

STORAGE NAME: h0065B.frc.doc
DATE: October 24, 2001

HOUSE OF REPRESENTATIVES
FISCAL RESPONSIBILITY COUNCIL
ANALYSIS

BILL #: HB 65B (PCB FRC 01-14B)
RELATING TO: Solicitation of Contributions
SPONSOR(S): Fiscal Responsibility Council and Representative Dockery
TIED BILL(S):

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

- (1) FISCAL RESPONSIBILITY COUNCIL YEAS 26 NAYS 1
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill removes the restriction on the use of registration fees and fines collected from solicitors of contributions. According to chapter 496, Florida Statutes, the use of funds is limited to the cost of administering and enforcing the "Solicitations of Contributions Act." This bill will allow the Department of Agriculture and Consumer Services to use the excess funds to pay some of the overall costs to operate the Division of Consumer Services.

This change will allow a recurring fund shift from the General Revenue Fund to the General Inspection Trust Fund of \$457,000 in the Department of Agriculture and Consumer Services, Consumer Protection Program.

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:

The Department of Agriculture and Consumer Services registers approximately 8,000 organizations annually which desire to solicit contributions in the State. The Department collects \$1.2 million annually in registration fees. According to section 496.405, Florida Statutes, these fees are deposited into the General Inspection Trust Fund and used to pay the costs of administering and enforcing the "Solicitation of Contributions Act." [Chapter 496, Florida Statutes] The annual cost to administer and enforce the Act is \$570,700. This provides excess receipts of approximately \$629,300.

C. EFFECT OF PROPOSED CHANGES:

This bill would allow the excess fees collected to be used to fund some of the overall costs to operate the Division of Consumer Services.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends section 496.405 (4) (c), F. S., deleting restrictions on the use of registration fees collected.

Section 2. Amends section 496.409 (7), F. S., deleting restrictions on the use of registration fees collected.

Section 3. Amends section 496.410 (15), F. S., deleting restrictions on the use of registration fees collected.

Section 4. Amends section 496.419 (9), deleting restrictions on the use of fines collected.

Section 5. Provides for an effective date, upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

No impact.

2. Expenditures:

Allows a fund shift from General Revenue to General Inspection Trust Fund of \$457,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

None.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

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

None.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

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C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

Prepared by:

Staff Director:

Marsha Belcher

David Coburn