

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 Military Affairs, Space, and Domestic Security Committee

BILL: CS/SB 1110

INTRODUCER: Military Affairs, Space & Domestic Security Committee and Senator Dean

SUBJECT: Commemoration of the 40th Anniversary of U.S. Involvement in the Vietnam War

DATE: March 24, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	Fav/CS
2.			CA	
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/>	Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/>	Technical amendments were recommended
	<input type="checkbox"/>	Amendments were recommended
	<input type="checkbox"/>	Significant amendments were recommended

I. Summary:

This bill designates March 25, 2013, the 40th anniversary of the end of the United States' involvement in the Vietnam War, as a legal holiday. This bill also directs the Governor to proclaim March 29 of each year to be "Vietnam Veterans' Day," which shall commence on March 29, 2014. This date is to be annually observed throughout Florida as a day honoring the veterans who served in the United States Armed Services during the Vietnam Era. Additionally, this bill:

- Directs the Florida Department of Veterans' Affairs to administratively promote and support the efforts of counties, municipalities, and bona fide veterans' organizations that voluntarily hold special community events commemorating "Vietnam Veterans' Day;"
- Creates a special volunteer advisory board to make recommendations as to the activities conducted to commemorate "Vietnam Veterans' Day;" and
- Directs the Florida Department of Highway Safety and Motor Vehicles to develop a "Vietnam Veterans" license plate.

This bill creates the following sections of the Florida Statutes: 683.025 and 292.075. This bill substantially amends the following sections of the Florida Statutes: 320.08056, 320.08058, and 683.01.

This bill has an effective date of July 1, 2011.

II. Present Situation:

Legal Holidays and Special Observance Days

Chapter 683, F.S., establishes legal holidays and special observance days. Legal holidays and special observance days may apply throughout the state or they may be limited to particular counties. For example, “Gasparilla Day”¹ is a legal holiday observed only in Hillsborough County, while “Bill of Rights Day,”² if issued by the Governor, is observed throughout the state. Also, designation of a day as a legal holiday does not necessarily make that day a paid holiday for public employees. Section 110.117, F.S., establishes which legal holidays are paid holidays for public employees.³

The legal holidays established in s. 683.01(1), F.S., are:

- (a) Sunday, the first day of each week.⁴
- (b) New Year’s Day, January 1.
- (c) Birthday of Martin Luther King, Jr., January 15.
- (d) Birthday of Robert E. Lee, January 19.
- (e) Lincoln’s Birthday, February 12.
- (f) Susan B. Anthony’s Birthday, February 15.
- (g) Washington’s Birthday, the third Monday in February.
- (h) Good Friday.
- (i) Pascua Florida Day, April 2.⁵
- (j) Confederate Memorial Day, April 26.
- (k) Memorial Day, the last Monday in May.
- (l) Birthday of Jefferson Davis, June 3.
- (m) Flag Day, June 14.
- (n) Independence Day, July 4.
- (o) Labor Day, the first Monday in September.
- (p) Columbus Day and Farmers’ Day, the second Monday in October.
- (q) Veterans’ Day, November 11.

Specialty License Plates

The Florida Legislature created the first specialty license plate in 1986. Specialty license plates are available for an annual use fee to any owner or lessee of a motor vehicle. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are

¹ Section 683.08, F.S.

² Section 683.25, F.S.

³ Section 110.117(1), F.S., provides the following holidays as paid holidays for all state branches and agencies: New Year’s Day; Martin Luther King Birthday; Memorial Day; Independence Day; Labor Day; Veteran’s Day; Thanksgiving Day and Friday after Thanksgiving; and Christmas Day.

⁴ Sunday as a holiday has its origins in the Christian Sabbath or day of rest.

⁵ “Pascua Florida” is a Spanish term that means *flowery festival* or *feast of flowers*. It usually refers to the Easter season, though, “Pascua” can, depending on the context, refer to the Jewish Passover, Easter, Christmas, Epiphany or Pentecost. See, <http://www.answers.com/topic/pascua-florida>. April 2 each year is designated as “Florida State Day” and is known as “Pascua Florida Day.” Juan Ponce de León called the land he encountered in 1513 “Pascua florida.” The holiday is to be observed in the same manner as a “patriotic occasion.”

distributed to a specified organization in support of the 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 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 of Highway Safety and Motor Vehicles (DHSMV);
- 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; and
- 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 DHSMV 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.

In 2010, the Legislature amended s. 320.08053, F.S., to establish presale requirements for specialty license plates that have been approved by the Legislature. Section 320.08053(3), F.S., requires the DHSMV to establish a method to issue a specialty license plate voucher to allow for the presale of an approved specialty license plate, within 120 days following the specialty license plate becoming law. Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the DHSMV at least 1,000 voucher sales before manufacture of the license plate may commence. If the minimum sales requirements have not been met after the 24-month presale period, the specialty license plate is deauthorized and the DHSMV must discontinue development of the plate and discontinue issuance of the presale vouchers.

In 2008, the Legislature passed SB 1992 (ch. 2008-176, Laws of Florida), which established a moratorium on the issuance of specialty plates by the DHSMV. The 2010 Legislature created chapter 2010-233, Laws of Florida, to extend the moratorium to July 1, 2014. The moratorium contains an exception "for [any] specialty license plate proposal which has submitted a letter of intent to the DHSMV prior to May 2, 2008" or "which was included in a bill filed during the 2008 Legislative Session."⁶

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 plate's pro rata (proportionate) share of the DHSMV'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 \$5.

⁶ Section 21, ch. 2010-223, L.O.F.

Annual use fees and any interest earned from those fees may be used by the authorized organization for public or private purposes. However, the annual 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 DHSMV can examine all records pertaining to the use of specialty license plate revenues.

III. Effect of Proposed Changes:

Section 1 amends s. 683.01, F.S., designating March 25, 2013,⁷ the 40th anniversary of the end of the United States' involvement in the Vietnam War,⁸ as a legal holiday.

Section 2 creates s. 683.025, F.S., designating March 25, 2013 as the date which the 40th anniversary of the end of the United States' involvement in the Vietnam War is to be commemorated. This bill further directs the Governor to proclaim March 29 of each year to be "Vietnam Veterans' Day," which shall commence on March 29, 2014. This date is to be annually observed throughout the state as a day honoring the veterans who served in the United States Armed Services during the Vietnam Era.

Section 3 creates s. 292.075, F.S., directing the Florida Department of Veterans' Affairs to administratively promote and support the efforts of counties, municipalities, and bona fide veterans' organizations that voluntarily hold special community events commemorating the 40th anniversary of the end of the United States' involvement in the Vietnam War on March 25, 2013 and "Vietnam Veterans' Day."

Specifically, the bill directs the Department of Veterans' Affairs to adopt rules to:

- Solicit private donations to fund grants to counties, municipalities, and bona fide veterans' organizations that voluntarily hold commemorative "Vietnam Veterans' Day" activities; and
- Create a special volunteer advisory board, consisting of Vietnam veterans who are Florida residents, which will review and make recommendations as to the activities conducted to commemorate "Vietnam Veterans' Day."

⁷ March 29, 2013 marks the 40th anniversary of the end of the United States' involvement in the Vietnam War. Because March 29, 2013 falls on Good Friday, which is an existing legal holiday, this bill designates March 25, 2013 as the date which the 40th anniversary of the end of the United States' involvement in the Vietnam War is to be commemorated.

⁸ The Vietnam War took place in the countries of Cambodia, Laos, and Vietnam from 1964 to 1973. Approximately 2.7 million American men and women served in Vietnam, in which 50,000 U.S. lives were taken as a result of combat-related deaths.

Section 4 amends s. 320.08056, F.S., adding the “Vietnam Veterans” license plate to the list of approved specialty license plates available in Florida and establishes an annual use fee of \$25 to acquire such license plate.

Section 5 amends s. 320.08058, F.S, directing the DHSMV to develop a “Vietnam Veterans” license plate, in which the license plate annual use fees are to be deposited into the Florida Department of Veterans’ Affairs’ Operations and Maintenance Trust Fund. All such moneys are to be administered by the Florida Veterans’ Foundation,⁹ and must be used solely for the purpose of:

- Funding grants to counties, municipalities, and bona fide veterans’ organizations for activities related to the initial observance of “Vietnam Veterans’ Day” on March 25, 2013;
- Expenditures related to the annual observance of “Vietnam Veterans’ Day” in years subsequent to 2013; and
- The continuing promotion and marketing of the “Vietnam Veterans” license plate.

According to the DHSMV, the “Vietnam Veterans” license plate sponsoring organization has not met the necessary application and fee requirements established by s. 320.08052, F.S., prior to May 2, 2008.

Section 6 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons choosing to purchase a “Vietnam Veterans” specialty license plate can do so for a charge of \$25 (plus \$5 processing fee) in addition to the normal fees associated with buying a license plate.

⁹ The Florida Veterans’ Foundation is the direct-support organization of the Florida Department of Veterans’ Affairs created under s. 292.055, F.S.

C. Government Sector Impact:

DHSMV is responsible for developing and distributing the “Vietnam Veterans” specialty license plate. The cost of this effort is approximately \$60,000. According to the DHSMV, the required \$60,000 application fee has not been paid which would help offset the development and distribution costs.

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.)

CS by Military Affairs, Space, and Domestic Security on March 23, 2011:

- Designates March 25, 2013, the 40th anniversary of the end of the United States’ involvement in the Vietnam War, as a legal holiday.
- Provides for the recognition of “Vietnam Veterans’ Day” to be held annually on March 29, commencing on March 29, 2014.

B. Amendments:

None.