

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 1009 Statutorily Required Reports
SPONSOR(S): State Affairs Committee, Lopez, V. and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 234

FINAL HOUSE FLOOR ACTION: 113 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/HB 1009 passed the House on May 3, 2023, as CS/SB 234.

The Department of State's (Department) Division of Library and Information Services (Division) manages the State Library and the State Archives of Florida and is the designated information resource provider for the state. The Division also operates the State Publications Program, known as the Florida State Publications Depository Program.

The bill revises the Division's process for collecting and distributing state publications. The bill provides that the Legislature intends for the Division to receive statutorily required reports and, by January 1, 2024, requires the division to implement and maintain a publicly available, Internet-based system that includes certain features and functions.

The bill provides that a state entity electronically filing a report and providing the Division with one copy fulfills its filing requirement. Each submitting entity is responsible for redacting any portion of the report not subject to public inspection.

By November 1, 2023, the Division must compile a list of all reports and their submission dates and publish the list on the Department's public website. Beginning January 1, 2024, the Division must compile bibliographic information on each report received for publication in the system and must update such information quarterly. Beginning April 15, 2024, the Division must distribute the quarterly update to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

For Fiscal Year 2023-2024, the bill provides an appropriation of \$1 million in nonrecurring funds from the General Revenue Fund to the Department for purposes of implementing and maintaining the database of statutorily required reports and bibliographic information.

The bill was approved by the Governor on May 11, 2023, ch. 2023-41, L.O.F., and becomes effective on July 1, 2023.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

The Division of Library and Information Services

The Department of State's (Department) Division of Library and Information Services (Division)¹ manages the State Library and the State Archives of Florida, supports public libraries, directs record management services, and is the designated information resource provider for the state.² The Division is required to maintain a library for state officials and employees and provide research and informational services for all state agencies.³

The Division also operates the State Publications Program, known as the Florida State Publications Depository Program.⁴

Florida State Publications Depository Program

The Florida State Publications Depository Program enables researchers and the general public to access information by and about state government.⁵ A "state publication" is a publication created under the authority or 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 also 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 the internal use of a state official, state department, state board, state court, or state agency.⁶

State law requires state officials and state entities such as departments, boards, or courts to provide copies of public documents to the Division.⁷ The law also stipulates the number of additional document copies that must be provided under certain circumstances. The State Library keeps at least two paper copies of state documents for its collections and distributes the others to libraries throughout the state. State entities may issue publications in digital form and the State Library makes the full text of such documents available online through the library's searchable catalog.⁸

Required Statutory Reports

Reports that are required or authorized by law and created by any agency or officer of the executive, legislative, or judicial branch of state government, the State Board of Education, the Board of Governors, or the Public Service Commission (agencies) must be filed with the Division.⁹ Agencies also must file an abstract of a report with the statutorily designated recipient. An agency may submit a full report to the designated recipient in addition to the Division only if its agency head determines that the

¹ See Chapter 257, F.S., public libraries and state archives; see also s. 20.10(2), F.S., Department of State.

² See <http://dos.myflorida.com/library-archives/about-us/about-the-state-library-of-florida/> (last viewed on March 6, 2023).

³ S. 257.04, F.S.

⁴ S. 257.05(3), F.S.

⁵ Division of Library and Information Services, *Florida State Publications Depository Program*, www.dos.myflorida.com/library-archives/research/florida-information/government/state-resources/government-documents/florida-state-publications-depository-program/ (last visited March 7, 2023). See also Bureau of Library and Network Services, *Florida Public Documents*, Introduction, 8//*- (July-September 2022), available at <http://edocs.dlis.state.fl.us/fldocs/dos/dlis/publicdoc/2022/07-2022.pdf> (last visited March 6, 2023).

⁶ S. 257.015(6), F.S.

⁷ See s. 257.05(2)(a), F.S.

⁸ Rule 1B-6.0013, F.A.C.

⁹ S. 286.001(1), F.S.

additional cost is justified and submits a one-page justification thereof to the chairs of the governmental operations committees of both houses of the Legislature.¹⁰

The reports collected by the Division in its most recent quarterly bibliography include, among others: several state agencies' annual reports; a Citrus Reference Book from the Department of Citrus; the Florida State Plan on Aging from the Department of Elderly Affairs; the Florida Consumer Confidence Index from the Department of Environmental Protection; and the Texting While Driving Report from the Department of Highway Safety and Motor Vehicles.¹¹ The bibliography details the title of the report, the issuing agency, where it is located (at a depository library or not), its date of publication, a link to an electronic version (if applicable), and a series number and catalog number.

Effect of Proposed Changes

The bill revises the Division's process for collecting and distributing state publications. The bill provides that the Legislature intends for the Division to receive statutorily required reports and, by January 1, 2024, requires the division to implement and maintain a publicly available, Internet-based system that includes certain features and functions. The system must be searchable by, at a minimum, the report's designated recipient, the state entity that submitted the report, the date of the report's submission, the law requiring the state entity to submit the report, and identifiable key words. The bill requires the system to include the ability for state entities to electronically file statutorily required reports and to receive electronic confirmation of such files, and the ability for users to receive automated notifications of filings.

The bill provides that a state entity electronically filing a report and providing the Division with one copy fulfills its filing requirement. It defines the term "state entity" to mean an agency or officer of the executive, legislative, or judicial branch, the State Board of Education, the Board of Governors of the State University System, the Public Service Commission, or a water management district.

The bill provides that the state entity is responsible for redacting any portion of a report that is not subject to public inspection. If a report is redacted, the bill requires the state entity submitting the report to provide to the Division an accompanying statement that identifies the specific statutory basis for the redaction. The Division and the Department are not responsible, and may not be held liable, for the failure of a state entity to redact exempt or confidential and exempt information.

By November 1, 2023, and each November 1 thereafter, the Division must compile a list of all reports and their submission dates and publish the list on the Department's public website. Beginning January 1, 2024, the bill requires the Division to compile bibliographic information on each statutorily required report it receives for publication in the system and to update such information quarterly. Beginning April 15, 2024, and each calendar quarter thereafter, the Division must distribute the quarterly update to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

¹⁰ *Id.*

¹¹ *See supra* note 5.

For Fiscal Year 2023-2024, the bill provides an appropriation of \$1 million in nonrecurring funds from the General Revenue Fund to the Department for purposes of implementing and maintaining the database of statutorily required reports and bibliographic information.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.