

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 Committee on Rules

BILL: CS/SB 712

INTRODUCER: Rules Committee and Senator Latvala

SUBJECT: Fallen Law Enforcement Officers License Plates

DATE: April 19, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Favorable
2.	Everette	Phelps	RC	Fav/CS
3.			ATD	
4.			AP	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 712 creates the Fallen Law Enforcement Officers specialty license plate. The bill:

- Sets a \$25 annual use fee for the plate;
- Allows the Department of Highway Safety and Motor Vehicles (department, DHSMV) to develop the license plate, including colors and design;
- Requires that the word “Florida” must appear at the top of the plate and the words “A Hero Remembered Never Dies” must appear at the bottom;
- Establishes that the annual use fee be distributed to the Police and Kids Foundation, Inc.; and
- Clarifies exemptions for the Fallen Law Enforcement Officers specialty license plate from the current moratorium for the issuance of new specialty license plates, the \$60,000 application fee which defrays the cost for developing the plate, from providing a marketing strategy outline, but maintaining the 1,000 pre-sale requirement of the plates.

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

II. Present Situation:

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 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.

The sponsoring organization wishing to receive a specialty license plate is required to comply with the requirements of s. 320.0853, F.S., which include:

- describing the proposed specialty license, and submit a sample plate that conforms to the specifications set by the department.
- paying the \$60,000 processing fee which defrays the department's cost for reviewing the application and developing the specialty license plate, if authorized.
- providing a marketing strategy outlining short-term and long-term marketing plans and a projected financial analysis outlining the anticipated and planned revenues from the sale of the requested specialty license plate.

The approved specialty license plate organization must presell a minimum of 1,000 vouchers within 24 months before the department can begin manufacturing the specialty license plate. If, at the end of the 24-month presale period, the minimum sales requirements have not been met, the department will de-authorize the specialty plate, discontinue development, and discontinue issuance of the presale voucher.

Currently, there is a moratorium on the issuance of new specialty license plates. Section 45, Ch. 2008-176, L.O.F., as amended by s. 21, Ch. 2010-223, L.O.F., provides that "[e]xcept for a specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, F. S., prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, F.S., between July 1, 2008, and July 1, 2014."

Fallen Law Enforcement Officers

On average, one law enforcement officer is killed in the line of duty somewhere in the United States every 56 hours. Since the first known line-of-duty death in 1791, more than 19,000 U.S. law enforcement officers have made the ultimate sacrifice.¹ The Memorial Fund serves as a nationwide clearinghouse of information and statistics on law enforcement line-of-duty deaths.

Police and Kids Foundation, Inc.

¹ <http://www.nleomf.org/facts/> (last visited on 3/19/2013)

The Police and Kids Foundation, Inc.,² is a non-profit 501(C) 3 charity, set up with two objectives: helping children in need, and creating the yearly scholarship to at least one senior student at Pinellas Park High School Criminal Justice Academy.

The Police and Kids Foundation, Inc., generate funding to assist children in and around the Tampa Bay community. Local police officers provide assistance of food, infant supplies, clothing, and any other measures necessary to stabilize a situation and improve child's life.

III. Effect of Proposed Changes:

The bill provides that the department shall develop the Fallen Law Enforcement Officers specialty license plate, notwithstanding section 45 of 2008-176, Laws of Florida, as amended by section 21 of ch. 2010-223, Laws of Florida, and s. 320.08053(1), F.S. The license plate does however, have to be approved by the department and meet the presell requirements of subsections 2 and 3 of the bill. The organization has 24 months after departmental approval to presell 1,000 vouchers. In developing the Fallen Law Enforcement Officers specialty license plate, the department must approve the colors and design; the word "Florida" must appear at the top of the plate, and the words "a Hero Remembered Never Dies" at the bottom of the plate.

Drivers can purchase the specialty plate upon payment of the appropriate license taxes and fees and the \$25 annual use fee.

Additionally, the bill allows that a maximum of 10 percent of the use fee proceeds collected from the sale of the Fallen Law Enforcement Officers specialty license plates be distributed to the Police and Kids Foundation, Inc., and may be used to promote and market the plate. The remainder of the proceeds received by the Police and Kids Foundation, Inc., may be used for operational purposes.

The bill has an effective date of October 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

² <http://www.policeandkids.com/about/> (last visited on 3/19/2013)

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Persons who purchase the Fallen Law Enforcement Officers specialty license plate will pay the \$25 annual use fee.

C. Government Sector Impact:

The department's Information Systems Administration Office will require approximately 88 hours, non-recurring, in order to develop, design, manufacture, distribute the specialty license plate, and implement the provisions of this bill.

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 Rules on April 17, 2013:

The bill clarifies exemptions of certain requirements that are not necessary for the department to create and develop the Fallen Law Enforcement Officers specialty license plate. The department will distribute the \$25 use fees received from the sale of the license plates to the Police and Kids Foundation, Inc., and allows that a maximum of 10 percent of those funds be used for the Foundation's operations.

B. Amendments:

None.