

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Health Policy Committee

BILL: PCS/SB 894

INTRODUCER: Health Policy Committee and Senator Dawson

SUBJECT: Public Health

DATE: April 11, 2008

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Garner  | Wilson         | HP        | <b>Pre-meeting</b> |
| 2. |         |                | HA        |                    |
| 3. |         |                | RC        |                    |
| 4. |         |                |           |                    |
| 5. |         |                |           |                    |
| 6. |         |                |           |                    |

**I. Summary:**

The bill requires the Department of Highway Safety and Motor Vehicles (“department”) to develop an HIV/AIDS Awareness specialty license plates. The plate would be available to drivers wishing to pay an extra \$25 annual use fee. Funds would be distributed by the Department of Health to nonprofit organizations to fund activities to educate persons concerning the need for HIV/AIDS prevention and detection. Up to 10 percent of plate revenue could be used for marketing and for administrative costs. The HIV/AIDS Awareness specialty license plate is being created by the Legislature, notwithstanding the statutory application requirements for specialty plate creation.

This bill amends ss. 320.08056 and 320.08058, F.S.

**II. Present Situation:**

**Specialty License Plates**

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.

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.

Sections 320.08053 – 320.08062, F.S., govern the sale and use of motor vehicle specialty license plates. Section 320.08053, F.S., provides that 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 specific terms, including a sample plate conforming to the specifications set by the department.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs. The Auditor General is required to validate the methodology, results, and any evaluation by the department of the scientific sample survey prior to the submission of the specialty license plate for approval by the Legislature.
- An application fee, not to exceed \$60,000, to defray the department'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 revenue from 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 department no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, the application fee is refunded to the requesting organization.

Section 320.08056, F.S., provides that the department 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 department. 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. Finally, the word "Florida" must appear in the same location on each specialty license plate in such a size and location that is clearly identifiable on the license plate.

Under s. 320.08056(7), F.S., the Department of Highway Safety and Motor Vehicles (department) is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plate's pro rata (proportionate) share of the department's costs directly related to issuing the specialty license plate. A person wishing to purchase a specialty license plate must pay, in addition to the required license plate fee and license tax, a license plate annual use fee (from \$15 to \$25) and a processing fee of \$2.

The department must discontinue the issuance of an approved specialty plate if the number of valid specialty license plates in use falls below 1,000 plates for at least 12 consecutive months.

The department is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists, if the organization has stopped providing services authorized to be funded, or if the organization requests it. To date, only four plates have ever been discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, the Miami Hooters plate, and the Tampa Bay Storm plate.

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 department 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 department can examine all records pertaining to the use of specialty license plate revenues.

The Legislature has authorized 109 specialty license plates to date. Sales of specialty license plates generated over \$33 million in annual use fee revenues during the 2007 Fiscal Year (July 2006 - June 2007).

## **HIV/AIDS**

Acquired Immune Deficiency Syndrome (AIDS) is a physical disorder that results in the loss of immunity in affected persons. It is caused by a retrovirus known as the Human Immunodeficiency Virus (HIV). The HIV infection and AIDS remain leading causes of illness and death in the United States. From the beginning of the HIV/AIDS epidemic in the early 1980s to December 2005, an estimated 952,629 persons in the United States had been diagnosed with AIDS and of these, 530,756 had died.<sup>1</sup> According to the Centers for Disease Control and Prevention, the annual number of AIDS cases and deaths declined substantially after 1994, but stabilized during the period 1999-2004.<sup>2</sup> The number of HIV/AIDS cases among racial/ethnic minority populations and persons exposed to HIV through heterosexual contact has increased since 1994.<sup>3</sup>

Florida is among the states that has been hardest hit by the HIV/AIDS epidemic. Florida ranks third among the states in the number of reported AIDS cases, with 109,364 cases reported

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<sup>1</sup>A Glance at the HIV/AIDS Epidemic. Revised June 2007. Centers for Disease Control and Prevention. Found at <<http://www.cdc.gov/hiv/resources/factsheets/PDF/At-A-Glance.pdf>> (Last visited April 11, 2008).

<sup>2</sup> CDC Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health Care Settings. *MMWR (Morbidity and Mortality Weekly Report)* September 22, 2006; 55(RR 14):1-17. Found at: <<http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5514a1.htm>> (Last visited April 11, 2008).

<sup>3</sup> *Id.*

through December 2007.<sup>4</sup> A total of 6,235 HIV cases and 3,896 AIDS cases have been reported in Florida were reported in Florida during 2007.<sup>5</sup>

Florida has comprehensive HIV testing and partner notification laws. Additionally Florida law requires certain health care practitioners who provide prenatal services to offer HIV testing along with the testing for other sexually transmissible diseases to pregnant women.

### **Bureau of HIV/AIDS, Department of Health**

The Florida Department of Health's Bureau of HIV/AIDS has developed one of the nation's most comprehensive programs for HIV/AIDS surveillance, education, prevention, early intervention, counseling, testing, care, and treatment. The five program components of the Bureau of HIV/AIDS are: surveillance; prevention; early intervention; patient care; and hepatitis, along with the Operations and Management Section that functions as a support unit for the bureau. To meet its goals, the bureau:

- Oversees public health HIV counseling, testing, and partner referral services, and conducts epidemiologic research;
- Supports a statewide prevention planning group that develops a comprehensive prevention plan;
- Promotes implementation of treatment protocols for HIV-infected pregnant women;
- Provides and promotes community-based patient care services to persons infected with HIV;
- Collects and maintains surveillance data to analyze trends and conducts special investigations to support prevention initiatives at the local level;
- Allocates prevention, early intervention, surveillance, and patient care resources statewide;
- Implements the statewide Ryan White CARE Act Consortia and the AIDS Drug Assistance Program;
- Implements the Housing Opportunities for Persons with AIDS program; and
- Oversees the Hepatitis Prevention Program.

### **III. Effect of Proposed Changes:**

**Section 1.** Amends s. 320.08056, F.S., to establish a \$25 annual use fee for the HIV/AIDS Awareness specialty license plate created in section 2 of the bill.

**Section 2.** Amends s. 320.08058, F.S., notwithstanding the provisions of s. 320.08053, F.S., which establishes requirements for requests to establish specialty license plates, to require the department to develop an HIV/AIDS Awareness license plate. The word "Florida" must appear at the top of the plate and the words "Safety=Life" must appear at the bottom of the plate.

The Department of Health is required to develop a plan to distribute the annual use fees to nonprofit HIV/AIDS organizations to educate persons concerning the need for HIV/AIDS prevention and detection. Up to 10 percent of the proceeds from the annual use fees may be used

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<sup>4</sup> The Florida Department of Health, Bureau of HIV/ AIDS.

<sup>5</sup> *Id.*

for marketing the HIV/AIDS awareness license plate and for administrative costs directly related to the management and distribution of the proceeds.

**Section 3.** Provides an effective date of July 1, 2008.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons wishing to purchase an HIV/AIDS Awareness specialty license plate can do so for an additional charge of \$25 (plus \$2 processing fee) beyond the normal fees associated with buying a license plate.

C. Government Sector Impact:

The department is responsible for developing and distributing the HIV/AIDS Awareness specialty license plate. The cost of this effort is approximately \$60,000.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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