

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 Children, Families, and Elder Affairs Committee

BILL: SB 630

INTRODUCER: Senator Fasano

SUBJECT: Vehicle Registration/Family First Contribution

DATE: March 14, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paradise	Meyer	TR	Favorable
2.	Mullins-Silverstein/Jameson	Jameson	CF	Favorable
3.	_____	_____	FT	_____
4.	_____	_____	TA	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 630 amends ss.320.02 and 322.08, F.S., to direct the Department of Highway Safety and Motor Vehicles (DHSMV or the department) to insert a new voluntary contribution option on the application and renewal forms for motor vehicle registration and the driver’s license application of \$1 to the Tampa-based nonprofit organization, Family First.

Organizations may apply through the DHSMV for inclusion on these forms as a voluntary contribution check-off option. Those organizations that successfully complete their application and gain legislative approval then receive proceeds from contributions.

Family First is a nonprofit organization that focuses on strengthening the family by promoting and supporting healthy families and marriages.

This bill substantially amends the following sections of the Florida Statutes: 320.02 and 322.08

II. Present Situation:

While ss. 320.02 and 322.08 F.S, have language that provide for voluntary contribution check off options to be placed on their respective forms, there are distinct differences regarding the applicable organizations and trust funds that are specified in the statutes.

Section 320.02 F.S., specifies the language that must appear on the State of Florida driver’s registration and renewal application forms. Included in the statute are options for voluntary contributions to the following corporations, trust funds, and organizations:

- Nongame Wildlife Trust Fund (\$1);¹
- Highway Safety Operating Trust Fund, used to purchase child safety seats (\$2);²
- Election Campaign Financing Trust Fund (\$5); [expired]³
- Transportation Disadvantaged Trust Fund (\$1);⁴
- Prevent Blindness Florida (\$1);⁵
- Unspecified monetary contribution to Florida Mothers Against Drunk Driving Inc.;⁶
- Southeastern Guide Dogs, Inc.(\$1);⁷
- Miami Heart Research Institute Inc. (\$1);⁸ and
- Children’s Hearing Help Fund (\$1).⁹

Section 322.08 F.S. specifies language that must appear on the State of Florida driver’s license and renewal application forms. Included in the statute are options for voluntary contributions to the following corporations, trust funds, and organizations:

- Election Campaign Financing Trust Fund (\$5); [expired]¹⁰
- Florida Organ and Tissue Donor Education and Procurement Trust Fund (\$1);¹¹
- Florida Council of the Blind (\$1);¹²
- Hearing Research Institute, Inc (\$2);¹³
- Juvenile Diabetes Foundation International (\$1);¹⁴ and
- Children’s Hearing Help Fund (\$1).¹⁵

Renewal applications for driver’s licenses also include language for a voluntary contribution of \$1 to Prevent Blindness Florida, a nonprofit organization.¹⁶

Both ss. 320.02 and 322.08 F.S, require an explanation of the purpose of the trust funds established be included on the application forms. Additionally, ss. 320.02 and 322.08 F.S, provide that none of the contributions, with the exceptions of the Elections and Organ Tissue donor trust funds, are subject to the seven percent trust fund service charge as defined in s. 215.20, F.S., because the funds are not income of a revenue nature.¹⁷

¹ Section 320.02(8), F.S.

² *Id.*

³ Section 320.02(13), F.S. Expired, by operation of s. 19(f), Article III of the State Constitution, effective November 4, 1996.

⁴ Section 320.02(15), F.S. The Trust Fund is created in s. 427.0159, F.S., and expended as provided in that section.

⁵ Section 320.02(16)(a), F.S.

⁶ Section 320.02(16)(b), F.S.

⁷ Section 320.02(16)(c), F.S.

⁸ Section 320.02(16)(d), F.S.

⁹ Section 320.02(16)(e), F.S.

¹⁰ Section 322.08(6)(a), F.S. Expired, by operation of s. 19(f), Article III of the State Constitution, effective November 4, 1996.

¹¹ Section 322.08(6)(b), F.S.

¹² Section 322.08(6)(c), F.S.

¹³ Section 322.08(6)(d), F.S.

¹⁴ Section 322.08(6)(e), F.S.

¹⁵ Section 322.08(6)(f), F.S.

¹⁶ Section 322.18(9)(a), F.S.

¹⁷ Sections 320.02 and 322.08 F.S.

Additions of Voluntary Contributions Check Off Options to State of Florida Motor Vehicle Registration and Driver's License Applications Requirements

Sections 320.023 (vehicle registration) and 322.081 (driver's license), F.S., use identical language to establish the guidelines regarding the addition of a voluntary check-off option to State of Florida motor vehicle registration and driver's license applications. The guidelines are as follows:

- A request for the contribution sought which describes it in general terms;
- An application fee, not to exceed \$10,000, to defray the cost in reviewing the application and developing the check-off. State funds may not be used for this fee;
- A marketing strategy, outlining short-term and long-term marketing plans for the contribution; and
- A financial analysis outlining expected revenues and planned expenditures of the revenues from the voluntary contribution.

This information must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature. Voluntary contributions approved by the Legislature are included on the relevant form when reprinted. If the voluntary contribution is not approved by the Legislature, the application fee must be refunded to the organization.

Use of voluntary contribution funds or interest earned on them may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law. Contributions shall be distributed only under an appropriation by the Legislature.¹⁸

The department must discontinue the voluntary contribution if either 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 five year period. The department may also discontinue the check-off if the organization ceases to exist, requests discontinuance, or has stopped providing services that are authorized to be funded from the contributions.

Organizations receiving proceeds from the department must attest proceeds are used lawfully, and may be subject to an audit by the Auditor General. Those organizations that are not subject to audit are to annually report their compliance with applicable laws. The department determines legal compliance, and stops funds distribution for violations of the law.¹⁹

Computerized Motor Vehicle Registration Form Voluntary Check-Off Option

The department's computerized motor vehicle registration form has a section for the voluntary contribution check-off option. However, the specific dollar contribution amounts provided in law are not automatically placed within the number fields of the DHSMV computer program.²⁰ Instead, DHSMV personnel are able to enter any amount requested into the computerized data

¹⁸ Section 320.023(5),F.S.

¹⁹ Section 322.081(5)-(8),F.S.

²⁰ DHSMV Registration program (last visited 3/13/2008)

fields. This creates the ability for an organization or a person to donate more than the prescribed amount as determined by statute. This same process applies to the Florida Registration Renewal Notice.²¹

Family First

Family First is a Tampa-based nonprofit organization that focuses on promoting and strengthening healthy families and marriages. Family First is the underlying corporate name of the Florida Family Council Inc.²² of Tampa. A majority of the information Family First provides is located on the organization website www.familyfirst.net. This website provides guidance and support to parents as well as links for donations and their specialized State of Florida license plate.²³ Within the website there are three main pages directed toward specific groups of people:

- All-Pro Dads²⁴ A service for fathers to learn how to be better fathers using NFL personalities such as Tony Dungy to speak at events and interact with attendees. Additionally, the site provides daily advice for fathers regarding family issues.
- iMOM²⁵ A service for mothers by mothers which provides them with advice for raising children and dealing with the issues of motherhood. There are several sections dealing with issues of motherhood from mothers of newborns to mothers of adopted children. Additionally, this website has three newsletters: one monthly, one weekly, and one daily. These cover similar issues to those contained on the website, only in more detail.
- Family Minute²⁶ a daily audio broadcast from Mark Merrill, President of Family First, and a nationally known speaker and radio host who gives a minute-long message of advice on various family issues. Topics cover a variety of subjects ranging from marriage to underperforming children in school.

III. Effect of Proposed Changes:

Senate Bill 630 would add a voluntary contribution check-off option of \$1 to the motor registration and driver's license application and renewal forms. The department would receive voluntary contributions and transfer those funds monthly to Family First. According to DHSMV Family First has met the requirements set forth in s. 320.023 F.S.²⁷

Section 1: Amends s. 320.02, F.S., to include a voluntary contribution check-off option on motor vehicle registration and renewal forms of \$1 to Family First, a nonprofit organization located in Tampa. Contributions must be transferred each month by the department. Contributions are not

²¹ The Florida Registration Renewal Notice is annually mailed out to all people who have vehicles registered by the State of Florida.

²² Mark Merrill, President of Family First.

²³ See <http://www.familyfirst.net/specialtylicenseplate/index.php> (last visited on 3/7/2008).

²⁴ See <http://www.allprodad.com/index.php> (last visited on 3/7/2008).

²⁵ See <http://www.imom.com/index.php> (last visited on 3/7/2008).

²⁶ See <http://www.myfamilyminute.com/index.php> (last visited on 3/7/2008).

²⁷ DHSMV SB 630/HB 707 Bill Analysis.

income of a revenue nature for purposes of applying the service charge provided in s. 215.20, F.S.

Section 2: Amends s. 322.08, F.S., to include a voluntary contribution check-off option on motor vehicle registration and renewal forms of \$1 to Family First, a nonprofit organization located in Tampa. Contributions are not income of a revenue nature for purposes of applying the service charge provided in s. 215.20, F.S.

Section 3: Provides the act shall take effect July 1, 2008.

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.

B. Private Sector Impact:

Applicants for motor vehicle and renewals, and driver's license wishing to donate \$1 to the Family First would have the option to do so by selecting the check-off option on the application form. Family First would benefit by receiving monthly donations.

C. Government Sector Impact:

Family First has paid the \$10,000 application fee as stipulated in s. 320.023 and 322.081, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:**Line 18**

Line 18 is not consistent with the rest of the current statute. The insertion of “per applicant” will bring line 18 into conformity with the statute as written. Nevertheless, the bill is not technically deficient as a result of this inconsistency.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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