

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 Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 1374

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Perry and others

SUBJECT: Transportation

DATE: April 4, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1374 directs the Department of Transportation to erect appropriate signage commemorating specified conflicts involving the United States Armed Forces along portions of the Veterans Expressway in Hillsborough and Hernando counties.

The bill also directs the Department of Highway Safety and Motor Vehicles (DHMSV) to:

- Develop an Ethical Ecotourism specialty license plate and collect a \$25 fee upon purchase of such plate;
- Develop two license plates for recipients of the Bronze Star Medal and the Bronze Star Medal with a “V” device to purchase; and
- Redesign the Ex-POW license plate to include the words “Ex-POW” and a likeness of the Prisoner of War Medal.

II. Present Situation:

Designation of Transportation Facilities and Highways

Legislative Designation of Transportation Facilities

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the

changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.¹

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.²

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.³

Blue Star Memorial Highway Designation

Section 335.091, F.S., authorizes the head of the FDOT, in cooperation with the Florida Federation of Garden Clubs, Inc. (Federation), to designate certain roads as Blue Star Memorial highways in honor of those individuals who have served or are serving in the Armed Forces of the United States.

The Federation is directed to submit to the FDOT routes on certain roads in the state for designation as Blue Star Memorial highways.⁴ Upon designation of a route, any member of the Federation may, with the advice, cooperation, and approval of the FDOT, erect suitable markers and beautify such memorial highway.⁵ The FDOT must then file with the Department of State a record of such roads designated as Blue Star Memorial highways.⁶

Scenic Highway Designation

The FDOT may, after consultation with other state agencies and local governments, designate public roads as scenic highways.⁷ Public roads designated as scenic highways are intended to preserve, maintain, and protect a part of Florida's cultural, historical, and scenic routes for vehicular, bicycle, and pedestrian travel.⁸

The FDOT may by rule adopt appropriate criteria for the designation of scenic highways and may specify appropriate planning and design standards including corridor management plans on such scenic highways.⁹ The designation of scenic highways and the criteria adopted by the FDOT are not intended to affect or limit existing or customary uses in commercial or industrial areas that are adjacent to designated scenic highways nor is designation intended to limit the

¹ Section 334.071(1), F.S.

² Section 334.071(2), F.S.

³ Section 334.071(3), F.S.

⁴ Section 335.091(2), F.S.

⁵ Id.

⁶ Section 335.091(3), F.S.

⁷ Section 335.093(1), F.S.

⁸ Id.

⁹ Section 335.093(2), F.S.

ability of local government entities to control or limit land uses in commercial or industrial areas within their jurisdictions.¹⁰

License Plates

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) offers four basic types of plates to the general public:

- Standard plates;
- Specialty license plates;
- Personalized prestige license plates; and
- Special use license plates.

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.¹¹ The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.¹²

In order to establish a specialty license plate, the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will de-authorize the specialty plate, discontinue development, and discontinue issuance of the pre-sale voucher. Upon deauthorization of the plate, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.¹³

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹⁴ Additionally, the fees may not be used for the purpose of marketing to, lobbying, entertaining, or rewarding a member or employee of the Legislature.¹⁵

¹⁰ Section 335.093(3), F.S.

¹¹ Section 320.08056, F.S.

¹² Section 320.08058, F.S.

¹³ Section 320.08053(2)(b), F.S.

¹⁴ Section 320.08056(10)(a), F.S.

¹⁵ Section 320.08056(11), F.S.

The DHSMV retains sufficient annual use fees, from the sale of the specialty license plates, to defray its 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.¹⁶

Ecotourism

The International Ecotourism Society defines “ecotourism” as responsible travel to natural areas that conserves the environment and improves the well-being of local people.¹⁷ The Florida Society for Ethical Ecotourism (Florida SEE) was created in 1998 to establish and maintain a professional code of ecotourism ethics in order to encourage an awareness and stewardship of Florida's natural heritage.¹⁸ As part of their operations, Florida SEE operates a certification program that recognizes ecotourism guides who contribute to the environmental, social and economic sustainability of Florida.¹⁹ Certified Florida SEE Ecotour Providers are recognized as preferred service providers who are committed to using best practices for ecological sustainability, natural area management, and quality ecotourism experience.

Paddle Florida, Inc., is a non-profit corporation that offers paddling events in each of Florida's five water management districts and is recognized by Florida SEE as one of its certified Ecotour Providers.²⁰ Paddle Florida partners with local outfitters that provide canoes, kayaks and gear for trips that last from 30 miles to more than 70 miles.²¹ The organization also provides Florida-based entertainment and educational programming and staff who scout waterways in advance to ensure safe tours.²²

Special License Plates

Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. Special use license plates primarily include special military license plates as well as plates for the disabled.

Currently, there are 21 special military license plates authorized in s. 320.089, F.S., available to military service members or veterans.²³ Special military license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special plate issued. For

¹⁶ Section 320.08056(7), F.S.

¹⁷ Florida SEE, *Ecotourism*, available at <http://www.floridasee.org/ecotourism.php> (last visited March 30, 2017).

¹⁸ Florida SEE, *About Florida SEE*, available at http://www.floridasee.org/about_florida_see.php (last visited March 30, 2017).

¹⁹ Florida SEE, *Certification, Overview and Eligibility*, available at <http://www.floridasee.org/certification.php> (last visited March 30, 2017).

²⁰ Florida SEE, *Paddle Florida*, available at http://www.floridasee.org/paddle_florida.php (last visited March 30, 2017).

²¹ *Id.*

²² *Id.*

²³ The 21 military special plates currently offered in s. 320.089, F.S., include plates available for the following types of service: Veteran or Woman Veteran of the U.S. Armed Forces, World War II, Korean War, or Vietnam War Veteran, Navy Submariner, Active or retired National Guard member or U.S. Reservists, Pearl Harbor survivor, recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, or Purple Heart, former Prisoner of War, and service members or veterans of Operation Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom.

example, a special plate issued to a current or former member of the Florida National Guard is stamped with the words “National Guard.” Additionally, a likeness of the related campaign medal or badge appears on the plate.²⁴

Applicants for special military license plates under s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.²⁵ With the exception of Woman Veteran plates, the first \$100,000 of revenue generated annually from the sale of special use military plates is deposited into the Grants and Donations Trust Fund under the Veterans’ Nursing Homes of Florida Act, as described in s. 296.38(2), F.S. Additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.²⁶

Bronze Star Medal

The Bronze Star Medal was established on February 4, 1944, to recognize those who served after December 6, 1941, in any capacity in or with the Armed Forces of the United States or a friendly foreign nation.²⁷ The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party.²⁸ When the Bronze Star Medal is awarded for valor, the “V” device²⁹ is authorized.

Recipients of the Bronze Star Medal must have been receiving imminent danger pay while serving in a geographic area authorized for special pay or as a result of those events.³⁰ In order of precedence, the Department of Defense (DoD) places the Bronze Star Medal seventh amongst DoD wide military decorations and awards following the Distinguished Flying Cross and preceding the Purple Heart.³¹ Since its inception, the Bronze Star Medal has been awarded to over 1.3 million recipients.³² Of those recipients, more than 176,000 were awarded the Bronze Star Medal with a “V” device for valor.³³

²⁴ For plate samples, see Department of Highway Safety and Motor Vehicles, *Military License Plates*, available at <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited March 16, 2017).

²⁵ Section 320.089(1)(c) and (2)(a), F.S.

²⁶ Section 320.089(1)(b), F.S.

²⁷ Department of the Army, *Military Awards, Army Regulation 600-8-22*, 42 (Dec. 11, 2006), available at http://www.apd.army.mil/pdf/r600_8_22.pdf (last visited March 20, 2017).

²⁸ *Id.*

²⁹ The “V” device is a bronze block letter worn to denote participation in acts of heroism involving conflict with an armed enemy. *Supra* note 4 at 75.

³⁰ 10 U.S.C. 1133.

³¹ Department of Defense, *DoD Manual 1348.33, Vol. 3* (December 21, 2016).

³² U.S Army Human Resources Command, *Awards and Decorations Statistics by Conflict* (Dec. 31, 2016), available at <https://www.hrc.army.mil/content/Awards%20and%20Decorations%20Statistics%20by%20Conflict> (last visited March 28, 2017).

³³ *Id.*

III. Effect of Proposed Changes:

Department of Transportation Roadway Signage

The bill directs the Florida Department of Transportation to erect appropriate signage along the portion of S.R. 589/Veterans Expressway between S.R. 60 in Hillsborough County and U.S. 98 in Hernando County commemorating the following conflicts involving the United States Armed Forces:

- World War I;
- World War II;
- The Korean War;
- The Vietnam War;
- Operation Desert Shield;
- Operation Desert Storm;
- Operation Enduring Freedom; and
- Operation Iraqi Freedom.

Specialty License Plate

The bill amends ss. 320.08056 and 320.08058, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV) to create an Ethical Ecotourism specialty license plate. The plate has an annual use fee of \$25. The word “Florida” must appear at the top of the license plate, and words approved by the DHSMV must appear at the bottom. These provisions takes effect October 1, 2017.

Proceeds from the sale of the plate will be distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc. The Florida Society for Ethical Ecotourism must use its share of the proceeds to provide environmental education and awareness that encourages behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources. Paddle Florida, Inc. must use its share of the proceeds to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state. The organizations may use up to 10 percent of the proceeds for administrative costs and to market the plate.

Special Military License Plates

The bill amends s. 320.089, F.S., to direct the DHSMV to create two special license plates for recipients of the Bronze Star Medal and recipients of the Bronze Star Medal with the “V” device for valor. One plate will be stamped with the words “Bronze Star” and a likeness of the Bronze Star Medal followed by the serial number of the license plate. The other plate will be stamped with the words “Bronze Star” and a likeness of the Bronze Star Medal with the “V” device emblem followed by the serial number of the license plate.

To receive one of the Bronze Star special license plates the individual must submit an application for the plate to the DHSMV, provide proof that he or she is a Bronze Star Medal or Bronze Star Medal with the “V” device recipient, and pay the appropriate license tax as provided in s. 320.08,

F.S. Revenue generated from the sale of the Bronze Star plates will be deposited in the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund.

The bill also makes changes throughout s. 320.089, F.S., to provide clarity, and to specify that the special military license plate for former prisoners of war must also include a likeness of the Prisoner of War Medal. Currently, the license plate must only be stamped with the words "Ex-POW."

The bill takes effect on July 1, 2017, with the exception of the specialty license plate provisions, which take effect on October 1, 2017.

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:

Individuals who choose to obtain the Ethical Ecotourism license plate must remit a fee of \$25 in addition to the tax and fees levied upon the issuance of a standard license plate.

Bronze Star recipients who choose to obtain one of the Bronze Star Medal license plates will pay the same tax and fee as if he or she were issued a standard license plate.

C. Government Sector Impact:

Section 1 of the bill directs the Department of Transportation (FDOT) to erect appropriate signage along the Veterans Expressway in Hillsborough and Hernando counties commemorating specified conflicts involving the U.S. Armed Forces. Information on the cost for the FDOT to erect such signage is not available at this time.

Section 3 of the bill requires DHSMV to develop an Ethical Ecotourism license plate. The DHSMV will incur initial programming costs to create the plate. The DHSMV is

authorized to retain revenues from the first proceeds of the Ethical Ecotourism specialty license plate to defray departmental expenditures related to the plate.³⁴

Section 4 of the bill requires DHSMV to develop two Bronze Star Medal license plates. The DHSMV will incur initial programming and production costs to create the plates. The DHSMV estimates that 210 hours will be required for programming and implementation at an estimated cost of \$7,410 in FTE resources.³⁵

This section may have a positive impact on the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund from sales of the new special license plate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an unnumbered section of Florida law.

This bill substantially amends the following sections of the Florida Statutes: 320.08056, 320.08058, and 320.089.

IX. 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 and Veterans Affairs, Space, and Domestic Security on April 3, 2017:

The CS:

- Removes language directing the DHSMV to develop an Auburn University license plate;
- Removes language regarding the discontinuation of specialty license plates;
- Removes language regarding Woman Veteran license plate revenue;
- Specifies the activities that may be funded from the proceeds of the Ethical Ecotourism license plate;
- Provides technical changes throughout s. 320.089, F.S., to provide clarity; and
- Directs the DHSMV to develop a second special military license plate for recipients of the Bronze Star Medal with the “V” device for valor.

³⁴ Section 320.08056(7), F.S.

³⁵ DHSMV, *SB 1734 Agency Bill Analysis* (March 23, 2017) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

B. Amendments:

None.

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