

STORAGE NAME: h1205a.sa.doc
DATE: February 12, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
STATE ADMINISTRATION
ANALYSIS**

BILL #: HB 1205
RELATING TO: Govt. Agencies/Unsolicited Reports
SPONSOR(S): Representative(s) Haridopolos

TIED BILL(S):

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

- (1) STATE ADMINISTRATION YEAS 4 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill prohibits the unsolicited distribution of general reports through United States Postal Service mailing by agencies. The prohibition does not affect reports posted on the Internet or sent by e-mail computer transmissions. The provision does not apply to notifications, registrations, or other matters, which are required by law to be mailed by a government agency.

The term "general report" is not defined. This bill indirectly encourages increased use of Internet and e-mail.

To the degree that agencies distribute unsolicited reports that are not required by law, this bill could have a positive fiscal impact on state and local government. However, the fiscal impact of this bill is indeterminate at this time.

The Committee on State Administration adopted one amendment, which is traveling with the bill. Please see "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES."

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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:

This bill prohibits agencies from sending unsolicited general reports by United States Postal Service mailing to any person in the state.

B. PRESENT SITUATION:

Currently, agencies publications and general reports are printed on paper and distributed in hard copy form even when unsolicited. Chapter 283 f.s., regulates the distribution of publications and 283.30, f.s., defines agency:

Any official, officer, department, board, commission, division, bureau, section, district, office, authority, committee, or council, or any other unit of organization, however designated, of the executive branch of state government, and the Public Service Commission.

EFFECT OF PROPOSED CHANGES:

This bill prohibits the unsolicited distribution of general reports through United States Postal Service mailing by agencies. The prohibition does not affect reports posted on the Internet or sent by e-mail computer transmissions. The provision does not apply to notifications, registrations, or other matters, which are required by law to be mailed by a government agency.

The term "general report" is not defined. This bill indirectly encourages increased use of Internet and e-mail.

To the degree that agencies distribute unsolicited reports that are not required by law, this bill could have a positive fiscal impact on state and local government. However, the fiscal impact of this bill is indeterminate at this time.

The sponsor's office is offering one amendment, which provides that a state agency may satisfy any requirement for the provision of an annual report by posting the report on the agency's website.

C. SECTION-BY-SECTION ANALYSIS:

Please see "EFFECT OF PROPOSED CHANGES."

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Please see "FISCAL COMMENTS."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Please see "FISCAL COMMENTS."

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

To the degree that agencies distribute unsolicited reports that are not required by law, this bill could have a positive fiscal impact on state and local government. However, the fiscal impact of this bill is indeterminate at this time.

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 action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities 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 a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

STORAGE NAME: h1205a.sa.doc

DATE: February 12, 2002

PAGE: 4

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on State Administration adopted one amendment, which is traveling with the bill. The amendment provides that any notification, registration, or other matters, which are required by law to be mailed by a government agency, may be posted on the Internet or sent by e-mail computer transmission in lieu of being mailed, and that any requirement for the provision of an annual report may be provided by posting the report on the agency website.

VII. SIGNATURES:

COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

Staff Director:

Josh White

J. Marleen Ahearn, Ph.D., J.D.