

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2020

SPONSOR: Transportation Committee and Senator Clary

SUBJECT: Save Our Seas and Aquaculture specialty licenses plates

DATE: March 30, 2004

REVISED: 03/17/04 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>Akhavein/James</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>NR</u>	<u>Withdrawn</u>
4.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
5.	_____	_____	<u>ATD</u>	_____
6.	_____	_____	<u>AP</u>	_____
7.	_____	_____	<u>RC</u>	_____

## I. Summary:

The CS directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Save Our Seas and Aquaculture specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a \$25 annual use fee will be charged for each of these new specialty license plates, except that any single owner purchasing more than 10 of the specialty plates created by the CS for vehicles registered to that owner shall pay an annual use fee of only \$10 per plate.

The annual use fees for the Save Our Seas specialty license plate will be distributed to the Harbor Branch Oceanographic Institution, Inc., to be used as follows:

- To reimburse the Harbor Branch Oceanographic Institution, Inc., for documented costs expended for establishing the license plate; and
- The remaining funds for marine science research and education programs.

The annual use fees for the Aquaculture specialty license plate will be distributed to the Harbor Branch Oceanographic Institution, Inc., to be used as follows:

- To reimburse the Harbor Branch Oceanographic Institution, Inc., for documented costs expended for establishing the license plate; and
- The remaining funds for aquaculture research and education programs.

According to the DHSMV, the Harbor Branch Oceanographic Institution, Inc., has completed all statutory requirements for eligibility to seek Legislative approval of these specialty license plates.

This CS substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes

## **II. Present Situation:**

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. Since then, the Legislature has authorized 78 more specialty license plates.

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, are distributed to an organization or organization in support of a particular cause or charity 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 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 general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 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.
- 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 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, then the application fee will be refunded to the requesting organization.

Section 320.08056, F.S., specifies 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 word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

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 plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded.

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 Legislature has authorized 88 specialty license plates to date. Sales of specialty license plates generated more than \$24 million in annual use fee revenues in 2002, and more than \$24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than \$225 million.

The Harbor Branch Oceanographic Institute, Inc. is a not-for-profit research institution located in Ft. Pierce, Florida, dedicated to marine science, aquaculture, and marine mammal research and education. Currently, the Harbor Branch Oceanographic Institute, Inc. receives revenues from the Protect Wild Dolphins specialty license plate (1998) and the Protect Florida Whales specialty license plate (2002). The Protect Wild Dolphins specialty license plate has a \$20 use fee with total revenue collections of \$1,654,460 in fiscal year 2002-03. The Protect Florida Whales specialty license plate has a \$25 use fee with total revenue collections of \$70,275 in fiscal year 2002-03.<sup>1</sup>

The Guy Harvey Research Institute (GHRI) is a scientific research organization based in Ft. Lauderdale, Florida, at the Oceanographic Center of Nova Southeastern University. The GHRI was established in 1999 and is dedicated to expanding the scientific knowledge base needed for effective conservation of fish populations and maintenance of fish biodiversity.<sup>2</sup>

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<sup>1</sup> [www.hboi.edu](http://www.hboi.edu)

<sup>2</sup> [www.nova.edu/ocean/ghri](http://www.nova.edu/ocean/ghri)

### III. Effect of Proposed Changes:

The CS directs the DHSMV to issue a Save Our Seas and an Aquaculture specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a \$25 annual use fee will be charged for each of these new specialty license plates, except that any single owner purchasing more than 10 of the specialty plates created by the bill for vehicles registered to that owner shall pay an annual use fee of only \$10 per plate.

The annual use fees for the Save Our Seas specialty license plate will be distributed to the Harbor Branch Oceanographic Institution, Inc. After the Harbor Branch Oceanographic Institution, Inc. is reimbursed for documented costs expended for establishing the license plate the first annual use fee proceeds shall be uses as follows:

- Ten percent of the funds to the Guy Harvey Research Foundation to conduct fisheries and shark research in Florida;
- Up to 15 percent of the funds for administrative costs directly associated with the Harbor Branch Oceanographic Institution, Inc.'s marine science and marine education programs and administrative costs associated with the specialty license plate; and
- Up to 10 percent for continuing promotion and marketing of the specialty license plate;

The remaining annual use fee proceeds shall be used to:

- Conduct scientific research and education on marine plants and animals and coastal oceanography in Florida marine waters;
- Collect and analyze long-term data sets on the state's critical marine habitats;
- Determine changes in populations and communities of marine organisms and their impacts on the use of Florida's marine resources;
- Maintain reference collections of scientific specimens and photographic archives of the state's marine plates and animals; and
- Conduct scientific conferences of relevance to Florida's marine resources and their management, utilization, and conservation.

The annual use fees for the Aquaculture specialty license plate will be distributed to the Harbor Branch Oceanographic Institution, Inc. After the Harbor Branch Oceanographic Institution, Inc. is reimbursed for documented costs expended for establishing the license plate the first annual use fee proceeds shall be uses as follows:

- Ten percent of the funds to the Guy Harvey Research Foundation to conduct outreach and education regarding aquaculture in Florida;
- Up to 15 percent for administrative costs directly associated with the Harbor Branch Oceanographic Institution, Inc.'s aquaculture programs and administrative costs associated with the specialty license plate; and
- Up to 10 percent for continuing promotion and marketing of the specialty license plate.

The remaining annual use fee proceeds shall be used to conduct scientific research and education on environmentally responsible and sustainable methods of farming:

- Freshwater and saltwater organisms such as fish, shellfish, and crustaceans for food;
- Biomedical species for pharmaceutical and nutraceutical compounds; and
- Marine ornamentals for the aquarium trade.

These remaining annual use fee proceeds will also be used to expand Harbor Branch Oceanographic Institution, Inc.'s, educational programs, including secondary school field trips, college degree programs, and other intensive courses, with the objective of increasing aquaculture's contribution to Florida's economy.

The bill shall take effect July 1, 2004.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

Persons who apply for either the Save Our Seas or Aquaculture specialty license plate would have to pay an additional \$25 for the annual use fee, in addition to the taxes and fees required under s. 320.08, F.S., (except that any single owner purchasing more than 10 of the specialty license plates shall pay an annual use fee of only \$10 per plate) and a \$2 processing fee. The use fee shall be distributed to the Harbor Branch Oceanographic Institution, Inc. and the processing fee will be deposited into the State Transportation Trust Fund of the Department of Transportation. The fiscal impact is indeterminate.

##### **B. Private Sector Impact:**

Persons who apply for either the Save Our Seas or Aquaculture specialty license plate would have to pay \$25 for the annual use fees in addition to applicable motor vehicle registration taxes and fees, except that any single owner purchasing more than 10 of the Specialty plates created by the bill for vehicles registered to that owner shall pay an annual use fee of only \$10 per plate.

##### **C. Government Sector Impact:**

Current law provides an application fee, not to exceed \$60,000, be paid to the DHSMV to defray the administrative costs of reviewing and developing the new specialty license

plate. The DHSMV has indicated \$60,000 has been collected from the applicant to defray these costs. This fee will be refunded if the license plate is not approved by the Legislature.

The DHSMV estimates administrative and design costs to be approximately \$60,000 per specialty license plate authorized. Any additional cost of issuing the license plate will be retained from the first proceeds derived from the annual use fees as provided in s. 320.08056(7), F.S.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Agriculture

The amendment corrects the name of the Guy Harvey Institute of the Nova Southeastern University Oceanographic Center.