

1989

Session Law 89-187

Florida Senate & House of Representatives

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H 385 GENERAL BILL/1ST ENG by Long (Similar S 509, S 631)
G&FWFC/Public Information Materials; authorizes commission to enter into agreements to secure private publication of public information materials containing advertising; provides that commission shall retain right to approve all elements of such advertising; requires a disclaimer. Effective Date: 10/01/89.

02/22/89 HOUSE Prefiled
02/28/89 HOUSE Referred to Natural Resources; Appropriations
04/04/89 HOUSE Introduced, referred to Natural Resources; Appropriations -HJ 44
04/07/89 HOUSE On subcommittee agenda—Natural Resources, 04/11/89, 8:30 am, 413-C
04/11/89 HOUSE Subcommittee Recommendation: Favorable; On Committee agenda—Natural Resources, 04/13/89, 3:30 pm, 413-C —Not considered
04/14/89 HOUSE On Committee agenda—Natural Resources, 04/18/89, 3:45 pm, 413-C
04/18/89 HOUSE Preliminary Committee Action by Natural Resources: Favorable
05/01/89 HOUSE Comm. Report: Favorable by Natural Resources -HJ 337; Now in Appropriations -HJ 337
05/10/89 HOUSE Withdrawn from Appropriations -HJ 449; Placed on Calendar
05/18/89 HOUSE Placed on Special Order Calendar
05/29/89 HOUSE Read second time; Amendment adopted; Read third time; Passed as amended; YEAS 115 NAYS 0 -HJ 707
05/29/89 SENATE In Messages; Received -SJ 499; Substituted for SB 509; Passed; YEAS 29 NAYS 0 -SJ 507
05/29/89 Ordered enrolled
06/13/89 Signed by Officers and presented to Governor
06/28/89 Approved by Governor; Chapter No. 89-187

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: h0385-f.nr
DATE: June 15, 1989

HOUSE OF REPRESENTATIVES
NATURAL RESOURCES COMMITTEE
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 385

RELATING TO: G&FWFC/Public Information Materials

SPONSOR(S): Representative Long

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: June 28, 1989

CHAPTER #: 89-187, Laws of Florida

COMPANION BILL(S):

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

At the present time, no statutory provisions exist which would allow the Florida Game and Fresh Water Fish Commission to enter into agreements with the private sector for donated services such as the publication or production of brochures or public information materials.

The commission has been approached, on several occasions, by private vendors desiring to donate publication services. In return, these private vendors would like to place advertisements, related to commission activities and approved by the commission, in the various publications. These types of donated services could result in substantial savings to the state.

B. EFFECT OF PROPOSED CHANGES:

This bill authorizes the Florida Game and Fresh Water Fish Commission to enter into agreements to secure the private publication or production of public information materials containing advertising, including audiovisual and printed materials. In addition, the bill provides for the commission to retain the right to approve all elements of such advertising. The bill also requires all materials containing advertising to have a disclaimer indicating that the inclusion of the advertising in such material does not constitute an endorsement by the state or commission.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

The Florida Game and Fresh Water Fish Commission should realize a savings in moneys expended for the publication of materials.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Persons entering into agreements with the commission for the publication or production of materials would bear publication or production costs.

2. Direct Private Sector Benefits:

In return for the donation of publication costs, participants would receive advertising privileges.

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

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This bill is consistent with the following goal and policies of the State Comprehensive Plan:

(21) GOVERNMENTAL EFFICIENCY.--

(a) Goal.--Florida governments shall economically and efficiency provide the amount and quality of services required by the public.

(b) Policies.--

11. Encourage governments to seek outside contracting on a competitive-bid basis, when cost-effective and appropriate.

12. Discourage undue expansion of state government and make every effort to streamline state government in a cost-effective manner.

IV. COMMENTS:

This bill is not inconsistent with the committee's mission statement. However, there is not a specific provision that addresses this issue.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:


Edward Bishop

Staff Director:


Dana D. Minerva

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

REVISED: _____

BILL NO. SB 509

DATE: May 8, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Ross</u>	<u>Voigt</u>	1. <u>NRC</u>	<u>Fav./1 amend.</u>
2. <u>Tinney, Rex</u>	<u>Stengle</u>	2. <u>GO</u>	<u>Favorable</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Game and Fresh Water Fish Commission; Public Information Materials

BILL NO. AND SPONSOR: SB 509 by Senator Brown

I. SUMMARY:

A. Present Situation:

The Game and Fresh Water Fish Commission is established by Art. IV, s. 9, Fla. Const., to exercise the regulatory and executive powers of the state with respect to wild animal life and freshwater aquatic life. The constitution also provides that all license fees for taking wild animal life and freshwater aquatic life and penalties for violating regulations shall be as prescribed by statute, and authorizes the enactment of law in aid of the commission. The commission is composed of five members who are appointed by the Governor and confirmed by the Senate to serve for staggered terms of 5 years.

Most statutes regulating hunting and freshwater fishing are codified in ch. 372, F.S. The regulations of the commission concerning hunting and fishing are contained in Title 39 of the Florida Administrative Code. The commission summarizes the applicable laws and regulations annually in two printed handbooks -- the *Florida Hunting Handbook* and the *Florida Freshwater Sport Fishing Guide & Regulations Summary*. The commission prints an estimated 500,000 copies of each of these publications at an estimated total annual cost of \$70,000. The annual printing of the handbooks is handled through competitive bid, as required by s. 283.33, F.S., 1988 Supp.

The handbooks are distributed to the public free-of-charge through commission offices, county tax appraisers' offices, and various retail establishments located throughout the state. Hunting and fishing licenses are also available through those sources. The commission's Office of Informational Services also issues an estimated 120 other publications annually, including public information and education brochures relating to alligators, animal tracks, fish identification, fur-bearing animals, and Florida panthers. As part of its publications, the commission publishes maps and regulations for the more than 60 wildlife management areas for which the commission is responsible.

The commission has been contacted by Savoir-Faire Inc. of Jackson, Mississippi, which has offered to print annually the commission's hunting and fishing regulation handbooks. Savoir-Faire has offered to print a number of handbooks specified by the commission, at no charge, in exchange for including in the handbooks 15 pages of color advertisements solicited by Savoir-Faire. In correspondence with the commission, Savoir-Faire has stated that it will not accept advertisements in categories that the commission wishes to exclude, and that the commission will be provided a printer's proof of each handbook for the commission's corrections and approval prior to final printing.

In 1988, the commission contacted the Department of Legal Affairs to request an opinion regarding whether legal

authorization exists for the commission to contract with a private publisher for the printing of a public document, in return for the publisher being granted the right to select, sell, and place advertising in the publication. In response, the Attorney General issued AGO 88-50, in which he opined that the commission is not authorized to contract for the private publication of a public document.

Several state agencies contract for private entities to print certain documents at no charge to the state. One example is the Department of Commerce, which has been given the authorization in s. 288.03(33), F.S., 1988 Supp., to "[a]ccept and expend any gift or grant of money made to the [Division of Economic Development] for any or all of the purposes specified in this section," which includes, at subsection (37) of the section, the authority to contract for promotional and advertising services.

B. Effect of Proposed Changes:

The commission would be authorized to enter into agreements with private publishers to produce its public information materials, whether the format is a brochure, pamphlet, audiotape, videotape or related material, if the private publisher bears the cost of production. Further, the commission would be authorized to enter into agreements allowing private vendors to offset the costs of publication or production of public documents by selecting, selling, and placing advertisements which publicize products or services related to and harmonious with the subject matter of the publication. The commission would, however, retain the right, by agreement, to approve all elements of any advertisement placed in its public information publications, including form and content.

Any public information materials containing such advertisements would also be required to carry a disclaimer stating that the inclusion of the advertisement does not constitute an endorsement by the state or the commission of the products or services advertised.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

The commission states that it presently costs approximately \$70,000 annually to print 500,000 copies each of the hunting and fishing handbooks, which costs could be saved under the bill. Additional cost savings could result from agreements for printing other publications of the commission.

III. COMMENTS:

According to correspondence supplied by the commission, Savoir-Faire Inc. currently is authorized to print similar handbooks for the states of Mississippi, Louisiana, Alabama, Tennessee, and Arkansas.

IV. AMENDMENTS:

#1 by Natural Resources & Conservation:

The commission could agree that the vendor publishing the commission's public information materials bear the cost of production, or may require the vendor to provide additional compensation to the commission in exchange for the right to place advertisements in the materials.