

**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 Fiscal Policy

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BILL: SB 676

INTRODUCER: Senator Benacquisto

SUBJECT: Voluntary Contributions to End Breast Cancer

DATE: April 1, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Gusky</u>	<u>Miller</u>	<u>ATD</u>	<b>Recommend: Favorable</b>
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	<b>Pre-meeting</b>

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**I. Summary:**

SB 676 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to collect, for the Florida Breast Cancer Coalition Research Foundation, Inc., a voluntary contribution of \$1 or more per applicant to through the motor vehicle registration, driver license, and identification card application forms.

The cost to redesign and develop the new application forms is \$55,040, which will be partially offset by the Florida Breast Cancer Foundation's \$20,000 application fees. The DHSMV will absorb the remaining \$35,040 in expenditures.

**II. Present Situation:**

The application forms for motor vehicle registration and renewal, a driver license or replacement driver license, or an identification card all provide a voluntary contributions section that allows applicants the opportunity to make a donation by checking a box on the form.<sup>1</sup>

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, and s. 322.081, F.S., establishes similar requirements for driver license and identification card applications. Both sections require:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;

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<sup>1</sup> Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 26 options for voluntary contributions. Section 322.08(7), F.S., provides driver license and identification card applicants with 19 options for voluntary contributions.

- An application fee<sup>2</sup>, 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.

### **Florida Breast Cancer Foundation**

The Florida Breast Cancer Foundation (FBCF) is a not-for-profit statewide organization dedicated to ending breast cancer through advocacy, education, and research.<sup>3</sup> The FBCF is best known for their role in the passage of the "Mary Brogan Breast and Cervical Cancer Treatment Act" and the "End Breast Cancer" specialty license plate, the fees from which the FBCF awards to breast cancer research and education throughout Florida.<sup>4</sup> The FBCF created the Florida Breast Cancer Coalition Research Foundation, Inc., to receive funds from the "End Breast Cancer" specialty plate, which received annual use fees from approximately 19,000 specialty plates in 2014.<sup>5</sup>

The DHSMV has reviewed the FBCF's application and determined it is in compliance with requirements of ss. 320.023 and 322.081, F.S. The DHSMV has approved the FBCF to pursue legislation to create a voluntary contribution check-off on motor vehicle registration and driver license renewal notices.<sup>6</sup>

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

The bill authorizes the DHSMV to include language permitting a voluntary contribution of \$1 or more per applicant to End Breast Cancer on motor vehicle registration and registration renewal forms and forms for original, renewal, or replacement driver licenses or identification cards. Such contributions will be distributed by the DHSMV to the Florida Breast Cancer Coalition Research Foundation, Inc. The bill specifies that the contributions collected from the motor vehicle registration forms are to be used for breast cancer research and education.

The bill takes effect July 1, 2015.

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<sup>2</sup> State funds may not be used to pay the application fee.

<sup>3</sup> Florida Breast Cancer Foundation, *About Us*, available at <http://www.floridabreastcancer.org> (last visited Mar. 26, 2015).

<sup>4</sup> *Id.* See ss. 320.08058(33) and 381.93, F.S.

<sup>5</sup> *Id.* Department of Highway Safety and Motor Vehicles, 2014 Specialty License Plate Rankings, Jan. 2015, available at <http://www.flhsmv.gov/specialtytags/tag-sales.pdf> (last visited Mar. 26, 2015).

<sup>6</sup> Letter from Terry L. Rhodes, Executive Director, Department of Highway Safety and Motor Vehicles (Jan. 12, 2015) (on file with the Senate Committee on Transportation).

**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:

Under the bill, individuals may choose to donate to the Florida Breast Cancer Coalition Research Foundation, Inc., which will benefit that organization.

## C. Government Sector Impact:

The cost to redesign and develop the new application forms is \$55,040, which will be partially offset by the FBCF's \$20,000 application fee. The DHSMV will absorb the remaining \$35,040 in expenditures.<sup>7</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

While the DHSMV is authorized to collect contributions under the bill, the bill does not specify that the contributions collected from the driver license or identification card application forms must be used for breast cancer research and education. The bill does specify the use for the contributions collected from the motor vehicle registration forms.

**VIII. Statutes Affected:**

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

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<sup>7</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 676 Analysis* (Feb. 13, 2015) (on file with the Senate Committee on Transportation).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of 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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