

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

**BILL #:** HB 4073 (SB 638)

**FINAL HOUSE FLOOR ACTION:**

**SPONSOR(S):** Young and others (Hays)

118 Y's                      0 N's

**COMPANION SB 638  
BILLS:**

**GOVERNOR'S ACTION:** Approved

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**SUMMARY ANALYSIS**

HB 4073 passed the House on March 7, 2012 as SB 638.

The bill repeals the following obsolete statutes relating to the Florida Motor Vehicle Theft Prevention Authority:

- 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 Florida Motor Vehicle Theft Prevention Authority.

The bill does not appear to have a fiscal impact on state or local government.

The bill was approved by the Governor on April 13, 2012, ch. 2012-103, Laws of Florida. The effective date of the bill is July 1, 2012.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Florida Motor Vehicle Theft Prevention Act - Background**

In 1992, the Legislature created the Florida Motor Vehicle Theft Prevention Act (Act).<sup>1</sup> 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.<sup>2</sup> The Act also established the Florida Motor Vehicle Theft Prevention Authority (Authority), within the Department of Legal Affairs.<sup>3</sup>

#### *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.<sup>4</sup>

#### *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.<sup>5</sup>

#### *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).<sup>6</sup> The Trust Fund was funded pursuant to s. 320.08046, F.S., which appropriated 18 percent of a \$1 license tax<sup>7</sup> surcharge (vehicle registration fee) to the Trust Fund.<sup>8</sup> Trust Fund dollars were required to be used to:

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<sup>1</sup> Chapter 1992-145, L.O.F.

<sup>2</sup> Section 860.152, F.S.

<sup>3</sup> Section 860.154, F.S.

<sup>4</sup> Section 860.157, F.S.

<sup>5</sup> Section 860.154, F.S.

<sup>6</sup> Chapter 1992-145, L.O.F.

<sup>7</sup> Section 320.08, F.S., imposes license taxes.

<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup> 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.<sup>11</sup> However, statutes relating to the Authority still exist, despite the program not being operational.

### **Effect of the Bill**

The bill repeals the following statutes relating to the Authority:

- 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.

## **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 revenues.

#### **2. Expenditures:**

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

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

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

#### **2. Expenditures:**

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

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<sup>9</sup> Chapter 1992-145, L.O.F.

<sup>10</sup> Chapter 2003-179, L.O.F.

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.