

**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 Committee on Infrastructure and Security

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BILL: CS/SB 252

INTRODUCER: Infrastructure and Security and Senator Flores

SUBJECT: Motor Vehicle Registration Applications

DATE: February 21, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Fav/CS
2.			ATD	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

The committee substitute (CS) to SB 252 authorizes the Department of Highway Safety and Motor Vehicles (HSMV) to collect, for the Live Like Bella Childhood Cancer Foundation, a voluntary contribution of \$1 or more per applicant through the motor vehicle registration application form.

The CS removes the requirement that the HSMV application form for motor vehicle registration and renewal of registration include language for a voluntary contribution of \$1 or more per applicant through the motor vehicle registration application form for the Auto Club Group Traffic Safety Foundation, Inc.

The CS has an insignificant fiscal impact.

**II. Present Situation:**

**Motor Vehicle Registration Voluntary Contributions**

The application form for motor vehicle registration provides a voluntary contributions section that allows applicants the opportunity to make a donation by checking a box on the form.<sup>1</sup>

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<sup>1</sup> Sections 320.02(16), F.S., provide motor vehicle registration applicants with 21 options for voluntary contributions.

The Florida Statutes specifically authorize 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. It requires:

- A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms;
- An application fee<sup>2</sup>, not to exceed \$10,000 to defray the department's cost for reviewing the application and developing the voluntary contribution checkoff, if authorized;
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

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

Section 320.023, F.S., also establishes a threshold for discontinuation of the voluntary contribution and oversight for organizations approved for a voluntary contribution on motor vehicle registration application forms. It requires:

- The HSMV include any voluntary contributions approved by the Legislature on the motor vehicle application form;
- The HSMV must discontinue the voluntary contribution if:
  - Less than \$25,000 has been contributed by the end of the 5th year; or
  - Less than \$25,000 is contributed during any subsequent five-year period.
- That any voluntary contribution, or any interest earned from those contributions may not be used for commercial or for-profit activities or for general or administrative expenses;
- That an organization submit their audit's to the HSMV for review to determine if any voluntary contribution, or any interest earned from those contributions were used for commercial or for-profit activities or for general or administrative expenses;
- The HSMV is provided the authority to examine all records pertaining to the use of funds from the voluntary contributions authorized; and
- All organizations that operate under the Solicitation of Contributions Act, as provided in Chapter 496, F.S., must do so before funds may be distributed.

### **Live Like Bella Childhood Cancer Foundation**

The Live Like Bella Childhood Cancer Foundation was founded in 2013<sup>3</sup> to promote and increase community awareness of childhood cancers and disease and the need for research and development of medical treatments for children through the dissemination of information to the general public; to use funds to support such activities; and to make grants, loans or other distributions.<sup>4</sup> The Live Like Bella Childhood Cancer Foundation is named after Bella

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<sup>2</sup> State funds may not be used to pay the application fee. See s. 320.023(b), F.S.

<sup>3</sup> Florida Department of State, Division of Corporations, Sunbiz, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited February 10, 2019).

<sup>4</sup> Florida Department of State, Division of Corporations, Live Like Bella, Inc.'s Application by Foreign Not For Profit Corporation For Authorization to Conduct Its Affairs in Florida,

Rodriguez-Torres, who passed away at the age of 10 from pediatric cancer. Their mission is to help children with cancer maintain a love for life. As of September 2017 the Live Like Bella Childhood Cancer Foundation has served families in 44 states and 11 countries, having surpassed \$4 million in donations. To date, donations have been used for on-going research, memorial support, compassionate use, and in-treatment support.<sup>5</sup>

### **Pediatric Cancer Research**

According to the National Cancer Institute, cancer remains the leading cause of death from disease among children. The most common types of cancer diagnosed in children ages 0 to 14 years, are:

- Leukemia;
- Brain and other central nervous system (CNS) tumors; and
- Lymphoma.<sup>6</sup>

Pediatric cancer death rates have declined by 65 percent from 1970 to 2016;<sup>7</sup> however, even when long-term survival is achieved, many survivors of childhood cancer may experience long-term adverse effects from the disease or its treatment. Research is needed to develop treatments for childhood cancer that are more effective and safe for children.<sup>8</sup>

Pediatric cancer is relatively uncommon, representing less than one percent of all new cases of cancer diagnosed in the United States each year. This presents a major challenge in conducting pediatric cancer research, as clinical trials are increasingly restricted to smaller numbers of patients who are defined by the molecular characteristics of their tumors, rather than where the tumors originated in the body, collaboration among children's cancer centers and a strong national clinical research program will continue to be essential to ensure that trials enroll sufficient numbers of participants to produce meaningful results.<sup>9</sup>

Securing adequate funding to support pediatric cancer research and clinical trials is a challenge. In 2017, pediatric cancer research awarded by the National Institutes of Health totaled approximately \$220 million,<sup>10</sup> which represented only 2.5 percent of the total funding allocated

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<http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2013%5C1008%5C00217040.Tif&documentNumber=F13000004224> (last visited February 10, 2019).

<sup>5</sup> Live Like Bella Childhood Cancer Foundation, About Us, <http://livelikebella.org/aboutus.html> (last visited February 10, 2019).

<sup>6</sup> National Cancer Institute, Childhood Cancers, <https://www.cancer.gov/types/childhood-cancers> (last visited February 10, 2019).

<sup>7</sup> Id.

<sup>8</sup> National Cancer Institute, Childhood Cancers Research, <https://www.cancer.gov/research/areas/childhood> (last visited February 10, 2019).

<sup>9</sup> Id.

<sup>10</sup> National Institutes of Health, National Cancer Institute, <https://fundedresearch.cancer.gov/nciportfolio/search/SearchForm> (last visited February 10, 2019).

for research.<sup>11</sup> Florida received a fraction of the total amount awarded for pediatric cancer research with only \$10,256,609 awarded to Florida-based institutions in 2017.<sup>12</sup>

### **Auto Club Group Traffic Safety Foundation, Inc.**

Effective October 1, 2011, Tampa-based AAA Auto Club South and Dearborn, Michigan-based, The Auto Club Group, affiliated and combined operations.<sup>13</sup> The enterprise is known as The AAA - Auto Club Group and provides membership, travel, insurance, and financial services to members in 11 states and two United States territories, which include Florida.<sup>14</sup>

The Auto Club Group Traffic Safety Foundation, Inc. was founded in 2010, as a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code<sup>15</sup>, as a unit of the AAA – The Auto Club Group. In 2013 a \$1 voluntary contribution check-off on an application form for an original, renewal, or replacement driver’s license or identification card was added for the Auto Club Group Traffic Safety Foundation, Inc. Funds received by the foundation were to be used to improve traffic safety culture in communities through effective outreach, education, and activities in the state designed to save lives, reduce injuries, and prevent crashes.<sup>16</sup>

The AAA – The Auto Club Group is winding down the operations of the Auto Club Group Traffic Safety Foundation, Inc., and plans to dissolve the entity with an effective date no later than January 1, 2020.<sup>17</sup>

### **III. Effect of Proposed Changes:**

The CS authorizes the HSMV to include language permitting a voluntary contribution of \$1 or more per application to the Live Like Bella Childhood Cancer Foundation on the form for motor vehicle registration. Such contributions will be distributed by the HSMV to the Live Like Bella Childhood Cancer Foundation.

The CS notwithstanding s. 320.023(1) and (2), F.S., which covers the application process and \$10,000 application fee to establish a voluntary checkoff on the motor vehicle registration application, and the requirement that if the voluntary contribution is not approved by the Legislature, the application fee would be refunded to the applicant.

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<sup>11</sup> National Institutes of Health, National Cancer Institute, <https://fundedresearch.cancer.gov/nciportfolio/search/funded?action=full&fy=PUB2017&type=sic> (last visited February 10, 2019).

<sup>12</sup> Id.

<sup>13</sup> Travel Weekly, <https://www.travelweekly.com/Travel-News/Travel-Agent-Issues/AAA-clubs-in-Tampa-and-Detroit-area-merge> (last visited February 20, 2019).

<sup>14</sup> LinkedIn, The Auto Club Group, About Us, <https://www.linkedin.com/company/the-auto-club-group> (last visited February 20, 2019).

<sup>15</sup> Florida Department of State, Division of Corporations, Sunbiz, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited February 20, 2019).

<sup>16</sup> Ch. 2013-160, Laws of Fla.

<sup>17</sup> Karen Morgan (AAA-The Auto Club Group), letter to Paula Stanfield, January 10, 2019 TS (on file with the Committee on Infrastructure and Security).

The CS amends s. 320.02, F.S., to remove the requirement that the HSMV application form for motor vehicle registration and renewal of registration include language permitting a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The HSMV estimates that approximately 660 programming hours, or the equivalent of \$36,480 in FTE and contracted resources, will be required to implement the CS.<sup>18</sup>

#### **VI. Technical Deficiencies:**

None.

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<sup>18</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, Requested info related to voluntary contributions, (February 12, 2019).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS amends section 320.02 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Infrastructure and Security on February 19, 2019:**

- The CS removes the requirement that the HSMV application form for motor vehicle registration and renewal of registration include language permitting a voluntary contribution to the Auto Club Group Traffic Safety Foundation, Inc.
- The CS also modifies the notwithstanding language for the voluntary contribution to the Live Like Bella Childhood Cancer Foundation to only include ss. 320.023(1) and (2), F.S., which relate to the application process for organizations seeking to establish a voluntary contribution.

**B. Amendments:**

None.