

# 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: SB 1768

SPONSOR: Senator Haridopolos

SUBJECT: State-Agency Publications

DATE: March 27, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CP</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Senate Bill 1768 prohibits an agency from sending an unsolicited general report or newsletter by United States mail or other means of delivery, except by e-mail, to anyone in Florida, unless otherwise authorized by law. The bill clarifies standards for sending reports and newsletters upon request.

This bill creates section 283.551, 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.

Section 283.33, F.S., 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. Section 283.32, F.S., also requires agencies to use recycled paper, when economical.

Every agency is required to survey the addressees on its publication mailing list by March 1 of each odd-numbered year.<sup>1</sup> Each addressee must be provided a form that requests whether the

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<sup>1</sup> Section 283.55, F.S.

receiver wishes to continue to receive publications. The form must advise the addressee that failure to respond to the survey by April 30 of that year will result in purging from the list.

Section 283.55(1), F.S., states that those addressees who do not respond to the survey shall be automatically purged from the mailing 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:**

**Section 1** creates s. 283.551, F.S., which would prohibit an agency from providing any general unsolicited report or newsletter by United States mail or other means of delivery to any person<sup>2</sup> in Florida, unless otherwise required by law. The bill explicitly exempts the use of email from the prohibition.

The bill 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 bill explicitly does not apply to regulatory newsletters provided to affected persons or to reports or newsletters relating to the prevention or treatment of disease or injury.

The bill requires an agency to send a report or newsletter upon a specific request by any person, including an elected or appointed officer or governmental employee, or to any state or local governmental entity, by regular mail, e-mail, or other means of delivery. A general request to receive all agency reports or newsletters is also authorized, though the general request must be renewed annually pursuant to s. 283.55, F.S. Further, the bill 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).

The bill authorizes an agency to post any general reports on its Internet website.

**Section 2** provides the bill is effective upon becoming a law.

### IV. **Constitutional Issues:**

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>2</sup> 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."

**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, 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:**

The public sector should receive fewer unsolicited newsletters or reports.

**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 because agencies should be purging their mailing lists on an annual basis pursuant to s. 283.55, F.S., and removing from their mailing lists persons who do not respond.

Excluding e-mail from the prohibition on unsolicited mail, in effect, could be interpreted as authorizing unsolicited e-mail.

**VIII. Amendments:**

None.