

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 455 Rupert J. Smith Law Library, St. Lucie County

SPONSOR(S): Local Administration & Veterans Affairs Subcommittee, Trabulsky and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	15 Y, 0 N, As CS	Leshko	Miller
2) State Affairs Committee	22 Y, 0 N	Leshko	Williamson

SUMMARY ANALYSIS

The Rupert J. Smith Law Library of St. Lucie County is an independent special district governed by a five-member Board of Trustees, currently composed of one Nineteenth Judicial Circuit Judge, one member of the Board of County Commissioners of St. Lucie County, two active practicing attorneys who reside in St. Lucie County, and one lay member. The Board has full power and authority to establish, operate, and maintain law libraries within St. Lucie County.

This bill adds an additional lay member to the Board of Trustees to be appointed by the other members of the Board. Additionally, the bill expands the residential boundaries within which the two active practicing attorney Board members may reside. Lastly, the bill updates the appointment power of the Saint Lucie County Bar Association, granting the Association the power to appoint both of the active practicing attorney Board members.

According to the Economic Impact Statement, the bill will have no fiscal impact.

The bill takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Independent Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.³

A "dependent special district" is a special district subject to control by the governing body of a single county or municipality.⁴ An "independent special district" is any district that is not a dependent special district.⁵

Special districts do not possess "home rule" powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.⁶

Rupert J. Smith Law Library of St. Lucie County

The Rupert J. Smith Law Library of St. Lucie County (Law Library) is an independent special district originally created by a special act of the Legislature in 1957.⁷ The district is governed by a Board of Trustees (Board) comprised of one Circuit Judge residing in St. Lucie County, who is appointed by the Chief Judge of the Nineteenth Judicial Circuit; one member of the Board of County Commissioners of St. Lucie County (BOCC), chosen by the BOCC biennially; two active practicing attorneys residing in St. Lucie County, one to be appointed by the President of the Saint Lucie County Bar Association and one appointed by the President of the Port Saint Lucie Bar Association, each for a term of one year beginning on the first Tuesday after the first Monday in January of each year; and one lay member appointed by the President of the Friends of Saint Lucie County Library Association.⁸

The Board establishes, operates, and maintains law library facilities within St. Lucie County. The Board has the authority and power to "prescribe rules and regulations as to its own functions and organization;

¹ See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

² See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See generally s. 189.012(6), F.S.

³ Local Administration & Veterans Affairs Subcommittee, *The Local Gov't Formation Manual 2020 – 2022*, pp. 60-61, <https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&Committeeld=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Government+Formation+Manual.pdf> (last accessed Nov. 12, 2021).

⁴ S. 189.012(2), F.S. Types of such control include the county or municipality governing body acting as the district governing body, having the authority to appoint or remove at will district board members, or having final approval authority over the district's budget.

⁵ S. 189.012(3), F.S.

⁶ Art. VII, s. 9(a), Fla. Const.

⁷ Ch. 57-1790, Laws of Fla. The special acts comprising the charter of the district were codified, reenacted, and repealed as part of the recodification of the charter in 2001. See ch. 2001-326, s. 2, Laws of Fla.

⁸ The district's original charter created a three-member Board comprised of the Circuit Judge, a member of the BOCC, and one active practicing attorney. Ch. 57-1790, s. 3, Laws of Fla. In 2006, the charter was amended to add a second active practicing attorney and the lay board member. Ch. 2006-336, s. 1, Laws of Fla.

and to prescribe and enforce rules and regulations as to the use, maintenance, and operation of said law library. Said Board of Trustees shall purchase books, furniture, equipment, and supplies.”⁹

The district is funded through fees collected by the Clerk of the Circuit Court of St. Lucie County. Additionally, the BOCC is authorized to appropriate funds to the Board for the use of the Law Library.¹⁰

Effect of Proposed Changes

The bill adds one additional lay member to the Board of Trustees who must be appointed by the members of the Board. The bill expands the boundaries within which the two active practicing attorney members of the Board may reside from St. Lucie County to the entire Nineteenth Judicial Circuit.¹¹ Finally, the bill updates the appointment powers of the Saint Lucie County Bar Association, authorizing the Association to appoint both of the active practicing attorney Board members, and removes the appointment power of the President of the Port Saint Lucie Bar Association.

According to the Economic Impact Statement, the bill will have no fiscal impact.

B. SECTION DIRECTORY:

Section 1: Amends Section 1 of Section 3 of Ch. 2001-326, Laws of Fla., as amended by Ch. 2006-336, Laws of Fla., adding one lay member to the Board; expanding the residential requirement of the attorney Board members; and updating the power to appoint the two active practicing attorney members of the Board.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 1-3, 2021

WHERE? The *St. Lucie News-Tribune*, a daily newspaper published at Fort Pierce in St. Lucie County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

⁹ Ch. 2001-326, s. 3, Laws of Fla.

¹⁰ *Id.*

¹¹ The Nineteenth Judicial Circuit encompasses Indian River, Martin, Okeechobee, and St. Lucie Counties. S. 26.021(19), F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On December 1, 2021, the Local Administration & Veterans Affairs Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment corrected a citation in the directory of section one and changed the designation of the newly-added, sixth member of the Board from “honorary” to “lay” to ensure this would be an additional voting Board member.

This analysis is drafted to the committee substitute as passed by the Local Administration & Veterans Affairs Subcommittee.