

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 1688 (233278)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Sachs

SUBJECT: Florida Veterans Foundation

DATE: February 11, 2016 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Miller</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1688 allows the Florida Veterans' Hall of Fame Council to consider former members of the Florida National Guard for admission into the Florida Veterans' Hall of Fame (Hall of Fame).

The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to collect, for the Florida Veterans Foundation (foundation), a voluntary contribution of \$1 or more per applicant through the motor vehicle registration, driver license and identification card, and marine vessel registration application forms. The bill also exempts the foundation from the statutory requirement to submit an application and application fee to the DHSMV 90 days prior to the legislative session to establish the voluntary contributions sought in the bill.

According to the DHSMV, the cost for programming and implementation is estimated to be \$49,822.50 and the cost to redesign and develop new applications forms is \$55,040.¹ These costs are expected to be absorbed within existing resources.

The bill takes effect July 1, 2016.

¹ E-mail correspondence with the Department of Highway Safety and Motor Vehicles on Jan. 27, 2016 (on file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

II. Present Situation:

Florida Veterans/ Florida National Guard

A veteran is defined in Florida law to mean a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only.²

The Florida National Guard (FLNG) is comprised of an Army reserve component (Army National Guard) and an Air Force reserve component (Air Force National Guard). Members of the FLNG are under the command of the Governor. However, as a reserve component of the Army and Air Force, members of the FLNG may be ordered to active duty by the President of the United States. In this instance members of the FLNG become federalized under Title 10 of the United States Code. A former member of the Florida National Guard may not qualify as a veteran, as defined in Florida Statutes, unless he or she is federalized.

Florida Veterans' Hall of Fame

The Florida Veterans' Hall of Fame (Hall of Fame) was created during the 2011 Regular Session to honor veterans who, through their works and lives during or after military service, have made a significant contribution to the State of Florida.³ In selecting its nominees, the council must give preference to veterans who were born in Florida or adopted Florida as their home state or base of operation and who have made a significant contribution to the state in civic, business, public service, or other pursuits.⁴ Since the inaugural Class of 2013 there have been 19 veterans inducted into the Hall of Fame.⁵

The Florida Veterans Foundation (foundation), a direct support organization for the Department of Veterans Affairs, is solely responsible for all costs incurred by the Hall of Fame.

Voluntary Contributions – Department of Highway Safety and Motor Vehicles

The application forms for motor vehicle registration and renewal, a driver license or replacement driver license, identification card, or marine vessel registration all provide a voluntary contributions section that allows applicants the opportunity to make a donation by checking a box on the form.⁶

Florida law specifically authorizes which organizations can receive a voluntary contribution. Section 320.023, F.S. establishes the requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S.

² Section 1.01(14), F.S.

³ Ch. 2011-168, s. 1, Laws of Fla.

⁴ Section 265.003(4), F.S.

⁵ Florida Department of Veterans Affairs, *Florida Veterans' Hall of Fame*, available at <http://floridavets.org/our-veterans/florida-veterans-hall-of-fame/> (last visited Feb. 5, 2016).

⁶ Sections 320.02(8), (14), and (15), F.S., provide motor vehicle registration applicants with 23 options for voluntary contributions. Section 322.08(7), F.S., provides driver license and identification card applicants with 20 options for voluntary contributions. Sections 328.72(11) and (16), F.S., provide boat registration applicants with 3 options for voluntary contributions.

establishes similar requirements for driver license and identification card applications.⁷ Both sections require:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee⁸, not to exceed \$10,000, to defray the DHSMV's cost for reviewing the application and developing the voluntary contribution check off, if authorized;
- A marketing strategy outlining short-term and long-term marketing plans for the contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.

This information must be submitted to the DHSMV at least 90 days before the next regular session of the Legislature convenes.

The Florida Veterans Foundation

The Florida Department of Veterans Affairs (FDVA) was authorized during the 2008 Regular Session to establish a direct-support organization in order to provide assistance, funding, and support for the department in carrying out its mission.⁹ Incorporated in June of 2008, the Florida Veterans Foundation (foundation) carries out a number of activities that serve, support, and advocate for Florida veterans.

The foundation's main mission is to provide emergency assistance to Florida veterans and their families who, through no fault of their own, are experiencing financial difficulties that cannot be resolved by the veteran or other veteran service organizations.¹⁰ Other activities of the foundation include:

- Operating and participating in Homeless Veteran Stand Downs;
- Providing guidance and information services regarding Florida veteran benefits and Federal veteran benefits;
- Printing and distributing the FDVA's Florida Veterans' Benefit Guide;
- Providing veteran employment information; and
- Overseeing projects such as the Florida Veterans' Hall of Fame¹¹ and the Florida Veterans' Walk of Honor and Memorial Garden.¹²

Funding for the foundation comes from donations received as a result of fundraising efforts.¹³ The foundation previously received a portion of the revenue generated from the sale of the

⁷ There are no similar application requirements in Florida law to allow an organization to obtain a voluntary contribution on boat registration forms.

⁸ State funds may not be used to pay the application fee. See s. 320.023(b), F.S.

⁹ Ch. 2008-84, s. 1, L.O.F. (creating s. 292.055, F.S.)

¹⁰ The Florida Veterans Foundation website, available at <http://www.floridaveteransfoundation.org/> (last visited Jan. 22, 2016).

¹¹ See section 265.003, F.S.

¹² See section 265.0031, F.S.

¹³ See *supra* note 5.

Florida Salutes Veterans specialty license plate, but this distribution ended 48 months after the foundation was incorporated.¹⁴

III. Effect of Proposed Changes:

PCS/CS/SB 1688 amends s. 265.003, F.S., to allow the Florida Veterans' Hall of Fame Council to consider former members of the Florida National Guard for admission into the Florida Veterans' Hall of Fame.

The bill also authorizes the DHSMV to include language permitting a voluntary contribution of \$1 or more per applicant to the Florida Veterans Foundation (foundation) on the application forms for:

- Motor vehicle registrations and renewals (s. 320.02, F.S.);
- Original, renewal, or replacement driver licenses or identification cards (s. 322.08, F.S.); and
- Marine vessel registrations (s. 328.72, F.S.).

The contributions will be distributed by the DHSMV to the foundation.

The bill also exempts the foundation from the requirements in ss. 320.02 and 320.08, F.S., which require the foundation to submit an application and application fee to the DHSMV 90 days prior to the legislative session to establish the voluntary contribution on the motor vehicle registration, and on driver license and identification card forms.

The bill takes effect July 1, 2016.

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.

¹⁴ Section 320.08058(4)(b)1., F.S.

B. Private Sector Impact:

Under the bill, individuals may choose to donate to the Florida Veterans Foundation, which will benefit that organization.

C. Government Sector Impact:

CS/SB 1688 waives both \$10,000 application fees required in s. 320.23, F.S. (motor vehicle registration application forms) and s. 322.081, F.S. (driver license and identification card applications), which are intended to defray the DHSMV's costs to review and develop voluntary checkoffs.

According to the DHSMV, the cost for programming and implementation is estimated to be \$49,822.50 and the cost to redesign and develop new application forms is \$55,040.¹⁵ These costs are expected to be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 265.003, 320.02, 322.08, 328.72.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 11, 2016:**

Allows the Florida Veterans' Hall of Fame Council to consider former members of the Florida National Guard for admission into the Florida Veterans' Hall of Fame.

CS by Military and Veterans Affairs, Space, and Domestic Security on January 26, 2016:

The CS exempts the Florida Veterans Foundation from the statutory requirement to submit an application and application fee to the DHSMV 90 days prior to the start of the

¹⁵ E-mail correspondence with the Department of Highway Safety and Motor Vehicles on Jan. 27, 2016 (on file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

legislative session in order to include a voluntary contribution on the motor vehicle registration, driver license, and identification card forms.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
