

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: This bill increases the number of seats on the Board of Trustees for the Rupert J. Smith Law Library of Saint Lucie County.

B. EFFECT OF PROPOSED CHANGES:

Rupert J. Smith Law Library of Saint Lucie County and Board of Trustees

The Rupert J. Smith Law Library of Saint Lucie County (Law Library) is an independent special district, codified in chapter 2001-326, L.O.F. The Law Library is governed by a Board of Trustees. The Board of Trustees establish, operate, and maintain law library facilities within Saint Lucie County. They have the authority to prescribe rules and regulations of their own functions, and those of the library. The Board of County Commissioners of Saint Lucie County provides funds to the Board of Trustees for the Law Library in its annual budget. All of the funds are placed in the "Law Library Fund", and expended by the Trustees for procuring, equipping, and maintaining the Law Library. This includes securing furnishings, equipment, and personnel as necessary for operation of the Law Library.

The Board of Trustees consists of three members, broken down as follows:

- A Circuit Judge who is a resident of Saint Lucie County and appointed by the Chief Judge of the Nineteenth Judicial Circuit.
- A member of the Board of County Commissioners for Saint Lucie County, appointed by the members of the Board of County Commissioners biannually.
- An active practicing attorney who is a resident of the Saint Lucie County and appointed by the president of the Saint Lucie County Bar Association.

The attorney is appointed for a term of one year. The term begins on the first Tuesday after the first Monday in January of each year.

Effect of Bill

This bill increases the number of seats on the Board of Trustees for the Law Library from three to five and creates qualifications and appointment authority for the new seats. The new seats are as follows:

- An active practicing attorney who resides in Saint Lucie County, appointed by the president of the Port Saint Lucie Bar Association.
- A lay member, appointed by the president of the Friends of Saint Lucie County Library Association, Inc.

A change also is made to reflect that both attorneys would have a one year term, beginning on the first Tuesday after the first Monday in January of each year.

The bill also contains a Supremacy clause. The bill provides that all provisions of law that are in direct conflict with the act are superseded to the extent of such conflict.

SECTION DIRECTORY:

Section 1: Amends section 1 of section 3 of chapter 2001-326, L.O.F., to increase number of seats on Board of Trustees.

Section 2: Provides a Supremacy Clause.

Section 3: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 10, 2005.

WHERE? *Fort Pierce Tribune*, Saint Lucie County, Florida.

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, no fiscal impacts are anticipated for either fiscal year 2006-07 or 2007-08.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Supremacy Clause

In the past the House has adopted a policy of recommending the removal of supremacy clauses which attempt to repeal or nullify any and all previous acts that conflict with the language of the bill being proposed. Non-specific supremacy language is problematic in that it raises the question of whether or not a particular prior enactment is in conflict with a future enactment. Language that provides specific sites for repeal at least lets the legislative intent be known.

House Bill Drafting suggests the following language if a supremacy clause is to be included:

All provisions of law which are in direct conflict with this act are hereby superseded to the extent of such conflict.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.