

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: SB 1374

INTRODUCER: Senators Perry and Broxson

SUBJECT: Transportation

DATE: March 31, 2017

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Sanders | Ryon | MS | Pre-meeting |
| 2. | | | ATD | |
| 3. | | | AP | |

I. Summary:

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 Auburn University and an Ethical Ecotourism specialty license plate and collect a \$25 fee upon purchase of each;
- Discontinue a specialty plate and make the appropriate notification to the sponsoring organization if the revenue generated from the sale of the specialty plate falls below the actual cost the DHSMV incurs to maintain that plate in circulation for at least 12 consecutive months;
- Develop a Bronze Star Medal license plate for recipients of the Bronze Star Medal to purchase;
- Deposit revenue generated from the sale of the Woman Veteran license plate into the Florida Department of Veterans' Affairs' Grants and Donations Trust Fund instead of the Operations and Maintenance Trust Fund; 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.

DHSMV Costs Defrayed

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

Discontinuance of Specialty Plates

The DHSMV discontinues 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 is below 1,000 plates. Collegiate plates are exempt from the minimum plate requirement.¹⁷ Additionally, the specialty license plate must be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁸

Collegiate License Plates

Section 320.08058(3)(a), F.S., requires the DHSMV to develop a collegiate license plate for state and independent universities domiciled in this state.¹⁹ Collegiate license plates must bear the colors and design approved by the DHSMV as appropriate for each state and independent university. The word "Florida" must be stamped across the bottom of the plate in small letters.

A collegiate plate annual use fee is to be distributed to the state or independent university foundation designated by the purchaser for deposit in an unrestricted account.²⁰ The Board of Governors of the State University System shall require each state university to submit a plan for approval of the expenditure of all funds so designated.²¹ These funds may be used only for academic enhancement, including scholarships and private fundraising activities.²²

Currently there are no license plates for a college or university domiciled outside the state of Florida authorized in the Florida Statutes.

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.²³ The Florida

¹⁶ Section 320.08056(7), F.S.

¹⁷ Section 320.08056(8)(a), F.S.

¹⁸ Section 320.08056(8)(b), F.S.

¹⁹ Any collegiate license plate created or established after October 1, 2002, must comply with the requirements of s. 320.08053 and be specifically authorized by an act of the Legislature.

²⁰ Section 320.08058(3)(a), F.S.

²¹ *Id.*

²² *Id.*

²³ Florida SEE, *Ecotourim*, available at <http://http://www.floridasee.org/ecotourism.php> (last visited March 30, 2017).

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.²⁴ 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.²⁵ 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.²⁶ Paddle Florida partners with local outfitters that provide canoes, kayaks and gear for trips that last from 30 miles to more than 70 miles.²⁷ The organization also provides Florida-based entertainment and educational programming and staff who scout waterways in advance to ensure safe tours.²⁸

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.²⁹ Special military license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special plate issued. For 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.³⁰

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.³¹ With the exception of Woman Veteran plates, the first \$100,000 of revenue generated

²⁴ Florida SEE, *About Florida SEE*, available at http://www.floridasee.org/about_florida_see.php (last visited March 30, 2017).

²⁵ Florida SEE, *Certification, Overview and Eligibility*, available at <http://www.floridasee.org/certification.php> (last visited March 30, 2017).

²⁶ Florida SEE, *Paddle Florida*, available at http://www.floridasee.org/paddle_florida.php (last visited March 30, 2017).

²⁷ *Id.*

²⁸ *Id.*

²⁹ 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.

³⁰ 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).

³¹ Section 320.089(1)(c) and (2)(a), F.S.

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.³²

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.³³ 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.³⁴

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.³⁵ 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.³⁶ Since its inception, the Bronze Star Medal has been awarded to over 1.3 million recipients.³⁷

III. Effect of Proposed Changes:

Section 1 of 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.

³² Section 320.089(1)(b), F.S.

³³ Department of the Army, *Military Awards, Army Regulation 600-8-22*, 42 (Dec. 11, 2006), available at http://www.apd.army.mil/pdf/files/r600_8_22.pdf (last visited March 20, 2017).

³⁴ Id.

³⁵ 10 U.S.C. 1133.

³⁶ Department of Defense, *DoD Manual 1348.33, Vol. 3* (December 21, 2016).

³⁷ 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).

Section 2 of the bill amends s. 320.08056, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV) to collect a \$25 fee upon purchase of the Auburn University and Ethical Ecotourism specialty license plates authorized in section 4 of the bill.

This section takes effect October 1, 2017.

Section 3 of the bill amends s. 320.08056, F.S. to change the conditions that require DHSMV to discontinue the issuance of an approved specialty license plate.

The bill requires the DHSMV to discontinue a specialty plate and make the appropriate notification to the sponsoring organization if the revenue generated from the sale of the specialty plate falls below the actual cost the DHSMV incurs to maintain that plate in circulation for at least 12 consecutive months. Current law requires the DHSMV to discontinue a specialty plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months.³⁸

This discontinuation provision does not apply to collegiate license plates established under s. 320.08058(3), F.S., or specialty license plates the purchase of which is limited by statutory eligibility requirements.

This section takes effect July 1, 2019.

Section 4 of the bill amends s. 320.08053, F.S., to establish the Auburn University and Ethical Ecotourism specialty license plates.

The bill requires the DHSMV to develop an Auburn University license plate. The plate must bear the colors and design approved by the DHSMV and include the word “Florida” at the top of the plate, and the words “Auburn Tigers” or “War Eagles” at the bottom of the plate. The DHSMV shall retain all annual use fees from the sale of the plate until all startup costs have been recovered. Thereafter, the annual use fees from the sale of the plate are to be remitted to the Department of Revenue for deposit into the Educational Enhancement Trust Fund and distributed by the Department of Education as scholarships to Florida residents attending Auburn University. Students receiving such scholarship funds must use the funds to pay tuition and other expenses related to attending Auburn University.

The bill also requires the DHSMV to develop an Ethical Ecotourism license plate. The word “Florida” must appear at the top of the plate, and the words that are approved by the DHSMV must appear at the bottom of the plate. The annual use fees from the sale of the plate shall be distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., which may use of to 10 percent of the proceeds for administrative costs and marketing of the plate.

This section takes effect October 1, 2017.

³⁸ See s. 320.08056(8)(a), F.S.

Section 5 of the bill amends s. 320.089, F.S., to create a special license plate for recipients of the Bronze Star Medal. The plate shall be stamped with the words “Bronze Star” and a likeness of the Bronze Star Medal followed by the serial number of the license plate. To receive a Bronze Star special license plate the individual must submit an application for the plate to the DHSMV, provide proof that he or she is a Bronze Star Medal recipient, and pay the appropriate license tax as provided in s. 320.08, F.S. Revenue generated from the sale of the Bronze Star plate is deposited in the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund.

The bill also redirects the deposit of revenue generated from the sale of the Woman Veteran license plates from the Operations and Maintenance Trust Fund administered by the Florida Department of Veterans’ Affairs (FDVA) to the FDVA’s Grants and Donations Trust Fund.

The bill also requires that a specialty license plate issued to a resident of this state who is a former prisoner of war, or his or her unremarried surviving spouse, may have the word “Ex-POW” stamped on the plate and the likeness of the Prisoner of War Medal followed by the serial number.

Section 6 of the bill provides that unless expressly provided in this act, the bill shall take effect July 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 Auburn University license plate or 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.

Florida residents who attend Auburn University may benefit from the award of scholarship funds generated by the sale of the Auburn University license plate.

Bronze Star recipients who choose to obtain the Bronze Star license plate 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 4 of the bill requires DHSMV to develop an Auburn University license plate and Ethical Ecotourism license plate. The DHSMV will incur initial programming costs to create such plates. The DHSMV is authorized to retain revenues from the first proceeds of the Auburn University and Ethical Ecotourism specialty license plates to defray departmental expenditures related to the plate.³⁹

Section 5 of the bill requires DHSMV to develop a Bronze Star license plate. The DHSMV will incur initial programming and production costs to create the plate. 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 Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

³⁹ Section 320.08056(7), F.S.

B. Amendments:

None.

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