

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1440

SPONSOR: Governmental Oversight & Productivity Committee and Senator Posey

SUBJECT: State-Agency Publications

DATE: February 26, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Favorable/CS
2.	_____	_____	CM	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	RC	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute prohibits an agency from sending an unsolicited report or newsletter by United States mail, e-mail or other means of delivery to anyone in Florida. The bill clarifies standards for sending reports and newsletters upon request.

This bill creates section 283.551 of the Florida Statutes.

II. Present Situation:

Chapter 283, F.S., contains requirements for public printing by agencies. The term “agency” is defined in s. 283.30(1), F.S., to mean

. . . any official, officer, department, board, commission, division, bureau, section, district, office, authority, committee, or council, or any other unit of organization, however designated, of the executive branch of state government, and the Public Service Commission.

The act authorizes agencies to print publications in-house, to use another agency or the Legislature, or purchase printing services on bid, whichever is more economical and practicable as determined by the agency. The act also requires agencies to use recycled paper, when economical.

By March 1 of each odd-numbered year, every agency must survey the addressee on each of its publication mailing lists. Each addressee must be provided a form that requests whether the receiver wishes to continue to receive publications. The form must advise the addressee that failure to respond to the survey will result in purging from the list. This provision does not apply

to universities or to an agency whose mailing list consists only of persons registered with or licensed by the agency where payment of the registration or license fee makes that person a subscriber to agency publications.

III. Effect of Proposed Changes:

The committee substitute creates a new s. 282.551, F.S., that would prohibit an agency from providing any general unsolicited report or newsletter by United States mail, e-mail or other means of delivery to any person in Florida, unless otherwise required by law.

Section 1.01(3), F.S., defines the word "person" to include

. . . individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

The committee substitute explicitly includes an elected or appointed officer or governmental employee within those persons who are not to receive unsolicited reports or newsletters. Additionally, unsolicited reports or newsletters are not to be sent to any state or local governmental entity.

The committee substitute permits an agency to send a report or newsletter upon request by regular mail, e-mail or other means of delivery. Further, the bill permits a person to request to receive all agency reports and newsletters, but requires the requestor to state how he or she wishes to receive the reports and newsletters (e.g., by regular mail, e-mail or other means of delivery). An agency is required to determine whether requestors want to renew these subscriptions pursuant to s. 283.55, F.S., every other year.

The committee substitute authorizes agencies to post any general reports on its Internet website.

The committee substitute is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill does not create an exemption. Further, agencies would still be required to provide persons with the ability to inspect or copy any public record under Art. I, s. 24 of the State Constitution and ch. 119, F.S.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Persons with computers should not be negatively affected by the bill. Persons without a computer or without access to a computer, however, may experience additional costs because they may have to purchase a computer to receive reports or they may lose time if they must visit a library or other place where they can obtain computer access.

C. Government Sector Impact:

While indeterminate, there should be a savings to agencies if mailing of publications and newsletters is decreased because printing costs and mailing costs will be greatly reduced if not eliminated.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Currently, executive branch agencies should not be sending out unsolicited mailings under the requirements of s. 283.55, F.S., as agencies should be purging their mailing lists on an annual basis.

VIII. Amendments:

None.