

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1083 w/CS Driver's License Voluntary Contribution
SPONSOR(S): Cusack
TIED BILLS: **IDEN./SIM. BILLS:** SB 1644

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	10 Y, 0 N	Garner	Miller
2) Transportation	15 Y, 0 N w/CS	Garner	Miller
3) Finance & Tax			
4)			
5)			

SUMMARY ANALYSIS

Current law provides a method for an organization to seek authorization to have a voluntary contribution check-off be placed on the driver's license application form. A person applying for a driver's license may choose from a number of causes and voluntarily contribute an amount specified on the application by checking a box and paying the amount in addition to any fees required for the driver's license transaction. The additional amount is distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to the organization that sought to include the voluntary check-off on the driver's license application. Under s. 322.081, F.S., an organization seeking such a check-off must submit an application and fee to DHSMV at least 90 days prior to the next regular session of the Legislature.

HB 1083 w/CS establishes a voluntary contribution check-off on the Florida driver's license application form of \$2 to be distributed to the Florida Prostate Cancer Network. The organization has not submitted an application to DHSMV, and has not completed the statutory requirements to seek Legislative enactment of a voluntary contribution.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1083b.tr.doc
DATE: March 30, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Reduce Government?

HB 1083 w/CS requires DHSMV to collect and distribute charitable contributions on behalf of a private organization.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Current law provides a method for an organization to seek authorization to have a voluntary contribution check-off be placed on the driver's license application form. A person applying for a driver's license may choose from a number of causes and voluntarily contribute an amount specified on the application by checking a box and paying the amount in addition to any fees required for the driver's license transaction. The additional amount is distributed by DHSMV to the organization that sought to include the voluntary check-off on the driver's license application. Under s. 322.081, F.S., an organization seeking such a check-off must submit to DHSMV:

- A request for the particular voluntary contribution check-off being sought, describing the proposed voluntary contribution in general terms;
- An application fee, not to exceed \$10,000, to defray DHSMV's cost for reviewing the application and developing the voluntary contribution check-off;
- 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 the planned expenditures of the revenues to be derived from the voluntary contribution.

An organization applying to seek Legislative approval of the check-off must submit its application to DHSMV at least 90 days before the next regular session of the Legislature.

Current law provides driver's license customers six voluntary contribution options. These include:

- The Election Campaign Financing Trust Fund (\$5);
- The Florida Organ and Tissue Donor Education and Procurement Trust Fund (\$1);
- The Florida Council of the Blind (\$1);
- The Hearing Research Institute, Inc. (\$2); and
- The Juvenile Diabetes Foundation International (\$1).

Effect of Proposed Changes

HB 1083 w/CS establishes a voluntary contribution check-off on the Florida driver's license application form of \$2 to be distributed to the Florida Prostate Cancer Network. The organization has not submitted an application to DHSMV, and has not completed the statutory requirements to seek Legislative enactment of a voluntary contribution.

C. SECTION DIRECTORY:

Section 1. Amends s. 322.08, F.S., providing for a voluntary contribution check-off to be placed on the Florida driver's license application form.

Section 2. Provides an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons electing to contribute to the Florida Prostate Cancer Network through the voluntary contribution method on a driver's license application form will be required to pay \$2 in addition to any fees required by law for the driver's license transaction. In addition, the Florida Prostate Cancer Network will receive \$2 every time a person making a driver's license application elects to contribute to the Network.

D. FISCAL COMMENTS:

According to DHSMV, the department will incur \$52,000 in computer database programming costs to implement the new voluntary contribution check-off.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 24, 2004, the Highway Safety Subcommittee recommended one amendment that changed the organization receiving the voluntary contribution from the American Cancer Society to the Florida Prostate Cancer Network. The subcommittee then reported the bill favorably as amended. The Florida Prostate Cancer Network has not complied with the statutory requirements for organizations seeking a voluntary contribution check-off on a driver's license application.

On March 30, 2004, the Committee on Transportation adopted the amendment recommended by the Highway Safety Subcommittee and then reported the bill favorably with a committee substitute.