

STORAGE NAME: h0267a.ca

DATE: March 1, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 267

RELATING TO: Motor Vehicle Licenses

SPONSOR(S): Representatives Fiorentino, Fasano, and others

COMPANION BILL(S): SB 1018 (i)

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

- (1) TRANSPORTATION YEAS 8 NAYS 0
 - (2) COMMUNITY AFFAIRS YEAS 9 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill authorizes the Department of Highway Safety and Motor Vehicles (DHS&MV) to issue the Purple Heart license plate to an unremarried surviving spouse of a Purple Heart medal recipient.

This bill will have a nominal fiscal impact on the Department. It is indeterminate how many unremarried surviving spouses would elect to keep a deceased recipient's Purple Heart license plate. Approximately 21,700 Purple Heart plates have been issued. In the event a surviving spouse elects to retain the Purple Heart license plate, they would *not* be required to pay the \$10 initial license plate fee and associated license taxes that are assessed on obtaining a new license plate. For this reason, there may be an insignificant but indeterminate negative fiscal impact to the Highway Safety Operating Trust Fund.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 320.089, F.S., provides that on the payment of the appropriate license tax and fees, a Florida resident who is a recipient of a Purple Heart medal may be issued a Purple Heart license plate for their private use automobile, truck, or recreational vehicle.

The law does not authorize the Department of Highway Safety and Motor Vehicles (DHS&MV) to issue the Purple Heart plate to spouses of Purple Heart recipients. Only surviving spouses of former prisoners of war may receive the "Ex-POW" license plate on application to the DHS&MV as provided in s. 320.089(2), F.S.

B. EFFECT OF PROPOSED CHANGES:

The bill authorizes DHS&MV to issue the Purple Heart license plate to an unremarried surviving spouse of a Purple Heart medal recipient.

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?

N/A

(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?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

4. Individual Freedom:

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

N/A

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:

s. 320.089, F.S.

E. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Indeterminate, see D., Fiscal Comments

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

This bill will have a nominal fiscal impact on the Department. It is indeterminate how many unremarried surviving spouses would elect to keep a deceased recipient's Purple Heart license plate. Approximately 21,700 Purple Heart plates have been issued. In the event a surviving spouse elects to retain the Purple Heart license plate, they would *not* be required to pay the \$10 initial license plate fee and associated license taxes that are assessed upon obtaining a new license plate. For this reason, there may be an insignificant but indeterminate negative fiscal impact to the Highway Safety Operating Trust Fund.

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 an 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:

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

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 16, 1999, the Committee on Transportation adopted one amendment to HB 267. The amendment clarified that DHS&MV was authorized to issue a Purple Heart tag to a "surviving" spouse of a Purple Heart medal recipient.

On March 1, 1999, the Committee on Community Affairs approved the bill with the traveling amendment by the Committee on Transportation.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Thomas E. Duncan

Staff Director:

John R. Johnston

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Joan E. Highsmith-Smith

Staff Director:

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