year terms), a judge of the 14th judicial circuit court residing in Bay County, a county judge of Bay County, and their successors in office.⁷ Provides that the library board will meet quarterly. Provides that library board members will elect a chair, a vice chair and a secretary/treasurer. Provides that three members of the library board constitute a quorum. Provides that vacancies occurring on the library board will be filled by the Bay County Board of County Commissioners for the unexpired portion of the term. Provides that the library board shall have the power to purchase or acquire by gift, books, library equipment and supplies. The library board further is authorized to expend moneys to reimburse the county for all library personnel expenses, and to adopt rules and regulations for the governing of the library. (2) Provides that library board meetings will be open to the public and conducted in accordance with ch. 286, F.S. Provides that meeting minutes will be recorded.

Section 3: Provides that the county commissioners and the library board shall jointly and severally have the right to acquire and provide for the maintenance and operation of the law library from existing facilities, or by establishing new, independent facilities and for such purposes have the right to acquire real and personal property and to borrow money.

Section 4: Provides that the library is the property of the Bay County Board of County Commissioners.

Section 5: Provides that the chair of the library board will provide annual reports to the Bay County Board of County Commissioners.

Section 6: Provides that no profit from the operation of the library will inure to Bay County or any other person or entity.

Section 7: Provides that all funds allocated for the use of the library will be expended by the library board only for the purposes of maintaining and operating the library.

C. SECTION DIRECTORY:

Section 1: Provides that the act constitutes the codification of all special acts relating to the district.

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

Section 3: Provides a name for the act.

Section 4: Re-creates and reenacts the district charter as follows:

⁶ As of July 1, 2004, the effective date of Article V legislation, the library's funding structure changed. The library currently receives its funding pursuant to s. 939.185(1)(a)3., F.S. Its budget is approved by the Bay County Board of County Commissioners.

⁷ The special acts of the library board do not designate who originally appointed the two judges to the board.

Section 1: Provides for the creation of the district as a dependent special district.

Section 2: (1) Provides for the appointment of the library board; election of board officers; quorum; vacancies; and board powers. (2) Provides for public meetings of board, and minutes of meetings.

Section 3: Provides that the county commissioners and the library board can jointly and severally acquire, maintain and operate the law library and establish new facilities.

Section 4: Provides that the library is the property of the Bay County Board of County Commissioners.

Section 5: Provides for board annual reports.

Section 6: Provides for use of library profits.

Section 7: Provides for board expenditures.

Section 5: Provides for repeal of prior special acts.

Section 6: Provides for an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 7, 2005

WHERE? *The News Herald*, a daily newspaper published in Bay County.

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

According to the Economic Impact Statement, this bill will not have a fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The proposed language for the district charter does not reflect the district's dependent status.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.