

STORAGE NAME: h0235z.tr
DATE: May 13, 1999

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

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
TRANSPORTATION
FINAL ANALYSIS**

BILL #: HB 235 (Passed as SB 816)
RELATING TO: Motor Vehicle Registration/MADD
SPONSOR(S): Representatives Ogles, Byrd, Heyman, and others
COMPANION BILL(S): SB 816 (i)

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

- (1) TRANSPORTATION YEAS 10 NAYS 0
- (2) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS YEAS 8 NAYS 0
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

On April 28, 1999, SB 816, a companion measure to HB 235, was taken up and passed. Please refer to SB 816, which became Chapter 99-233, Laws of Florida.

II. SUMMARY:

A checkoff on motor vehicle registrations for a voluntary contribution to the Florida Mothers Against Drunk Driving Inc., is currently not authorized.

Florida law requires specific authorization for a voluntary contribution checkoff on the application for motor vehicle registration. The requirements are similar to the application requirements used for specialty license plates. The requesting organization must submit the following to the Department of Highway Safety and Motor Vehicles (DHS&MV) at least 90 days before the next regular legislative session:

- A request that describes the proposed voluntary contribution in general terms.
- An application fee, not to exceed \$10,000 to defray the Department's cost for reviewing the application and developing the voluntary contribution checkoff. State funds cannot be used to pay the application fee.
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution, and a financial analysis outlining the anticipated revenues and planned expenditures from the voluntary contribution.

On January 11, 1999, DHS&MV indicated that no organizations had met the voluntary contribution application requirements for the 1999 Session.

The bill authorizes DHS&MV to collect voluntary contributions from registrants as part of the motor vehicle registration and renewal process. Such voluntary contributions would be transferred monthly to Florida Mothers Against Drunk Driving, Inc.

The bill would require DHS&MV to modify its computer software system at a cost of \$12,500.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Florida law requires specific authorization for a voluntary contribution checkoff on the application for motor vehicle registration. A checkoff for a voluntary contribution to the Florida Mothers Against Drunk Driving, Inc., is currently not authorized.

Section 320.023, F.S., establishes requirements for entities seeking to create a voluntary checkoff on motor vehicle registrations. The requirements are similar to the application requirements used for specialty license plates. The requesting organization must submit the following to DHS&MV at least 90 days before the next regular legislative session:

- A request that describes the proposed voluntary contribution in general terms.
- An application fee, not to exceed \$10,000 to defray the Department's cost for reviewing the application and developing the voluntary contribution checkoff. State funds cannot be used to pay the application fee.
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution, and a financial analysis outlining the anticipated revenues and planned expenditures from the voluntary contribution.

Voluntary contributions may not be used for commercial or for-profit activities, nor for general or administrative expenses, except as authorized by law or to pay the cost of an audit or report required by law. Any voluntary contributions authorized by law shall only be distributed under an appropriation by the Legislature.

During FY 1997-98, DHS&MV collected the following amounts from voluntary contributions on motor vehicle registrations:

**Motor Vehicle Registrations - Voluntary Contributions
Revenues Fiscal Year 1997-98**

Transportation Disadvantaged Trust Fund	\$23,292.00
Non Game Wildlife Trust Fund	\$33,905.00
Election Campaign Trust Fund	\$16,700.00
Organ and Tissue Donor Trust Fund	\$29,338.00
Child Safety Seats	<u>\$32,729.00</u>
Total	<u>\$135,964.00</u>

On January 11, 1999, DHS&MV indicated that no organizations had met the voluntary contribution application requirements for the 1999 Session.

B. EFFECT OF PROPOSED CHANGES:

The bill authorizes DHS&MV to collect voluntary contributions from registrants as part of the motor vehicle registration and renewal process. Such voluntary contributions would be transferred monthly to Florida Mothers Against Drunk Driving, Inc.

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?

N/A

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

The bill creates an additional voluntary contribution on motor vehicle registrations. Local tax collectors will be accountable for collecting and managing the additional funds.

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

The Florida Mothers Against Drunk Driving, Inc., would receive the donated funds.

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

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

N/A

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

Tax collectors would be responsible for collecting the voluntary contributions, the Florida Mothers Against Drunk Driving, Inc., would receive the donated funds.

4. Individual Freedom:

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

N/A

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

N/A

5. Family Empowerment:

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

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

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

- 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:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 320.02, F.S.

E. SECTION-BY-SECTION ANALYSIS:

N/A

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

There would be a \$12, 500 direct fiscal impact to the department for the modification of the current computer software system. Mothers Against Drunk Driving, Inc. did not meet any of the requirements pursuant to section 320.023, F.S., in addition to not paying the application fee (not to exceed \$10,000). Also, the statute prohibits the use of state funds to pay for the application fee.

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

Unknown.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Local tax collectors will collect the voluntary contributions and the Department of Highway Safety and Motor Vehicles will distribute them.

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3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

The Mothers Against Drunk Driving Inc., would receive revenue to support their programs. The revenue generated from this voluntary contribution is indeterminate since data is unavailable to predict how many Florida citizens would contribute.

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

N/A

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Thomas E. Duncan

Staff Director:

John R. Johnston

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

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON TRANSPORTATION:

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