

CHAPTER 2015-117

House Bill No. 553

An act relating to public libraries; amending s. 257.015, F.S.; defining the terms “depository library” and “state publication”; amending s. 257.02, F.S.; revising the composition and duties of the State Library Council; amending s. 257.04, F.S.; revising the powers and duties of the Division of Library and Information Services of the Department of State; requiring the division to coordinate with the Division of Blind Services of the Department of Education to provide certain services; authorizing the division to issue electronic information; amending s. 257.05, F.S.; providing legislative findings; revising provisions regarding the delivery and distribution of publications; requiring specified entities in state government to designate a state publications liaison; removing the definition of the term “public document”; revising the duties of the division with respect to the management of the State Publications Program; amending s. 257.36, F.S.; removing a provision requiring the division to provide a centralized microfilming program for state agencies; amending ss. 257.105, 283.31, and 286.001, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 257.015, Florida Statutes, is amended to read:

257.015 Definitions.—As used in this chapter, the term:

(1) “Department” means the Department of State.

(2) “Depository library” means a library that has been designated as a depository for receiving state publications in accordance with s. 257.05(3).

(3)(2) “Division” means the Division of Library and Information Services of the Department of State.

(4)(3) “Secretary” means the Secretary of State.

(5)(4) “State Librarian” means the person appointed by the secretary as the director of the Division of Library and Information Services pursuant to s. 257.031.

(6) “State publication” 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 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 internal use of a state official, state department, state board, state court, or state agency.

Section 2. Section 257.02, Florida Statutes, is amended to read:

257.02 State Library Council.—

(1) There shall be a State Library Council to advise and assist the division with planning, policy, and priorities related to the development of statewide information services of Library and Information Services on its programs and activities. The council shall consist of nine members who shall be appointed by the Secretary of State. Of the nine members, 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 at least one member must represent a Florida library professional association, ~~at least one must represent a Florida archive professional association, at least one must represent a Florida records management professional association, and at least one must be a person who is not, and has never been, employed in a library or in teaching library science courses.~~ Members shall be appointed for 4-year terms. A vacancy on the council shall be filled for the period of the unexpired term. A ~~No~~ person may not be appointed to serve more than two consecutive terms as a member of the council. The secretary of State may remove from office any council member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to, or being found guilty of, a felony.

(2) Members of the council shall serve without compensation or honorarium but are ~~shall be~~ entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061. The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules.

~~(3) The Secretary of State may, in making appointments, consult Florida's library, archival, or records management community and related statewide associations and organizations for suggestions as to persons having special knowledge and interest concerning libraries.~~

~~(3)~~(4) The officers of the State Library Council shall be a chair, elected from the members thereof, and the State Librarian, who shall serve without voting rights as secretary of the council.

Section 3. Section 257.04, Florida Statutes, is amended to read:

257.04 Publications, pictures, and other documents received to constitute part of State Library; powers and duties of Division of Library and Information Services.—

(1) All books, pictures, documents, publications, and manuscripts received through gifts, purchase, or exchange, or on deposit from any source for the use of the state, shall constitute a part of the State Library and shall be

placed therein for the use of the public under the control of the division of Library and Information Services of the Department of State. The division may receive gifts of money, books, or other property which may be used or held for the ~~purpose or purposes~~ given; and it may purchase books, periodicals, furniture, and equipment as it ~~deems~~ necessary to promote the efficient operation of the service it is expected to render to state officials, employees, and the public.

(2) The division may, upon request, give aid and assistance, financial, advisory, or otherwise, to all school, state institutional, academic, free, and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering libraries, selecting and cataloging books, and other facets of library management.

(3) The division shall maintain a library for state officials and employees, especially of informational material pertaining to the ~~phases of their work, and provide for them material for general reading and study.~~

(4) The division shall maintain and provide research and information services for all state agencies.

(5) The division shall make all necessary arrangements to 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.

(6) The division may issue printed material and electronic information, ~~such as lists and circulars of information,~~ and in the publication thereof may cooperate with state library commissions and libraries of other states in order to secure the more economical administration of the work for which it is formed. The division ~~It~~ may conduct courses of library instruction and hold librarians' institutes in various parts of the state.

(7) The division shall perform such other services and engage in any other activity, not contrary to law, ~~that it may think~~ appropriate in the development of library service to state government, to the libraries and library profession of the state, and to the citizens of the state.

Section 4. Section 257.05, Florida Statutes, is amended to read:

257.05 State Publications Program Public documents; delivery to, and distribution by, division.—

(1) The Legislature finds that the State Publications Program increases accessibility to culturally and historically significant information about the state and its government for researchers and the general public through the distribution of state publications to depository libraries throughout the state.

(2) Each state official, state department, state board, state court, or state agency:

(a) Shall furnish its state publications to the division for distribution to depository libraries throughout the state upon the publication's release in accordance with division rule.

(b) Shall designate a state publications liaison. Upon designation of a liaison, a state official, state department, state board, state court, or state agency shall provide the division with the liaison's name and contact information. Each state publications liaison shall maintain a list of his or her respective entity's state publications and furnish the list to the division as updated or by December 31 of each year ~~The term "public document" as used in this section 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; however, the term excludes publications for internal use by an executive agency as defined in s. 283.30.~~

~~(2)(a) Each state official, state department, state board, state court, or state agency issuing public documents shall furnish the Division of Library and Information Services of the Department of State 35 copies of each of those public documents, as issued, for deposit in and distribution by the division. However, if the division so requests, as many as 15 additional copies of each public document shall be supplied to it.~~

~~(b) If any state official, state department, state board, state court, or state agency has fewer than 40 copies of any public document, it shall supply the division with 2 copies of each such public document for deposit in the State Library.~~

~~(c) By December 31 of each year, any state official, state department, state board, state court, or state agency issuing public documents shall furnish to the division a list of all public documents, including each publication that is on the agency's website, issued by the official, department, board, court, or agency during that calendar year.~~

(c)(d) Shall, if having charge of their distribution, furnish the division with ~~As issued,~~ daily journals and bound journals of each house of the Legislature, as issued; slip laws and bound session laws, both general and special; and Florida Statutes and supplements thereto shall be furnished to the division by the state official, department, or agency having charge of their ~~distribution~~. The number of copies furnished shall be determined by requests of the division, ~~which number in no case may exceed 35 copies of the particular publication.~~

(3) It is the duty of the division to:

(a) Manage the State Publications Program.

(b) Designate university, college, and public libraries as depository libraries for state publications depositories for public documents and to

~~designate certain of these depositories as regional centers for full collections of public documents. A depository library must maintain state publications in a form that is convenient and accessible to the public. The division shall be the official repository for state publications.~~

~~(c)(b) Create a distribution Provide a system to provide of distribution of the copies of state publications to depository libraries furnished to it under subsection (2) to such depositories.~~

~~(d)(e) Create Publish a periodic bibliography for the State Publications Program of the publications of the state.~~

The division may exchange copies of state publications ~~public documents~~ for those of other states, territories, and countries. ~~Depositories receiving public documents under this section shall keep them in a convenient form accessible to the public.~~

Section 5. Paragraph (h) of subsection (1) of section 257.36, Florida Statutes, is amended, and present paragraphs (i) through (l) of subsection (1) are redesignated as paragraphs (h) through (k), respectively, to read:

257.36 Records and information management.—

(1) There is created within the Division of Library and Information Services of the Department of State a records and information management program. It is the duty and responsibility of the division to:

~~(h) Provide a centralized program of microfilming for the benefit of all agencies.~~

Section 6. Section 257.105, Florida Statutes, is amended to read:

257.105 State publications ~~Public documents~~; copies to Library of Congress.—Any state official or state agency, board, commission, or institution having charge of state publications hereinafter named is authorized and directed to furnish the Library of Congress in Washington, D.C., upon requisition from the Library of Congress, up to three copies of the journals of both houses of the Legislature; volumes of the Supreme Court Reports; volumes of periodic reports of Cabinet officers; and copies of reports, studies, maps, or other publications by official boards or institutions of the state, from time to time, as such are published and are available for public distribution.

Section 7. Section 283.31, Florida Statutes, is amended to read:

283.31 Records of executive agency publications.—Each agency shall maintain a record of any state publication, as defined in s. 257.015 ~~s. 257.05~~, the printing of which costs in excess of the threshold amount provided in s. 287.017 for CATEGORY THREE, at least part of which is paid for by state funds appropriated by the Legislature. Such record shall also contain the following: written justification of the need for such publication, purpose of

such publication, legislative or administrative authority, sources of funding, frequency and number of issues, and reasons for deciding to have the publication printed in-house, by another agency or the Legislature, or purchased on bid. In addition, such record shall contain the comparative costs of alternative printing methods when such costs were a factor in deciding upon a method. The record of the corporation operating the correctional industry printing program shall include the cost of materials used, the cost of labor, the cost of overhead, the amount of profit made by the corporation for such printing, and whether the state agencies that contract with the corporation for printing are prudently determining the price paid for such printing.

Section 8. Subsections (2) and (4) of section 286.001, Florida Statutes, are amended to read:

286.001 Reports statutorily required; filing, maintenance, retrieval, and provision of copies.—

(2) With respect to reports statutorily required of agencies or officers within the executive, legislative, or judicial branches of state government, the State Board of Education, the Board of Governors of the State University System, or the Public Service Commission, it is the duty of the division, in addition to its duties under s. 257.05, to:

(a) Regularly compile and update bibliographic information on such reports for distribution as provided in paragraph (b). Such bibliographic information may be included in the bibliographies prepared by the division pursuant to s. 257.05(3) ~~s. 257.05(3)(c)~~.

(b) Provide for at least quarterly distribution of bibliographic information on reports to:

1. Agencies and officers within the executive, legislative, and judicial branches of state government, the State Board of Education, the Board of Governors of the State University System, and the Public Service Commission, free of charge; and

2. Other interested parties upon request properly made and upon payment of the actual cost of duplication pursuant to s. 119.07(1).

(4) ~~Nothing in~~ This section ~~may not shall~~ be construed to waive or modify the requirement in s. 257.05(2) pertaining to the provision of copies of state publications ~~public documents~~ to the division.

Section 9. This act shall take effect July 1, 2015.

Approved by the Governor June 10, 2015.

Filed in Office Secretary of State June 10, 2015.