

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

BILL: SB 128

INTRODUCER: Senator Bullard

SUBJECT: Public Printing

DATE: January 31, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Naf	Roberts	GO	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

This bill revises requirements for records pertaining to justification of agency printing jobs costing more than a statutorily-specified amount.

This bill substantially amends section 283.31, Florida Statutes.

II. Present Situation:

Printing of Agency Publications

An agency must maintain a record of a printed publication¹ if:

- The printing cost is greater than that provided in s. 287.017, F.S.², for CATEGORY THREE³, and
- At least part of the printing cost is paid by funds appropriated by the Legislature.⁴

¹ Section 283.31, F.S., provides that “publication” is as defined as in s. 257.05, F.S. Section 257.05, F.S., does not define “publication,” but it defines “public document” to mean “any document, report, directory, bibliography, rule, newsletter, pamphlet, brochure, periodical, or other publication, whether in print or nonprint format, that is paid for in whole or in part by funds appropriated by the Legislature and may be subject to distribution to the public; however, the term excludes publications for internal use by an executive agency as defined in s. 283.30.”

² Section 287.017, F.S., provides purchasing categories for state agency procurement.

³ On January 31, 2010, the threshold amount provided for CATEGORY THREE was \$65,000.

⁴ Section 283.31, F.S.

The record must contain:

- Written justification of the need for the publication.
- The purpose of the publication.
- Legislative or administrative authority.
- Sources of funding.
- Frequency and number of issues.
- Reasons for deciding to have the publication printed in-house, by another agency or the Legislature, or purchased on bid.
- Comparative costs of alternative printing methods *if* those costs were a factor in deciding upon a method.

The record of the corporation operating the correctional industry printing program⁵ must include:

- Cost of materials used.
- Cost of labor.
- Cost of overhead.
- Amount of profit made by the corporation.
- Whether the state agencies that contract with the corporation for printing are prudently determining the price paid.

OPPAGA Report No. 05-53: State Printing Expenditures Have Decreased, But Additional Steps Could Produce More Savings

The Florida Office of Program Policy Analysis and Government Accountability (OPPAGA) is a staff unit of the Legislature created by state law. It provides independent examinations, program reviews, and other projects as directed.⁶

OPPAGA Report No. 05-53 examined the production and distribution of public documents by state agencies. Included in the report was a finding that agencies were not consistently justifying publications exceeding the statutory cost threshold in s. 283.31, F.S. The report recommended that agencies be required to report the statutorily-required justifications annually in their legislative budget requests.⁷

III. Effect of Proposed Changes:

This bill:

- Deletes the link of the term “publication” to the definition in s. 257.05, F.S.
- Specifies that the written justification is for printing and distributing printed copies of the publication.

⁵ Section 283.31, F.S., does not explain what the “corporation operating the correctional industry printing program” is, but the staff analysis for ch. 90-335, L.O.F., the law in which the corporation is first mentioned in the section, states that the corporation is Prison Rehabilitative Industries and Diversified Enterprises, Inc., the nonprofit corporation operating the correctional industry program described in part II, ch. 946, F.S.

⁶ Section 11.51(1), F.S.

⁷ Florida Office of Program Policy and Government Accountability website, <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0553rpt.pdf>, OPPAGA Report No. 05-53, last viewed on February 2, 2011.

- Requires inclusion in the written justification of whether the publication is also available electronically.
- Requires inclusion of the written justification in the agency's annual legislative budget request.⁸
- Specifies that the description of sources of funding applies to the printing and distribution of the publication.
- Requires the record to contain the number of printed copies of the publication.

The bill provides an effective date of July 1, 2011.

Other potential implications:

The bill deletes the link of the term "publication" to the definition in s. 257.05, F.S., which excludes internal agency documents. The requirements of s. 283.31, F.S., will therefore apply to "publication(s)"⁹ as defined in s. 283.30, F.S., which includes internal documents.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

⁸ Section 216.023, F.S., requires the head of each state agency to submit a final legislative budget request to the Legislature and to the Governor each year.

⁹ Section 283.30, F.S., defines "publication" as "any document, whether produced for public or internal distribution."

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 283.31, F.S., refers to the “corporation operating the correctional industry printing program,” but does not explain what that corporation is. The Legislature may wish to consider amending the section to link the term to the description of the nonprofit corporation operating the correctional industry program found in part II, ch. 946, F.S.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.