

**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 Transportation Committee

BILL: SB 630

INTRODUCER: Senator Fasano

SUBJECT: Vehicle Registration/Family First Contribution

DATE: February 25, 2008      REVISED: \_\_\_\_\_

|    | ANALYST  | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|----------|----------------|-----------|------------------|
| 1. | Paradise | Meyer          | TR        | <b>Favorable</b> |
| 2. |          |                | CF        |                  |
| 3. |          |                | FT        |                  |
| 4. |          |                | TA        |                  |
| 5. |          |                |           |                  |
| 6. |          |                |           |                  |

**I. Summary:**

Senate Bill 630 (“the bill”) directs the Department of Highway Safety and Motor Vehicles (department) to create a voluntary contribution option of \$1 for Family First on both motor vehicle registration and renewal forms, and on driver’s license applications. Organizations may apply for inclusion on these forms as a voluntary contribution check-off option, and those that successfully complete their application and gain legislative approval then receive proceeds from contributions. Family First is a Tampa nonprofit organization focused on strengthening the family and has successfully met the department’s application requirements.

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

**II. Present Situation:**

Currently, motor vehicle registration forms and driver’s license application forms contain voluntary contribution options for a number of eligible organizations. Initial registration and licensing are generally completed in person at either a driver’s license office, or a tax collector’s office. New organizations may apply to be included as donation options. Organizations satisfying application requirements, and receiving legislative approval, see their voluntary contribution check-off included on the next revised form.

The Department of Highway Safety and Motor Vehicle’s motor vehicle registration form (and registration renewal form) includes language allowing voluntary contributions to a number of different organizations as provided in s. 320.02, F.S. Currently authorized voluntary contributions include:

- \$1 into the Nongame Wildlife Trust Fund;

- \$2 into the Highway Safety Operating Trust Fund, used to purchase child safety seats;
- \$5 into the Election Campaign Financing Trust Fund<sup>1</sup>;
- \$1 into the Transportation Disadvantaged Trust Fund<sup>2</sup>;
- \$1, distributed to Prevent Blindness Florida;
- an unspecified contribution, distributed to the Florida Mothers Against Drunk Driving, Inc., transferred by the department to the organization on a monthly basis;
- \$1, distributed to Southeastern Guide Dogs, Inc;
- \$1, in order to Stop Heart Disease. The proceeds are distributed quarterly to the Miami Heart Research Institute, Inc., doing business as the Florida Heart Research Institute; and,
- \$1, distributed to the Children's Hearing Help Fund.

The driver's license application form currently includes language allowing for voluntary contributions to a number of different organizations in s. 322.08, F.S. These include:

- \$5 into the Election Campaign Financing Trust Fund<sup>3</sup>;
- \$1 into the Florida Organ and Tissue Donor Education and Procurement Trust Fund;
- \$1, distributed to the Florida Council of the Blind;
- \$2, distributed to the Hearing Research Institute, Inc;
- \$1, distributed to the Juvenile Diabetes Foundation International; and,
- \$1, distributed to the Children's Hearing Help Fund.

Renewal license forms include language allowing for voluntary contributions of \$1 to Prevent Blindness Florida, a non-profit<sup>4</sup>.

These contributions are not subject to the trust fund service charge detailed in s. 215.20, F.S., with the exceptions of the Election and Organ and Tissue Donor trust funds.<sup>5</sup>

#### Motor Vehicle Registration/Driver's License - Checkoff Requirements

Section 320.023, F.S., sets forth the requirements for an organization seeking to authorize a voluntary check-off contribution on motor vehicle registration and renewal forms. Section 322.081, F.S., sets out the requirements for an organization seeking to establish a voluntary contribution on a driver's license application, and incorporates identical requirements to those set forth for the motor vehicle registration. An organization wishing to establish a check-off on either form must submit:

- 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; and,
- a marketing strategy, outlining short-term and long-term marketing plans for the contribution. Also, a financial analysis outlining expected revenues and planned expenditures of the revenues from the voluntary contribution.

<sup>1</sup> Expired, by operation of s. 19(f), Art. III of the State Constitution, effective November 4, 1996.

<sup>2</sup> Created in s. 427.0159, F.S. and expended as provided in that section.

<sup>3</sup> Expired, by operation of s. 19(f), Art. III of the State Constitution, effective November 4, 1996.

<sup>4</sup> Section 322.18(9)(a), F.S.

<sup>5</sup> Section 320.02, F.S., s. 322.081, F.S.

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<sup>6</sup>. Contributions shall be distributed only under an appropriation by the Legislature.

The department must discontinue the voluntary contribution if either less than \$25,000 has been contributed by the end of the 5<sup>th</sup> year, or if less than \$25,000 is contributed during any subsequent 5-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<sup>7</sup>. The department determines legal compliance, and stops funds distribution for violations of the law.<sup>8</sup>

Family First is a Tampa nonprofit organization, whose mission is to strengthen the family by establishing family as a top priority in people's lives and by promoting principles for building marriages and raising children. Family First runs programs such as "All Pro Dad", featuring NFL spokesmen in seminars and e-mail messages and to highlight insightful fatherhood resources, "Family Minute with Mark Merrill", a daily radio feature reaching 6 million listeners each week offering practical, every day advice on marriage, parenting, and family relationships, and "iMOM", a complement to All Pro Dad, focused on equipping mothers with information, ideas, and encouragement to positively impact their children. Family First has a specialty license plate available, the purchase of which supports stronger families that serves the family, school, and community. "Family First" is a service mark of the Florida Family Council, Inc., a non-profit organization from Tampa.

Family First's applications have been approved by the department to pursue legislation to create a voluntary trust fund fee on the motor vehicle registration and the driver's license application.

### III. Effect of Proposed Changes:

The bill would include a check-off for voluntary contributions of \$1 to Family First on both motor vehicle registration/renewal forms, and driver's license application forms. The department would receive voluntary contributions into a trust fund and transfer funds to Family First. Motor vehicle registration/renewal proceeds would be transferred monthly.

**Section 1:** amends s. 320.02, F.S., to include a check-off on motor vehicle registration and renewal forms for a voluntary contribution of \$1 to Family First, a nonprofit organization located

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<sup>6</sup> Such as to pay the cost of an audit or report required by law.

<sup>7</sup> Pursuant to s. 215.97, F.S.

<sup>8</sup> If an organization fails to comply within 12 months after contributions are withheld, the proceeds are deposited into the Highway Safety Operating Trust Fund.

in Tampa. Contributions must be transferred each month by the department. Contributions are not 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 check off on driver's license forms for a voluntary contribution 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 registrations and renewals, and for driver's licenses, wishing to voluntarily donate \$1 to Family First would have the option to do so by selecting a check-off on the form.

Family First will benefit from voluntary contributions, in an amount not currently known as it is based on public interest in donations.

C. Government Sector Impact:

Family First has paid the \$10,000 application fee, covering the department's costs of reviewing the application and developing the voluntary contribution option.

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

None.

**VII. Related Issues:**

None.

**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.

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

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