

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 553 Public Libraries  
**SPONSOR(S):** Perry  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 434

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	13 Y, 0 N	Purnell	Duncan
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The Department of State's Division of Library and Information Services (Division) provides library, records management, and archival services to the state and local governments. The Division also provides direct library services to state government, management services, technical assistance, education, financial aid, and cooperative services. Working in partnership with archivists, librarians, records managers, government officials, and citizens, the division seeks to ensure access to materials and information of past, present and future value to enable state agencies, educational institutions, and local libraries to provide effective information services for the benefit of the citizens of Florida.

The bill revises the powers and duties of the Division and removes outdated and burdensome practices required for the submission and collection of documents. The bill establishes the State Publications Program requiring each state official, department, court, or agency to designate a state publications liaison; and defines the terms "depository library" and "state publication."

The bill also restructures the composition of the State Library Council and specifies that the Council's purpose is to assist the Division with planning, policy, and priorities related to the development of statewide information services. The Division is directed to coordinate with the Department of Education's Division of Blind Services to provide services to the blind and physically handicapped persons. The bill amends other sections of law to reflect the changes in the bill.

The bill appears to have a minimal, positive fiscal impact on state expenditures. See fiscal section for detail.

The bill provides an effective date of July 1, 2015.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### The Division of Library and Information Services

The Florida Department of State's Division of Library and Information Services (Division)<sup>1</sup> manages the State Library and Archives, supports public libraries, directs record management services, and is the designated information resource provider for the state.<sup>2</sup>

The Division may receive gifts of money, books, or other property and may purchase books, periodicals, furniture, and equipment it deems necessary to carry out its mission. The Division may also give aid and assistance to all school, state, academic, free, and public libraries, and to all communities in the state which may establish libraries. The Division is required to maintain a library for state officials and employees and provide research and informational services for all state agencies. The Division must also provide library services to blind and physically handicapped persons within the state.<sup>3</sup>

##### The Florida State Library Council

The Florida State Library Council, (Council)<sup>4</sup>, created in 1970,<sup>5</sup> is directed to advise and assist the Division with its programs and activities.<sup>6</sup> The Library Council is composed of nine members who are appointed by the Secretary of State to four year terms. The composition of the board must contain:

- at least one member who represents a Florida library professional association;
- at least one member who represents a Florida archive professional association;
- at least one member who represents a Florida records management professional association; and
- at least one member who is not, and has never been, employed in a library or in teaching library science courses.<sup>7</sup>

##### Public Documents Depository Program

"Public document" means 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. The term does not include publications for internal use by an executive agency.<sup>8</sup>

The Division's State Documents Depository Program, established in 1967, was formed to meet the needs of researchers and the general public throughout the state to access information by and about state government.<sup>9</sup> State law requires the Division to designate university, college, and public libraries as depositories for public documents and to designate certain depositories as regional centers for full

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

<sup>2</sup> Florida Department of State, Division of Library and Information Services, *About the State Library of Florida*, can be accessed at: <http://dos.myflorida.com/library-archives/about-us/about-the-state-library-of-florida/>, (last viewed on Mar. 10, 2015).

<sup>3</sup> See s. 257.04, F.S.

<sup>4</sup> Section 257.02, F.S.

<sup>5</sup> Florida Department of State, Division of Library and Information Services, About Us, State Library Council, available at <http://dos.myflorida.com/library-archives/about-us/state-library-council/> (last visited March 12, 2015).

<sup>6</sup> Section 257.02(1), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 257.05(1), F.S.

<sup>9</sup> Department of State, *2015 Agency Analysis for SB 434, (Similar to HB 553)* on file with Economic Development & Tourism Subcommittee staff.

collections of public documents.<sup>10</sup> By placing public documents in designated depository libraries throughout the state, the program makes state documents more readily available.

The collection of state documents at the State Library is comprised of publications by state agencies, dating from the territorial period to today. Documents published by state agencies and provided to the State Library are listed in the State Library's online catalog, which is searchable by author, title, subject, and keyword.<sup>11</sup>

State law requires state officials and state entities such as departments, boards, or courts to provide 35 copies of public documents to the Division.<sup>12</sup> The law also stipulates the number of additional copies that must be provided under certain circumstances.<sup>13</sup> 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 issue approximately 22.5% of the publications in digital form and the State Library makes the full text of such documents available online through the library's searchable catalog.<sup>14</sup>

### The Division of Blind Services

The Division of Blind Services<sup>15</sup> (DBS), which serves Floridians of all ages, offers a coordinated program of services to Floridians whose visual impairments significantly affect their ability to participate in daily activities. DBS programs must be designed to maximize employment opportunities for individuals with visual impairments, and to increase their independence and self-sufficiency.<sup>16</sup> DBS provides services to individuals who are blind or visually impaired through 10 district offices, the Rehabilitation Center for the Blind, the Braille and Talking Books Library, and local community rehabilitation programs.<sup>17</sup>

### **Effect of Proposed Changes**

The bill revises the Division's process for collecting and distributing public documents to remove antiquated requirements, update terms, and revise the membership and role of the State Library Council.

### Definitions

The bill defines the term "depository library" as a library that has been designated as a depository for receiving state publications.

The bill replaces "public document" with "state publication," which 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 any publication containing information about the state and its government, which is culturally and historically significant to researchers and the general public. It does not include publications created only for internal use by state officials, state departments, state boards, state courts, or state agencies.

### The Library Council

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<sup>10</sup> Section 257.05(3)(a), F.S.

<sup>11</sup> See *supra* note 9.

<sup>12</sup> See s. 257.05(2), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> See *supra* note 9.

<sup>15</sup> Section 413.011, F.S.

<sup>16</sup> Section 413.011(2), F.S.

<sup>17</sup> Florida Division of Blind Services, *About Us*, can be accessed at: <http://dbs.myflorida.com/About%20Blind%20Services/index.html>

(last viewed on Mar. 10, 2015).

The bill restructures the Council by adding and removing key requirements of Council composition and specifying that the purpose of the Council is to assist the Division with planning, policy, and priorities related to the development of statewide information services. The Council composition must include:

- three members must represent Florida public libraries;
- two members must represent the Florida Academic Library Services Cooperative;
- one member must represent a multitype library cooperative;
- one member must represent a school library media center;
- one member must represent the Independent Colleges and Universities of Florida; and
- one member must represent a Florida library professional association.

#### Coordination with the Division of Blind Services

The bill requires the Division to coordinate with DBS to provide library services to the blind and physically handicapped persons.

#### State Publications Program and Liaison

The bill significantly rewrites s. 257.05, F.S., creating the State Publications Program, removing existing public document submittal requirements, and giving discretion to the Division to request how many copies of the required documents they would like to have submitted to record. State entities are no longer required to provide 35 copies of each public document it produces to the Division. The Division may issue both print and electronic copies of state publications.

Similar to the provisions related to the Florida State Archives record management, which requires each state agency to designate a records management liaison officer,<sup>18</sup> each state official, department, court, or agency is required to designate a state publications liaison with contact information. Each liaison must maintain a list of the state publications produced by the state entity they represent, and furnish an updated list to the Division by December 31 of each year.

The bill clarifies that depository libraries are required to maintain state publications in a form that is convenient and accessible to the public.

The bill deletes the provision that requires the Division provide a centralized program for microfilming documents. The bill also makes conforming changes to other sections of law.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 257.015, F.S., defining the terms “depository library” and “state publication.”

Section 2: Amends s. 257.02, F.S., revising the composition and duties of the State Library Council.

Section 3: Amends s. 257.04, F.S., revising the powers and duties of the Division of Library and Information Services of the Department of State.

Section 4: Amends s. 257.05, F.S., relating to public documents.

Section 5: Amends s. 257.36, F.S., removing a provision related to a centralized microfilming program for state agencies.

Section 6: Amends s. 257.105, F.S., conforming provisions to changes made by the bill.

Section 7: Amends s. 283.31, F.S., conforming provisions to changes made by the bill.

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<sup>18</sup> Section 257.36(5), F.S.  
**STORAGE NAME:** h0553c.TEDAS  
**DATE:** 3/31/2015

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Revisions to the State Publications Program like removing the requirement for state entities issuing public documents to furnish the State Library with 35 copies of each document will likely lower postage, shipping, and staff costs. The savings cannot be quantified, but are likely minimal.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the Department of State:

The state agencies, other governmental bodies and the depositories themselves are making the transition from print publication to e-documents. State agencies currently upload full-text publications to the State Library. E-documents allow better access to this information via the Internet.

As more e-documents are published, there is less need in statute for designating the number of print copies of a publication an entity must send to the State Library. Designating the number of print copies in rule will enable the State Library to change the number when it is needed or eventually eliminate print copies altogether.

To foster better communication between state agencies and the Division regarding state publications, each state agency will be asked to appoint an agency publications liaison to work with the State Library.

The Division of Library and Information Services will coordinate with the Division of Blind Services of the Department of Education to provide library services to the blind and physically handicapped persons of the state.

These changes will result in a stronger and more relevant approach to the State Publications Program. The Division of Library and Information Services will save about \$1,000.00 postage and a savings in staff time for the Florida Documents Librarian. State agencies will also see a savings in postage and shipping costs and staff costs.<sup>19</sup>

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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<sup>19</sup> *See supra* note 9.