Staff Summary

This ordinance proposes to repeal Article II of Chapter 12 of the Lake County Code, entitled "Law Library", and to amend Article II of Chapter 9 of the Lake County Code, entitled "Court Costs and Fees", to remove references to the law library. Staff has determined that the County is not required to provide a law library under Florida law, that the savings to Lake County by eliminating the law library would amount to $182,017, and that a relatively small number of people utilize the law library and its online legal database in comparison to the number of citizens who might be affected by other cost saving measures such as branch closures or service cuts.

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

ORDINANCE NO. 2013 - 18

AN ORDINANCE OF THE BOARD OF THE COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; REPEALING LAKE COUNTY CODE CHAPTER 12, ARTICLE II, ENTITLED "LAW LIBRARY"; AND AMENDING CHAPTER 9, ARTICLE II, ENTITLED "COURT COSTS AND FEES", IN ORDER TO REMOVE REFERENCES TO THE LAW LIBRARY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 8, 2013, at a duly advertised public meeting, the Lake County Board of County Commissioners heard from Public Resources staff on the Lake County library budget; and

WHEREAS, staff testified at the January 8, 2013 hearing that use of the Lake County library system has increased since 2008, while at the same time, the system has experienced budgetary constraints; and

WHEREAS, Lake County has already implemented other cost-saving measures for the Lake County library system such as elimination of interlibrary loans, reduced hours of operation and utilization of volunteers; and

WHEREAS, staff testified at the January 8, 2013 hearing that the Lake County law library, which consists of some printed materials located at Cooper Memorial Library and public access to the Westlaw database, costs Lake County $182,017 per year to run; and

WHEREAS, Section 939.185, Florida Statutes, sets out requirements for the expenditure of an additional court cost that may be imposed by the County in certain cases, and states that twenty five percent (25%) of the amount collected is to be allocated to a law library, but also permits the County to use any unspent funds collected pursuant to the statute for innovations to the state court system, and Lake County Code Section 9-16(c) provides for this as well; and

WHEREAS, Lake County has determined that it is not required by Florida law to provide a law library, and that a relatively small number of people utilize the Lake County law library and its online legal database in comparison to the number of people who might be affected by other cost saving measures such as branch closures or service cuts; and

WHEREAS, Lake County wishes to eliminate the law library and amend the Lake County Code accordingly;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida as follows:

Section 1. **Recitals.** The foregoing recitals are true and correct and incorporated herein.

Section 2. **Repeal.** Chapter 12, Article II, Lake County Code, entitled "Law Library", is hereby repealed in its entirety.

Section 3. **Amendment.** Chapter 9, Article II, Lake County Code, entitled "Court Costs and Fees", Section 9-12, entitled "Court facilities surcharge", is hereby amended as follows (deletions are indicated by ~~strikethrough~~, additions are indicated by underline, and the notation "* * *" indicates that all preceding or subsequent text remains unchanged):

Sec. 9-12. Court facilities surcharge.

* * *

(c) *Use of funds.* The funds collected pursuant to this article shall be used to fund state court facilities. ~~Up to twenty-five (25) percent of the revenue from such surcharge may be used to support the local law library provided that the level of service remains equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or annexes.~~ Funds collected pursuant to ~~tin's~~ this article shall be expended in accordance with the direction of the board of county commissioners.

Section 4. **Amendment.** Chapter 9, Article II, Lake County Code, entitled "Court Costs and Fees", Section 9-16, entitled "Additional court costs in criminal cases", is hereby amended as follows (deletions are indicated by ~~strikethrough~~ and additions are indicated by underline):

Sec. 9-16. Additional court costs in criminal cases.

(a) Pursuant to F.S. § 939.185, an additional court cost of sixty-five dollars ($65.00) shall be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, or adjudicated delinquent for any felony, misdemeanor, delinquent act or criminal traffic offense under Florida Statutes. Funds received from this additional court cost shall be distributed as follows:

(1) Twenty-five (25) percent shall be remitted to fund innovations to supplement state funding for the elements of the state court system in Lake County consistent with F.S. § 29.004 and county funding for local requirements under F.S. § 29.008(2)(a)(2).

(2) Twenty-five (25) percent shall be remitted to assist in providing legal aid programs in Lake County consistent with Section 29.008(3)(a), Florida Statutes.

~~(3) Twenty-five (25) percent shall be remitted to fund personnel and legal materials for the public as part of law libraries in Lake County.~~

~~(4)~~(3) Twenty-five (25) percent of the amount collected shall be used as determined by the board of county commissioners to support teen court programs, juvenile assessment centers, and other juvenile alternative programs, except as provided in § 938.19(7), Florida Statutes, and section 9-13 of this Code.

(4) Twenty-five (25) percent of the amount collected and any surplus funds at the end of each county fiscal year shall be reallocated and transferred for use to fund innovations to supplement funding for the State Court system in Lake County under paragraph (a)(1) above.

(b) The court shall order payment of these additional court costs in all matters subject to this chapter, but may defer payment if the person against whom the cost is imposed is indigent.

~~(c) At the end of each county fiscal year during which said additional court costs are collected, any surplus is required to be reallocated and transferred for use to fund innovations to supplement funding for the State Court system in Lake County under paragraph (a)(1) above.~~

Section 5. **Inclusion in Code.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code, and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. **Severability.** If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 7. **Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send a certified copy of this ordinance to the Secretary of State for the State of Florida.

Section 8. **Effective.** This ordinance shall become effective upon filing with the Secretary of State.

Enacted this 26th day of March, 2013.

Filed with the Secretary of State April 5, 2013.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Leslie Campione, Chairman

This 27th day of March, 2013.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney