

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5007A PCB TED 09A-01 Department of Highway Safety & Motor Vehicles

SPONSOR(S): Transportation & Economic Development Appropriations Committee; Glorioso

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Transportation & Economic Development Appropriations Committee	11 Y, 0 N	Creamer	Creamer
1)	Full Appropriations Council on Education & Economic Development	21 Y, 0 N	Creamer	Martin
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill makes a number of changes relating to the Department of Highway Safety and Motor Vehicles (DHSMV). Among the bill's changes are:

- Revising the use of certain motorcycle and moped license tax fees allowing these fees to be used for general purposes of DHSMV;
- Removing the DUI Programs Coordination Trust Fund from the list of funds invested by the Chief Financial Officer and from the list of funds subject to a specified service charge; and
- Providing that revenues collected from DUI programs be deposited into the Highway Safety Operating Trust Fund.

This bill has a negative fiscal impact of approximately \$800,000 to the DUI Programs Coordination Trust Fund and a positive fiscal impact of approximately \$800,000 to the Highway safety Operating Trust Fund in the current year, fiscal year 2008-09, and in subsequent fiscal years from increased revenues.

The bill is effective upon becoming law.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Motorcycle License Taxes; Florida Motorcycle Safety Education Program

Current Situation

Currently, s. 320.08(1)(c), F.S., provides that for each motorcycle registered in Florida, a \$2.50 motorcycle safety education fee is collected and deposited into the Highway Safety Operating Trust Fund. These funds are used *exclusively* to fund motorcycle driver improvement programs implemented pursuant to s. 322.025, F.S., or the Florida Motorcycle Safety Education Program. This program was established in 1989 to provide motorcycle safety courses in Florida.

Proposed Changes

The bill amends s. 320.08, F.S., and 322.025, F.S., to allow the \$2.50 education fee to fund motorcycle driver improvement program and the general operations of the Department of Highway Safety and Motor Vehicles. The bill also amends s. 322.0255, F.S., to eliminate certain potential reimbursements from the Department to motorcycle course providers.

DUI School Coordination Trust Fund

Current Situation

Currently s. 322.293, F.S., specifies that a \$12 fee is assessed against each person who enrolls in a DUI Program. This fee is deposited into the DUI Programs Coordination Trust Fund to be used solely to fund the supervision of such programs.

Proposed Changes

The bill amends s. 17.61, F.S., to eliminate the DUI Programs Coordination Trust Fund from the list of trust funds that are invested by the Chief Financial Officer and from the list of trust funds subject to the 3 percent service charge to the General Revenue Fund. The bill provides that funds currently deposited into the DUI School Coordination Trust Fund will be deposited into DHSMV's Highway Safety Operating Trust Fund for use by DUI programs and the general operations of the department.

B. SECTION DIRECTORY:

Section 1: Terminates the DUI Programs Trust Fund and requires the Department of Highway safety and Motor Vehicles to pay all outstanding debts of the terminated fund.

Section 2: Amends s. 17.61, F.S.; Removing the DUI Programs Coordination Trust Fund from the list of funds invested by the Chief Financial Officer;

Section 3: Amends s. 215.20, F.S.; Removing the DUI Programs Coordination Trust Fund from the list of funds subject to a specified service charge;

Section 4: Amends s. 320.08, F.S.; Revising the use of certain motorcycle and moped license tax fees;

Section 5: Amends s. 322.025, F.S.; revising the use of funding for the driver improvement Program;

Section 6: Amends s. 322.0255, F.S.; eliminating provisions regarding certain reimbursements to motorcycle safety education providers.

Section 7: Amends s. 322.293, F.S.; Requiring that DUI programs be administered by the department and paid for by revenues collected by such programs; providing that such revenues be deposited into the Highway Safety Operating Trust Fund; and

Section 8: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the Department of Highway Safety and Motor Vehicles it is projected that the department will collect approximately \$1.5 million in fiscal year 2008-09 from these registrations. Although this is not additional revenue, the bill does allow these funds to be used for general operations of the department.

Based on the redirection of the \$12 assessment fee from the DUI Programs Coordination Trust Fund to the Highway Safety Operating Trust Fund, the Highway Safety Operating Trust Fund is estimated to receive \$800,000 more each year.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not: require counties or cities to spend funds or take action 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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.