



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government - The bill appears to increase government in that it requires DHSMV to develop and provide for the manufacture of a new license plate, and therefore requires county tax collectors offices to maintain an appropriate inventory and administer the new plate.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Currently, 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 organizations 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. Under s. 320.08053, F.S., an organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements.

An organization is first required to submit to the Department of Highway Safety and Motor Vehicles (DHSMV):

- A request for the plate describing it in general terms;
- The results of a professional, independent, and scientific sample survey of Florida residents indicating that 15,000 vehicle owners intend to purchase the plate at the increased cost;
- An application fee of up to \$60,000 defraying DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action.

If a proposed specialty plate fails to be enacted by the Legislature, DHSMV returns the application fee and other required documents to the organization. If it passes and becomes law, DHSMV notifies the organization, modifies its computer programming to accommodate the new plate, and requests the laminate manufacturer, 3M Company, to produce a prototype roll-coat. PRIDE, the contracted manufacturer of license plates, embosses and roll-coats sample plates that must be submitted to FHP, the Governor, and the Cabinet for approval. Once approval is given, PRIDE begins full production of the plates and distributes them to the Tax Collectors' Offices for sale to the public.

Discontinuance of an approved specialty license plate occurs only when the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is to be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. According to DHSMV there are currently twenty-two plates that are not meeting the minimum sales requirement and could be discontinued in 2006 if their sales do not increase. If none of these plates meet the minimum sales requirement by next summer, the number of plates offered for sale could be reduced to seventy-eight.

Specialty license plates are distinguished from other types of specialized license plates by the fact that anyone may obtain one by simply paying an additional annual use fee, and by the fact that annual use fees are dedicated to supporting a particular cause or organization. The Legislature has also created a number of specialized license plates that are not specialty plates. These plates differ because the purchaser must be eligible by his or her status to obtain the plate, and because ownership of these plates does not require payment of an annual use fee that is distributed for charitable purposes. These types of "status plates" are referred to in the statutes as special plates, and include: the Governor and Legislator plates; the amateur radio operators plate; the disabled veterans plate; the street rods plate; the National Guard, Pearl Harbor Survivor, Combat-wounded veteran and U.S. Reserve plates; and the Medal of Honor plate.

The statutes provide for all specialty plates within ss. 320.08056 and 320.08058, F.S., and provide for a uniform procedure for approval and authorization in s. 320.08053, F.S. By comparison, other specialized plates (the status or special plates) are created on an ad hoc basis by the Legislature, and the statutes provide for them independently of one another in separate sections. It is unnecessary for a proponent of a special plate to obtain prior approval before seeking Legislative action.

The Legislature has enacted 106 specialty license plates to date, though only 100 are currently available for purchase. Annual use fees for sales of specialty license plates for 2003-2004 totaled \$26,168,581 and for fiscal year 2004-2005 the total was \$29,049,472.90. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than \$280 million.

#### Effect of Proposed Changes

HB 553 directs DHSMV to develop the "Support Our Troops" license plate. A qualified motor vehicle owner may obtain the "Support Our Troops" license plate upon payment of a \$25 annual use fee in addition to the appropriate license taxes and service fees. DHSMV is required to develop a Support Our Troops license plate which bears the colors and design approved by DHSMV and must contain an emblem or logo of a soldier and a child. The word "Florida" must appear at the top of the plate, and the words "Support Our Troops" must appear at the bottom of the plate.

The proceeds of the annual use fee are to be distributed to Support Our Troops, Inc., and are to be used according to its articles of incorporation. Application for the "Support Our Troops" license plate by a motor vehicle owner or lessee would constitute prior written consent and instruction by DHSMV to provide names and addresses of the applicants to the sponsoring organization. The bill does not specify whether the applicants will be notified that by applying for the tag, their information will be provided to the sponsoring organization, Support Our Troops, Inc.

According to the Department of Highway Safety and Motor Vehicles, Support Our Troops, Inc. has submitted the \$60,000 application fee and the marketing plan but they have not submitted the survey.

#### C. SECTION DIRECTORY:

**Section 1.** Amending ss. 320.08056 and 320.08058, F.S., creating the "Support Our Troops" license plate; providing for plate design; providing for annual use; and providing for distribution of annual use fees;

**Section 2.** Provides a contingent, effective date of July 1, 2006.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
See FISCAL COMMENTS section below.
2. Expenditures:  
See FISCAL COMMENTS section below.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:  
None.
2. Expenditures:  
None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Persons who elect to purchase these specialty license plates, will be required to pay an annual use fee of \$25 in addition to applicable license taxes and administrative charges. The fee from the "Support Our Troops" license plate will be distributed to Support Our Troops, Inc. which is to use the proceeds according to its articles of incorporation.

Since it is impossible to determine how many persons will purchase the plates, it is impossible to determine the aggregate impact on the private sector.

**D. FISCAL COMMENTS:**

Implementation of HB 553 will cost DHSMV approximately \$60,000 in contract programming, development labor, and product purchasing costs for creation of the "Support Our Troops" license plates. This impact is offset by the statutory application fee of \$60,000, which has been submitted to DHSMV by the organization seeking creation of the specialty license plates.

### **III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:  
None.

**B. RULE-MAKING AUTHORITY:**

No additional rulemaking authority is required to implement the provisions of this bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

Application for the Support Our Troops specialty license plate by a motor vehicle owner or lessee would constitute prior written consent and instruction by DHSMV to provide names and addresses of the applicants to the sponsoring organization. The bill does not specify whether the applicants will be

notified that by applying for the tag, their information will be provided to the sponsoring organization, Support Our Troops, Inc.

The bill's sponsor plans to file a "strike-all" amendment which deletes the language regarding application for the license plate being written consent to allow the applicant's name and address to be provided to the sponsoring organization. The amendment also specifies that the license plate proceeds will be used for the benefit of Florida troops and veterans, and their families. Finally, the amendment provides that a share of the license plate proceeds will be distributed to the Florida Department of Veteran's Affairs for deposit in the State Homes for Veterans Trust Fund.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**