

ORDINANCE NO.: 2008-08

AN ORDINANCE AMENDING A CODIFIED COMPILED LOCAL LAW RELATING TO THE COMPOSITION AND ORGANIZATION OF THE HERNANDO COUNTY LAW LIBRARY BOARD; PROVIDING FOR MEMBERSHIP ON THE BOARD AND FOR A CHAIRMAN, SUBJECT TO EXCEPTIONS FOR INCUMBENT MEMBERS PRIOR TO THE END OF THEIR TERMS; REMOVING CERTAIN OBSOLETE TERMINOLOGY RELATING TO INITIAL BOARD ORGANIZATION; PROVIDING FOR SEVERABILITY; DIRECTING CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

WHEREAS, Ch. 65-1627, § 1; Laws of Fla., as amended by Ch. 98-505, Laws of Fla., and as compiled in Part I, Article V, Division Two, Hernando County Code of Ordinances, referred to herein as this act, created a Hernando County Law Library Board and provided for designation and/or appointment of certain members and for organization of the board, and **WHEREAS**, Art. VIII, section 6(d), Fla. Const. (1968), authorizes amendment of certain special acts by home rule ordinance, and **WHEREAS**, members of the Hernando County Law Library Board have requested certain changes in the composition and organization of the board to assure its continued effective functionality, and **WHEREAS**, additional changes are desirable to clarify certain section headings that do not conform to substantive content and to remove certain obsolete provisions relating to initial terms of members and initial organizational requirements for the board, the Hernando County Board of County Commissioners hereby ordains these limited amendments to the compiled special act and directs its codification in the Hernando County Code of Ordinances, with the

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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indicated changes in section headings and section content based on deletion of struck-through text and the addition of underlined text, as follows:

Section 1. Need declared.

It is declared that the proper administration of justice and of the courts makes it desirable and necessary that there be available to the county officials and the judges and officers of the several courts of Hernando County a central and adequate law library, and the establishment and maintenance of such central law library is a public need and for a general county purpose.

Section 2. Created.

There is created and established in Hernando County a central law library under the direction of the law library board created by Ch. 65-1627, § 1; Laws of Fla., as compiled in Part I, Article V, Division Two, Hernando County Code of Ordinances, referred to herein as this act, to be located in the courthouse of the county for the use of county officials and the judges and officers of the several courts of the county. The library shall be operated under such rules as the law library board from time to time adopts. All legitimate claims against the county for the conduct and operation of the central law library shall be paid in the same manner as for the conduct and operation of the courts within the county from the fund provided in this act.

Section 3. Law library board--Composition; terms; ~~power to purchase books and equipment~~; quorum; filling of vacancies.

The law library board shall consist, at a minimum, of the incumbent president of the Hernando County Bar Association and two other ~~three (3)~~ practicing members of the ~~Hernando County Bar Association~~ who shall be appointed by the board of county commissioners of Hernando County ~~for an initial term of 2 years;~~ a judge of the Fifth Judicial Circuit, elected from

Hernando County, who shall be the chairman of the board; and a county judge of Hernando County, who shall be appointed by the Administrative Judge of the Fifth Judicial Circuit; and a representative of the County Attorney's Office and their successors in office. Thereafter, upon the expiration of the terms of the members so appointed, ~~successor members shall be appointed~~ Appointed members shall serve for 4-year terms. Three members of the board constitute a quorum. Vacancies occurring on the board shall be filled by appointment by the board of county commissioners for the unexpired portion of the term. Any amendment hereto affecting the composition of the board shall not apply to incumbent members of the board during their term. The Board of County Commissioners on request of the law library board may add additional members, who may be practicing or non-practicing attorneys or lay members, who shall also serve four-year terms.

Section 4. ~~Same--Organizational meeting~~ Meetings; officers' duties.

The members of the library board shall meet ~~and organize within 30 days after their appointment and~~ semiannually or at such other intervals as the chairman may determine appropriate. At the first meeting of any calendar year, the board thereafter and shall elect one member ~~chairman,~~ another secretary, and another treasurer. The duties of the officers shall be those usually pertaining to such respective offices. The chairman or his or her staff shall be responsible for providing notice of meetings in compliance with applicable state law.

Section 5. ~~Annual expenditures limited~~ Powers; use of funds.

The law library board shall use fees established by ordinance or revenue from other available sources, and it has full power to purchase books and library equipment on time payments or for cash and to enter into binding contracts for such purchases.

Section 6. Same--Rules and regulations.

The law library board may adopt rules for governing the library.

Section 7. Fee levied on each civil case for support.

There is levied a fee for each civil ~~and probate~~ case, suit or proceeding filed in the circuit and county courts of Hernando County to be paid at the institution of such case, action, or proceeding. The amount of the fee shall be established by ordinance. Expenditures made by the library board shall be paid from the library fund in accordance with established policies in Hernando County.

Section 8. Commissioners' authority to provide for maintenance and operation.

The Board of County Commissioners of Hernando County may either acquire and provide for the maintenance and operation of the public law library hereby created from existing established facilities or establish new and independent facilities.

Section 9. Library to be property of county commission.

The library hereby created, ~~when established and organized in conformity with this act,~~ shall belong to and be the property of the Board of County Commissioners of Hernando County.

Section 10. Annual reports.

The chairman of the law library board shall make annual reports to the Board of County Commissioners of Hernando County, giving such statistics and other information as may be requested by the board of county commissioners.

Section 11. Profit.

No profit from the operation of the library or the facilities described in this act shall inure to Hernando County or any person, firm, association, corporation, or other organization.

Section 12. Severability.

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

Section 13. Codification.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the work "ordinance" may be changed to "section", "article", or other appropriate designation.

Section 14. Effective date.

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 15th day of April, 2008.

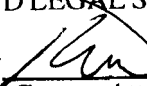
**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: 
KAREN NICOLAI
Clerk



The seal is circular with a double-line border. The outer ring contains the text "BOARD OF COUNTY COMMISSIONERS" at the top and "HERNANDO COUNTY, FLORIDA" at the bottom. In the center, the word "SEAL" is printed in large, bold, capital letters.

By: 
CHRISTOPHER A. KINGSLEY
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY:  kw 4/15/08
County Attorney's Office