

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 399 Motor Vehicles

**SPONSOR(S):** Kelly and others

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

---

	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Roads, Bridges & Ports Policy Committee	13 Y, 0 N, As CS	Brown	Miller
2)	Finance & Tax Council			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

---

**SUMMARY ANALYSIS**

CS/HB 399 requires the Department of Highway Safety and Motor Vehicles to modify certain applications to allow \$1 voluntary contributions to be made to Blind Babies and Blind Youth Services, and The Arc of Florida.

Specifically, the bill amends sections 320.02, 322.08, and 322.18, F.S., to require motor vehicle applications and renewals, as well as drivers' license applications and renewals, to include a \$1 check-off to Florida Association of Agencies Serving the Blind, Inc., a non-profit 501(c)(3) organization, to provide organizational support for private agencies serving Floridians with blindness, and to The Arc of Florida, to be used for programs and services for persons with developmental disabilities.

DHSMV has certified that both Florida Association of Agencies Serving the Blind, Inc., and The Arc of Florida have complied with s. 322.081, and 320.023, F.S., regarding requests to establish a voluntary check-offs, by submitting letters of request, \$10,000 application fees, and approved short- and long-term marketing plans.

The bill has an effective date of October 1, 2010.

## 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:

The bill amends section 320.02, F.S., to require motor vehicle applications and renewals to include a \$1 check-off to two additional entities. The first check-off, for "Blind Babies and Blind Youth Services," collects contributions to be distributed directly to Florida Association of Agencies Serving the Blind, Inc., a non-profit 501(c)(3) organization, to provide organizational support for private agencies serving Floridians with blindness. The second collects contributions to be distributed to The Arc of Florida, to be used by that organization for programs and services for persons with developmental disabilities.

DHSMV has provided notice that both the Florida Association of Agencies Serving the Blind, Inc., and The Association of Retarded Citizens of Florida, have complied with s. 322.081, and 320.023, F.S., regarding requests to establish voluntary check-offs, by submitting letters of request, \$10,000 application fees, and approved short- and long-term marketing plans.

CS/HB 399 amends section 322.08, F.S., to provide similar \$1 check-offs on drivers' license applications to be distributed to the entities named above. The bill also amends s. 322.18, F.S., to provide \$1 check-offs on drivers' license renewal applications to these groups.

#### *About Drivers' License Check-offs*

Section 322.081, F.S., provides the procedures an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a driver's license application. The check-off allows a person applying for or renewing a Florida driver's license to voluntarily contribute to one or more of the authorized organizations during the driver's license transaction. Before the organization is eligible, it must submit the following to the DHSMV at least 90 days before the convening of the regular session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray the DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

The DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent 5-year period.<sup>1</sup>

---

<sup>1</sup> Section 322.081(4)(a), F.S.

Pursuant to s. 322.08(7), F.S., the driver's license application and renewal forms currently include the following seven voluntary contribution check-offs. (The eighth, for Prevent Blindness Florida, is authorized in s. 322.18(9)(a), F.S.) The total revenue and revenue generated by each check-off in the last 5-year period are summarized in the chart below:<sup>2</sup>

Driver License Check-offs/Voluntary Contribution	Statutory Authorization	Effective Date	Revenue Collected w/in last 5 years	Total Revenue Collected
Organ & Tissue Donor Education (\$1)	1995-423, L.O.F.	7/1/1995	\$402,603	\$1,091,209
Prevent Blindness Florida (\$1)	1995-333, L.O.F.	10/01/1995	\$2,092,878	\$3,208,017
Florida Council of the Blind (\$1)	1996-413, L.O.F.	6/5/1996	\$185,343	\$482,340
Hearing Research Institute (\$2)	2000-313, L.O.F.	10/1/2000	\$185,053	\$320,988
Juvenile Diabetes Foundation International (\$1)	2000-313, L.O.F.	10/1/2000	\$592,835	\$1,017,278
Children's Hearing Help Fund (\$1)	2005-68, L.O.F.	7/1/2005	\$260,763	\$260,763
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$150,047	\$150,047
Stop Heart Disease (\$1)	2009-100, L.O.F.	10/1/2009	\$0	\$0
<b>Total</b>			<b>\$3,869,522</b>	<b>\$6,530,642</b>

#### *About Motor Vehicle Registration Check-offs*

During the 1998 Session, the Legislature created s. 320.023, F.S., which outlines the procedures which an organization must follow prior to seeking Legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application. The check-off allows a registered owner or registrant of a motor vehicle to voluntarily contribute to one or more of the authorized organizations during a motor vehicle registration transaction. Before the organization is eligible, it must submit the following requirements to DHSMV at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.

Section 320.02, F.S., specifies the language that must appear on the State of Florida vehicle's registration and renewal application forms. Included in s. 320.02, F.S., are options for voluntary contributions to the following corporations, trust funds, and organizations as shown in the chart below. The chart includes three additional voluntary contributions relating to registrations authorized in other sections of law.<sup>3</sup>

<sup>2</sup> The charts in this analysis were prepared by Senate staff as part of Senate Interim Report 2010-131, *Review of the Requirements for Establishing Specialty License Plates and Registration and Driver's License Check-Offs*, October 2009.

<sup>3</sup> Specifically, s. 320.08047, F.S., allows a \$1 voluntary contribution to be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry. Section 328.72(11), F.S., requires that vessel registration and renewal application forms include a provision allowing for a voluntary contribution of \$2 or \$5 to the Save the Manatee Trust Fund to fund an impartial scientific benchmark census of the manatee population in the state and other activities intended to provide manatee and marine mammal protection and recovery efforts. Lastly, s. 328.72(16), F.S., requires the DHSMV to

<b>Registration Check-offs/Voluntary Contribution</b>	<b>Statutory Authorization</b>	<b>Effective Date</b>	<b>Revenue Collected w/in last 5 years</b>	<b>Total Revenue Collected</b>
*Save the Manatee TF (\$2 or \$5)	1984-338, L.O.F.	7/1/1985	\$478,310	\$3,191,012
Nongame Wildlife Trust Fund (\$1)	1984-194, L.O.F.	10/1/1984	\$210,421	\$19,244,868
*Marine Resources Conservation TF (\$5) Turtle Sticker is issued	1991-215, L.O.F.	7/1/1992	\$422,228	\$1,067,533
Organ & Tissue Donor Education (\$1)	95-423, L.O.F.	7/1/1995	\$284,239	\$586,143
Highway Safety Operating Trust Fund, used to purchase child safety seats (\$2)	1995-333, L.O.F.	10/1/1995	\$253,237	\$649,751
Transportation Disadvantaged Trust Fund (\$1)	1994-306, L.O.F.	7/1/1994	\$155,605	\$362,242
Prevent Blindness Florida (\$1)	1997-300, L.O.F.	10/1/1997	\$567,325	\$968,679
Florida Mothers Against Drunk Driving, Inc. (unspecified \$)	1999-233, L.O.F.	7/1/1999	\$350,902	\$542,973
Southeastern Guide Dogs, Inc. (\$1)	2005-254, L.O.F.	7/1/2005	\$225,256	\$225,256
Miami Heart Research Institute, Inc. (\$1)	2006-44, L.O.F.	7/1/2006	\$98,465	\$98,465
Children's Hearing Help Fund (\$1)	2007-50, L.O.F.	10/1/2007	\$63,886	\$63,886
State Homes for Veterans Trust Fund (\$1)	2008-87, L.O.F.	10/1/2008	\$82,806	\$82,806
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$16,365	\$16,365
Florida Sheriffs Youth Ranches, Inc. (\$1)	2009-110, L.O.F.	7/1/2009	\$176	\$176
<b>Total</b>			<b>\$3,209,221</b>	<b>\$27,100,155</b>

**B. SECTION DIRECTORY:**

- Section 1** Amends s. 320.02, F.S., adding voluntary contributions to the Florida Association of Agencies Serving the Blind, Inc. and The Arc of Florida, to applications for motor vehicle registration and renewal forms.
- Section 2** Amends s. 322.08, F.S., adding voluntary contributions to Senior Vision Services to be distributed to Florida Association of Agencies Serving the Blind, Inc.; and The Arc of Florida, to drivers' license applications.
- Section 3** Amends s. 322.18, F.S., adding a voluntary contribution to Senior Vision Services to be distributed to Florida Association of Agencies Serving the Blind, Inc.; and The Arc of Florida, to drivers' license renewal applications.

offer for sale with vessel registrations a marine turtle sticker for \$5 with proceeds deposited into the Marine Resource Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts.

**Section 4** Provides an effective date of October 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will require programming modifications to DHSMV's Driver License and Motor Vehicle Information Systems, the cost of which will be paid from the \$40,000 received as application fees from the entities receiving the contributions pursuant to s. 320.023 and 322.081, F.S.<sup>4</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motorists who decide to donate would pay an additional dollar for vehicle registrations and drivers' licenses.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: 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:

N/A

### C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill repeatedly addresses "The Arc of Florida." This phrase appears to be a trademark of the Association for Retarded Citizens of Florida, Inc. In order to avoid confusion, it may be advisable to amend the bill to clarify the entity's full legal name on file with the Florida Department of State.

---

<sup>4</sup> Both entities described in the bill have submitted a \$10,000 fee for both motor vehicle registration check-off applications and driver's license check-off applications, for a total of \$40,000.

#### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On January 13, 2010, the Roads, Bridges and Ports Policy Committee adopted an amendment adding the check-off contributions for The Arc of Florida to the bill. This bill, as amended, was reported favorably as a committee substitute.