

DATE: February 4, 1980

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1. <u>Kolchakian Overstreet</u>		1. <u>G.O.</u>	
2. _____		2. <u>W&M</u>	
3. _____		3. _____	

SUBJECT:
Florida Administrative Code and
Florida Administrative Weekly

BILL No. AND SPONSOR:
SB 337 By
Senator Dunn and
Governmental Operations

I. SUMMARY

A. Present Situation:

Chapter 120, Florida Statutes, the Administrative Procedure Act, provides for the adoption of administrative rules by state agencies, and for publication by the Department of State of the Florida Administrative Code and the Florida Administrative Weekly. The Bureau of Administrative Code in the Division of Elections performs these functions.

The Florida Administrative Code is a loose-leaf publication containing the administrative rules of state agencies in 8 volumes with 40 titles. There are approximately 17,000 rules in the Code. The Code is supplemented each month by amendment pages. The supplements are 2 to 4 months behind schedule. There are approximately 900 paying subscribers to the Florida Administrative Code at an initial subscription price of \$250 and an annual supplementation fee of \$150. Additionally, about 100 free copies are distributed to various state agencies. Separate titles of the Code are not offered to subscribers. The Code lacks a comprehensive index.

The Florida Administrative Weekly contains summaries of proposed rules with economic impact statements; notices of meetings and workshops; summaries of emergency rules; and a notice that a particular rule has been filed during the preceding week. There are approximately 1,300 paying subscribers to the Weekly at an annual rate of \$ 25. About 300 free copies are distributed to state agencies. Agencies pay a flat rate of \$1.00 per line to have their material published in the Weekly. In FY 1978-79, the total paid by agencies for lines of the Weekly was \$73,389.

Funding for the publication of the Code and the Weekly is provided by a "Publications Revolving Trust Fund." The state spends approximately \$140,000 per year for publication of the Code, and approximately \$40,000 per year for publication of the Weekly, according to figures provided by the Department of State.

Chapter 120, F.S., provides that the Department of State shall review the rules for the purpose of removing redundancies and rules for which statutory authority has been repealed. This statutory duty has not been carried out due to lack of adequate staffing in the Bureau of Administrative Code.

The Joint Administrative Procedures Committee reviews administrative rules as a primary function under chapter 120, F.S. The committee has a staff of six attorneys familiar with the administrative rules.

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B. Effect of Proposed Changes:

The Department of State would, by January 1, 1981, contract with a publishing company for the publication of the Florida Administrative Code. The Code would be published on a timely basis, and in a more useable form with an index, tables of authority, and other user aids.

The responsibility to identify and request the repeal of redundancies and rules for which statutory authority has been repealed would be assigned to the Joint Administrative Procedures Committee.

Would delete the duty of the Department of State to remove redundancies and rules for which statutory authority has been repealed.

The Florida Administrative Weekly would include the full text of the rules.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The subscription price for a full set of the Code would probably increase because of added user aids which would be contained in the Code. The amount of this increase cannot be quantified as it is to be worked out in the terms of the contract between the Department of State and the publisher. However, subscribers would be offered the opportunity to purchase separate titles of the Code, and may, therefore, spend less for the particular titles they are concerned with than the current \$250 price for the entire set.

B. Government:

The cost to the state for publication of the Code would be approximately \$150,000 to \$200,000 per year for a start up period of 3 to 5 years. After 3 to 5 years, the publishing company would have established a subscription market sufficient to allow publication of the Code without financial assistance from the state. Therefore, the state would expend no funds for publication of the Code from then on. The long-range savings to the state would annually equal the amount currently spent for publication of the Code plus increases caused by inflation.

Publication of the full text of rules in the Florida Administrative Weekly would increase printing and mailing costs. Agencies would have to purchase more lines in the Weekly to include full texts of rules at \$1.00 per line if the present flat rate method were continued. However, these increases cannot be quantified as they would depend upon the type of printing technique and print which are used.

The Joint Administrative Procedures Committee would require one additional attorney on a permanent basis at an annual cost of approximately \$20,000 to \$25,000, and two legal interns on a 1-year temporary basis at a total cost of approximately \$16,000 to carry out the responsibilities which would be assigned.

III. COMMENTS:

None

IV. AMENDMENTS:

None