

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 809 Manatee County

SPONSOR(S): Boyd

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee		Kelly	Rojas
2) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 809 would repeal the Manatee Law Library Special Act (Act), including ch. 30957 (1955), 1961-2455, 1963-1581, 1969-1283, 1972-615, 1979-506, 1980-535, 1991-395, and 1996-511, L.O.F. Manatee County (County) states the Act's provisions for a law library are no longer in use. The County identifies this is largely due to changes in the Florida Constitution and general law which make the Act no longer legally necessary or effective.

HB 809 will take effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The Manatee Law Library Special Act

The Legislature created the Manatee Law Library Special Act (Act) in 1955.¹ The Act provides for the establishment and maintenance of a county law library in the court house at the county seat of Manatee County, Florida (County). The Act also provides for the purchase and maintenance of legal materials in the County law library, as well as the employment of staff to maintain these legal materials.²

In 1961, the Legislature enacted ch.1961-2455, L.O.F., which further amended the Act to include for the establishment and maintenance of a county law library. Under the Act, the funds for the library would be generated from an occupational license tax on members of the Florida Bar residing, practicing, or maintaining a law office in the County. The County's Tax Collector would then collect and distribute these fees to the Clerk of the Court, who would keep these fees in the County Law Library Fund (Fund).³ In addition, the Act creates a Manatee County Law Library Committee to act as the advisory body to the maintenance of the library, including the creation of a librarian position to be hired and paid from the Fund. Finally, the Act establishes that the Clerk of the Court can collect certain cost and fees on civil cases commenced in circuit and county court.⁴ These cost and fees will also be held in the Fund to be used under this Act.⁵

Between the years of 1963 to 1996, the Legislature amended the Act to increase the amount of the occupational license tax as well as the costs and fees for civil cases commenced in circuit and county court.⁶ Also within these years, the Legislature clarified the composition of the Manatee County Law Library Committee to include circuit judges, county judges, and three practicing attorneys who were to be members of the Manatee County Bar Association (MBCA). In 1971, the Legislature amended the Act to include the establishment, maintenance, and operation of a legal aid program in the County in which the MBCA would administer. Finally, the Act established that the MBCA would be responsible for hiring one or more law librarians for the library.

Florida Statutes and Other Law

Currently s. 29.008(1), F.S.,⁷ and the Florida Constitution⁸ require counties to fund facilities for trial courts. These facilities include all necessary building infrastructures for the housing of legal materials for general public use.⁹ Further, current law provides that the state budget must pay for judicial reference resources and basic legal materials accessible to the public.¹⁰ While the Florida Statutes are silent on providing for a librarian for these facilities, the Manatee County Commission adopted Manatee

¹ Chapter 30957 (1955), L.O.F.

² *Id.*

³ The Fund is also established in the Act. *See* ch.1961-2455, L.O.F.

⁴ These fees includes costs for commencing a civil case in circuit court, costs for commencing a civil case in county court, costs incurred in county court, and costs or fees for issuance of documents. *See* ch. 1961-2455, L.O.F.

⁵ *Id.*

⁶ Chapters 1961-2455, 1963-1581, 1969-1283, 1972-615, 1979-506, 1980-535, 1991-395, and 1996-511, L.O.F.

⁷ "Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions."

⁸ FLA. CONST. art. V, s. 14.

⁹ Section 29.008(1)(a), F.S.

¹⁰ Section 29.004(7), (12), F.S.

County Code s. 2-4-4.5(2), which provides County funds to hire personnel and legal materials for the local libraries.¹¹

There is no current provision for a law library advisory committee in the Florida Statutes or the Manatee County Code.

Effect of Proposed Changes

HB 809 would repeal the Manatee Law Library Special Act, including ch. 30957 (1955), 1961-2455, 1963-1581, 1969-1283, 1972-615, 1979-506, 1980-535, 1991-395, and 1996-511, L.O.F.

The County has followed and satisfied general law by designing a law library in the County's new judicial center. Additionally, the state funds all judicial reference resources and the County pays for the employment of library personnel.

As for the advisory committee provision in the Act, the County states the MBCA has given full support to repeal this Act, so long as the County continues to fund the library personnel.¹² In addition, the MCBA has committed to begin forming a Law Library Committee to take place of the current committee set up in the Act.

Finally, the County states the repeal of the Act will allow the County to be more efficient with its use of technology, especially with replacing physical legal sources with sources that can be found through legal online services. This will bring about nominal cost savings to the County, and no cost increase to the public.

HB 809 bill will take effect upon becoming law.

B. SECTION DIRECTORY:

Section 1: Repeals ch. 30957 (1955), 1961-2455, 1963-1581, 1969-1283, 1972-615, 1979-506, 1980-535, 1991-395, and 1996-511, L.O.F.

Section 2: Provides for an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? December 31, 2013

WHERE? *Bradenton Herald*, a daily newspaper of general circulation, published in Manatee County, Florida.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN? Not applicable.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

¹¹ Manatee County Code s. 2-4-4.5(2) allocates 25 percent of the \$65 added criminal conviction fines to fund local libraries.

¹² Manatee County Code s. 2-2-4.5(2).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES