

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 Transportation

BILL: CS/CS/SB 132

INTRODUCER: Transportation Committee, Rules Committee, Senator Latvala, and others

SUBJECT: Specialty License Plates

DATE: March 20, 2014

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 132 creates two specialty license plates: the Fallen Law Enforcement Officers and the Florida Sheriffs Association. The bill establishes distribution of annual use fees, allows the Department of Highway Safety and Motor Vehicles (department) to develop and design the plates, and clarifies exemptions from the current moratorium for the issuance of the new specialty license plates.

The bill also:

- Extends the presale period for the St. Johns River specialty license plate;
- Revises the distribution of annual use fees collected from the sale of the Challenger/Columbia specialty license plate; and
- Shifts the Hispanic Achievers specialty license plate into presale voucher phase, allowing the plate to meet the minimum 1,000 sale requirement in the 24-month presale phase or repeal June 30, 2016.

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.

Pre-Development Requirements

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; and
- 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.

A March 2011 decision from the Florida Supreme Court declared that the approval process established in s. 320.0853, F.S., place "unfettered discretion in the hands of government officials to grant or deny access to public forum."

Pre-Sale Requirements

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.

Department Costs Defrayed

The department collects annual use fees from the sale of the specialty license plates and from these proceeds the department retains a sufficient amount to defray their costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.¹

Discontinuance of Specialty Plate

The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter shall 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 (collegiate plates not included).²

¹ [Section 320.08056\(7\)](#)

² [Section 320.08056\(8\)\(a\)](#)

Moratorium

Currently, there is a moratorium on the issuance of new specialty license plates. s. 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 57 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.³

Police and Kids Foundation, Inc.

The Police and Kids Foundation, Inc.,⁴ is a non-profit 501(C) (3) charity, set up with two objectives: helping children in need, and creating the yearly scholarship given 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 a child’s life.

Florida Sheriffs Association

The Florida Sheriffs Association is composed of the 67 sheriffs in the 67 counties of the state. The Association is a 501 (c) (3) nonprofit organization with a mission of fostering effectiveness of the Office of Sheriff through leadership, innovative practices, legislative initiatives, education and training of its members.⁵

Challenger/Columbia

Astronauts Memorial Foundation, Inc., honors and memorializes those astronauts who sacrificed his and her lives for the nation and the space program by sponsoring the national Space Mirror Memorial, and by implementing innovative educational technology programs.⁶ The Space Mirror Memorial is a blend of art and science, a tribute to astronauts. The Space Mirror is 42.5 feet high and 50 feet wide and constructed of mirror-finished granite, consisting of 90 granite panels. In February 2000, the Astronauts Memorial Foundation unveiled the 6 foot by 6 foot granite wall that showcase photos and biographies of fallen U.S. astronauts.⁷

³ <http://www.nleomf.org/facts/> (last visited 2/19/2014)

⁴ <http://www.policeandkids.com/about/> (last visited 2/19/2014)

⁵ http://www.flsheriffs.org/about_us/mission_and_values/ (last visited 2/19/2014)

⁶ <http://www.astronautsmemorial.org/home.html> (last visited 2/19/2014)

⁷ i.d.

Section 320.08058, F.S., requires that the annual use fees from the sales of The Challenger/Columbia license plate be distributed to the Astronauts Memorial Foundation, Inc., to support the operations of the Center for Space Education and Education Technology Institute. Funds are used for operations of preservice and inservice technology training of the state's instructional personnel consistent with state training programs approved by the Department of Education. Up to 20 percent of the funds received by the Center for Space Education and the Education Technology Institute may be used for administrative costs.

The Challenger/Columbia specialty plate for the 2013 FY sold 20,340 plates, raising a total of \$508,500 in annual use fees. Of that amount, the foundation may use up to 20 percent or \$101,700 for administrative costs.

St Johns River License Plate

A 501 (c) (3) not-for-profit organization was formed in 2003 and is governed by a regional 34 member board of directors that includes elected officials, agencies, citizens and businesses. The board members represent 310 miles of Florida's north flowing river.

Under s. 320.08058, F.S., the St. Johns River Alliance, Inc., is authorized to retain the first \$60,000 of the annual use fees as reimbursement for administrative and startup costs incurred in the development and approval process of obtaining the specialty license plate. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs for education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the plate.

At least 30 percent of the fees shall be available for competitive grants⁸ for targeted community-based or county-based research projects when state funds are limited or not available. The remaining 50 percent shall be used for community outreach and access programs. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and used to support activities contributing to education, outreach and springs conservation.

St. Johns River specialty plate became available for issuance October 2010 and sold 28 plates that year. As of 2013 end, the plate has sold 587, requiring another 413 sales to meet the 1,000 minimum requirement.

Hispanic Achievers License Plate

The National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians.

⁸ See supra note 1.

National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

The Hispanic Achievers specialty license plate became available by the passage of CS/HB 971 which was enacted in 2010. The bill specified the new plate was not subject to the presale requirements.⁹ The department approved and developed the plate bearing the colors and design requested, the word “Florida” at the top and Hispanic Achievers at the bottom of the plate. The cost of the plate is \$25 plus applicable fees and service charges. The National Hispanic Corporate Achievers, Inc., retains all proceeds from the annual use fee.

To date, the Hispanic Achievers license plate has sold a total of 369 plates since its inception. This bill will afford the Hispanic Achievers plate the opportunity to take advantage of the presale requirements under s. 320.08053(b), F.S., allowing 24 months for the Hispanic Achievers to presale 1,000 vouchers, including the 369 currently sold. If at the end of the 24-month period the 1,000 minimum sales are not met the specialty plate will be deauthorized and the department shall discontinue issuance.

III. Effect of Proposed Changes:

Fall Law Enforcement Officers

The bill provides that the department shall create and develop the Fallen Law Enforcement Officers specialty license plate despite the moratorium on the issuance of new specialty plates¹⁰ and the pre-development requirements.¹¹ The moratorium will expire prior to the effective date of this bill. Nevertheless, the specialty license plate will have to meet department approval and meet the presell requirements.¹² The organization will have 24 months after the department’s 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.

⁹ [Section 320.08053](#)

¹⁰ Section 45 of 2008-176, L.O.F., as amended by section 21 of Ch. 2010-223, L.O.F.

¹¹ [Section/320.08053\(1\)](#)

¹² i.d.

Florida Sheriffs Association

The bill directs the department to create and develop the Florida Sheriffs Association specialty license plate despite the moratorium on the issuance of new specialty plates¹³ and the pre-development requirements.¹⁴ The moratorium will expire prior to the effective date of this bill. The license plates does however, have to be approved by the department and meet the presell requirements of 1,000 vouchers.

In developing the Sheriffs Association specialty license plate, the department must approve the colors and design; the word “Florida” must appear at the top of the plate, with the sheriff’s star on the left side of the plate and the words “Florida Sheriffs Association” must appear 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.

The bill establishes that up to 10 percent of the annual use fee revenue be used for administrative and marketing costs and remainder must be used for continuing education for the sheriff’s office members.

The bill also make adjustments to three existing specialty license plates:

Challenger/Columbia

The bill allows annual use fees from the sale of the Challenger/Columbia license plate currently being distributed to the Astronauts Memorial Foundation, Inc., supporting operations of the Center for Space Education to additionally support the Space Mirror Memorial located at the Kennedy Space Center (no longer supporting the Education Technology Institute). The funds received by the Foundation must be used for costs directly associated with the operation of the Center for Space Education and the Space Mirror Memorial, and must include programs and infrastructure that inform, inspire, and educate the public on the benefits of human space flight.

St. Johns River

The bill shifts the St. Johns River specialty license plate into presale voucher phase, including existing active plates and vouchers sold subsequent to the July 1, 2014 will count towards the presell minimum. If at the end of the 24-month period the 1,000 minimum plates have not been met, the department will deauthorize and discontinue issuance. The provision will repeal on June 30, 2016.

Hispanic Achievers

The bill shifts the Hispanic Achievers specialty license plate will shift into the presale voucher phase, allowing 24 months to record a minimum of 1,000 sales. Sales will include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may

¹³ See supra note 9.

¹⁴ See supra note 10.

not be issued, but existing plates may be renewed. If at the end of the 24-month presale period the 1,000 sales requirement is met, the department shall resume normal distribution of the Hispanic Achievers license plate. However, if the 1,000 minimum sales requirement is not met, the department shall discontinue the plate. The bill will repeal June 30, 2016.

The bill, except as otherwise provided in this act, has an effective date of October 1, 2014.

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 who purchase the Fallen Law Enforcement Officers, Florida Sheriffs Association, St. Johns River, or the Hispanic Achievers specialty license plate will pay the \$25 annual use fee. The Police and Kids Foundation, Inc., St. Johns River Alliance, the Florida Sheriffs Association, and the National Hispanic Corporate Achievers, Inc., will receive revenue from each voucher purchase, after retention of funds by the department. It is unknown how many vehicle owners will voluntarily purchase the plates.

C. Government Sector Impact:

The department will annually retain from the first proceeds derived from the annual use fees collected an amount sufficient to defray each specialty plate pro rata share of the department's costs directly related to the specialty license plate program. The remainder of these proceeds will be received by the Police and Kids Foundation, Inc., St. Johns River Alliance, the Florida Sheriffs Association, and the National Hispanic Corporate Achievers, Inc., as set forth in the bill.

The department's Information Systems Administration Office will require approximately 140 hours of non-recurring programming in order to develop, design, manufacture, distribute the specialty license plates, and implement the provisions of this bill.

ISA
140 hours at \$40.00 = \$5,600.00.

Contractors
None.

The department is not anticipating any additional appropriation to implement any of the specialty license plates.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

IX. Additional Information:

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

CS/CS by Transportation Committee on March 20, 2014:

The CS allows a presell 24-month extension for the Hispanic Achievers specialty license plate to meet statutory requirements beginning July 1, 2014 and repealing June 30, 2016.

CS by Rules Committee on February 19, 2014:

The CS creates an additional specialty license plate, the Florida Sheriffs Association plate, at a cost of \$25 and requires that all statutory provisions are met prior to the issuance of the plates, including submission of:

- A description of the specialty plate;
- Payment of the \$60,000 processing fee; and
- A marketing strategy and financial analysis outlining the anticipated revenue from the sale of the plate.

The bill also allows a presell 24-month extension for the St. Johns River Alliance, Inc., to meet statutory requirements beginning July 1, 2014 and repealing June 30, 2016.

Further, the bill revises the distribution of annual use fees collected from the sale of the Challenger/Columbia specialty license plate.

- B. **Amendments:**

None.

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