

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 234

INTRODUCER: Fiscal Policy Committee and Senator Avila

SUBJECT: Statutorily Required Reports

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Harmsen</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 234 requires the Division of Library and Information Services within the Department of State to create and administer an Internet-based system to which state agencies, water management districts, and other state entities must electronically submit their statutorily required reports. The online system will allow members of the public to search for and access statutorily required reports.

Each state entity must also redact its submissions if the submissions include any information that is not subject to public inspection. This bill does not impact a state entity's duties to retain or archive documents in accordance with law.

The bill appropriates \$1 million in nonrecurring funds from the General Revenue Fund to implement and maintain the new research system.

The bill takes effect July 1, 2023.

II. Present Situation:

The Department of State's (DOS) Division of Library and Information Services (Division) manages the Florida State Library and the State Archives and operates the Florida State Publications Depository Program.¹

The Florida State Publications Depository Program, which operates pursuant to s. 257.05, F.S., requires state agencies, departments, and boards to furnish their state publications to the Division for distribution to depository libraries. A state publication is any document created under the authority of, or at the expense of a state official, state department, state board, state court, or state agency, or that is otherwise required by state law to be publicly distributed; documents created for internal use only are not considered a state publication.² For example, the State Library of Florida collects and preserves the following as state publications:³

- Annual reports;
- Periodicals;
- Newsletters;
- Research reports and studies;
- Statistical compilations;
- Bibliographies;
- Handbooks, manuals and guides for the public;
- Maps;
- Posters;
- Audio and video recordings;
- CDs, DVDs and other electronic media;
- Descriptive course catalogs from institutions of higher learning;
- Student art and literary magazines; and
- Law reviews that are published with state funds.

Agencies, departments, and boards must upload an electronic copy of their state publication to the State Publications Upload System, and furnish either 2 hard copies (if the agency printed less than 40 copies) or 35 hard copies (if the agency printed a total of more than 40 copies) to the Division. The Division then disseminates the copies to Florida's depository libraries and saves two copies (electronic or physical) in the State Library of Florida;⁴ if only two copies were

¹ See generally, Florida DOS, Division of Library and Information Services, *About Us*, <https://dos.myflorida.com/library-archives/> (last visited Mar. 6, 2023). See also, OPPAGA, *Department of State Library and Information Services*, <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=4099> (last visited Mar. 6, 2023).

² Section 257.015(6), F.S.

³ Florida Department of State, Division of Library and Information Services, *State Publications Collection Policy*, available at <https://dos.myflorida.com/library-archives/research/florida-information/government/state-resources/government-documents/florida-state-publications-depository-program/collection-policy/> (last visited Mar. 6, 2023).

⁴ Florida DOS, Division of Library and Information Services, *Florida State Publications Depository Program FAQ*, <https://dos.myflorida.com/library-archives/research/florida-information/government/state-resources/government-documents/florida-state-publications-depository-program/state-agencies-faqs/> (last visited Mar. 6, 2023).

provided by the agency, then the Division maintains those copies and does not distribute a copy to the depository libraries.⁵

Section 286.001, F.S., separately requires any agency or officer of the executive, legislative, or judicial branch of government, the State Board of Education, the Board of Governors, or the Public Service Commission (agencies) to file any report that they are required or authorized by law to make on a regular or periodic basis with the Division. The agencies must also file an abstract of their report with the statutorily designated recipient—often, the Governor, Speaker of the House of Representatives, and Senate President, or some combination thereof. An agency may submit their full report to the designated recipient in addition to the Division only if its agency head determines that the 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.

The Division's duties pursuant to s. 286.001, F.S., include:

- Compiling and updating bibliographic information of the reports it receives;
- Distributing the bibliography; and
- Fulfilling the requirements of the State Publication Program (as discussed above).

The reports collected by the Division in its most recent quarterly bibliography include 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 Florida Department of Environmental Protection, and the Texting While Driving Report from the Florida Department of Highway Safety and Motor Vehicles, among many others.⁶ 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.

III. Effect of Proposed Changes:

Section 1 amends s. 286.001, F.S., to require the Division to create and maintain a publicly available, Internet-based system to which state entities must submit their statutorily required reports. This Internet-based system will be separate from the State Publications Program, created by s. 257.05, F.S., and will be singularly dedicated to state entities' statutorily required reports, as compared to any document created with state funds.

The Division must ensure that anyone can search for statutorily required reports on the online system using the following search parameters:

- The report's designated recipient (e.g., Governor, Senate President, or Speaker of the House of Representatives);
- The name of the state entity that submitted the report;
- The date of report's submission;

⁵ Division of Library and Information Services, Bureau of Library and Network Services, *Florida Public Documents*, p. i (July-September 2022), available at <http://edocs.dlis.state.fl.us/fldocs/dos/dlis/publicdoc/2022/07-2022.pdf> (last visited Mar. 6, 2023).

⁶ *Florida Public Documents*, *supra* note 5.

- The law pursuant to which the state entity submitted the report;
- The title or topic of the report; and
- Any identifiable keywords.

The system must also allow users to sign up to receive automated notifications of the filing of statutorily required reports based on user-designated criteria.

Current law requires any agency or officer of the executive, legislative, or judicial branch of state government, the State Board of Education, the Board of Governors of the State University System, or the Public Service Commission to submit their statutorily required reports to the Division. The bill adds water management districts that operate under the authority of chapter 373, F.S. to this list and defines these entities, collectively, as “state entities.”

The Division is further tasked with creating a master list of statutorily required reports and their submission dates by November 1, 2023, and updating it annually thereafter. The Division must post this list to its publicly accessible website. In order to give periodic updates of the reports submitted for inclusion in the database, the Division must compile bibliographic information on each statutorily required report that it receives and disseminate it to the Governor, President of the Senate, and the Speaker of the House of Representatives each quarter, beginning April 15, 2024. The Division currently creates quarterly bibliographies for reports it receives pursuant to s. 286.001, F.S.

This section conversely requires that any state entity required or authorized by law to make a regular or periodic report to fulfill its duty to submit such report by electronically filing a copy with the Division. This does not affect reports that are created by a state entity outside of a statutory requirement to do so, or that lack a statutory requirement to submit to a specific entity.

If the statutorily required report contains information that the state entity may redact, the submitting state entity must perform the redactions and provide a copy of the redacted report as its submission to the Division with an accompanying statement that identifies the statutory basis for the redaction. The Division is not responsible for the redaction of exempt, or confidential and exempt information from the reports submitted to the database pursuant to this section.

A state entity that submits a report to the Division’s database must maintain a complete copy of the report pursuant to its applicable records retention schedule, and provide a copy to parties that make an appropriate public records request for such records.

This section also deletes obsolete language that requires state entities to submit a half-page abstract of their report to the designated recipient, or submit a one-page summary detailing why the cost of submitting the full report to the designated recipient is justified; and to transition to the electronic storage and dissemination of reports as soon as practicable.

Finally, this section deletes a provision that states that s. 286.001, F.S., does not waive or modify the depository requirements in s. 257.02(2), F.S., relating to the provision of state publications to the Division.

Section 2 appropriates \$1 million in nonrecurring funds from the General Revenue Fund to the Department of State to offset costs associated with the creation and maintenance of the Internet-based system for reports.

Section 3 provides that the bill will take effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under current law, the Division collects these reports as part of their State Publications Program, but this bill will require that the Division post them to a separate, searchable section or subsection of an Internet-based system. The bill appropriates \$1 million from the General Revenue Fund for use in the creation and maintenance of this system.

In addition to the \$1 million appropriation, the DOS requests an FTE position with an associated expenditure of \$79,875 for salary and benefits.⁷ The DOS states that this position is necessary to meet its new reporting requirements. However, based on the number of current position vacancies in the agency, the DOS may have current positions to use to address the additional reporting workload.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 286.001 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on March 16, 2023:

- Clarifies intent that the Division create a distinct method through which users can search for statutorily required reports;
- Requires the system to provide electronic confirmation to agencies that electronically submit their statutorily required reports to the Division; and
- Requires the system to allow users to sign up for automated notifications of filed reports from the system based on user-designated criteria.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁷ Florida DOS, *SB 234 Agency Analysis* (Mar. 15, 2023) (on file with the Committee on Governmental Oversight).