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HB 553

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2 An act relating to public libraries; amending s.
3 257.015, F.S.; defining the terms "depository library"
4 and "state publication"; amending s. 257.02, F.S.;
5 revising the composition and duties of the State
6 Library Council; amending s. 257.04, F.S.; revising
7 the powers and duties of the Division of Library and
8 Information Services of the Department of State;
9 requiring the division to coordinate with the Division
10 of Blind Services of the Department of Education to
11 provide certain services; authorizing the division to
12 issue electronic information; amending s. 257.05,
13 F.S.; providing legislative findings; revising
14 provisions regarding the delivery and distribution of
15 publications; requiring specified entities in state
16 government to designate a state publications liaison;
17 removing the definition of the term "public document";
18 revising the duties of the division with respect to
19 the management of the State Publications Program;
20 amending s. 257.36, F.S.; removing a provision
21 requiring the division to provide a centralized
22 microfilming program for state agencies; amending ss.
23 257.105, 283.31, and 286.001, F.S.; conforming
24 provisions to changes made by the act; providing an
25 effective date.
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27 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 257.015, Florida Statutes, is amended to read:

257.015 Definitions.—As used in this chapter, the term:

(1) "Department" means the Department of State.

(2) "Depository library" means a library that has been designated as a depository for receiving state publications in accordance with s. 257.05(3).

~~(3)-(2)~~ "Division" means the Division of Library and Information Services of the Department of State.

~~(4)-(3)~~ "Secretary" means the Secretary of State.

~~(5)-(4)~~ "State Librarian" means the person appointed by the secretary as the director of the Division of Library and Information Services pursuant to s. 257.031.

(6) "State publication" means a publication created under the authority of or at the total or partial expense of a state official, state department, state board, state court, or state agency, or that is required to be publicly distributed pursuant to state law. The term includes a publication containing information about the state and its government which is culturally and historically significant to researchers and the general public. The term does not include a publication that is created only for internal use of a state official, state department, state board, state court, or state agency.

Section 2. Section 257.02, Florida Statutes, is amended to

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53 read:

54 257.02 State Library Council.—

55 (1) There shall be a State Library Council to advise and
56 assist the division with planning, policy, and priorities
57 related to the development of statewide information services of
58 Library and Information Services on its programs and activities.
59 The council shall consist of nine members who shall be appointed
60 by the Secretary of State. Of the nine members, three members
61 must represent Florida public libraries, two members must
62 represent the Florida Academic Library Services Cooperative, one
63 member must represent a multitype library cooperative, one
64 member must represent a school library media center, one member
65 must represent the Independent Colleges and Universities of
66 Florida, and at least one member must represent a Florida
67 library professional association, ~~at least one must represent a~~
68 ~~Florida archive professional association, at least one must~~
69 ~~represent a Florida records management professional association,~~
70 ~~and at least one must be a person who is not, and has never~~
71 ~~been, employed in a library or in teaching library science~~
72 ~~courses.~~ Members shall be appointed for 4-year terms. A vacancy
73 on the council shall be filled for the period of the unexpired
74 term. A ~~No~~ person may not be appointed to serve more than two
75 consecutive terms as a member of the council. The secretary ~~of~~
76 ~~State~~ may remove from office any council member for malfeasance,
77 misfeasance, neglect of duty, incompetence, permanent inability
78 to perform official duties, or pleading guilty or nolo

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79 | contendere to, or being found guilty of, a felony.

80 | (2) Members of the council shall serve without
 81 | compensation or honorarium but are ~~shall be~~ entitled to receive
 82 | reimbursement for per diem and travel expenses as provided in s.
 83 | 112.061. The council shall meet at the call of its chair, at the
 84 | request of a majority of its membership, at the request of the
 85 | division, or at such times as may be prescribed by its rules.

86 | ~~(3) The Secretary of State may, in making appointments,~~
 87 | ~~consult Florida's library, archival, or records management~~
 88 | ~~community and related statewide associations and organizations~~
 89 | ~~for suggestions as to persons having special knowledge and~~
 90 | ~~interest concerning libraries.~~

91 | (3)~~(4)~~ The officers of the State Library Council shall be
 92 | a chair, elected from the members thereof, and the State
 93 | Librarian, who shall serve without voting rights as secretary of
 94 | the council.

95 | Section 3. Section 257.04, Florida Statutes, is amended to
 96 | read:

97 | 257.04 Publications, pictures, and other documents
 98 | received to constitute part of State Library; powers and duties
 99 | of Division of Library and Information Services.—

100 | (1) All books, pictures, documents, publications, and
 101 | manuscripts received through gifts, purchase, or exchange, or on
 102 | deposit from any source for the use of the state, shall
 103 | constitute a part of the State Library and shall be placed
 104 | therein for the use of the public under the control of the

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105 ~~division of Library and Information Services of the Department~~
 106 ~~of State.~~ The division may receive gifts of money, books, or
 107 other property which may be used or held for the ~~purpose or~~
 108 purposes given; and it may purchase books, periodicals,
 109 furniture, and equipment as ~~it deems~~ necessary to promote the
 110 efficient operation of the service it is expected to render to
 111 state officials, employees, and the public.

112 (2) The division may, upon request, give aid and
 113 assistance, financial, advisory, or otherwise, to all school,
 114 state institutional, academic, free, and public libraries, and
 115 to all communities in the state which may propose to establish
 116 libraries, as to the best means of establishing and
 117 administering libraries, selecting and cataloging books, and
 118 other facets of library management.

119 (3) The division shall maintain a library for state
 120 officials and employees, especially of informational material
 121 pertaining to ~~the phases of their work, and provide for them~~
 122 ~~material for general reading and study.~~

123 (4) The division shall maintain and provide research and
 124 information services for ~~all~~ state agencies.

125 (5) The division shall make all necessary arrangements to
 126 coordinate with the Division of Blind Services of the Department
 127 of Education to provide library services to the blind and
 128 physically handicapped persons of the state.

129 (6) The division may issue printed material and electronic
 130 information, such as lists and circulars of information, and in

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131 the publication thereof may cooperate with state library
 132 commissions and libraries of other states in order to secure the
 133 more economical administration of the work for which it is
 134 formed. The division ~~It~~ may conduct courses of library
 135 instruction and hold librarians' institutes in various parts of
 136 the state.

137 (7) The division shall perform such other services and
 138 engage in any other activity, not contrary to law, ~~that it may~~
 139 ~~think~~ appropriate in the development of library service to state
 140 government, to the libraries and library profession of the
 141 state, and to the citizens of the state.

142 Section 4. Section 257.05, Florida Statutes, is amended to
 143 read:

144 257.05 State Publications Program ~~Public documents;~~
 145 ~~delivery to, and distribution by, division.-~~

146 (1) The Legislature finds that the State Publications
 147 Program increases accessibility to culturally and historically
 148 significant information about the state and its government for
 149 researchers and the general public through the distribution of
 150 state publications to depository libraries throughout the state.

151 (2) Each state official, state department, state board,
 152 state court, or state agency:

153 (a) Shall furnish its state publications to the division
 154 for distribution to depository libraries throughout the state
 155 upon the publication's release in accordance with division rule.

156 (b) Shall designate a state publications liaison. Upon

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157 designation of a liaison, a state official, state department,
 158 state board, state court, or state agency shall provide the
 159 division with the liaison's name and contact information. Each
 160 state publications liaison shall maintain a list of his or her
 161 respective entity's state publications and furnish the list to
 162 the division as updated or by December 31 of each year ~~The term~~
 163 ~~"public document" as used in this section means any document,~~
 164 ~~report, directory, bibliography, rule, newsletter, pamphlet,~~
 165 ~~brochure, periodical, or other publication, whether in print or~~
 166 ~~nonprint format, that is paid for in whole or in part by funds~~
 167 ~~appropriated by the Legislature and may be subject to~~
 168 ~~distribution to the public; however, the term excludes~~
 169 ~~publications for internal use by an executive agency as defined~~
 170 ~~in s. 283.30.~~

171 ~~(2) (a) Each state official, state department, state board,~~
 172 ~~state court, or state agency issuing public documents shall~~
 173 ~~furnish the Division of Library and Information Services of the~~
 174 ~~Department of State 35 copies of each of those public documents,~~
 175 ~~as issued, for deposit in and distribution by the division.~~
 176 ~~However, if the division so requests, as many as 15 additional~~
 177 ~~copies of each public document shall be supplied to it.~~

178 ~~(b) If any state official, state department, state board,~~
 179 ~~state court, or state agency has fewer than 40 copies of any~~
 180 ~~public document, it shall supply the division with 2 copies of~~
 181 ~~each such public document for deposit in the State Library.~~

182 ~~(c) By December 31 of each year, any state official, state~~

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183 ~~department, state board, state court, or state agency issuing~~
 184 ~~public documents shall furnish to the division a list of all~~
 185 ~~public documents, including each publication that is on the~~
 186 ~~agency's website, issued by the official, department, board,~~
 187 ~~court, or agency during that calendar year.~~

188 (c)-(d) Shall, if having charge of their distribution,
 189 furnish the division with As issued, daily journals and bound
 190 journals of each house of the Legislature, as issued; slip laws
 191 and bound session laws, both general and special; and Florida
 192 Statutes and supplements thereto ~~shall be furnished to the~~
 193 ~~division by the state official, department, or agency having~~
 194 ~~charge of their distribution.~~ The number of copies furnished
 195 shall be determined by requests of the division, ~~which number in~~
 196 ~~no case may exceed 35 copies of the particular publication.~~

197 (3) It is the duty of the division to:

198 (a) Manage the State Publications Program.

199 (b) Designate university, college, and public libraries as
 200 depository libraries for state publications ~~depositories for~~
 201 ~~public documents and to designate certain of these depositories~~
 202 ~~as regional centers for full collections of public documents. A~~
 203 depository library must maintain state publications in a form
 204 that is convenient and accessible to the public. The division
 205 shall be the official repository for state publications.

206 (c)-(b) Create a distribution ~~Provide a system to provide~~
 207 ~~of distribution of the copies of state publications to~~
 208 depository libraries ~~furnished to it under subsection (2) to~~

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209 ~~such depositories.~~

210 (d)~~(e)~~ Create ~~Publish~~ a periodic bibliography for the
 211 State Publications Program ~~of the publications of the state.~~

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213 The division may exchange copies of state publications ~~public~~
 214 ~~documents~~ for those of other states, territories, and countries.
 215 ~~Depositories receiving public documents under this section shall~~
 216 ~~keep them in a convenient form accessible to the public.~~

217 Section 5. Paragraph (h) of subsection (1) of section
 218 257.36, Florida Statutes, is amended, and present paragraphs (i)
 219 through (l) of subsection (1) are redesignated as paragraphs (h)
 220 through (k), respectively, to read:

221 257.36 Records and information management.—

222 (1) There is created within the Division of Library and
 223 Information Services of the Department of State a records and
 224 information management program. It is the duty and
 225 responsibility of the division to:

226 ~~(h) Provide a centralized program of microfilming for the~~
 227 ~~benefit of all agencies.~~

228 Section 6. Section 257.105, Florida Statutes, is amended
 229 to read:

230 257.105 State publications ~~Public documents~~; copies to
 231 Library of Congress.—Any state official or state agency, board,
 232 commission, or institution having charge of state publications
 233 hereinafter named is authorized and directed to furnish the
 234 Library of Congress in Washington, D.C., upon requisition from

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235 the Library of Congress, up to three copies of the journals of
236 both houses of the Legislature; volumes of the Supreme Court
237 Reports; volumes of periodic reports of Cabinet officers; and
238 copies of reports, studies, maps, or other publications by
239 official boards or institutions of the state, from time to time,
240 as such are published and are available for public distribution.

241 Section 7. Section 283.31, Florida Statutes, is amended to
242 read:

243 283.31 Records of executive agency publications.—Each
244 agency shall maintain a record of any state publication, as
245 defined in s. 257.015 ~~s. 257.05~~, the printing of which costs in
246 excess of the threshold amount provided in s. 287.017 for
247 CATEGORY THREE, at least part of which is paid for by state
248 funds appropriated by the Legislature. Such record shall also
249 contain the following: written justification of the need for
250 such publication, purpose of such publication, legislative or
251 administrative authority, sources of funding, frequency and
252 number of issues, and reasons for deciding to have the
253 publication printed in-house, by another agency or the
254 Legislature, or purchased on bid. In addition, such record shall
255 contain the comparative costs of alternative printing methods
256 when such costs were a factor in deciding upon a method. The
257 record of the corporation operating the correctional industry
258 printing program shall include the cost of materials used, the
259 cost of labor, the cost of overhead, the amount of profit made
260 by the corporation for such printing, and whether the state

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261 agencies that contract with the corporation for printing are
 262 prudently determining the price paid for such printing.

263 Section 8. Subsections (2) and (4) of section 286.001,
 264 Florida Statutes, are amended to read:

265 286.001 Reports statutorily required; filing, maintenance,
 266 retrieval, and provision of copies.—

267 (2) With respect to reports statutorily required of
 268 agencies or officers within the executive, legislative, or
 269 judicial branches of state government, the State Board of
 270 Education, the Board of Governors of the State University
 271 System, or the Public Service Commission, it is the duty of the
 272 division, in addition to its duties under s. 257.05, to:

273 (a) Regularly compile and update bibliographic information
 274 on such reports for distribution as provided in paragraph (b).
 275 Such bibliographic information may be included in the
 276 bibliographies prepared by the division pursuant to s. 257.05(3)
 277 ~~s. 257.05(3)(c)~~.

278 (b) Provide for at least quarterly distribution of
 279 bibliographic information on reports to:

280 1. Agencies and officers within the executive,
 281 legislative, and judicial branches of state government, the
 282 State Board of Education, the Board of Governors of the State
 283 University System, and the Public Service Commission, free of
 284 charge; and

285 2. Other interested parties upon request properly made and
 286 upon payment of the actual cost of duplication pursuant to s.

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287 119.07(1).

288 (4) ~~Nothing in~~ This section may not ~~shall~~ be construed to
289 waive or modify the requirement in s. 257.05(2) pertaining to
290 the provision of copies of state publications ~~public documents~~
291 to the division.

292 Section 9. This act shall take effect July 1, 2015.