

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 904  
 INTRODUCER: Senator Dean  
 SUBJECT: Driver's Licenses and Identification Cards  
 DATE: April 1, 2011                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	<b>Favorable</b>
2.	Sookhoo	Spalla	TR	<b>Favorable</b>
3.			BC	
4.				
5.				
6.				

**I. Summary:**

This bill creates a new \$1 check-off on driver's license applications for the Disabled American Veterans. Specifically, the bill amends s. 322.08, F.S., to require driver's license applications and renewals to include a \$1 voluntary contribution to Disabled American Veterans, Department of Florida, a non-profit 501(c)(3) organization.

This bill substantially amends s. 322.08 of the Florida Statutes.

This bill has an effective date of July 1, 2011.

**II. Present Situation:**

**Driver's License Check-offs**

Section 322.081, F.S., provides the procedures that an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary trust fund 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 voluntary trust funds during the driver's license transaction. Before the organization is eligible, it must submit the following to the Florida Department of Highway Safety and Motor Vehicles (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 contribution.

Once a contribution is enacted, 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>

Prior to the 2010 legislative session, s. 322.08, F.S., authorized seven voluntary contributions while s. 322.18(19), F.S., authorized an eighth. In 2010, the Florida Legislature enacted three bills that addressed driver's license contributions:

- 2010, HB 971 (ch. 2010-223, Laws of Florida) added two additional check-offs for the League Against Cancer and the State Homes for Veterans Trust Fund administered by the Florida Department of Veterans Affairs.
- 2010, HB 399 (ch. 2010-86, Laws of Florida) added three additional check-offs for Senior Vision Services, The Arc of Florida, and Ronald McDonald House Charities of Tampa Bay.
- 2010, HB 263 (ch. 2010-82, Laws of Florida) added an additional check-off for Lauren's Kids, Inc.<sup>2</sup>

In addition to creating the League Against Cancer and State Homes for Veterans check-offs, ch. 2010-223, Laws of Florida, established a moratorium on new voluntary check-offs. DHSMV "may not establish any new voluntary contributions on the motor vehicle registration application form under s. 320.023, Florida Statutes, or the driver's license application form under s. 322.081, Florida Statutes, between July 1, 2010, and July 1, 2013."

An exemption to the moratorium in ch. 2010-223, Laws of Florida, allows those charities that were in the process of complying with s. 322.081, F.S., in 2010 to continue to seek a check-off. DHSMV has identified five charitable organizations that fall within the exemption from the moratorium. Disabled American Veterans, Department of Florida is one of these charities.<sup>3</sup>

### **Disabled American Veterans, Department of Florida**

The Disabled American Veterans (DAV) was founded in 1920 and is dedicated to building better lives for America's disabled veterans and their families. The DAV provides assistance to disabled veterans through its 72 offices in the United States and Puerto Rico with over 270 National Service Officers. The DAV, Department of Florida's headquarters is located in Micanopy, Florida, and provides a broad range of services to disabled veterans including

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

<sup>2</sup> In addition to creating the check-off for Lauren's Kids, Inc., ch. 2010-82, Laws of Florida, streamlined the application process by eliminating s. 322.18(19), F.S., and clarifying that the check-offs required in s. 322.08(7), F.S., must appear on all license applications, including applications for renewal or replacement. This change reflects the fact that DHSMV uses a single application form for all such purposes.

<sup>3</sup> Letter from DHSMV Executive Director Julie L. Jones to the Florida House of Representatives, Transportation and Highway Safety Subcommittee, January 14, 2011.

providing consultation on U.S. Department of Veteran Affairs benefits, compensation, and healthcare as well as assisting veterans in assembling evidence to support benefit claims. DAV's operations are solely supported from the collection of donations and dues.<sup>4</sup>

### III. Effect of Proposed Changes:

This bill amends s. 320.08, F.S., to require driver's license applications and renewals to include a \$1 check-off to the Disabled American Veterans, Department of Florida, a non-profit 501(c)(3) organization.

The DHSMV has provided notice that Disabled American Veterans, Department of Florida, has complied with s. 322.081, F.S., regarding requests to establish a voluntary check-off, by submitting its letter of request, \$10,000 application fee, and approved short- and long-term marketing plans.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

Motorists who decide to donate would pay an additional dollar to acquire or renew a driver's license.

#### C. Government Sector Impact:

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 \$10,000 application fee submitted by the Disabled American Veterans, Department of Florida. The DHSMV has found that the Disabled American Veterans check off has met the application

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<sup>4</sup>Information summarized from: Disabled American Veterans, Department of Florida Website. *About Us*. Available at: [http://www.davmembersportal.org/fl/Web\\_Pages/about\\_us.aspx](http://www.davmembersportal.org/fl/Web_Pages/about_us.aspx) (Site last accessed March 22, 2011.)

requirements and falls within the exception for the moratorium on new registration and drivers licenses check offs created by the 2010 legislature.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.