

STORAGE NAME: h1781s1z.tr
DATE: May 12, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
TRANSPORTATION
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1781 (Passed as CS/SB 1430)

RELATING TO: Choose Life License Plate

SPONSOR(S): Committee on Transportation, Representatives Feeney , Fasano, and others

COMPANION BILL(S): CS/SB 1430 (s)

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

- (1) TRANSPORTATION YEAS 8 NAYS 1
- (2) FINANCE AND TAXATION YEAS 12 NAYS 2
- (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS (W/D)
- (4)
- (5)

I. FINAL ACTION STATUS:

On April 28, 1998, CS/HB 1781 was laid on the table and CS/SB 1430, a companion measure, was substituted for CS/HB 1781. See House Journal, page 1491. CS/SB 1430 was passed on April 29, 1998, and was vetoed by the Governor on May 20, 1998. The analysis that follows is applicable to CS/SB 1430.

II. SUMMARY:

The bill requires the Department of Highway Safety and Motor Vehicles (DHS&MV) to issue a "Choose Life" license plate. In addition to the usual specialty license plate fees, a \$20 annual use fee will be charged for this new specialty license plate.

Annual use fee proceeds from the Choose Life plate are distributed annually to each county based on the ratio of annual use fees collected in each county to the total fees collected for the plate statewide. The bill requires counties to distribute the funds to nongovernmental, not-for-profit agencies which provide services limited to counseling and meeting the needs of pregnant women who are committed to placing their children for adoption.

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 "Choose Life" 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.

Since the demand for a "Choose Life" license plate is unknown, the amount of money that will benefit the not for profit agencies within a county for adoption related expenses is indeterminate.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

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

The State of Florida has a total of 39 types of license plates. Since the program's inception, approximately \$121 million has been raised. 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.
- 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.

Section 320.08062, F.S., provides accountability requirements regarding specialty license plate proceeds, including audits of expenditures and a compliance review by DHS&MV. The law also prohibits the use of specialty license plate proceeds for commercial or for-profit activities or for general or administrative expenses, except for the cost of the required audit.

B. EFFECT OF PROPOSED CHANGES:

The bill requires DHS&MV to issue a "Choose Life" license plate. In addition to the usual specialty license plate fees, a \$20 annual use fee will be charged for this new specialty license plate.

Annual use fee proceeds from the Choose Life plate are distributed annually to each county based on the ratio of annual use fees collected for the plate in each county to the total fees collected for the plate statewide. The bill requires counties to distribute the funds to nongovernmental, not-for-profit agencies which provide services limited to counseling and meeting the needs of pregnant women who are committed to placing their children for adoption.

The bill places the following requirements on the use of funds by the agencies:

- Funds may not be distributed to any agency that is involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising, and funds may not be distributed to any agency that charges women for services received.
- Agencies that receive the funds must use at least 70 percent of the funds to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents.
- Remaining funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.
- Each agency that receives such funds must submit an annual audit, prepared by a certified public accountant, to the county and the Office of Program Policy Analysis and Governmental Accountability shall review the expenditure of funds every three years to ensure that funds are expended in accordance with this subsection.

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?

N/A

(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?

N/A

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

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

N/A

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

N/A

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

N/A

2. Lower Taxes:

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

No.

- 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 \$20 per plate.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

N/A

- 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 by the requesting organization 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 an additional type of specialty license plate.

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

N/A

5. Family Empowerment:

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

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

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

- 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:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

ss. 320.08056 and 320.08058, F.S.

E. SECTION-BY-SECTION RESEARCH:

None.

IV. 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 from the applicant 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 per specialty license plate authorized.

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.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate.

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 license plate cannot be determined, the estimated revenue is indeterminate.

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

None.

D. FISCAL COMMENTS:

None.

V. 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:

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

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.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 17, 1998, the Committee on Transportation adopted one amendment to HB 1781, which conformed the bill to its Senate companion. The amendment had the effect of revising the requirements for the use of specialty plate proceeds and requiring the review of expenditures every 3 years by the Office of Program Policy Analysis and Governmental Accountability. Further, the bill prohibits the distribution of funds to any agency that charges women for services and prohibits the use of funds for specified purposes, including administrative expenses, legal expenses, and capital expenditures.

VIII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

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DATE: May 12, 1998

PAGE 9

AS REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:

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