

Committee Substitute for
Committee Substitute for Senate Bill No. 1434

An act relating to public libraries; amending s. 257.17, F.S.; authorizing municipalities to receive operating grants; establishing minimum standards for receipt of funds; removing minimum population requirement for municipalities to be eligible to receive funds; amending s. 257.191, F.S.; revising provisions relating to construction grants; amending s. 257.22, F.S.; permitting eligible political subdivisions to receive warrants; amending s. 257.23, F.S.; requiring certification of annual tax income by a specified date; clarifying authority with regard to applications for grants; repealing s. 257.19, F.S., relating to library construction grants; amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials; providing an effective date.

WHEREAS, in enacting revisions to the State Aid to Libraries program, the Legislature recognizes that the original intent of aiding and encouraging the establishment of free library service throughout the state by offering grants to individual counties is succeeding because all counties in this state are currently participating in the program, and

WHEREAS, the Legislature recognizes that providing state aid to independent municipal libraries while supporting political subdivisions that are currently participating in the State Aid to Libraries program is a valuable contribution to the extension of the state's public library development plan, and

WHEREAS, the Legislature further recognizes the need for state aid in order to equalize the level of service that public libraries in various communities throughout the state are able to provide, to promote free library service that benefits all residents of the state, and to promote coordination among public libraries in order to improve the delivery of library services, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 257.17, Florida Statutes, is amended to read:

257.17 Operating grants.—A political subdivision that has been designated by a county or municipality 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 the following conditions:

(1) Eligible political subdivisions include:

(a) 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 within such county;

(b) 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;

(c) A special district or special tax district that establishes or maintains a library and provides free library service; or

~~(d) A municipality with a population of 200,000 or more that establishes or maintains a library or that and gives or receives free library service by contract with a nonprofit library corporation or association within the municipality.~~

(2) The library established or maintained by such political subdivision shall:

(a) Be operated under a single administrative head who is an employee of the single library administrative unit and who has completed a library education program accredited by the American Library Association. The single administrative head shall have at least 2 years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of 40 hours per week. and

(b) Expend its funds centrally.;

~~(b) Have an operating budget of at least \$20,000 per year from local sources; and~~

(c) Provide reciprocal borrowing, and other library services pursuant to interlocal agreement. Give free library service to all residents of all political subdivisions within the county which receive operating grants from the state of the county or residents of the special district or special tax district.

(d) Have at least one library or branch library open for 40 or more hours per week.

(e) Have a long-range plan, an annual plan of service, and an annual budget.

(f) Engage in joint planning for coordination of library services within the county or counties that receive operating grants from the state.

(3) Any political subdivision establishing public library service for the first time shall submit a certified copy of its appropriation for library service, and its eligibility to receive an operating grant shall be based upon such appropriation.

~~(4)(a) 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 the following conditions:

1. ~~The municipal library is operated under a single administrative head and expends its funds centrally;~~
 2. ~~The municipal library has an operating budget of at least \$20,000 per year from local sources; and~~
 3. ~~The municipal library provides free library service to all residents of the municipality.~~
- (b) ~~This subsection is repealed on July 1, 2002.~~

Section 2. Section 257.191, Florida Statutes, is amended to read:

257.191 Construction grants.—The Division of Library and Information Services may accept and administer library construction moneys appropriated to it and shall allocate such appropriation to municipal, county, and regional libraries in the form of library construction grants on a matching basis. The local matching portion shall be no less than the grant amount, on a dollar-for-dollar basis, up to the maximum grant amount, unless the matching requirement is waived by s. 288.06561 50 percent. Initiation of a library construction project 12 months or less prior to the grant award under this section shall not affect the eligibility of an applicant to receive a library construction grant. The division shall adopt rules for the administration of library construction grants. For the purposes of this section, s. 257.21 does not apply.

Section 3. Section 257.22, Florida Statutes, is amended to read:

257.22 Division of Library and Information Services; allocation of funds.—Any moneys that may be appropriated for use by a county, a municipality, a special district, or a special tax district for the maintenance of a library or library service shall be administered and allocated by the Division of Library and Information Services in the manner prescribed by law. On or before December 1 of each year, the division shall certify to the Comptroller the amount to be paid to each county, municipality, special district, or special tax district, and the Comptroller shall issue warrants to the eligible political subdivisions ~~respective boards of county commissioners or chief municipal executive authorities~~ for the amount so allocated.

Section 4. Section 257.23, Florida Statutes, is amended to read:

257.23 Application for grant.—

(1) ~~The board of county commissioners of any county, the chief executive officer of a municipality, or the governing body of a special district or a special tax district~~ desiring to receive a grant under the provisions of ss. 257.14-257.25 shall apply therefor to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. In ~~The application, which~~ shall be signed by the chair of the

board of county commissioners and attested by the clerk of the circuit court or the appropriate officer in a charter county, by the chief executive officer of a municipality and attested by the clerk of the municipality, or by the chair of the governing body and attested by the chief financial officer of a special district or a special tax district. The county, municipality, special district, or special tax district the board of county commissioners shall agree to observe the standards established by the division as authorized in s. 257.15. On or before December 1 each year, the applicant shall certify the annual tax income and the rate of tax or the annual appropriation for the free library or free library service, and shall furnish such other pertinent information as the division may require.

~~(2) The chief municipal executive authority of any municipality desiring to receive a grant under the provisions of ss. 257.14-257.25 shall apply therefor to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. In the application, which shall be signed by the chief municipal executive officer and attested by the clerk of the circuit court, the chief municipal executive authority shall agree to observe the standards established by the division as authorized in s. 257.15, shall certify the annual tax income and the rate of tax or the annual appropriation for the free library, and shall furnish such other pertinent information as the division may require.~~

Section 5. Section 257.19, Florida Statutes, is repealed.

Section 6. Section 257.261, Florida Statutes, is amended to read:

257.261 Library registration and circulation records.—

~~(1) All registration and circulation records of every public library, except statistical reports of registration and circulation, are confidential and exempt from the provisions of s. 119.07(1) and from s. 24(a) of Art. I of the State Constitution. Except in accordance with proper judicial order, a person may not make known in any manner any information contained in such records, except as provided in this section.~~

(2) As used in this section, the term “registration records” includes any information that a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term “circulation records” includes all information that identifies the patrons who borrow particular books and other materials.

~~(3)(a) Except in accordance with a proper judicial order, a person may not make known in any manner any information contained in records made confidential and exempt by this section, except as otherwise provided in this section.~~

~~(b) A This section does not prohibit any library, or any business operating jointly with the library may, only for the purpose of collecting fines or recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library, disclose, from disclosing information made confidential and exempt by this section to the following:~~

1. The library patron named in the records;
 2. In the case of a library patron less than 16 years of age, the parent or guardian of that patron named in the records;
 3. Any entity that collects fines on behalf of a library, unless the patron is less than 16 years of age, in which case only information identifying the patron's parent or guardian may be released;
 4. Municipal or county law enforcement officials, unless the patron is 16 years of age, in which case only information identifying the patron's parent or guardian may be released; or to
 5. ~~Judicial officials, for the purpose of recovering overdue books, documents, films, or other items or materials owned or otherwise belonging to the library. This section does not prohibit any library, or any business operating jointly with the library, from disclosing information to municipal or county law enforcement officials or to judicial officials or to any business for the purpose of collecting fines or overdue books, documents, films, or other items or materials. In the case of a public library patron under the age of 16, a public library may only release confidential information relating to the parent or guardian of the person under 16.~~
- (4) Any person who violates this section ~~commits~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. This act shall take effect July 1, 2003.

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.