

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1010

SPONSOR: Comprehensive Planning, Local and Military Affairs and Senator Garcia

SUBJECT: Public Libraries

DATE: April 16, 2001

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/2 amendments</u>
2.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable/CS</u>
3.	<u>Hayes</u>	<u>Martin</u>	<u>AGG</u>	<u>Favorable</u>
4.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Section 257.17(4), F.S., makes a political subdivision that has been designated by a county as the single library administrative unit eligible to receive a state operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for operation and maintenance. Specific conditions for state grant eligibility are established in the subsection. Paragraph (b) provides for the repeal of subsection (4) on July 1, 2001. The Committee Substitute delays the repeal of the subsection until July 1, 2002, thereby retaining grant eligibility and the related conditions for grant eligibility for one more year. In addition, a provision is included to encourage a study of the feasibility of establishing public library cooperatives, by inter-local agreement, between cities and counties.

This bill amends section 257.17, Florida Statutes.

## II. Present Situation:

Section 20.10, F.S., creates the Department of State. The Secretary of State is designated as the head of the department.<sup>1</sup> There are seven divisions in the department:

1. Division of Administration.
2. Division of Corporations.
3. Division of Cultural Affairs.
4. Division of Elections.
5. Division of Historical Resources.
6. Division of Library and Information Services.

<sup>1</sup>Section 20.10(1), F.S.

## 7. Division of Licensing.

The department has approximately 758 FTEs and an annual budget of about \$148 million.

The Division of Library and Information Services provides library, records management, and archival services at the state and local level. The 120 FTEs of the division provide direct library services to state government, management services, technical assistance, education, financial aid, and cooperative services.

Chapter 257, F.S., Public Libraries and State Archives, assigns the Division of Library and Information Services authority to adopt rules for the chapter.<sup>2</sup> Under s. 257.16, F.S., any library that receives a grant under ss. 257.14-257.25, F.S., is required to file a financial report on its operations with the division. The division may also require that it be furnished with other information it may require.

In 1961, the Legislature declared it to be the policy of the state to aid counties through grants in the establishment and development of library services.<sup>3</sup> Counties were determined to be the political subdivisions most suited to provide library services because, at the time, 43 percent of Floridians lived in unincorporated areas. The county service model was the same model chosen for public school education at the time. By 1999, the percentage of Floridians living in unincorporated areas had increased to 51 percent.

Section 257.17, F.S., establishes requirements regarding operating grants. Under the section, a political subdivision that has been designated by a county as the *single library administrative unit* is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for the operation and maintenance of a library under certain conditions. Eligible political subdivisions include:

- < A county that establishes or maintains a library or that gives or receives free library service by contract with a municipality or nonprofit library corporation or association with such county.
- < A county that joins with one or more counties to establish or maintain a library or contracts with another county, a special district, a special tax district, or one or more municipalities in another county to receive free library service.
- < A special district or special tax district that establishes or maintains a library and provides free library service.
- < A municipality with a population of 200,000 or more that establishes or maintains a library and gives free library service.<sup>4</sup>

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<sup>2</sup>Section 257.15, F.S.

<sup>3</sup>Ch. 61-402, L.O.F.

<sup>4</sup>This provision was placed in law in 1983 to grandfather the City of St. Petersburg, which was designated by Pinellas County as the single library administrative unit, to continue to receive state aid to serve all residents of Pinellas County, but without any county appropriations being paid to the city. It was the only municipality ever to serve as the library for all of a county's residents without receiving any payment by a county to do so under a provision of Florida's State Aid law that was in effect from 1972 to 1983. This situation ended in 1990 with the establishment of the Pinellas County Public Library Cooperative.

A library that is established or maintained by a political subdivision is required to be operated under a single administrative head and must expend its funds centrally. Further, it must have an operating budget of at least \$20,000 per year from local sources. It also must give free library service to all residents of the county or residents of the special district or special tax district.

In addition, under s. 257.17(4)(a), F.S., a municipality with a population of 200,000 or more that establishes or maintains a library is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that municipality during the second preceding fiscal year for the operation and maintenance of a library, under specified conditions. First, the library must be operated under a single administrative head and expend its funds centrally. Second, the municipal library must have an operating budget of at least \$20,000 per year from local sources. Finally, the municipal library must provide free library services to all municipal residents.<sup>5</sup>

Subsection (4) of s. 257.17, F.S., is subject to repeal on July 1, 2001.

### III. Effect of Proposed Changes:

**Section 1** delays the repeal of subsection (4) of s. 257.17, F.S., to July 1, 2002, thereby preserving the subsection. As a result, a municipality with a population of 200,000 or more that establishes or maintains a library will continue to be eligible, for one more year, to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that municipality during the second preceding fiscal year for the operation and maintenance of a library, under specified conditions. At this time, this provision only affects the City of Hialeah.

**Section 2** includes a provision to encourage a study of the feasibility of establishing public library cooperatives, by inter-local agreement, between cities and counties. If a city and county undertake this study, they must submit recommendations on the progress made toward forming a cooperative to the Division of Library and Information Services of the Department of State by December 1, 2001. By January 2, 2002, the division must submit a report to the President of the Senate and the Speaker of the House of Representatives that includes a status report on the progress of extending library services by these entities and recommendations for any changes in law or funding for these entities. The report must also include a review of the State Aid to Library program, with recommendations for statutory and funding changes based on the review. This provision is repealed on July 1, 2002.

**Section 3** provides that the bill will take effect upon becoming a law.

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<sup>5</sup> This provision differs from the general requirements affecting library systems in that it permits a city of 200,000 or more to receive state aid but serve only the residents of the city and not the county. Further, it differs from general requirements in that it does not include a requirement of county designation as the single library administrative unit. According to the Department of State, the only city in Florida with a population of 200,000 or more that was not already incorporated into a consolidated county library system, tied to a county by an interlocal agreement, or part of a county public library cooperative, is the City of Hialeah.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

According to the Department of State, in Pinellas, Polk, Okaloosa, Lake, and Palm Beach Counties, public library cooperatives have been established through interlocal agreements between the county-designated cooperative and autonomous municipal libraries in each county to serve as the single library administrative unit for the provision of library service. Municipal library members of the county public library cooperative must agree to provide service under a mutually agreed cooperative library service plan and agree to expend their funds according to the plan. State aid is kept at the county cooperative level and is spent under the cooperative plan for the benefit of all participating libraries.

A public library cooperative has not been established in Miami-Dade. The Miami-Dade Public Library's support for library service in FY 2000 was \$18.33 per capita (based on local expenditures to earn state aid). Hialeah's support for library service in FY 2000 was \$5.90 per capita (based on local expenditures to earn state aid). According to the department, if a cooperative were established in Miami-Dade, the residents served by the Miami-Dade Public Library System would have to heavily subsidize library service to the residents of Hialeah because of a long-term disparity in the support of the two systems. A study done several years ago by the Miami-Dade Public Library System estimated it would cost at least \$1 million to bring the Hialeah Public Library into the Dade County system as a branch library.

According to the Department of State, for FY 2000-01, the amount of funds distributed to the City of Hialeah from the State Aid to Libraries total appropriation of \$33.4 million will be approximately \$116,108. The bill provides that the formula for distributing funds from

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the total appropriation for State Aid to Libraries for FY 2001-02 would include a funding distribution of state aid to the City of Hialeah Public Library.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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