

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: CS/SB 1560

SPONSOR: Natural Resources Committee, Senator Peaden, and others

SUBJECT: Department of Environmental Protection

DATE: April 24, 2001

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Wilson	GO	Fav/1 amendment
2.	Gee	Voigt	NR	Favorable/CS
3.			AGG	
4.			AP	
5.				
6.				

I. Summary:

This bill authorizes an 18-month pilot project to be conducted by the Department of Environmental Protection (DEP) and the State Technology Office (STO) 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 a website, and the FAW would contain a notice that all DEP notices may be found at the website. The DEP must also publish summaries of the notices in the FAW. The bill also requires the DEP, STO and Department of State (DOS) to report to the Governor and the Legislature on the cost-effectiveness of the pilot project by January 31, 2003.

The bill creates s. 120.551, F.S.

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 creates s. 120.551, F.S., which 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 pilot 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.

The bill provides that whenever the DEP is required to publish notices in the FAW, the department instead may publish a summary of the notice in the FAW, along with the specific URL or Internet address where the complete notice required by law will be published. The DEP must publish all other notices in the manner prescribed by law. Notices published on the Internet must clearly state the date the notice was first posted on the Internet, will initially be posted only on the same days the FAW is published, and must comply with the form and content provisions of the Florida Administrative Code.

The bill requires notices related to rulemaking that are published on the Internet to be maintained on the Internet for a period of at least 12 months after the effective date of the rule, or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet during the pilot project must be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records must

also be established through the pilot project. No notice posted on the Internet may be removed until the searchable database is implemented.

The bill directs the DOS to publish notice of this pilot project in each weekly publication of the FAW. The notice will state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the DEP are being published in the FAW along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."

The bill directs the DEP, the STO, and the DOS to submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives containing findings on the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the FAW, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet. The report is due no later than January 31, 2003.

The act will take effect July 1, 2001.

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:

The DEP would 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. There will likely be costs associated with the development of the searchable database; however, the DEP has not yet estimated this expense.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
