

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 959 Motor Vehicle Registration
SPONSOR(S): Proctor and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 610

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Military & Veteran Affairs Committee	8 Y, 0 N	Marino	Carter
2) Transportation & Economic Development Appropriations Committee		McAuliffe	Gordon
3) State Administration Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill amends s. 320.02, F.S., by requiring motor vehicle registration and renewal forms to provide for a voluntary contribution check-off to the Florida National Guard Foundation. The proposed per applicant voluntary contribution is \$2.00.

This bill exempts the Florida National Guard Foundation from the provisions of s. 320.02 (1), F.S. This section requires an entity to do the following 90 days before the convening of the next regular legislative session:

- Submit to the Department of Highway Safety and Motor Vehicles (DHSMV) a request for the voluntary contribution being sought with its general description;
- Pay an application fee of no more than \$10,000 to defray DHSMV's costs to review the organization's application;
- Submit a short-term and long-term marketing strategy; and
- Submit a financial analysis outlining the anticipated revenues and planned expenditures of the revenues derived from the voluntary contribution.

Since the Florida National Guard Foundation did not pay the required \$10,000 fee to defray DHSMV's expenses, the department will have to absorb all costs resulting from the development of the voluntary contribution check-off.

This bill would take effect July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: This bill requires the DHSMV to develop and add language that revises motor vehicle registration application forms.

Empower Families: The revenue from voluntary contributions generated by this bill will provide assistance and support to families of the Florida National Guard through the Florida National Guard Foundation.

B. EFFECT OF PROPOSED CHANGES:

Section 320.023, F.S., provides a procedure an organization must follow prior to seeking Legislative authorization to establish a voluntary contribution check-off on a motor vehicle registration application. Before the organization is eligible, it must submit to 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 DHSMV's costs for reviewing the application and developing the check-off, if authorized; and
- 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 contributions.

DHSMV must discontinue the voluntary contribution 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.

Currently, the motor vehicle registration and registration renewal form contains four voluntary contribution check-offs. They include:

- \$5.00 for the Election Campaign Financing Trust Fund;
- \$1.00 for the Transportation Disadvantaged Trust Fund;
- \$1.00 for Prevent Blindness Florida; and
- An unspecified amount for Florida Mothers Against Drunk Driving, Inc.

The organization must also annually attest, under penalties of perjury, or show in an audit, if the organization is required pursuant to s. 215.97, F.S., that the proceeds from the voluntary contributions were used in compliance with the law. The DHSMV also has the authority to examine all records pertaining to the use of funds from the voluntary contributions.

Florida National Guard Foundation

The Florida National Guard Foundation was founded in 1983 as a 501(c)(3) tax-exempt public organization. The Foundation receives only private donations, and its Board of Directors is comprised of volunteer, active, and retired National Guard members.

In 2000, the Florida National Guard Foundation was designated a Direct Support Organization by the Florida Legislature. This places the Foundation under the authority of the Adjutant General of the Florida National Guard and allows it to use the resources, office space, and personnel of the Department of Military Affairs. According to the Foundation's website, one of the goals of the Foundation is to provide for the care and benefit of Guard members and families. The Foundation assists families with financial difficulties, especially when a family member is called to active duty.

Effect of Proposed Changes:

This bill amends s. 320.02, F.S., by requiring motor vehicle registration and renewal forms to provide for a voluntary contribution check-off to the Florida National Guard Foundation. The proposed per applicant voluntary contribution check-off is \$2.00.

This bill exempts the voluntary contribution check-off from the provisions of s. 320.02 (1), F.S., which would have required, 90 days before the convening of the next regular legislative session, the Florida National Guard Foundation to:

- Submit to the DHSMV a request for the voluntary contribution being sought with its general description;
- Pay an application fee of no more than \$10,000 to defray DHSMV's costs to review the organization's application;
- Submit a short-term and long-term marketing strategy; and
- Submit a financial analysis outlining the anticipated revenues and planned expenditures of the revenues derived from the voluntary contribution.

By exempting this voluntary contribution check-off from the provisions of s. 320.02 (1), F.S., the Florida National Guard Foundation could immediately begin receiving the contributions, once the motor vehicle registration applications were printed. The organization does not have to pay the application fee for the contribution request, or submit a marketing strategy or financial analysis to the DHSMV.

This voluntary contribution check-off will have to produce the amount of contributions required by s. 320.023, F.S., and the Florida National Guard Foundation will be subject to the accountability provisions of s. 215.97, F.S.

This bill would take effect July 1, 2005.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.02, F.S., requiring motor vehicle registration and renewal forms to provide for a voluntary contribution to the Florida National Guard Foundation.

Section 2. Provides this act shall take effect July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Since the Florida National Guard Foundation did not submit a financial analysis outlining anticipated revenues, and it is not known how many people will check-off the \$2.00 donation on their registration application, the fiscal impact is indeterminate.

2. Expenditures:

Since this bill exempts this voluntary contribution check-off from the provisions of s. 320.02 (1), F.S., it may cost the DHSMV up to \$10,000 to develop this check-off. This is the cost of the application fee any other organization would normally pay to apply for a voluntary contribution check-off.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

There are no known or expected fiscal impacts on local government revenues.

2. Expenditures:

There are no known or expected fiscal impacts on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The contribution provided for in this bill is voluntary, and at \$2.00 per motor vehicle registration applicant, the impact to the private sector is minimal.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

There do not appear to be any constitutional issues with this bill.

B. RULE-MAKING AUTHORITY:

There appears to be sufficient rule making authority to allow the DHSMV to develop rules to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Senate Companion Bill, SB 610, creates an identical voluntary contribution check-off; however, that bill exempts this voluntary contribution check-off from the entire s. 320.023, F.S. (this bill exempts this voluntary contribution check-off only from paragraph (1) of s. 320.023, F.S.) and its provisions such as those regarding full disclosure of use of the contributions and criteria to maintain the check-off on motor vehicle registration and renewal forms.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES