



545 E. Tennessee St. ▪ Ste. 100-D ▪ Tallahassee, FL 32308 ▪ 850-270-9205 ▪ www.flalib.org

October 18, 2024

Secretary of State Cord Byrd
Florida Department of State
Division Director Amy Johnson
Division of Library and Information Services
500 S. Bronough Street
Tallahassee, FL 32399-0250

Subject: State Aid to Libraries Proposed Rule Change, Comments on Behalf of Florida Library Association

Dear Secretary Byrd and Division Director Johnson,

Thank you for the opportunity for the Florida Library Association (FLA) to comment on this proposed rule change.

Rule Change Concern

FLA is concerned about proposed rule change language that has been included in all four library grant programs that specifically excludes library associations. In the State Aid to Public Libraries proposed grant agreement it states the following on page 10 (pg. 37 of PDF)

Prohibition of Expenditures to a Library Association. Expenditure of project funds (grant funds and local match funds) must not be used for an activity related to a library association. This prohibition does not apply to expenditure of project funds related to a library cooperative that receives state moneys under sections 257.40-257.42, Florida Statutes. The Grantee shall perform all acts required by this Agreement in strict conformity with all applicable local, state and federal laws and regulations. The Grantee shall during the term of this Agreement be in strict conformity with all applicable local, state and federal laws and regulations.

Similar language is found in the Public Library Construction Grant agreement on pg. 9 (pg. 9 of PDF), the Library Services and Technology Act (LSTA) agreement on pg. 24 (pg. 27 of PDF), and in the Library Cooperative Grant on pg. 14 (pg. 17 of the PDF).

Background

The Florida Library Association is the professional organization linking library workers across the State of Florida for over 100 years. Our members are library workers of all types and backgrounds, along with organizational members including public, academic, and special libraries. FLA is the state chapter of the American Library Association (ALA).

FLA has enjoyed a decades-long productive relationship with the Florida Division of Library and Information Services (DLIS) and the five regional Library Cooperatives. This has allowed for coordination of activities, networking, and professional development. Examples of our connections include that the State Librarian serves as an Ex-Officio member of the FLA Board of Directors while the FLA President serves on the State Library Council. Also, the Library Cooperatives have attended and displayed at the FLA Annual Conference and FLA has attended the local Library Cooperative meetings.

In a surprising development in late September 2023, DLIS included new language in its grant award letters to recipients of the LSTA, Construction, and Library Cooperative grants that stated:

For FY 2023-24, the Florida Department of State, Division of Library and Information Services will not allow grant project activities associated with the American Library Association including state chapters and other ALA Affiliated Divisions. This decision is in response to the scrutiny related to the use of public funds to support these organizations. Please note, the activity restriction is related to the entire project including all activities, grant funds, and local match funds.

As the state chapter of ALA, FLA was directly affected by this new grant requirement. At no point prior to this grant requirement being issued did the Florida Department of State or DLIS share any specific concerns to FLA about its operations or clarify what was being “scrutinized.” A meeting in December 2023 with Secretary Byrd did not reveal any specific concerns about activities that FLA had done that were being “scrutinized.”

In 2024, the State Aid to Public Libraries grant award letter included the following prohibition.

Expenditure of project funds (grant funds and local match funds) must not be used for an activity related to a library association. This prohibition does not apply to expenditure of project funds related to a library cooperative that receives state moneys under sections 257.40-257.42, Florida Statutes. The Grantee shall perform all acts required by this Agreement in strict conformity with all applicable local, state and federal laws and regulations. The Grantee shall during the term of this Agreement be in strict conformity with all applicable local, state and federal laws and regulations.

FLA has advised its member libraries who receive grants from the State of Florida to use local funds to pay for anything related to library associations such as ALA and FLA.

Local funds are those generated outside any state or local grants and may include examples such as property tax revenue, fines and fees, and other non-State (or federal pass through) dollars. Please note that local match funds are not a component of State Aid, but may be included in LSTA grants.

Impact on FLA and other Library Associations

FLA is concerned about the immediate and long-term effects of this new proposed rule.

The proposed restrictions have caused and continue to cause considerable unnecessary confusion among our colleagues across the state. While not appearing to solve any specific grant program problem, it has spawned actual problems for library associations. This includes creating a barrier between FLA and the five Florida library cooperatives which rely primarily on State funds. This hampers our ability to work with these organizations to coordinate professional development opportunities state-wide. It also creates unnecessary tension between FLA and DLIS since state employees are no longer allowed to attend FLA events.

The actions so far have caused FLA financial harm. After the September 2023 grant requirements were issued, the County Commissions for Sarasota and Lake County both voted to restrict their library systems from being members of FLA. The FLA Executive Director was also informed by several Florida library systems that they were preemptively dropping or not renewing their membership in FLA to prevent similar restrictions from being placed on them. As well, the five Florida library cooperatives informed FLA that they were unable to send staff to the FLA annual conference or table at the event. This has led to reduction in revenue for FLA and interrupted relationships across the State.

In addition, the terms “activities” and “association” are not clearly defined. Our members have expressed concern and confusion over the limits of the draft proposed rule. For example, would staff of libraries that receive State Aid be prevented from being members of FLA, participating on our association’s committees, attending our annual Library Legislative Day, or attending, presenting, or exhibiting at our annual conference, even if not using State Aid Grant funds?

To our knowledge, rule language that prohibits state money from being spent on professional association activities does not appear in any Florida grant program. No reason has been stated by DLIS or the Department of State as to why library associations should be specifically excluded. In fact, the proposed rule change would allow grantees to use project funds towards activities of other types of professional associations. This makes the proposed rule excluding library associations appear exclusionary in its application.

As well, the proposed rule change would prohibit FLA from applying for an LSTA grant award. In fiscal year 2023, FLA was recommended for and received an LSTA grant to fund the hybrid component of our annual conference. DLIS expressed no concerns regarding the expenditure of the grant dollars awarded that year. The proposed rule

change unfairly prevents FLA from being considered for future grants despite our past satisfactory use of grant dollars.

Appeal to Remove Proposed Rule Language Regarding Library Associations

We respectfully urge DLIS to rescind this proposed rule language excluding library associations across all four grant programs.

The State of Florida has not elaborated on the specific concerns that would support an exclusion of funds being spent by grant awardees on library associations. The 2023 grant requirement language referred to “scrutiny” around library associations, yet it was never elaborated on by DLIS or the Department of State. To date, FLA does not have any specific examples of items of concern. The fact that this initial language does not appear in the final proposed rule is curious.

Library grants help all Florida communities with the continuation of vital community spaces, services, and resources. Grants foster fruitful partnerships with many entities across the state including FLA. Uncertainty around the grant restrictions to date have already caused library professionals to disassociate with their state and national professional library associations out of fear of losing future state funding and/or their employment. The result of the grant requirements and this proposed rule have hindered potential opportunities to enhance libraries across the state and in turn negatively affected the residents that rely upon library services and resources.

FLA remains a nonpartisan professional society dedicated to empowering library professionals to serve their communities and patrons. We look forward to the restoration of relationships with DLIS and the Library Cooperatives.

Sincerely,

Jorge E. Perez
Florida Library Association President, 2024-2025