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DATE: January 30, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 785
RELATING TO: St. Augustine/ Circuit Court
SPONSOR(S): Representative Wiles

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 8 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

This bill repeals special acts relating to the St. Johns County Law Library that are currently obsolete, and have been superceded by general law.

After the passage of this bill, the St. Johns County Law Library (Law Library) will be moved from the Courthouse, into the St. Johns County Public Library. The move will enable the Courthouse to expand, and allow the Law Library to stay open for additional hours, thus making the facility more accessible to the community.

According to the economic impact statement, this bill does not have a fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

This bill removes the St. Johns County Law Library (Law Library) from the Circuit Courthouse and places it under the control of the St. Johns County Library system. According to a representative of the 7th Judicial Circuit in St. Johns County, the move will enable the Courthouse to expand, and allow the Law Library to stay open for additional hours, thus making the facility more accessible to the community.

B. PRESENT SITUATION:

In 1961 chapter 61-2743, Laws of Florida, established a law library, which was placed in the St. Johns County Circuit Courthouse. According to a representative of the 7th Judicial Circuit in St. Johns County (representative), many changes have occurred to render chapter 61-2743, Laws of Florida, obsolete since it was last amended in 1973.

The purpose of the library was to provide circuit court judges with a convenient means of accessing legal material. Today, however, the vast majority of legal research is done using the Internet, via legal search engines such as Lexis and Westlaw. As a result, the circuit court judges no longer need, or use the resources of the Law Library. In light of this, it has been determined that the space currently utilized to house the Law Library would be better employed as an additional courtroom.

Chapter 61-2743, Laws of Florida, also provided the Clerk of the Circuit Court with the authority to collect filing fees from individuals filing civil actions. The chapter has been amended twice to increase the amount of the filing fees that the Clerk may collect. However, according to the representative, the fund-raising provisions of chapters 61-2743; 69-1536; and 73-612, Laws of Florida, are currently obsolete and have been superceded by sections 28.241 and 34.041, Florida Statutes. These two Florida Statutes provide circuit and county courts with fund-raising authority, and designate the amounts that the clerks may collect on actions that are filed.

C. EFFECT OF PROPOSED CHANGES:

This bill repeals an obsolete special act, while increasing community access to the Law Library.

Circuit Courts may employ the fund-raising procedures granted to them under general law, rather than continually passing local bills each time the special act becomes obsolete. The St. Johns County Circuit Court does not currently employ the obsolete fund-raising provisions outlined in chapter 61-2743, Laws of Florida. Rather, the Court operates in accordance with the authority granted to it by section 28.241, Florida Statutes. Therefore, the repeal of chapters 61-2743; 69-1536; and 73-612, Laws of Florida, is warranted.

It is anticipated that the Law Library will be moved into the St. Johns County Public Library. The representative stated that the move will enable the Courthouse to expand, and allow the Law Library to stay open for additional hours, thus making the facility more accessible to the community.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Repeals chapters 61-2743; 69-1536; and 73-612, Laws of Florida.

Section 2: Provides that this act shall take effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 11, 2001

WHERE? St. Augustine Record: St. Augustine, St. Johns 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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

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