

STORAGE NAME: H0777.rre

DATE: March 14, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Rules, Resolutions & Ethics
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 777 (formally PCB RRE 97-03)

RELATING TO: Regulation of Lobbyists; Constitution Revision Commission

SPONSOR(S): Committee on Rules, Resolution, & Ethics, Representatives Thrasher and Crady

STATUTE(S) AFFECTED: Chapter 112, Florida Statutes

COMPANION BILL(S): SB 290

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

(1) Rules, Resolutions & Ethics YEAS 11 NAYS 0

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I. SUMMARY:

HB 777 extends the regulation of lobbyists to persons seeking to lobby the members or employees of the Constitution Revision Commission. This regulation would require those persons to 1) register with the Florida Commission on Ethics, 2) incur a \$25 registration fee for each principal represented before the Constitution Revision Commission, and 3) submit quarterly expenditure reports summarizing all lobbying expenditures by the lobbyist and the principal.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Currently, persons lobbying the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch are required to register as a lobbyist with the Florida Commission on Ethics. At this time, there are no regulations regarding persons lobbying the members or employees of the Constitution Revision Commission.

B. EFFECT OF PROPOSED CHANGES:

The bill amends the current Executive Branch lobbying regulations (s. 112.3215, Florida Statutes) in order to include persons seeking to lobby the members or employees of the Constitution Revision Commission.

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?

The Florida Commission on Ethics will be responsible for maintaining the registration and collecting registration fees for lobbyists of the Constitution Revision Commission. However, this new responsibility should not require any new administrative procedures or impose new burdens on the Commission.

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

No

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

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

None

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No

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

The bill does require each principal lobbying the Constitution Revision Commission to incur a \$25 registration fee.

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

The bill will not adjust tax rates and will have a negligible effect on total revenues.

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?

No

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

The bill extends the current level of regulation on Executive Branch lobbyists to those persons seeking to lobby the members or employees of the Constitution Revision Commission.

5. Family Empowerment:

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

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

No

- 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:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION ANALYSIS:

Section 1 amends s. 112.3215(1)(a), F.S., 1996 Supplement, to expand the definition of "agency" to include the Constitution Revision Commission.

Section 2 amends s. 112.3215(1)(d), F.S., 1996 Supplement, to broaden the definition of "lobbies" to include influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's action or nonaction through oral or written communication. It also expands the definition to include an attempt to obtain goodwill of a member or employee of the Constitution Revision Commission.

Section 3 amends s. 112.3215(2), F.S., 1996 Supplement, to allow for the new definition of "agency" as provided for in Section 1 of this bill.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

A \$25 registration fee impose will be imposed on any person seeking to lobby the Constitution Revision Commission to be deposited in the Executive Branch Lobby Registration Trust Fund. The bill would impose a negligible increase in workload for the Commission on Ethics.

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

The increase in total revenues will be insignificant.

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:

Lobbyists seeking only to lobby the Constitution Revision Commission would be required to pay the registration fee and report on a quarterly basis all expenditures made for the purposes of lobbying. Current executive branch lobbyists would not incur any additional registration fees. However, they would be required to maintain and report any expenditures made for the purpose of lobbying the Constitution Revision Commission.

2. Direct Private Sector Benefits:

None

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

None

D. FISCAL COMMENTS:

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

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