

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1913 (PCB SA 03-32) State Agency Report Distribution  
**SPONSOR(S):** State Administration and Mack  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1768

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) State Administration	4 Y, 0 N	Brazzell	Everhart
2)			
3)			
4)			
5)			

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**SUMMARY ANALYSIS**

This bill defines the terms “general report” and “newsletter” and prohibits an agency from mailing general reports or newsletters unless requested or otherwise authorized by law.

It authorizes agencies to post general reports and newsletters on the agencies’ websites.

This bill does not appear to have a fiscal impact on state or local governments.

This bill takes effect upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background:**

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.”

Pursuant to s. 283.55, F.S., every agency is required to survey the addressees on its publication mailing list by March 1 of each odd-numbered year. 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 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. However, this is not required of universities or of 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.

Chapter 119, F.S., governs public records. Section 119.01, F.S., states that “providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, then such access should be provided in the most cost effective and efficient manner available to the agency providing the information.”

##### **Proposed Changes:**

The bill defines the terms “general report” and “newsletter” and provides that except as otherwise required by law, agencies may not mail general reports and newsletters except in response to requests.

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 authorizes an agency to post any general reports or newsletters on its Internet website.

The bill is effective upon becoming a law.

#### C. SECTION DIRECTORY:

Section 1 amends s. 283.30, F.S., to define the terms “general report” and “newsletter”.

Section 2 creates s. 283.551, F.S., to govern the distribution of general reports and newsletters.

Section 3 provides that the bill is effective upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues: None.
2. Expenditures: While indeterminate, there may be a savings to agencies from reduced printing and postage costs if mailing of publications and newsletters is reduced.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues: None.
2. Expenditures: None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.**

### **D. FISCAL COMMENTS: None.**

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision: Not applicable.
2. Other: None.

### **B. RULE-MAKING AUTHORITY: Not applicable.**

### **C. DRAFTING ISSUES OR OTHER COMMENTS: None.**

## **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

PCB SA 03-32 was amended by the Committee on State Administration on April 14, 2003. This amendment defined the terms "general report" and "newsletter". It deleted explicit references to elected or appointed officers, governmental employees, and state or local governmental entities as parties to whom general reports and newsletters should not be mailed. It also deleted the requirement that requestors specify the method of delivery. The bill was reported favorably, as amended.

