

STORAGE NAME: h1737a.tu

DATE: April 10, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
TOURISM
ANALYSIS**

BILL #: CS/HB 1737

RELATING TO: Secretary of Barbecue

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

TIED BILL(S):

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

- (1) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 1
 - (2) TOURISM YEAS 5 NAYS 4
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

Under current Florida law, there is no Secretary of Barbecue in Florida. Also, there are no ceremonial officers under the Executive Office of Governor.

This bill creates an unnumbered section of the Florida Statutes, authorizing the Governor to appoint a new position called the Secretary of Barbecue. This position would be a ceremonial position with no rulemaking or policy-making authority, or compensation. The bill states that no state funds will be used to support the Secretary.

The Secretary of Barbecue would serve as a representative of the Governor at functions promoting barbecue. The Secretary may also designate a representative if the Secretary cannot attend a particular function.

Under paragraph (1) of s. 112.313, F.S., the Secretary of Barbecue as an appointed position would be included in the definition of "public officer," however, because the position does not have any influence by vote, official action or judgement, the position seems to be exempt from the prohibition against the acceptance of gifts (s.112.313(2), F.S.) or unauthorized compensation (s. 112.313(4), F.S.). The position would be exempt from post-employment restrictions as an "appointed state officer" does not include officers whose authority is solely advisory; and the position is not an "employee" as the Secretary would not receive compensation, (s. 112.313(9), F.S.).

This bill is effective upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Under current Florida law, there is no Secretary of Barbecue in Florida. Also, there are no ceremonial officers under the Executive Office of Governor.

There are many annual barbecue festivals and competitions in Florida. Nationally, there are over 200 regular annual competitions. The largest (1990 Guinness Book of World Records record-holder for the largest pork cooking contest) is called the Memphis in May festival, with the World Championship Barbeque Cooking Contest. Over 97,000 people attended the Championship in 1999. (<http://memphisite.com/memphisinmay/bbq.fest.html>) This Championship was founded in 1977. To compete in the Championship, the teams must participate in some of the sanctioned contests, three of which are located in Florida. There are also twelve official barbecue associations throughout the U.S., including the N.B.B.Q.A. (National Barbecue Association) located in Kansas City, Missouri.

C. EFFECT OF PROPOSED CHANGES:

This bill creates an unnumbered section of the Florida Statutes, authorizing the Governor to appoint a new position called the Secretary of Barbecue. This position would be a ceremonial position with no rulemaking or policy-making authority, or compensation. The bill states that no state funds will be used to support the Secretary.

The Secretary of Barbecue would serve as a representative of the Governor at functions promoting barbecue and the diversity of barbecue created by the many cultures represented in Florida. The Secretary may designate a representative of the Secretary of Barbecue if the Secretary is not able to attend a particular function.

Under paragraph (1) of s. 112.313, F.S., the Secretary of Barbecue as an appointed position would be included in the definition of "public officer," however, because the position does not have any influence by vote, official action or judgement, the position seems to be exempt from the prohibition against the acceptance of gifts (s.112.313(2), F.S.) or unauthorized compensation (s. 112.313(4), F.S.). The position would be exempt from post-employment restrictions as "appointed state officer" does not include officers whose authority is solely advisory; and the position is not an "employee" as the Secretary would not receive compensation, (s. 112.313(9), F.S.).

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D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

This bill would have no fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

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 take an action requiring expenditures 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.

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

This bill does not reduce the percentage of state sales tax shared with municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 30, 2000, the Committee on Governmental Operations heard this bill and adopted two amendments. The first amendment authorizes the Secretary of Barbecue to designate a representative if the Secretary is unable to attend a particular event. The second amendment expressly states that no state funds shall be used to support the position.

The Committee on Governmental Operations reported the bill favorably as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Staff Director:

Jennifer D. Krell

Jimmy O. Helms

AS REVISED BY THE COMMITTEE ON TOURISM:

Prepared by:

Staff Director:

Monique H. Cheek

Judy C. McDonald