

STORAGE NAME: h0667s2z.tr
DATE: May 11, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
TRANSPORTATION
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/CS/HB 667 (Passed as CS/SB 368)

RELATING TO: Motorcycle Safety Education

SPONSOR(S): Committees on Finance & Tax, Governmental Rules and Regulations, Rep. Kelly and others

COMPANION BILL(S): CS/SB 368 (s)

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

- (1) TRANSPORTATION YEAS 7 NAYS 0
- (2) GOVERNMENTAL RULES & REGULATIONS YEAS 4 NAYS 1
- (3) FINANCE AND TAXATION YEAS 13 NAYS 1
- (4) TRANSPORTATION & ECONOMIC DEV. APPROP. YEAS 10 NAYS 0
- (5)

I. FINAL ACTION STATUS:

On April 27, 1998, CS/CS/HB 667 was laid on the table and CS/SB 368, a companion measure, was substituted for CS/CS/HB 667 and passed. See House Journal, page 1403. Please refer to CS/SB 368, which became Chapter 98-xxx, Laws of Florida. The analysis that follows is applicable to CS/SB 368.

II. SUMMARY:

The bill modifies the Florida Motorcycle Education Program to:

- Exempt the \$2.50 motorcycle safety education fee from the 7 percent General Revenue Fund surcharge. The amount exempted from the surcharge is retained in the Highway Safety Operating Trust Fund and used to administer the Florida Motorcycle Safety Education Program.
- Repeal the \$50 *cap* on reimbursements made by the Department of Highway Safety and Motor Vehicles (DHS&MV) to course providers when a student completes the course.
- Require that reimbursements be made when the student *begins the on-cycle* portion of the course instead of when the student completes the course.

Exempting the \$2.50 motorcycle safety education fee from the 7 percent General Revenue Fund surcharge provides a recurring revenue increase of \$40,000 to the Highway Safety Operating Trust Fund and a corresponding decrease to the General Revenue Fund.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Florida Motorcycle Safety Education Program

Every first-time applicant for licensure to operate a motorcycle who is under 21 years of age must complete a motorcycle safety course prior to being licensed to operate a motorcycle (s. 322.0255, F.S.). Motorcycle safety courses are offered as part of the Florida Motorcycle Safety Education Program, which is administered by DHS&MV. DHS&MV is authorized to enter into agreements with organizations to provide the courses. The program is funded from a \$2.50 motorcycle safety education fee that is assessed on motorcycle registrations in Florida.

Subject to the availability of funds, DHS&MV is authorized to reimburse each organization that offers a motorcycle safety education course up to \$50 for each student who successfully *completes* the course. Revenues from the motorcycle safety education fee are used to cover the cost of reimbursement. In addition to the reimbursement amount, course providers are authorized to charge each student a tuition fee sufficient to defray the cost of conducting the course.

General Revenue Surcharge

Currently, from each \$2.50 collected as a motorcycle safety education fee, 7 percent is deducted as a cost of general government and deposited into the General Revenue Fund. During FY 1995-96, DHS&MV collected \$0.5 million in motorcycle education fees, of which approximately \$35,496 was deposited into the General Revenue Fund.

Although the motorcycle safety education fee is subject to the seven percent General Revenue Fund surcharge, other revenues and trust funds monies are exempt from the deduction (s. 215.22, F.S.). Statutorily authorized exemptions include:

- Student financial aid or prepaid tuition receipts
- Trust funds administered by the Department of the Lottery
- Retirement or employee benefit funds

B. EFFECT OF PROPOSED CHANGES:

The bill modifies the Florida Motorcycle Education Program to:

- Exempt the \$2.50 motorcycle safety education fee from the 7 percent General Revenue Fund surcharge. The amount exempted from the surcharge is retained in the Highway Safety Operating Trust Fund and used to administer the Florida Motorcycle Safety Education Program.
- Repeal the \$50 *cap* on reimbursements made by DHS&MV to course providers when a student completes the course.

- Require that reimbursements be made when the student *begins the on-cycle* portion of the course instead of when the student completes the course.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The bill does not appear to create, increase or reduce, either directly or indirectly any authority to make rules or adjudicate disputes.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

DHS&MV would be required to reimburse the course provider when the student begins the on-cycle portion of the course.

(3) any entitlement to a government service or benefit?

The bill does not appear to create an entitlement to a government service or benefit.

b. If an agency or program is eliminated or reduced:

This bill does not appear to eliminate or reduce an agency or program.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

NA

(2) what is the cost of such responsibility at the new level/agency?

NA

(3) how is the new agency accountable to the people governed?

NA

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

This bill does not appear to directly increase anyone's taxes.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

This bill does not appear to reduce total taxes, both rates and revenues.

- d. Does the bill reduce total fees, both rates and revenues?

This bill does not appear to reduce total fees, both rates and revenues.

- e. Does the bill authorize any fee or tax increase by any local government?

This bill does not appear to authorize any fee or tax increase by any local government.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

This bill does not appear reduce or eliminate an entitlement to government services or subsidy.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill does not appear to prohibit, or create new government interference with, any presently lawful activity.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not appear to purport to provide services to families or children.

- (1) Who evaluates the family's needs?

NA

- (2) Who makes the decisions?

NA

- (3) Are private alternatives permitted?

NA

- (4) Are families required to participate in a program?

NA

- (5) Are families penalized for not participating in a program?

NA

- b. Does the bill directly affect the legal rights and obligations between family members?

This bill does not appear to directly affect the legal rights and obligations between family members.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not appear to create or change a program providing services to families or children.

(1) parents and guardians?

NA

(2) service providers?

NA

(3) government employees/agencies?

NA

D. STATUTE(S) AFFECTED:

ss. 215.22 and 322.0255, F.S.

E. SECTION-BY-SECTION RESEARCH:

N/A

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

<u>REVENUES</u>	<u>1998-99</u>	<u>1999-00</u>
General Revenue Fund - Exemption from 7 percent General Revenue Fund surcharge	(\$40,499)	(\$41,309)
Highway Safety Operating Trust Fund Exemption from 7 percent General Fund Revenue surcharge	\$40,499	\$41,309

Information provided by the Department of Highway Safety and Motor Vehicles. The exemption amount is based upon actual revenues for Fiscal Year 1996-97.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

<u>REVENUES</u>	<u>1998-99</u>	<u>1999-00</u>
General Revenue Fund	<u>(\$40,499)</u>	<u>(\$41,309)</u>
Highway Safety Operating Trust Fund	<u>\$40,499</u>	<u>\$41,309</u>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Eliminating the \$50 cap on reimbursements and making reimbursements contingent on starting the on-cycle portion of the course, instead of successful completion of the course, could result in additional revenues for course providers.

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

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties and municipalities to expend funds. Therefore, the provisions of this bill are exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The counties' and municipalities' authority to raise revenue is not affected by this bill. Therefore, the bill is exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

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

This bill would not reduce the percentage of a state tax that is shared with counties and municipalities. Therefore, the bill is exempt from the mandate provisions of Article VII, Section 18 of the Florida Constitution.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee Substitute adopted by the Committee on Governmental Rules and Regulations incorporates two amendments:

- Amendment One updates a statutory reference
- Amendment Two updates the enacting date

These amendments were proposed by staff as technical changes to update certain references in the bill, as it was carried over to the 1998 Session pursuant to House Rule 96.

On March 18, 1998, the Committee on Finance and Taxation adopted one amendment that removed the provisions of the bill that increased the motorcycle endorsement fee from \$5 to \$8 and rolled the amendment into a Committee Substitute.

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VIII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Legislative Research Director:

Thomas E. Duncan

John R. Johnston

**CARRIED OVER RESEARCH PREPARED BY COMMITTEE ON GOVERNMENTAL
RULES AND REGULATIONS:**

Prepared by:

Legislative Research Director:

David M. Greenbaum

David M. Greenbaum

AS FURTHER REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:

Prepared by:

Legislative Research Director:

Carol L. Dickson-Carr

Keith G. Baker, Ph.D.

AS FURTHER REVISED BY THE COMMITTEE ON TRANSPORTATION & ECONOMIC
DEVELOPMENT APPROPRIATIONS:

Prepared by:

Legislative Research Director:

Barry G. Brooks

Barry G. Brooks

FINAL RESEARCH PREPARED BY COMMITTEE ON TRANSPORTATION:

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