

**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 Budget Committee

BILL: CS/CS/SB 196

INTRODUCER: Budget Committee, Community Affairs Committee and Senators Fasano and Evers

SUBJECT: Choose Life License Plates

DATE: April 14, 2011

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	<b>Fav/1 amendment</b>
2.	Wolfgang	Yeatman	CA	<b>Fav/CS</b>
3.	Carey	Meyer, C.	BC	<b>Fav/CS</b>
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 revises the distribution of funds collected from the sale of “Choose Life” license plates. Instead of returning funds to counties where the plates were sold, the Department of Highway Safety and Motor Vehicles (DHSMV or department) will distribute funds collected to Choose Life, Inc., who will distribute these funds to agencies, within the State of Florida, committed to pregnant women who are making an adoption plan for their children. Finally, this bill allows Choose Life, Inc., to use a maximum of 20 percent of the total funds received annually for administrative expenses.

This bill amends s. 320.08058, Florida Statutes.

**II. Present Situation:**

Section 320.08058(29), F.S., specifies that fees collected shall be distributed annually to counties in the ratio that county bears on the total fees collected. According to the DHSMV, in Fiscal Year 2009-10, \$682,999 was distributed to participating counties; however, several counties did not participate and a total of \$557,451.63 remains undistributed since the program’s inception due to lack of existing programs within primarily rural counties. This statute also specifies that each participating county should distribute the fees to nongovernmental, not-for-profit agencies

within the county whose services are limited to counseling and meeting the physical needs of pregnant women who will place their children for adoption. Funds are not to be distributed to any agencies associated with abortion or abortion related procedures. Agencies that receive funds must use at least 70 percent of their funds for pregnant women who are placing their children for adoption including expenses related to transportation, clothing, housing, medical care, food, and utilities. Remaining funds must be used for counseling and advertising purposes which promote adoption. Unused funds that exceed 10 percent of the funds received annually by an agency must be returned to the county.

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

This bill amends s. 320.08058, F.S., to provide the following proposed changes:

- This bill directs the distribution of funds from the sale of “Choose Life” license plates to Choose Life, Inc.
- Choose Life, Inc., will distribute funds to participating nongovernmental, not-for-profit agencies within the State of Florida that assist pregnant women who are making an adoption plan for their children. Funds will be distributed based on an annual DHSMV sales per county report.
- This bill removes the minimum amount of funds used by agencies to provide materials to pregnant women making an adoption plan, and it extends the use of funds to birth mothers for 60 days after delivery.
- The bill provides Choose Life, Inc., may use a maximum of 15 percent of funds collected annually for administration and promotion of “Choose Life” specialty license plates. Unused funds by agencies that exceed 10 percent of funds collected annually must be returned to Choose Life, Inc.
- If no qualified agency applies to receive funds in a county in any year, that county’s Choose Life funds shall be distributed pro-rata to any qualified agencies that apply and maintain a place of business within a one hundred mile radius of the county seat of such county. If no qualified agencies apply, the funds shall be held by Choose Life, Inc., until a qualified agency applies for the funds.
- By October 1, 2011, all funds collected by DHSMV from the sale of “Choose Life” license plates shall be transferred to Choose Life, Inc. This change will allow the department to distribute the \$557,451.63 in funds held due to lack of participating counties.

This bill shall take effect 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:

Motor vehicle owners who choose this specialty license plate will continue to pay \$20 in additional fees. Choose Life, Inc., will receive fees in lieu of multiple counties; as a result, local private agencies could be impacted by the decisions of Choose Life, Inc., regarding the disbursement of annual use fees.

C. Government Sector Impact:

Programming costs to affect this change will be absorbed within existing DHSMV funds. Since local governments would no longer have the responsibility of fund allocation, there may be a reduction in administrative costs associated with the distribution of "Choose Life" license plate sales funds.

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 the Community Affairs Committee on April 4, 2011:**

- specifies that the list of assistance for pregnant women is not limited to the types of assistance expressly articulated in the bill;
- reduces the amount of funds that can be used on administrative assistance from 20 to 15 percent.
- specifies that situations where funds can be used within a 100 mile radius of the county seat; and
- specifies that Choose Life, Inc., can hold funds until a qualified agency applies.

**CS by the Budget Committee on April 14, 2011:**

The Committee Substitute specifies that funds are to be distributed to qualified agencies within the State of Florida.

**B. Amendments:**

None.