

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 Health and Human Services Appropriations Committee

BILL: CS/SB 642

INTRODUCER: Health & Human Services Appropriations Committee and Senators Altman and Storms

SUBJECT: Autism Programs and Related Disabilities

DATE: April 16, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hansson	Meyer	TR	Fav/1 amendment
2.	Toman	Walsh	CF	Fav/2 amendments
3.	Kynoch	Peters	HA	Fav/CS
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a license plate titled “Autism,” available to drivers willing to pay an extra \$25 annual use fee. Proceeds from the plate will be distributed to Achievement and Rehabilitation Centers, Inc. (the Achievement Center), to fund service programs for autism and related disabilities throughout Florida and to establish and operate programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness.

The bill requires the Achievement Center to establish (1) an Autism Services Grant Council (Grant Council) to provide grants, from available license plate proceeds, to nonprofit organizations for direct services; and (2) an Autism License Plate Fund (the Fund) to provide funds to the Grant Council. The bill specifies how the license plate proceeds must be used.

The bill requires the DHSMV to develop a license plate titled “Fraternal Order of Police.” The plate would be available to drivers, who are members of the lodge in good standing or a member of a lodge member’s family, willing to pay an extra \$25 annual use fee. Proceeds from the plate will be distributed to the Florida State Lodge of the Fraternal Order of Police (organization), to fund projects, programs, or events related to the Florida State Lodge Memorial Foundation of the

Lodge of Fraternal Order of Police memorial and to fund improvements, maintenance or other support for the memorial.

The bill revises the method “United We Stand” specialty license plate revenues are distributed to the Department of Transportation SAFE Council.

The “Autism” and “Fraternal Order of Police” license plates have met the statutory application requirements and fees for new specialty license plates and both fall within the exception from the moratorium on new specialty license plates created by the 2008 Legislature. The DHSMV’s cost are recovered from the fee revenue.

This bill substantially amends sections 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

Specialty License Plates

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the state university system.

Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees. Proceeds are distributed to an organization or organization in support of a particular cause or charity as signified in the plate’s design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Section 320.08053, F.S., provides that an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in specific terms, including a sample plate conforming to the specifications set by the DHSMV;
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs;
- An application fee, not to exceed \$60,000, to defray the DHSMV’s cost for reviewing the application and developing the specialty license plate, if authorized; and
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenue from the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law,

the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, the application fee is refunded to the requesting organization.

In 2008, the Legislature passed SB 1992, which imposed a moratorium on the issuance of specialty plates by the DHSMV. The moratorium is effective from July 1, 2008 to July 1, 2011, but contains an exception “for [any] specialty license plate proposal which ha[d] submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008.”¹

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters “A” through “Z”, or a combination thereof.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plate’s *pro rata* (proportionate) share of the DHSMV’s costs directly related to issuing the specialty license plate. A person wishing to purchase a specialty license plate must pay, in addition to the required license plate fee and license tax, a license plate annual use fee (from \$15 to \$25) and a processing fee of \$2.

The DHSMV must discontinue the issuance of an approved specialty plate if the number of valid specialty license plates in use falls below 1,000 plates for at least 12 consecutive months. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists, if the organization has stopped providing services authorized to be funded, or if the organization requests it. To date, only four plates have ever been discontinued for lack of sales: the Girl Scouts plate, the Orlando Predators plate, the Miami Hooters plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those fees may not be used for commercial or for-profit activities, or for general administrative expenses (except as specifically authorized or to pay the cost of the audit or report required to ensure the proceeds are used as authorized).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly. The DHSMV can examine all records pertaining to the use of specialty license plate revenues.

The Legislature has authorized 111 specialty license plates to date. Sales of specialty license plates generated over \$35 million in annual use fee revenues during Fiscal Year 2008-2009.

¹ 2008-176, s. 45, L.O.F.

The DHSMV has found that the “Autism” and “Fraternal Order of Police” license plates have met the application requirements and both fall within the exception from the moratorium on new specialty license plates created by the 2008 Legislature.

What is Autism?

Autism is a lifelong neurological disability that affects a person’s ability to communicate, understand language, play and socially interact with others. The first signs of autism usually appear as developmental delays before age three. Autism is classified as a developmental disability because it interferes with the typical rate and patterns of childhood development. There are diagnoses closely related to autism such as PDD-NOS (pervasive development disorder not otherwise specified), Asperger’s syndrome, and Rett’s syndrome that are included in the category of Autism Spectrum Disorder (ASD).²

All children with an ASD demonstrate deficits in:

- Social Interaction;
- Verbal and nonverbal communication; and
- Repetitive behaviors or interests.³

Section 393.063(3), F.S., defines autism to mean “...a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.”

Achievement & Rehabilitation Centers, Inc. (the Achievement Center)

The Achievement Center is a nonprofit organization providing support and assistance to children and adults in Broward County who have mental retardation, autism, Down syndrome, cerebral palsy, and other developmental disabilities. The Achievement Center provides a full range of services and supports, including:

- Workforce development services;
- Adult habilitation services;
- Children’s services;
- Behavioral health care services; and
- Outpatient health care services.⁴

Centers for Autism and Related Disabilities (CARDs)

² Center for Autism and related Disabilities, *Fact Sheet 1*, available at <http://autism.fsu.edu/downloads/LITERATURE/factPdf/fact%20sheets/FactSheet1.pdf> (last visited March 26, 2009).

³ Department of Health and Human Services, National Institutes of Mental Health, *Autism Spectrum Disorders: Pervasive Developmental Disorders, With Addendum* (January 2007), available at <http://www.nimh.nih.gov/health/publications/autism/nimhautismspectrum.pdf> (last visited March 26, 2009).

⁴ See Achievement Center website, available at <http://www.arcbroward.com/> (last visited March 26, 2009).

Section 1004.55, F.S., establishes seven regional, nonresidential CARDS to provide resource and training services for persons of all ages and of all levels of intellectual functioning who have autism.⁵ The CARDS are established at:

- Florida State University;
- University of Central Florida;
- University of Florida at Gainesville;
- University of Florida Health Science Center at Jacksonville;
- University of South Florida;
- Florida Atlantic University; and
- University of Miami (now also including Nova Southeastern University).⁶

The CARDS are funded by the Legislature and, therefore, services are provided free of charge.

Florida State Lodge of the Fraternal Order of Police

The Florida State Lodge of the Fraternal Order of Police is part of a national organization of sworn law enforcement officers. The organization is committed to improving the working conditions of law enforcement officers and the safety of those they serve through education, legislation, information, community involvement, and employee representation. The mission of the organization includes: promoting and fostering the impartial enforcement of law and order; improving the individual proficiency of its members in the performance of their duties; encouraging social, charitable, educational activities among all law enforcement officers; and to advocating and striving for uniform application of the civil service and merit system for all law enforcement officers.

Florida State Lodge Fraternal Order of Police has also erected a memorial, in Tallahassee, Florida, which contains the names of every law enforcement officer killed in the line of duty in Florida along with federal officers assigned to Florida who lost their lives in the line of duty.

SAFE Council

Proceeds from the sale of the “United We Stand” license plate are distributed to the Department of Transportation SAFE Council. The SAFE Council was created by the Florida Legislature to assure Florida's airports were adequately funded to maintain the state's aviation infrastructure. The SAFE Council initiatives include projects to improve the security of Florida's airports and to enhance the economic impact of the state's airport system on Florida's economy. Section 320.08058, F.S., provides the “United We Stand” specialty license plate is currently available upon payment of the appropriate license taxes, a \$2 processing fee, and an annual use fee of \$25.

The annual use fees collected are distributed annually to the Department of Transportation SAFE Council to fund a grant program to enhance security at airports throughout the state, pursuant to s. 332.14, F.S. The DHSMV shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates has been recovered. Thereafter, 100 percent of the

⁵ See, e.g., University of Miami and Nova Southeastern University CARD website, available at <http://www.umcard.org/> (last visited March 31, 2009).

⁶ Section 1004.55(1), F.S.

annual use fees shall be distributed to the Department of Transportation SAFE Council to fund a grant program to enhance security at airports throughout the state.

III. Effect of Proposed Changes:

“Autism” License Plate

The bill authorizes the DHSMV to develop and issue an “Autism” license plate and a “Fraternal Order of Police” license plate. Drivers can purchase either specialty plate upon payment of the appropriate license taxes and fees and a \$25 annual use fee.

The bill directs the Achievement Center to develop an Autism Services Grant Council (Grant Council), to provide grants from available Autism license plate proceeds to nonprofit organizations for direct services and programs for individuals with autism and related disabilities and their families. The individuals served must include those who are on the Agency for Persons with Disabilities’ waiting lists for services. The bill also requires the Achievement Center to establish an Autism License Plate Fund (the Fund) to hold moneys to be used by the Grant Council. All funds received must be used in the state.

The Achievement Center is permitted to retain the first \$85,000 of annual use fees to cover the costs of developing and establishing the license plate. Thereafter, annual use fees shall be distributed by the Achievement Center as follows:

- Up to **10 percent** for the administration of the Grant Council, the Fund, and related programs, including the costs of an annual audit or compliance affidavit;
- Up to **25 percent** to establish and operate programs to support individuals with autism and related disabilities and their families through direct services, evaluation, and training;
- **15 percent** to the CARD at the University of Miami for proportionate distribution among the seven regional CARDS, at the discretion of the director of that center, to be used to support the services provided by the CARDS; and
- **50 percent** to be made available to the Grant Council for grants to nonprofit organizations to operate direct services and programs for individuals with autism and related disabilities and their families or to market the license plate.

The bill requires all grant recipients, including the Achievement Center and the CARD, to provide to the Grant Council an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.

“Fraternal Order of Police” License Plate

Florida State Lodge of the Fraternal Order of Police may retain all of the revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, annual use fees shall be distributed to Florida State Lodge Memorial Fund of the Fraternal Order of Police, which may use up to 25 percent of the of the proceeds to fund the administrative, promotion, and marketing costs of the license plate program. The remaining fees shall be used by the organization to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

“United We Stand” License Plate

The bill also amends s. 320.08058, F.S., to change the way that funds generated by the sale of the “United We Stand” license plate are distributed to the DHSMV SAFE Council. The DHSMV is authorized to retain all revenues from the sale of the plates until startup costs have been recovered. Thereafter, the annual use fees shall be distributed to the Department of Transportation SAFE Council for the development and implementation of programs to enhance security at airports throughout the state. Up to 10 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the plate, including annual audit and compliance affidavit costs.

The bill provides an effective date of July 1, 2009.

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:

Persons wishing to purchase an “Autism” or “Fraternal Order of Police” license plate can do so for an additional charge of \$25 (plus \$2 processing fee) beyond the normal fees associated with buying a license plate.

The Achievement Center and Florida State Lodge of Fraternal Order of Police have each paid the required \$60,000 application fee, which will be refunded if the plates are not approved by the Legislature.

C. Government Sector Impact:

The DHSMV is responsible for developing and distributing the “Autism” and “Fraternal Order of Police” license plates. The cost of this effort is approximately \$120,000. This impact will be offset by the \$60,000 application fee that each organization has already paid.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill restricts the purchase of the “Fraternal Order of Police” license plate, allowing sales only to those that submit a notarized letter from the Florida State Lodge of Fraternal Order of Police stating that the applicant is a member of the lodge in good standing or a member of a lodge member’s family. This restriction may limit the sale of the license plate, and thus, potential proceeds, and may prevent other interested, but ineligible parties from purchasing the plate.

VIII. Additional Information:

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

CS by Health and Human Services Appropriations Committee on April 15, 2009:

The bill:

- Removes the motor registration check-off and the driver’s license application and renewal check-off for voluntary contributions to the Autism License Plate Fund.
- Revises the distribution of the proceeds from the “Autism” license plate.
- Revises the authorized uses of the proceeds from the “United We Stand” license plate, providing that up to 10 percent of the proceeds may be used for administration, promotion, and marketing costs.
- Amends s. 320.08058, F.S., to include the “Fraternal Order of Police” license plate and specifies how the license plate proceeds must be used.

- B. **Amendments:**

None.