

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 325                      Public Libraries  
**SPONSOR(S):** Bean  
**TIED BILLS:** None                      **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Commerce</u>	<u>16 Y, 0 N w/CS</u>	<u>McDonald</u>	<u>Whitfield</u>
2) <u>Appropriations</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

The bill clarifies the Public Library Construction Grant Program rate of local match requirement and the waiver of match for certain rural areas.

Additionally, under the Public Library Construction Grant Program, the bill provides for small county public library construction grants for the purpose of assisting counties and municipalities that have been designated rural communities in accordance with ss. 288.0656(2)(b) and 288.06561, F.S., to construct, expand or renovate public library facilities to meet the federal requirement of 0.6 square feet per capita of total library floor space. The bill specifies eligibility criteria for competitive grant funding for the public library construction grants. Rules for the administration of the small county public library grant program are to be developed by the Division of Library and Information Services of the Department of State.

With regard to library records, current law only allows municipal or county law enforcement officials, judicial officials, or any business to have access to such patron's information for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. The bill amends that section to allow the parent or guardian of a public library patron under 16 to have access to that patron's library records for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. The bill does not allow access for any other reason.

The bill does not appear to have any impact on General Revenue. Funding for the grant program is dependent upon legislative appropriation.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0325a.com.doc  
**DATE:** March 12, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

##### **Library Construction Grants (Section 1)**

###### *Present Situation:*

Section 257.191, F.S., authorizes the Division of Library and Information Services to accept and administer library construction money appropriated to it on a matching grant basis. The Public Library Construction Grant Program, established in 1973, provides assistance in the construction of new buildings, site acquisition, and the acquisition, expansion, or remodeling of existing buildings to be used for public library services in municipal, county, and regional public libraries. The grants are required by law to have a local match of no less than 50 percent of the grant (a dollar for dollar match). By rule, the maximum state grant is set at \$500,000 in non-recurring funds and the minimum is set at \$10,000. The minimum project size is 3,000 square feet. Any of the 67 county general governments, incorporated municipalities, special districts, and special tax districts that establish or maintain a public library and provide free public library service can apply for a construction grant. In FY 2002-03, twelve grants were awarded to projects serving nine counties: Broward, Clay, Glades, Highlands, Nassau, Orange, Palm Beach, Sarasota, and Sumter.

Section 288.06561, F.S., provides for a reduction of waiver of financial match requirements for rural areas meeting the requirements under the Rural Economic Development Initiative (REDI) in s. 288.0656, F.S.

Based upon the REDI county library facility needs chart, many counties have insufficient revenue capacity at the local level to generate the money to construct or expand library facilities to meet federal square footage per capita standards. These counties are in need of more than the \$500,000 cap to begin to meet construction needs.

###### *Effect of Proposed Changes:*

The bill clarifies the match requirement for the Public Library Construction Grant Program by changing it to state that it will be a “dollar for dollar” match and by recognizing the waiver for certain rural areas.

Additionally, under the Public Library Construction Grant Program, the bill provides for small county public library construction grants for the purpose of assisting counties and municipalities that have been designated rural communities in accordance with ss. 288.0656(2)(b) and 288.06561, F.S., to construct, expand or renovate public library facilities to meet the federal requirement of 0.6 square feet per capita of total library floor space. The bill specifies criteria for competitive funding process for counties seeking assistance through the small county public library construction grants. Rules for the

administration of the small county public library grant program are to be developed by the Division of Library and Information Services of the Department of State. Finally, the grant program does not take effect until a specific appropriation is made to the department for the funding of these grants.

## **Public Records Exemption for Library Records (Section 2)**

### *Present Situation:*

In 1978, the Florida Legislature enacted Chapter 78-81, L.O.F. (the act). The act created a public records exemption for library registration records and circulation records. The only exception to the exemption was for judicial orders. Additionally, the act made any violation a second degree misdemeanor. In 1996, the Florida Legislature amended the public records exemption to include additional exceptions. Currently, a municipal or county law enforcement official or a judicial official may have access to such records for the purpose of recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library or for collecting fines on overdue books, documents, films, or other items or materials. Any confidential and exempt information regarding a library patron under the age of 16 may not be released. A public library may only release information relating to the parent or guardian of such patron.

### *Effect of Proposed Changes:*

House Bill 325 amends that public records exemption to allow the parent or guardian of a public library patron, under the age of 16, to have access to that patron's library records for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials belonging to the library. The bill does not allow a parent or guardian of the patron to have access to that patron's library records for any other reason than those previously listed.

### C. SECTION DIRECTORY:

Section 1. Amends s. 257.191, F.S., relating to library construction grants, providing for waiver of grant matching requirements; establishing, providing criteria for, and providing funding contingency for implementation of the small county public library construction grant; and, requiring rules.

Section 2. Amends s. 257.261, F.S., relating to library registration and circulation records, providing parental or guardian access under certain circumstances.

Section 3. Providing for severability.

Section 4. Providing an effective date of upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the Division of Library and Information Services to adopt rules for the administration of public library construction grants; however, this is not a new requirement in the law but simply a restructuring of the section and movement of the language regarding rules.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 10, 2003, the Commerce Committee passed HB 325 with a committee substitute. The committee substitute made the following changes to the original bill:

- Restored s. 257.191, F.S., to current law regarding the allocation of public library construction grant appropriations to municipal, county and regional libraries. The original bill had removed regional libraries.
- Restructured provisions in the bill relating small county public library construction grants so that they would only apply to those grants and not to all public library construction grants.
- Moved the requirement for adoption of rules for public library construction grants to the end of the section. This placement was necessary because of the addition of new language and subsections in a section of law containing no subsections.
- Removed from changes proposed in s. 257.261, F.S., the added requirement that a parent or guardian must present a birth certificate of a minor child in order to have library records released to him or her for the purpose of collecting fines or recovering library materials.