

# 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: SB 1010  
 SPONSOR: Senator Garcia  
 SUBJECT: Public Libraries  
 DATE: March 9, 2001      REVISED: 03/21/01 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/2 amendments</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>AGG</u>	_____
4.	_____	_____	<u>AP</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 bill strikes the repeal of the subsection, thereby retaining grant eligibility and the related conditions for grant eligibility. The bill is effective upon becoming law.

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.
7. Division of Licensing.

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

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>

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

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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.

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:**

The bill strikes the repeal of subsection (4) of s. 257.17, F.S., 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 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.

### **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.

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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.

**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 (based on local expenditures to earn state aid). Hialeah's support for library service in FY 2000 was \$5.90 (based on local expenditures to earn state aid). According to the department, if a cooperative was 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 2001-02, recurring costs would be at least \$116,108. The appropriation for State Aid to Libraries would have to be divided into more parts to fund state aid to the City of Hialeah Public Library.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

Amendment #1 by Governmental Oversight & Productivity:

Provides for a municipality to enter into negotiations with a county-designated single administrative unit, to report to the Division of Library and Information Services by December 1, 2001. Requires the Division of Library and Information Services to report to the Senate President and the Speaker of the House of Representatives.

Amendment #2 by Governmental Oversight & Productivity:

Provides that a political subdivision that is eligible for an operating grant shall not be denied a grant or any other state or federal aid solely because the library's administrative head or other services have been contracted to a private, for-profit firm.

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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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