

STORAGE NAME: h0309s1.go

DATE: March 6, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GOVERNMENTAL OPERATIONS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 309

RELATING TO: Constitution Revision Commission

SPONSOR(S): Committee on Governmental Operations and Representative Warner

STATUTE(S) AFFECTED:

COMPANION BILL(S): SB 160(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
- (2) GENERAL GOVERNMENT
- (3)
- (4)
- (5)

I. SUMMARY:

CS/HB 309 provides for the administration and supplemental funding of the Constitution Revision Commission ("Commission"). Pursuant to Art. XI, Sec. 2, Florida Constitution, the Commission must be established no later than 30 days after the end of the 1997 regular legislative session. The Commission will consist of 37 members variously selected by the governor, speaker of the house, senate president, and chief justice of the supreme court of Florida. The Commission will examine the state constitution and hold public hearings. The Commission may file a proposal of constitution revisions to be considered in the 1998 general election.

This bill provides that the Joint Legislative Management Committee shall act as the fiscal officer for the Commission, providing the requisite support for the Commission's activities.

CS/HB 309 appropriates \$200,000 from the General Revenue Fund to the Commission to compensate staff, procure equipment, and pay per diem and travel expenses for Commission members and staff. This current year (1996-96) appropriation is intended to supplement the \$1.6 million appropriation proposed in the budget for the 1997-98 fiscal year. The Commission may begin activities as early as March 1997, but the 1997-98 appropriation would not be available until July 1, 1997 -- the first day of the 1997-98 fiscal year. The \$200,000 will become available during this interim period if CS/HB 309 becomes law prior to July 1. This bill also provides that any unspent moneys appropriated by this act will not revert to the General Revenue Fund on June 30, 1997, but will be automatically reappropriated to the Commission for the 1997-98 fiscal year.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Article XI, Section 2 (a), Florida Constitution, provides that the Constitution Revision Commission ("Commission") must be established within 30 days after the adjournment of the 1997 regular session of the legislature. If the legislature completes its work in an unextended 60 day session, the Commission may begin to meet as early as the end of May. Also, the Commission could begin preparation for the Commission meetings as early as March 1997 (phone conversation with Billy Buzzett, Executive Director, Constitution Revision Commission Steering Committee, February 19, 1997).

Article XI, Section 2, Florida Constitution, states that the Commission must be composed of thirty-seven members including the attorney general of the state, fifteen members selected by the governor, nine members selected by the speaker of the house, nine members selected by the president of the senate, and three members selected by the chief justice of the supreme court. The governor must designate one member of the Commission as its chair. The purpose of the Commission when it convenes is to examine the constitution of the state, to hold public hearings, and to propose revisions to the constitution as a whole or in part. This proposal, if there is one, must be filed with the secretary of state no later than 180 days prior to the general election that follows the convening of the Commission. Commission proposals are then added to the general election ballot for the voters to consider.

Section 286.035, F.S., authorizes the chair of the Commission to employ personnel and to incur expenses related to the official operation of the Commission or its committees, to sign vouchers, and to otherwise expend funds appropriated to the Commission for carrying out its official duties. Section 286.035, F.S., also authorizes and directs all state and local agencies to assist the Commission, in any manner necessary, upon request of the Commission or its chair.

The governor's recommended budget for 1997-98 currently recommends a \$1,600,000 appropriation to fund the activities of the Commission. Because the fiscal year begins on July 1, 1997, the Commission may convene before these funds become available. The steering committee of the Commission has prepared a supplemental budget proposal to fund the Commission during the months prior to the beginning of the 1997-98 fiscal year (see attached supplemental budget proposal).

B. EFFECT OF PROPOSED CHANGES:

CS/HB 309 provides that the Joint Legislative Management Committee ("JLMC") is the fiscal officer for the Commission. Also, this bill provides that the JLMC must provide the requisite support to the Commission. As fiscal officer, the JLMC will provide accounting and record-keeping services to the Commission for official Commission expenditures. For example, travel vouchers will be signed by the Commission chair but the JLMC will process the vouchers (phone conversation with Richard Herring, Fiscal Responsibility Council, February 19, 1997).

This bill also appropriates the sum of \$200,000 from the General Revenue fund to the Commission to compensate staff, procure Commission equipment, and pay per diem and travel expenses for Commission members and authorized staff. This sum reflects the

supplemental budget proposed by the Steering Committee of the Commission to fund Commission activities between the date of the convening of the Commission and the beginning of the 1997-98 fiscal year on July 1, 1997. This bill further provides that moneys appropriated by this bill and not expended by July 1, 1997, will **not** revert back to the General Revenue Fund, but will be reappropriated to the Commission for the 1997-98 fiscal year.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

CS/HB 309 requires the JLMC to act as the fiscal officer of the Commission. This additional responsibility may generate a small amount of extra work for the JLMC because JLMC staff will be required to process Commission paperwork in addition to its current workload.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

N/A

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

This bill does not appear to directly increase the allowable options of individuals or private organizations/associations to conduct their own affairs. However, adequately funding the Commission may empower the Commission to propose quality revisions to the state Constitution, thereby increasing the options of the individual voter to amend the state Constitution in the 1998 general election.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

N/A

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

N/A

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Provides that the Joint Legislative Management Committee is the fiscal officer for the Constitution Revision Commission; provides that the Joint Legislative Management Committee shall provide the requisite support to the Commission;

Section 2 -- Appropriates \$200,000 to the Commission from the General Revenue Fund to compensate staff, procure commission equipment, and pay per diem and travel expenses for Commission members and authorized staff.

Section 3 -- Provides that moneys appropriated to the Commission by this bill and not expended by June 30, 1997, shall be reappropriated to the Commission instead of reverting to the General Revenue Fund.

Section 4 -- Provides that this bill shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

CS/HB 309 appropriates \$200,000 to the Commission from the General Revenue Fund.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

This bill appropriates \$200,000 to the Commission from the General Revenue Fund.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

The \$200,000 appropriated in this bill will become available to the commission as a current year appropriation if CS/HB 309 becomes law prior to July 1, 1997.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. **COMMENTS:**

None.

VI. **AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

One technical amendment was adopted which removed section 1., paragraphs (2) and (3) from HB 309. As originally written, section 1., paragraph (2) duplicated exactly the language of s. 286.035(1), F.S., and paragraph (3) substantively duplicated the language of s. 286.035(2), F.S. The amendment removed this unnecessary duplication of existing statutory language.

VII. **SIGNATURES:**

COMMITTEE ON GOVERNMENTAL OPERATIONS:

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