

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 801 Specialty License Plates

SPONSOR(S): Ingram

TIED BILLS: **IDEN./SIM. BILLS:** SB 690

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	11 Y, 0 N, As CS	Whittaker	Smith
2) Economic Affairs Committee	15 Y, 0 N, As CS	Whittaker	Pitts

SUMMARY ANALYSIS

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to create the following Florida specialty license plates, establishes the annual use fee at \$25 for the plates, and provides for the distribution of the annual use fees:

- Support Special Needs Kids
- America the Beautiful
- Ducks Unlimited
- Bonefish and Tarpon Trust
- Educate Engage Empower
- Dogs Making a Difference
- National Wild Turkey Federation
- Rotary
- Florida Bay Forever
- Alzheimer's Community Care

The bill also revises the distribution of the annual use fees for the already established "In God We Trust" and the "Share the Road" specialty license plates.

According to DHSMV, the bill will have a negative but insignificant fiscal impact to state expenditures.

This bill has an effective date of October 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Specialty License Plates in General

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and ten Florida collegiate plates. Today, there are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically \$25 annually.¹ The collected fees are distributed by the DHSMV to statutorily designated organizations in support of a particular cause or charity. Vehicles registered under the International Registration Plan, a commercial truck required to display two license plates, or truck tractors are not eligible for specialty license plates.²

Only the Legislature may create new specialty license plates. If a specialty license plate is created by law, the following requirements must then be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.³
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.⁴
- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.⁵

DHSMV 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 is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations falls below 1,000 plates (does not apply to collegiate license plates).⁶

Organizations in receipt of specialty license plate revenue must adhere to certain accountability requirements found in statute. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable statutes.⁷

A moratorium on the issuance of specialty license plates was imposed by lawmakers in 2008, originally set to expire in 2011. The moratorium has subsequently been extended to July 1, 2016.⁸

Proposed Changes

Support Special Needs Kids License Plate

The bill directs the DHSMV to create a new specialty plate designated as the "Support Special Needs Kids" license plate, with an annual use fee of \$25 to be distributed to the Dan Marino Foundation, Inc., and used as follows:

- A maximum of ten percent of the proceeds to promote and market the plate.

¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 15, 2016).

² s. 320.08056(2), F.S.

³ s. 320.08053(1), F.S.

⁴ s. 320.08053(2)(a), F.S.

⁵ s. 320.08053(2)(b), F.S.

⁶ s. 320.08056 (8)(a), F.S.

⁷ s. 320.08062, F. S.

⁸ Ch. 2008-176, Laws of Fla., as amended by Ch. 2010-223 and Ch. 2014-216, Laws of Fla.

- To invest and reinvest the remainder of the proceeds and use the interest thereon to assist Floridians with developmental and intellectual disabilities by funding scholarships, assisting with job placement, and promoting education, independence and awareness.

The bill provides that the word “Florida” appear at the top of the plate, and the words “Support Special Needs Kids” must appear at the bottom of the plate.

Dan Marino Foundation, Inc.

The Dan Marino Foundation, Inc., a 501(c) (3) organization was established in 1992 by Dan and Claire Marino, motivated by their experiences in raising their son, Michael, who is diagnosed with autism. The Foundation's mission is "empowering individuals with autism and other developmental disabilities."⁹

America the Beautiful License Plate

The bill directs the DHSMV to create a new specialty license plate designated as the “America the Beautiful” license plate, with an annual use fee of \$25 to be distributed to the America the Beautiful Fund to retain until startup costs have been recovered. Thereafter, the annual use fees will be used as follows:

- Ten percent of the proceeds to offset administrative costs of the organization and to market and promote the plate.
- The remainder may be distributed to:
 - Programs in support of military service members and their families and advancing self-sufficiency in children and families;
 - Educational scholarships; and
 - Land and wildlife conservation to ensure sustained and equitable benefit to people, animals and wildlife.

The bill provides that the word “Florida” appear at the top of the plate, and the words “America the Beautiful” must appear at the bottom of the plate.

America the Beautiful Fund

America the Beautiful Fund is a fictitious name registered by Live Laugh Love Give, Inc.¹⁰

Live Laugh Love Give, Inc., is a 501 (c) (3) organization and is organized exclusively for charitable, religious, educational and scientific purposes.¹¹

Ducks Unlimited License Plate

The bill directs the DHSMV to create a new specialty license plate designated as the Ducks Unlimited license plate, with an annual use fee of \$25. The annual use fees shall be distributed to Ducks Unlimited, Inc., and the proceeds must be used to support Duck Unlimited’s mission and conservation efforts in the state as follows:

- Up to 5 percent may be used for administrative costs and marketing of the plate.
- A minimum of 95 percent shall be used to support Ducks Unlimited’s mission and efforts for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

The bill provides that the word “Florida” appear at the top of the plate, and the words “Conserving Florida Wetlands” must appear at the bottom of the plate.

Ducks Unlimited, Inc.

Ducks Unlimited is a waterfowl and wetlands conservation organization who got its start in 1937. The mission for Ducks Unlimited is habitat conservation.¹²

⁹ Dan Marino Foundation, *Our Mission*, <http://www.danmarinofoundation.org/portal/about-dmf> (last visited December 17, 2015)

¹⁰ Florida Department of State Division of Corporations, *Fictitious Name Detail*, <http://images.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G15000109272&rdocnum=G15000038048> (last visited December 18, 2015)

¹¹ Florida Department of State Division of Corporations, *Document Images*, <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2015%5C0730%5C75221065.Tif&documentNumber=N15000007314> (last visited December 18, 2015)

Bonefish and Tarpon Trust License Plate

The bill directs the DHSMV to create a new specialty license plate designated as the Bonefish and Tarpon Trust license plate, with an annual use fee of \$25. The annual use fees shall be distributed to Bonefish and Tarpon Trust, which:

- May use a maximum of 10 percent of the proceeds to promote and market the Bonefish and Tarpon Trust license plate.
- Shall invest and reinvest the remainder of the proceeds and use the interest thereon to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

The bill provides that the word “Florida” appear at the top of the plate, and the words “Bonefish and Tarpon Trust” must appear at the bottom of the plate.

Bonefish and Tarpon Trust

Bonefish and Tarpon Trust was formed in 1998 in the Florida Keys and their mission statement is to conserve and enhance global bonefish, tarpon and permit fisheries and their environments through stewardship, research, education and advocacy, as well as:

- Serving as a repository for information and knowledge related to the life cycle, behavior and well being of bonefish, tarpon and permit.
- Nurturing and enhancing bonefish, tarpon, and permit populations.
- Supporting research on bonefish, tarpon, and permit behavior and life cycles, and on bonefish, tarpon, and permit fisheries.
- Providing educational material to the public.
- Working with regulatory authorities and the public to ensure that the laws protecting these species are enforced.
- Interacting with government agencies to assist in the management and regulations related to bonefish and tarpon.¹³

Educate Engage Empower License Plate

The bill directs the DHSMV to create a new specialty license plate designated as the Educate Engage Empower license plate, with an annual use fee of \$25. The annual use fees shall be distributed to Circuelle Foundation, Inc. as follows:

- May use up to 10 percent of the proceeds for marketing and promotion of the plate.
- May use up to 10 percent for administrative costs directly associated with its programs.
- Shall use 20 percent to support breast cancer research.
- The remainder of the proceeds shall be used for its programs, services, and activities to educate women, in particular young women, about the risk factors of breast cancer and the importance of breast health awareness.

The bill provides that the word “Florida” appear at the top of the plate, and the words “Educate Engage Empower” must appear at the bottom of the plate.

Circuelle Foundation, Inc.

Circuelle Foundation, Inc., is a not for profit organization located in Sarasota, Florida, whose mission is to empower and educate women to know their breasts, support healthy breast rituals, and feel comfortable with their body.¹⁴

Dogs Making a Difference License Plate

¹² Ducks Unlimited, *About Ducks Unlimited*, <http://www.ducks.org/about-du?poe=hometxt> (last visited January 14, 2016)

¹³ Bonefish & Tarpon Trust, *Mission Statement*, <http://www.bonefishtarpontrust.org/mission-statement/mission-statement.html> (last visited January 19, 2016)

¹⁴ Circuelle Foundation, *About Circuelle Foundation*, <https://www.circuellefoundation.org/about.html#mission> (last visited January 8, 2016)

The bill directs the DHSMV to create a new specialty license plate designated as the Dogs Making a Difference license plate, with an annual use fee of \$25. The annual use fees shall be distributed to Southeastern Guide Dogs, Inc., as follows:

- May use up to 10 percent of the proceeds for administrative costs and marketing of the plate.
- Balance of the fees shall be used for training and promotion of dogs for use by veterans and citizens who are blind.

The bill provides that the word "Florida" must appear at the top of the plate, and the words "Dogs Making a Difference" must appear at bottom of the plate.

Southeastern Guide Dogs, Inc.

The mission of Southeastern Guide Dogs, Inc. is to create and nurture a partnership between a visually impaired individual and a guide dog, facilitating life's journey with mobility, independence and dignity.¹⁵

National Wild Turkey Federation License Plate

The bill directs the DHSMV to create a new specialty license plate designated as the National Wild Turkey Federation license plate, with an annual use fee of \$25. The annual use fees shall be distributed to the Florida State Chapter of the National Wild Turkey Federation as follows:

- Up to 25 percent of the funds received by the Florida State Chapter of the National Wild Turkey Federation may be used for marketing of the license plate, for promotion and education regarding this state's hunting heritage, and for administrative costs directly associated with operation of the Chapter.
- At least 75 percent of the funds received by the Florida State Chapter of the National Wild Turkey Federation must be used to fund programs and projects within the state that promote conservation or to improve or increase turkey wildlife habitat. To the extent feasible, turkey wildlife habitat projects shall be coordinated with the Florida Fish and Wildlife Conservation Commission.

The bill provides that the word "Florida" must appear at the top of the plate, and the words "National Wild Turkey Federation" must appear at bottom of the plate.

Florida State Chapter of the National Wild Turkey Federation

Florida State Chapter of the National Wild Turkey Federation, a 501(c) (3) citizen support organization created for education and scientific research on and the conservation, preservation and restoration of Florida's wild turkeys.

Rotary License Plate

The bill directs the DHSMV to create a new specialty license plate designated as the Rotary license plate, with an annual use fee of \$25. The annual use fees shall be distributed to the Community Foundation of Tampa Bay, Inc. as follows:

- Up to 10 percent for administrative costs and for marketing of the plate.
- Ten percent to Rotary's Camp Florida for direct support to all programs and services provided to special needs children who attend the camp.
- The remainder shall be distributed, proportionally based on sales, to each Rotary district in the state in support of Rotary youth programs in Florida.

The bill provides that the word "Florida" must appear at the top of the plate, and the words "Rotary" must appear at bottom of the plate.

Community Foundation of Tampa Bay

The Community Foundation of Tampa Bay is a growing philanthropy in Hillsborough, Pinellas, Pasco, and Hernando counties since 1990. The Foundation helps donors grow, manage and direct their charitable giving.¹⁶

¹⁵ Southeastern Guide Dogs, *Our Mission*, <https://www.guidedogs.org/about/about-us/> (last visited January 19, 2016)

¹⁶ Community Foundation of Tampa Bay, *What We Do*, <http://www.cftampabay.org/about-2/what-we-do/> (last visited January 22, 2016)

Florida Bay Forever License Plate

The bill directs the DHSMV to create a new specialty license plate designated as the Florida Bay Forever license plate, with an annual use fee of \$25. The annual use fees shall be distributed to the Florida National Park Association, Inc., as follows:

- May use up to 10 percent of such fees for administrative costs and marketing of the plate.
- The balance of the fees shall be used to supplement the Everglades National Park service's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

The bill provides that the word "Florida" must appear at the top of the plate, and the words "Florida Bay Forever" must appear at bottom of the plate.

Florida National Parks Association

Florida National Parks Association (d.b.a. "Everglades Association") is the Cooperating Association for Everglades National Park, Biscayne National Park, Dry Tortugas National Park and the Big Cypress National Preserve and are a registered non-profit 501(c)(3) organization that has supported the national parks of South Florida for more than a half century.¹⁷

Alzheimer's Community Care License Plate

The bill directs the DHSMV to create a new specialty license plate designated as the Alzheimer's Community Care license plate, with an annual use fee of \$25. The annual use fees shall be distributed to Alzheimer's Community Care, Inc., as follows:

- Up to 10 percent may be used for administrative costs
- Up to 10 percent may be used for promotion and marketing of the plate
- Remainder to fund its activities, programs, and projects within the state

The bill provides that the word "Florida" must appear at the top of the plate, and the words "Alzheimer's Community Care" must appear at bottom of the plate.

Alzheimer's Community Care, Inc.

Alzheimer's Community Care was founded in 1996 and the mission of Alzheimer's Community Care is to promote and provide specialized, quality and compassionate care within a community-based environment for patients and caregivers living with Alzheimer's disease and related neurocognitive disorders.¹⁸

Revised Distribution of the Share the Road License Plate Fees

The bill amends s. 320.08058(30), F.S., to revise the distribution of the annual use fees for the "Share the Road" specialty license plate. The annual use fees shall be distributed to Bike Florida, Inc., up to 15 percent of which shall be used for marketing and promotion of the "Share the Road" concept and license plate, up to 25 percent of the funds shall be used for marketing and promotion of Bike Florida Tours. The remaining funds shall be used for:

- Education and awareness programs to be held in North, Central, and South Florida regions annually, for bicycle safety and motorist safety, with emphasis on sharing the roadway by all users.
- Training, workshops, educational materials, media events, and the promotion of safe bicycling.

Revised Distribution of the In God We Trust License Plate Fees

The bill also amends s. 320.08058(66), F.S., to revise the distribution of the annual use fees for the "In God We Trust" specialty license plate. The annual use fees from the plate shall be distributed to the In God We Trust Foundation, Inc., which may use a maximum of 10 percent of the proceeds to offset marketing, administration, and promotion, and which may use the balance of the fees to:

- Address the needs of military;
- Provide education in public and private schools regarding the historical significance of religion in American and Florida history;
- Provide educational grants in public and private schools;
- Address the needs to public safety employees and their spouses and dependents; and

¹⁷ Florida National Parks Association dba Everglades Association, *Who We Are*, on file with the Economic Affairs Committee.

¹⁸ Alzheimer's Community Care, *History and Mission*, <http://www.alzcare.org/history-mission> (last visited January 29, 2016)

- Foster self-reliance and stability in Florida's children and families.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.08056, F.S., establishing an annual use fee of \$25 for the Support Special Needs Kids, America the Beautiful, Ducks Unlimited, Bonefish and Tarpon Trust, Educate Engage Empower, Dogs Making a Difference, National Wild Turkey Federation, Rotary, Florida Bay Forever, and Alzheimer's Community Care specialty license plates.

Section 2 Amends s. 320.08058, F.S., revising the distribution requirements for annual use fees for the Share the Road and the In God We Trust specialty license plates; directing DHSMV to develop the Support Special Needs Kids, America the Beautiful, Ducks Unlimited, Bonefish and Tarpon Trust, Educate Engage Empower, Dogs Making a Difference, National Wild Turkey Federation, Rotary, Florida Bay Forever, and Alzheimer's Community Care specialty license plates; providing for the distribution of annual use fees received from the sale of such plates.

Section 3 Provides an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

There is a negative but indeterminate cost to DHSMV for the programming of new specialty license plates. These costs can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Revenue generated from the sale of specialty license plates are distributed to various organizations as provided in statute.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 20, 2016, the Highway and Waterway Safety Subcommittee adopted five amendments to HB 801 and reported the bill favorably as a committee substitute. The amendments:

- Remove the language that “the department shall retain all annual use fees from the sale of such plates until all startup costs for developing and issuing the plates have been recovered” for the America the Beautiful license plate because the department is currently able through statute to retain the first proceeds derived from the annual use fees collected to defray costs.
- Direct DHSMV to create the Ducks Unlimited specialty license plate and provides for the annual use fee and the distribution of those fees.
- Direct DHSMV to create the Bonefish and Tarpon Trust specialty license plate and provides for the annual use fee and the distribution of those fees.
- Direct DHSMV to create the Educate Engage Empower specialty license plate and provides for the annual use fee and the distribution of those fees.
- Direct DHSMV to create the Dogs Making a Difference specialty license plate and provides for the annual use fee and the distribution of those fees.
- Direct DHSMV to create the National Wild Turkey Federation specialty license plate and provides for the annual use fee and the distribution of those fees.
- Removes the language that the annual use fees from the In God We Trust License Plate shall be distributed as a charitable donation to the In God We Trust Foundation, Inc.

On January 28, 2016, the Economic Affairs Committee adopted four amendments to HB 801 and reported the bill favorably as a committee substitute. The amendments:

- Direct DHSMV to create the Rotary specialty license plate and provides for the annual use fee and the distribution of those fees.
- Direct DHSMV to create the Florida Bay Forever specialty license plate and provides for the annual use fee and the distribution of those fees.
- Direct DHSMV to create the Alzheimer’s Community Care specialty license plate and provides for the annual use fee and the distribution of those fees.
- Changes the distribution of funds for the “Share the Road” specialty license plate.

The analysis is drafted to the committee substitute as reported by the Economic Affairs Committee.