

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4073 Florida Motor Vehicle Theft Prevention Authority

SPONSOR(S): Young and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 638

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	15 Y, 0 N	Williams	Cunningham
2) Judiciary Committee	16 Y, 0 N	Williams	Havlicak

SUMMARY ANALYSIS

In 1992, the Legislature created the Florida Motor Vehicle Theft Prevention Act (Act), which established the Florida Motor Vehicle Theft Prevention Authority (Authority) within the Department of Legal Affairs. The purpose of the Act was to prevent, combat, and reduce motor vehicle theft in Florida.

The Authority was funded by the Florida Motor Vehicle Theft Prevention Trust Fund (Trust Fund). The Trust Fund was abolished in 2003. According to the Office of the Attorney General (OAG), the OAG has not administered the Authority since funding was eliminated. However, statutes relating to the Authority still exist, despite the program not being operational.

The bill repeals obsolete statutes relating to the Authority. Specifically, the bill repeals the following provisions:

- Section 860.151, F.S., (Short title);
- Section 860.152, F.S., (Purpose);
- Section 860.153, F.S., (Definitions);
- Section 860.154, F.S., (Florida Motor Vehicle Theft Prevention Authority);
- Section 860.155, F.S., (Compensation of members);
- Section 860.156, F.S., (Personnel);
- Section 860.157, F.S., (Powers and duties of the authority); and
- Section 860.158, F.S., (Florida Motor Vehicle Theft Prevention Authority Expenditures).

The bill also amends s. 713.78, F.S., (Liens for recovering, towing, or storing vehicles and vessels) to remove a reference to the Authority.

The bill does not appear to have a fiscal impact and is effective July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Motor Vehicle Theft Prevention Act - Background

In 1992, the Legislature created the Florida Motor Vehicle Theft Prevention Act (Act).¹ The purpose of the Act was to prevent, combat, and reduce motor vehicle theft in Florida, and to improve and support the law enforcement, prosecution, and administration of motor vehicle theft laws.² The Act also established the Florida Motor Vehicle Theft Prevention Authority (Authority), within the Department of Legal Affairs.³

Powers and Duties of the Authority

The power and duties of the Authority include:

- Applying for, soliciting, receiving, establishing priorities for, allocating, disbursing, contracting for, and spending funds that are made available to the Authority from any source to effectuate the purposes of the Act;
- Assessing the scope of the problem of motor vehicle theft;
- Developing and sponsoring the implementation of statewide plans and strategies to combat motor vehicle theft and to improve the administration of the motor vehicle theft laws and provide an effective forum for identification of critical problems associated with motor vehicle theft;
- Coordinating the development, adoption, and implementation of plans and strategies relating to interagency or intergovernmental cooperation with respect to motor vehicle theft law enforcement; and
- Providing an annual report on the activities of the Authority to specified entities.⁴

Membership of the Authority

The powers and duties of the Authority are vested in and exercised by a Board of Directors (Board), established within the Authority, which includes the following members:

- The Chief Financial Officer or his or her designee;
- The executive director of the Department of Highway Safety and Motor Vehicles;
- The executive director of the Department of Law Enforcement;
- Six additional members, each of whom are appointed by the Attorney General as follows: a state attorney or city or county executive, a chief executive law enforcement official, a sheriff, one representative of companies authorized to sell motor vehicle insurance, one representative of insurers authorized to write motor vehicle insurance in this state, and one representative of purchasers of motor vehicle insurance in this state who is not employed by or connected with the business of insurance.⁵

Florida Motor Vehicle Theft Prevention Trust Fund

In addition to the Authority, the Act created the Florida Motor Vehicle Theft Prevention Trust Fund (Trust Fund).⁶ The Trust Fund was funded pursuant to s. 320.08046, F.S., which appropriated 18 percent of a \$1 license tax⁷ surcharge (vehicle registration fee) to the Trust Fund.⁸ Trust Fund dollars were required to be used to:

¹ Chapter 1992-145, L.O.F.

² Section 860.152, F.S.

³ Section 860.154, F.S.

⁴ Section 860.157, F.S.

⁵ Section 860.154, F.S.

⁶ Chapter 1992-145, L.O.F.

⁷ Section 320.08, F.S., imposes license taxes.

⁸ In 1992, s. 320.08045, F.S., imposed a 50 cent surcharge on each license tax, which was deposited into the Trust Fund. This statute was repealed in 1995. That same year, s. 320.08046, F.S., was amended to revise the surcharge on license taxes and to provide guidelines for surcharge distribution to the Trust Fund. See ch. 1992-145, L.O.F., and ch. 1995-267, L.O.F.

- Pay the Authority's cost to administer the Board and the Trust Fund; and
- Achieve the purposes and objectives of the Act.⁹

In 2003, the Legislature terminated the Trust Fund and amended s. 320.08046, F.S., to remove the language appropriating 18 percent of the \$1 license tax surcharge to the Trust Fund.¹⁰ As a result, the Authority has not been funded since 2003. According to the Office of the Attorney General (OAG), the OAG has not administered the Authority since funding was eliminated.¹¹ However, statutes relating to the Authority still exist, despite the program not being operational.

Effect of the Bill

The bill repeals statutes relating to the Authority. Specifically, the bill repeals the following provisions:

- Section 860.151, F.S., (Short title);
- Section 860.152, F.S., (Purpose);
- Section 860.153, F.S., (Definitions);
- Section 860.154, F.S., (Florida Motor Vehicle Theft Prevention Authority);
- Section 860.155, F.S., (Compensation of members);
- Section 860.156, F.S., (Personnel);
- Section 860.157, F.S., (Powers and duties of the authority); and
- Section 860.158, F.S., (Florida Motor Vehicle Theft Prevention Authority Expenditures).

The bill also makes a conforming change to s. 713.78, F.S., (Liens for recovering, towing, or storing vehicles and vessels), to delete a reference to s. 860.158, F.S.

B. SECTION DIRECTORY:

Section 1. Repeals ss. 860.151, 860.152, 860.153, 860.154, 860.155, 860.156, 860.157, and 860.158, F.S., relating to the Florida Motor Vehicle Theft Prevention Authority.

Section 2. Amends s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels.

Section 3. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state government revenues.

2. Expenditures:

The bill does not appear to have any impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

⁹ Chapter 1992-145, L.O.F.

¹⁰ Chapter 2003-179, L.O.F.

¹¹ Email response from Kimberly Case, Legislative Affairs Director, Office of the Attorney General. November 3, 2011. (On file with House Criminal Justice Subcommittee Staff).

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

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 the bill does not appear to: require the counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties and municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES