

Florida Library Association Special Board Meeting

Legislative Committee Issues

November 1, 2016, 2 p.m.

Elana Karshmer, President (VM)
Robin Shader, Vice President, President-Elect (VM)
Kenny Rampersad, Treasurer (VM)
Peggy Nuhn, Secretary (VM)
Leah Plocharczyk, Board Fellow
Karen Layton, FLA Staff
Stephen Grubb, Region 1 Director (VM)
Ava Ehde, Region 2 Director (VM)
Eric Head, Region 4 Director (VM)
Shaney Livingston, Region 5 Director (VM)
Renaë Rountree, Region 6 Director (VM)
Sara Gonzalez, ALA Councilor (VM)

Guests:

Charlie Parker, Past Chair, Legislative Committee
Paul Alford, Chair, Legislative Committee

I. Welcome and Introductions

President Elana Karshmer called the meeting to order at 2 p.m. She asked Charlie Parker to provide a brief overview of his work with the Legislative Committee. Charlie has worked with the State Library from 1989-2003 and has been very involved with the Legislative Committee since 2003.

II. Discussion of FL Statute 257.261

(a) History - Elana Karshmer asked Charlie Parker for an overview of Florida Statute 257.261. Charlie explained that this law was needed in 1978 to provide limits on the manner in which law enforcement could access individual library records. It has since been amended several times, including an amendment in 1996 to allow libraries to work with collection agencies, and amended again in 2002 to make it easier for parents to access their children's borrowing records, by establishing that they could see those records for the purposes of securing overdue materials and handling the payment of fines. It makes library records exempt from Florida's very broad public records law.

Charlie further explained that approximately two years ago public library directors said that attorneys were interpreting the law to say a library couldn't tell a customer what they had charged out. It also came out that other states had applied confidentiality protection to all

personally identifiable information a library has in its possession. In addition, there was a need to be sure that when libraries shared patron-identifiable information with third parties/vendors that the information remained confidential and the burden for ensuring that confidentiality belonged to the third-party vendor. Another issue has to do with the language the law uses regarding what sort of order (the law says only a 'proper judicial order') needs to be obtained from law enforcement in order for a library to turn over requested information. It's viewed that this threshold is too low and that these requests should be actually signed by a judge rather than an attorney.

(b) Proposed changes to Statute - The primary issue now has to do with parental access to their children's borrowing records, with discussion and disagreement on what age. Deborah Caldwell Stone, ALA Office for Intellectual Freedom was consulted and she suggested age 13. She posits that up to age 13, children are not as likely to be engaged in activities where privacy is an issue, but that children aged 13 and up are referred to as 'mature minors'. This is an ongoing conversation. Charlie then asked for questions.

(c) Questions, Comments and Discussion - Robin Shader asked if Chris Lyon hadn't inquired about waiting another year before taking a position on this issue. Charlie responded yes, and that it has to do with lining up sponsors as there is a limit of six on how many bills a legislator can sponsor, and also that it's a bit late in this legislative cycle.

Chris Lyon's firm has offered to draft a bill for FLA; it is likely this will be in the next session. Elana asked Paul Alford if he wished to add to the discussion. Paul clarified the desire on the part of the Legislative Committee to have Chris Lyon's firm to draft legislation, recognizing that there are timing issues for this session. There was some discussion among attendees about determining the correct age. Paul noted that the age should be undetermined to allow municipalities and counties to decide this for themselves. Elana noted that leaving the age undetermined is also the recommendation from Deborah Caldwell Stone. Charlie noted that children should have the same privacy rights as adults. Public libraries may see a practical need to tell parents what has been charged out, but those with strong intellectual freedom views believe that no information on what children have charged out should be shared.

Paul Alford asked about how records would be handled for minor college students, and Peggy Nuhn responded that dual-enrolled college students can be as young as 16 years of age. Elana explained that FERPA covers the privacy of not only library activities, but student grades, and other personal information of students, but believes this to be understood as age 18 and above.

Robin Shader asked for a draft bill for the 2018 session, so there's plenty of time to reach a consensus. Elana said she would send Charlie and Paul a schedule of upcoming Board meetings so that it can be forwarded to whomever is working on this.

III. Lobbyist Evaluation.

(a) Elana Karshmer noted that there has been a lack of good succession planning with this committee, so Charlie Parker has served as the representative.

(b) Elana Karshmer asked Paul Alford for a report on the votes from the Legislative Committee. Paul reported the vote tally was 17 in support of renewing the contract with Chris Lyon; there were no negative votes, and a few committee members who were not available to vote. At this point, both Charlie Parker and Paul Alford were permitted to leave the meeting. Charlie offered his assistance as it may be required or helpful. Paul added that the current contract does automatically renew if it is not formally renewed, so that contract has continued. If the Board chooses to dissolve this relationship, Lewis, Longman and Walker would need 60 days' notice.

(c) Elana then asked for Board member feedback on either the evaluation or the situation overall. Robin Shader suggested the contract should be approved as it is well underway, but she suggested changes for the future. She clarified that she would like to see the Board and Executive Director more involved with the evaluation. She further noted that the Bylaws say the Legislative Committee supervises and directs the job performance of the lobbyist and makes recommendations for changes to the Board, and with the Executive Director coordinates the contractor. Robin suggested the ED should be more involved in both the contract and the evaluation. There should be a period of review; recommendations can come to the Board from the Legislative Committee. She also would like to see the lobbyist attend more Board meetings and provide the Board with updates throughout the year. Generally information comes via the Legislative Committee or Charlie Parker; but Robin recommends that the information come directly from the lobbyist. We could put this early on the agenda so that we use the lobbyist's time for this effectively.

Kenny Rampersad asked about what 'bang for our buck' we're getting from our present lobbyist. Kenny noted that our previous ED had lobbying experience, but we've actually done little. Elana clarified that the previously designated chair for this committee was overwhelmed, so Paul Alford stepped up with Laura Spears as the Vice Chair. In the future, the lobbyist evaluation should be completed no later than May (ideally before the conference) so that we have time to determine whether to keep the firm, or whether to send out bids. This allows time to make the decision prior to the deadline when the contract would automatically renew (August 1). Figuring out a timeline results in deciding whether or to not renew by the end of May, meaning that the evaluation would need to be done sometime in March.

The present firm could certainly bid as well; it will be a fair process. Eric Head spoke in support of this approach and noted that the lobbyist fee is one of our largest expenditures. He believes there is not enough communication between Chris Lyon/Lewis, Longman and Walker and the Board, so our expectations need to be clarified. Eric asked if the Board approved the evaluation; Elana noted that it has not been done this way in the past, although it should be handled in this manner. Elana also clarified that the bylaws need to reflect an evaluation process for extenuating circumstances when the committee Chair is unable to complete the evaluation. In addition, the evaluation process should also involve a Board member. As there is no actual rubric for evaluating the lobbyist, there is no clarity in the measures of success and no real evaluation process.

The 'Overall Performance Rating' currently in use is not a rubric. Robin Shader noted that the lack of communication via regular reports is problematic. The new leadership of the Legislative

Committee wants to draft a better evaluation form, which will detail why a certain rating has been given. Comments from Board members included acknowledging that library cooperatives have their own lobbyists, but that State Aid to Public Libraries for FLA generates only the bare minimum.

An additional item of concern and frustration is that FLA receives no state funding, but MLCs do, in the amount of about a half million apiece. The purpose here would be for FLA to get money for *libraries* (not for the *organization*, which is legislatively prohibited). Elana suggested that she and President-Elect Robin Shader have a conference call with Legislative Committee Chair Paul Alford and Vice-Chair Laura Spears regarding communication and the need for a better evaluation form with expectations clearly spelled out. Communication needs to be much broader in scope. In response to a question from a Board member, it was clarified that we pay the lobbyist \$27,500.00 per year as a flat fee, and we were recently invoiced for a back-due amount.

The Board is directing the Legislative Committee to establish a rubric for the evaluation, and an earlier due date for the evaluation. We will also open the lobbyist position to competitive bids in the future.

Elana asked if we want to accept the lobbyist evaluation 'as is'. Given the timing and that we have a plan for future changes, it was agreed to support what was done in the name of the committee for the present time.

Robin Shader noted that some of the changes we discussed will necessitate changes in the bylaws. Elana Karshmer looked for volunteers who would work with her on the bylaws. Sara Gonzalez and Stephen Grubb offered to assist as a 'Bylaws Taskforce'.

Kenny Rampersad shared that two people have contacted us to ask whether they would get a discount on conference rates for exhibitor registration if they are Business Members. We've not given a discount in recent history, but the question is, do we want to try to grow our business members? We can determine the impact of a ten percent discount, for example a table is \$650.00 (or a potential discount of \$65.00); a booth is \$725 (or a potential discount of \$72.50) and an island/double booth is \$1450.00 (or a potential discount of \$145.00). Kenny's thought is, given the cost of joining FLA as a Business Member is \$200.00, the amount of the discount would never exceed the cost of membership and could generate additional revenue. We currently have 13 business members of which eight registered last year for the conference. There is a large gap of potential Business Members among regular exhibitors. We could also consider a flat rate discount instead. Stephen Grubb asked if we could provide Business Members premium spaces or somehow provide them extra exposure through the program. Karen Layton explained that Business Members currently have a 'sticker' to put at their booth, and that the only way to allow Business Members to have a premium location, we would necessitate an earlier sign up date for Business Members. Karen explained that this is doable.

Kenny Rampersad suggested we reach out to the 72 exhibitors from last year, to see if they could be interested in the joining our Business Membership. Stephen Grubb suggested better branding, such as 'Business Circle' instead of 'Business Membership'.

Kenny Rampersad made a motion that any current Business Members be offered a ten percent discount on table, booth or island as well as premium access to selecting their location at the conference. Stephen Grubb seconded. All were in favor; the motion passed.

Peggy Nuhn reminded all in attendance that we had just begun the 48 hour discussion period for the change to our slate of candidates' e-vote and to send any comments via e-mail, using the 'reply all' feature.

The meeting adjourned at 3:25 p.m.

Respectfully submitted,

Peggy L. Nuhn

Peggy L. Nuhn, Secretary
Florida Library Association