

STORAGE NAME: h1557.tr
DATE: April 2, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1557
RELATING TO: Sea Turtle License Plates
SPONSOR(S): Rep(s) Horan, Murman, and Brown
STATUTE(S) AFFECTED: ss. 320.08056 and 320.08058
COMPANION BILL(S): S 876 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION
- (2) FINANCE & TAXATION
- (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

The bill requires the Department of Highway Safety and Motor Vehicles (DHS&MV) to issue a "Sea Turtle" license plate. In addition to the usual specialty license plate fees, a \$17.50 annual use fee will be charged for this new specialty license plate.

Annual use fee proceeds from the Sea Turtle license plates will be deposited into the Marine Resources Conservation Trust Fund, administered by the Department of Environmental Protection, and distributed as follows:

- The first \$500,000 in annual revenue to the Florida Marine Turtle Protection Program for sea turtle protection, research, and recovery programs.
- Any remaining revenue shall be used by the Florida Marine Turtle Protection Program for sea turtle conservation activities, except up to 30 percent shall be distributed to the marine turtle grants program.

The marine turtle grants program - which is created by the bill - is administered by the Department of Environmental Protection and will provide grants to coastal local governments, educational institutions, or Florida-based nonprofit organizations to conduct marine turtle research, conservation, or educational activities within the state.

Current law provides for a requesting organization to meet specified application requirements prior to legislative authorization of a speciality license plate. The applicant for the Sea Turtle license plate has complied with the application requirements.

Pursuant to s. 320.08053, F.S., the cost to review and develop specialty license plates has been established by the Department at approximately \$43,000. A \$30,000 application fee has been collected by DHS&MV to help defray administrative and license plate design costs.

The bill has an indeterminate revenue impact to the state.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Specialty license plates must be specifically authorized by the Legislature. A "Sea Turtle" license plate has not been authorized by the Legislature.

The State of Florida has a total of 155 types of license plates, of which 141 are issued for distinctive purposes. Some of the distinctive plates are available only to specifically identified individuals based on organizational affiliations such as military personnel, veterans, Seminole and Miccosukee Indians, and elected officials, while other specialty plates are available to the general public. Plates available to the general public include the commonly-known specialty plates such as the Challenger, manatee, panther and collegiate plates. Currently, there are 38 specialty license plates.

To date, approximately 1.9 million specialty plates have been issued and associated revenues total approximately \$102 million. Proceeds from specialty license plate annual use fees have been used to fund an astronaut memorial, space technology research, scholarships, and university academic enhancements.

Section 320.08053, F.S., establishes the requirements that organizations or agencies must meet in order to create a new specialty license plate. The law requires that specified information and an application fee be submitted to DHS&MV prior to requesting legislative approval for a specialty plate. Information required to be submitted includes: 1) 10,000 signatures from prospective buyers; 2) a marketing plan and financial analysis of anticipated revenues and expenditures; and, 3) an application fee to defray DHS&MV's costs for reviewing the application and developing the specialty license plate.

Once a specialty license plate has been approved by the Legislature, s. 320.08056, F.S., establishes uniform requirements for all specialty license plates, including taxes, fees, and design characteristics.

Section 320.08058, F.S., specifies the individual requirements and distribution of annual use fees for approved specialty plates.

B. EFFECT OF PROPOSED CHANGES:

The bill requires DHS&MV to create a Sea Turtle license plate. A \$17.50 annual use fee will be charged in addition to the usual specialty license plate fees.

Annual use fee proceeds from the sale of the Sea Turtle license plate will be distributed as follows:

- The first \$500,000 in annual revenue to the Florida Marine Turtle Protection Program for sea turtle protection, research, and recovery programs.
- Any remaining revenue shall be used by the Florida Marine Turtle Protection Program for sea turtle conservation activities, except up to 30 percent shall be distributed to the marine turtle grants program.

The marine turtle grants program - which is created by the bill - is administered by the Department of Environmental Protection and will provide grants to coastal local governments, educational institutions, or Florida-based nonprofit organizations to conduct marine turtle research, conservation, or educational activities within the state.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The bill does not appear to create, increase or reduce, either directly or indirectly any authority to make rules or adjudicate disputes.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill creates an additional specialty license plate. Local tax collectors will be accountable for additional specialty license plate inventories.

(3) any entitlement to a government service or benefit?

The bill does not appear to create an entitlement to a government service or benefit.

b. If an agency or program is eliminated or reduced:

This bill does not appear to eliminate or reduce an agency or program.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

NA

(2) what is the cost of such responsibility at the new level/agency?

NA

(3) how is the new agency accountable to the people governed?

NA

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

This bill does not appear to directly increase anyone's taxes.

- b. Does the bill require or authorize an increase in any fees?

To the extent that the public chooses to purchase this new specialty plate, fees will increase by \$17.50 per plate.

- c. Does the bill reduce total taxes, both rates and revenues?

This bill does not appear to reduce total taxes, both rates and revenues.

- d. Does the bill reduce total fees, both rates and revenues?

This bill does not appear to reduce total fees, both rates and revenues.

- e. Does the bill authorize any fee or tax increase by any local government?

This bill does not appear to authorize any fee or tax increase by any local government.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

This bill does not appear reduce or eliminate an entitlement to government services or subsidy.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

A \$30,000 application fee has already been paid to cover start-up costs and current state law requires DHS&MV to deduct the license plate's pro-rata share of recurring costs for the specialty license plate program.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill authorizes vehicle owners to purchase a new type of specialty license plate.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill does not appear to prohibit, or create new government interference with, any presently lawful activity.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not appear to purport to provide services to families or children.

- (1) Who evaluates the family's needs?

NA

- (2) Who makes the decisions?

NA

- (3) Are private alternatives permitted?

NA

- (4) Are families required to participate in a program?

NA

- (5) Are families penalized for not participating in a program?

NA

- b. Does the bill directly affect the legal rights and obligations between family members?

This bill does not appear to directly affect the legal rights and obligations between family members.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not appear to create or change a program providing services to families or children.

(1) parents and guardians?

NA

(2) service providers?

NA

(3) government employees/agencies?

NA

D. SECTION-BY-SECTION RESEARCH:

Not applicable

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Revenues:

Current law provides that an application fee, not to exceed \$30,000, be paid to DHS&MV to defray the department's administrative costs of reviewing and developing the new specialty license plate. DHS&MV has collected \$30,000 to defray these costs. Any additional cost of issuing the license plate will be retained from the first proceeds derived from the annual use fees.

Expenditures:

DHS&MV estimates its administrative and design costs to be approximately \$43,000.

2. Recurring Effects:

Revenues:

Indeterminate. The number of plates that will be sold cannot be determined.

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

Indeterminate fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

Because the demand for the Sea Turtle license plate cannot be determined, the estimated revenue is indeterminate.

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

Section 3 of the bill may be in conflict with the State Constitution. Section 3 requires a three-fifths vote of each house of the Legislature for the bill to become effective. However, Article III, section 7, of the Constitution of the State of Florida, only requires a majority vote in each house for a bill to pass.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

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