

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 1560

SPONSOR: Senators Peaden, Bronson, and others

SUBJECT: Department of Environmental Protection

DATE: April 13, 2001 REVISED: 4/17/01 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>NR</u>	_____
3.	_____	_____	<u>AGG</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes an 18-month pilot project to be conducted by the Department of Environmental Protection (DEP) aimed at publishing all DEP notices on the Internet, rather than in the Florida Administrative Weekly (FAW). Under the bill, any notice the DEP is required by law to publish in the FAW would be published at the DEP's website, and the FAW would contain a notice that all DEP notices may be found at the DEP's website. The bill also requires the DEP to report to the Governor and the Legislature on the cost-effectiveness of the pilot project by December 31, 2002.

The bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Section 120.55, F.S., requires Florida administrative agencies to publish notices and various other materials in the FAW. The FAW is published by the Department of State and distributed to administrative agencies, courts, law schools, the Legislature, and other subscribers. Currently, the FAW has nearly 1,000 subscribers and produces approximately 6,000 pages per subscription per year. The annual cost of a subscription is \$208. In addition to publishing the print version of FAW, the Department of State also posts copies of FAW on the Internet.

Section s. 120.55(1)(b), F.S., requires that FAW contain:

- Notice of adoption of, and an index to, all rules filed during the preceding week;
- All notices required by s. 120.54(3)(a) (formal agency rule making), showing the text of all rules proposed for consideration or a reference to the location in the FAW where the text of the proposed rules is published;

- All notices of public meetings, hearings, and workshops conducted in accordance with the provisions of s. 120.525, including a statement of the manner in which a copy of the agenda may be obtained;
- A notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules;
- Notice of petitions for declaratory statements or administrative determinations;
- A summary of each objection to any rule filed by the Administrative Procedures Committee during the preceding week; and
- Any other material required or authorized by law or deemed useful by the department.

In addition to notices required by s. 120.55, F.S., administrative agencies are also required to publish various other materials in the FAW. For example, s. 403.527(1)(e), F.S., requires that the DEP publish various notices in the FAW concerning applications filed pursuant to the Transmission Line Siting Act.

Section 120.55(1)(f), F.S. permits the Department of State to charge each agency a “space rate computed to cover a pro rata share of 50 percent of the costs related to the publication of the Florida Administrative Weekly.” Currently, the “space rate” charged to the DEP is equal to \$0.99 per line. DEP estimates that its average annual expenditure for publishing notices in the FAW is \$25,000 with a one-time annual high cost of \$40,000.

III. Effect of Proposed Changes:

The bill requires the DEP to begin publishing all notices required by law to be published in the FAW on the Internet, rather than in the FAW. The project would begin on or before December 31, 2001, and would end July 31, 2003. The project’s stated purpose is to determine the cost-effectiveness of publishing notices on the Internet, rather than in the FAW.

Under the bill, notices posted by the DEP on the Internet must clearly state the posting date, be posted on the same days that FAW is published, and conform to the Florida Administrative Code’s existing form and content requirements for agency notices. Additionally, notices related to rule making must be maintained on the Internet for at least 12 months after the rule’s effective date or at least 3 months after the publication of notice of withdrawal of the proposed rule. All other DEP notices would have to remain on the Internet for at least 3 months after posting.

The bill requires the DEP to publish a notice of the pilot project in the FAW. This notice must state that DEP notices are now being published on the DEP website, and provide the Internet address for where the notices may be found.

The bill requires the DEP to submit a report to the Legislature and the Governor by January 31, 2003, which contains findings as to the cost-effectiveness of Internet publication of agency notices.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Persons interested in viewing the notices normally published by the DEP in the FAW will now have to access this information via the Internet pursuant to the bill. The DEP expects that Internet publication will permit easier access to the notices. According to data furnished by the department, approximately 43 percent of Florida households have Internet access and nearly all Florida libraries provide free Internet access, while very few members of the public subscribe to the FAW.

C. Government Sector Impact:

Under the bill, the DEP will no longer have to incur FAW publication costs. The DEP estimates that as a result it should save between \$25,000 and \$40,000 per year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Governmental Oversight and Productivity:

Requires that the: (a) State Technology Office assist the DEP in publishing its ch. 120, F.S. notices; (b) Internet notices be permanently archived in a searchable database; and (c) Department of State publish a notice in the FAW, which provides the address for the website where the DEP's notices may be found.