

1
2
3 **Staff Summary**

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

12 **ORDINANCE NO. 2013 - _____**

13
14 **AN ORDINANCE OF THE BOARD OF THE COUNTY COMMISSIONERS OF**
15 **LAKE COUNTY, FLORIDA; REPEALING LAKE COUNTY CODE CHAPTER**
16 **12, ARTICLE II, ENTITLED “LAW LIBRARY”; AND AMENDING CHAPTER**
17 **9, ARTICLE II, ENTITLED “COURT COSTS AND FEES”, IN ORDER TO**
18 **REMOVE REFERENCES TO THE LAW LIBRARY; PROVIDING FOR**
19 **INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING**
20 **FOR FILING WITH DEPARTMENT OF STATE; AND PROVIDING FOR AN**
21 **EFFECTIVE DATE.**

22
23 **WHEREAS**, on January 8, 2013, at a duly advertised public meeting, the Lake
24 County Board of County Commissioners heard from Public Resources staff on the Lake
25 County library budget; and

26
27 **WHEREAS**, staff testified at the January 8, 2013 hearing that use of the Lake
28 County library system has increased since 2008, while at the same time, the system has
29 experienced budgetary constraints; and

30
31 **WHEREAS**, Lake County has already implemented other cost-saving measures
32 for the Lake County library system such as elimination of interlibrary loans, reduced
33 hours of operation and utilization of volunteers; and

34
35 **WHEREAS**, staff testified at the January 8, 2013 hearing that the Lake County
36 law library, which consists of some printed materials located at Cooper Memorial Library
37 and public access to the Westlaw database, costs Lake County \$182,017 per year to run;
38 and

39
40 **WHEREAS**, Section 939.185, Florida Statutes, sets out requirements for the
41 expenditure of an additional court cost that may be imposed by the County in certain
42 cases, and states that twenty five percent (25%) of the amount collected is to be allocated
43 to a law library, but also permits the County to use any unspent funds collected pursuant
44 to the statute for innovations to the state court system, and Lake County Code Section 9-
45 16(c) provides for this as well; and

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

2 (a) Pursuant to F.S. § 939.185, an additional court cost of sixty-five dollars
3 (\$65.00) shall be imposed by the court when a person pleads guilty or nolo
4 contendere to, or is found guilty of, or adjudicated delinquent for any felony,
5 misdemeanor, delinquent act or criminal traffic offense under Florida Statutes.
6 Funds received from this additional court cost shall be distributed as follows:

7
8 (1) Twenty-five (25) percent shall be remitted to fund innovations to
9 supplement state funding for the elements of the state court system
10 in Lake County consistent with F.S. § 29.004 and county funding
11 for local requirements under F.S. § 29.008(2)(a)(2).

12
13 (2) Twenty-five (25) percent shall be remitted to assist in providing
14 legal aid programs in Lake County consistent with Section
15 29.008(3)(a), Florida Statutes.

16
17 ~~(3) Twenty-five (25) percent shall be remitted to fund personnel and~~
18 ~~legal materials for the public as part of law libraries in Lake~~
19 ~~County.~~

20
21 (4)(3) Twenty-five (25) percent of the amount collected shall be used as
22 determined by the board of county commissioners to support teen
23 court programs, juvenile assessment centers, and other juvenile
24 alternative programs, except as provided in § 938.19(7), Florida
25 Statutes, and section 9-13 of this Code.

26
27 (4) Twenty-five (25) percent of the amount collected and any surplus
28 funds at the end of each county fiscal year shall be reallocated and
29 transferred for use to fund innovations to supplement funding for
30 the State Court system in Lake County under paragraph (a)(1)
31 above.

32
33 (b) The court shall order payment of these additional court costs in all matters
34 subject to this chapter, but may defer payment if the person against whom the cost
35 is imposed is indigent.

36
37 ~~(c) At the end of each county fiscal year during which said additional court~~
38 ~~costs are collected, any surplus is required to be reallocated and transferred for~~
39 ~~use to fund innovations to supplement funding for the State Court system in Lake~~
40 ~~County under paragraph (a)(1) above.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

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 _____ day of _____, 2013.

Filed with the Secretary of State _____, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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

Leslie Campione, Chairman

This _____ day of _____, 2013.

Approved as to form and legality:

Sanford A. Minkoff
County Attorney