

STORAGE NAME: h1205s1.sgc.doc
DATE: February 25, 2002

**HOUSE OF REPRESENTATIVES
COUNCIL FOR SMARTER GOVERNMENT
ANALYSIS**

BILL #: CS/HB 1205
RELATING TO: Govt. Agencies/Unsolicited Reports
SPONSOR(S): Council for Smarter Government and 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 YEAS 12 NAYS 0
 - (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.

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.

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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.

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B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 19, 2002, the Council for Smarter Government unanimously adopted the bill, as a committee substitute. The committee substitute changes the bill back to the original language of HB 1205. The amendment adopted by the Committee on State Administration on February 12, 2002, provided that notifications, registrations, and other matters which are required by law to be mailed by a government agency could be satisfied by posting on the Internet or by e-mail transmission, and that any requirement for the provision of an annual report by a state agency could be satisfied by posting the report on the agency website. The committee substitute eliminates this provision, returning the language back to the original language of the bill.

VII. SIGNATURES:

COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

Josh White

Staff Director:

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

AS REVISED BY THE COUNCIL FOR SMARTER GOVERNMENT:

Prepared by:

Josh White

Council Director:

Don Rubottom