

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 1375 Specialty License Plates

SPONSOR(S): Government Accountability Committee; Transportation & Tourism Appropriations Subcommittee and Transportation & Infrastructure Subcommittee, Grant

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 56

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	12 Y, 0 N, As CS	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee	13 Y, 1 N, As CS	Cobb	Davis
3) Government Accountability Committee	21 Y, 0 N, As CS	Johnson	Williamson

SUMMARY ANALYSIS

There are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing pay the additional use fee for such plate. The collected fees are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to statutorily designated organizations in support of a particular cause or charity. DHSMV must discontinue the issuance of an approved specialty license plate if certain requirements are met.

The bill establishes a cap at 125 specialty license plates and provides a process for the discontinuation of low performing plates and the addition of new plates. It provides direction to DHSMV on the discontinuance of specialty license plates and establishes a timeframe of 180 days to distribute the remaining annual use fees held or collected by DHSMV. The bill authorizes a person with a discontinued specialty license plate to keep the plate for the remainder of the 10-year license plate replacement period.

The bill authorizes the establishment of specialty license plates for certain out-of-state colleges or universities and authorizes revenues from such plates to be expended outside of Florida.

The bill deauthorizes the following specialty license plates: American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers

The bill amends provisions regarding the following existing specialty license plates: Special Olympics, Share the Road, Fallen Law Enforcement Officer, Lighthouse Association, and In God We Trust.

The bill creates the following new specialty license plates: American Eagle, Dan Marino Foundation, Ducks Unlimited, Auburn University, Beat Childhood Cancer, Florida State Beekeeper, Florida Bay Forever, Support Our Constitution, Donate Life Florida, Rotary, and Ronald Reagan.

The bill will likely have a negative fiscal impact on DHSMV related to programming hours associated with the design of the new specialty license plates. See Fiscal Analysis section for details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Specialty License Plates, Generally

Background

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and 10 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 Department of Highway Safety and Motor Vehicles (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. After a specialty license plate is created by law, then the following requirements must 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 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

There is currently no limit on the number of specialty license plates that DHSMV may issue nor the number of specialty license plates that the Legislature may approve.

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 license plate registrations falls below 1,000 plates.⁶ This process does not apply to collegiate license plates. The following specialty license plates have been discontinued by the DHSMV:

- The American Red Cross plate for failing to meet sales requirements;⁷
- The Donate Organs Pass It On plate because the organization has closed;⁸ and
- The St. Johns River plate and Hispanic Achievers plate for not meeting presale requirements.⁹

¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Dec. 21, 2016).

² Section 320.08056(2), F.S.

³ Section 320.08053(1), F.S.

⁴ Section 320.08053(2)(a), F.S.

⁵ Section 320.08053(2)(b), F.S.

⁶ Section 320.08056(8)(a), F.S.

⁷ DHSMV Technical Advisory RS/TL16-009, *American Red Cross Specialty License Plate* (April 6, 2016), available at https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-009.pdf (last visited Mar. 22, 2017).

⁸ DHSMV Technical Advisory RS/TL16-019, *Deauthorization of Donate Organs Pass It On Specialty License Plate* (July 15, 2016), available at https://www.flhsmv.gov/dmv/bulletins/2016/ta_rstl16-019.pdf (last visited Mar. 22, 2017).

⁹ After 24 months in the presale process, the Hispanic Achievers plate had 26 registrations and the St. Johns River plate had 45 registrations. See DHSMV website, *Pre-Sale Specialty License Plate Vouchers* (June 30, 2016), <http://www.flhsmv.gov/specialtytags/PreSaleData.html> (last visited Mar. 22, 2017).

Organizations receiving specialty license plate revenue must adhere to certain accountability requirements. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable law.¹⁰

Section 320.02056(10)(a), F.S., provides that specialty license plate annual use fees and any interest earned from such fees may not be used for commercial or for-profit activities or for general or administrative expenses, except those specifically authorized, or to pay for the cost of the audit or report.¹¹ The fees and any interest earned may be expended only for use in Florida unless the annual use fee is derived from the sale of specialty license plates related to the United States Armed Forces or specialty license plates related to veterans.

Proposed Changes

The bill amends s. 320.08053(2)(b), F.S., providing that in lieu of the 1,000 license plate presale requirement, license plates for out-of-state colleges and universities must record a minimum of 3,000 voucher sales prior to the manufacture of the license plate. It also amends s. 320.08056(8)(a), F.S., providing that the 1,000 plate minimum sales requirement does not apply to specialty license plates with statutory eligibility limitations for purchase. The only license plate with statutory eligibility limitations for purchase is the Fraternal Order of Police license plate.

The bill creates s. 320.08053(3)(a), F.S., providing that if the Legislature has approved 125 or more specialty license plates, DHSMV may not make any new specialty license plates available for design, presale, or issuance until a sufficient number of plates are discontinued pursuant to s. 320.08056(8), F.S., such that the number of plates being issued is reduced to fewer than 125.

The bill creates s. 320.08053(3)(b), F.S., providing that new specialty license plates that have been approved by law, but are awaiting issuance under s. 320.08053(3)(a), F.S., must be issued in the order they appear in s. 320.08056(4), F.S., and maintains that all other provisions of s. 320.08053, F.S., must be met.

The bill creates s. 320.08068(8)(c), F.S., providing that on January 1 of each year DHSMV must discontinue the specialty license plate with the fewest number of plates in circulation over the previous 24 months. DHSMV is required to mail a warning letter to the sponsoring organization following the first month in which the total number of valid plate registrations is the fewest in the state in circulation over the past 24 months.

The bill creates s. 320.08056(8)(d), F.S., authorizing a person issued a specialty license plate that DHSMV has discontinued to keep the discontinued plate for the remainder of the 10-year license plate replacement period. The person is required to pay all other applicable registration fees; however, the person is exempt from paying the applicable specialty license plate fee for the remainder of the license plate replacement period.

The bill creates s. 320.08056(8)(e), F.S., providing that if DHSMV discontinues a specialty license plate, all annual use fees currently held or collected by DHSMV must be distributed within 180 days after the discontinuance of the specialty license plate. Of those fees, DHSMV must retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuing the plate. The remaining funds are distributed to the specified organization or organizations for the discontinued specialty license plate.¹²

The bill creates s. 320.08056(8)(f), F.S., providing that if an organization that is the intended recipient of specialty license plate funds no longer exists, DHSMV must deposit any undisbursed funds into the Highway Safety Operating Trust Fund.

¹⁰ Section 320.08062, F. S.

¹¹ The audit or report is required by s. 320.08062(1), F.S.

¹² The distributions for each specialty license plate are proved in s. 320.08058, F.S.

The bill adds an additional exception from the requirement that specialty license plate fees be expended in Florida for specialty license plates for out-of-state colleges and universities. This would allow fees from the Auburn University specialty license plate discussed below to be expended outside of Florida.

The bill removes the American Red Cross plate, Donate Organs Pass It On plate, St. Johns River plate, and Hispanic Achievers plate from law as these plates have been discontinued.

Current Specialty License Plates

Special Olympics Specialty License Plate

Current Situation

Section 320.08058(7), F.S., F.S., creates the Special Olympics Florida license plate. The plate contains the official Special Olympics Florida logo with “Florida” centered at the bottom of the plate and “Everyone Wins” centered at the top of the plate.

Proposed Changes

The bill amends s. 320.08058(7), F.S., redesigning the Special Olympics Florida license plate with “Florida” centered at the top of the plate and “Be a Fan” centered at the bottom of the plate.

Share the Road Specialty License Plate

Current Situation

Section 320.08058(30), F.S., creates the Share the Road license plate with an annual use fee of \$15.¹³ The annual use fee is distributed to Bike Florida, Inc., up to 25 percent of which must be used for marketing and promoting the “Share the Road” concept and license plate. The remaining funds are divided equally between Bike Florida, Inc., and the Florida Bicycle Association, Inc., to be use for:

- Education and awareness programs, for bicycle safety and motorist safety, with emphasis on sharing the roadway by all users;
- Training, workshops, educational materials, and media events; and
- The promotion of safe bicycling.

The Florida Sports Foundation is a 501(c)3 corporation that serves as the Sports Industry Development Division of Enterprise Florida, Inc.¹⁴

Bike Florida, Inc., was formed as a fundraising event and organization to help supplement the Florida Traffic and Bicycle Safety Education Program (FTBSEP), which is housed at the University of Florida. Bike Florida, Inc., supports FTBSEP’s mission by providing safety-educational materials and assisting them in promoting bicycle safety throughout Florida.¹⁵

The Florida Bicycle Association’s purpose is to:

- Educate bicyclists, pedestrians and motorists about safely sharing roadways and paths;
- Be a powerful, influential organization that protects and advances the interests of bicyclists;
- Be a voice for the needs of bicyclists;
- Encourage the creation of great on-road and off-road places to ride;
- Provide a statewide communications network for bicyclists; and
- Encourage more people to bicycle more often.¹⁶

¹³ Section 320.08056(4)(d)(d)

¹⁴ <http://www.flasports.com/about-us/mission-and-vision/> (Last visited April 19, 2017).

¹⁵ <https://bikeflorida.org/about-us/> (Last visited April 19, 2017).

¹⁶ <http://floridabicycle.org/mission-vision-purpose/> (Last visited April 20, 2017)

Proposed Changes

The bill amends s. 320.08058(30), F.S., revising provisions relating to the “Share the Road” license plate. The bill provides that the annual use fees are distributed to the Florida Sports Foundation to be used as follows:

- Ten percent for marketing and promoting the license plate;
- Twenty percent to be administered to Bike Florida, Inc., for marketing and promoting Bike Florida tours;
- Ten percent administered by the Florida Bicycle Association to be used for the promotion of safe bicycling at a local level on a county-by-county basis;
- Up to 10 percent may be used for the administrative costs of the foundation; and
- The remainder must be distributed to the Cycling Association of Florida for the promotion of safe bicycling and for education and awareness programs for bicycle and motorist safety, with emphasis on sharing the roadway. The Association must annually host events and presentations in North, Central, and South Florida.

Lighthouse Association Specialty License Plate

Current Situation

Section 320.08068(65), F.S., creates the Lighthouse Association license plate. The plate currently has the phrase “Visit Our Lights” at the bottom of the plate.

Proposed Changes

The bill amends s. 320.08058(65)(a), F.S., changing the wording on the bottom of the Lighthouse Association specialty license plate from “Visit Our Lights” to “SaveOurLighthouses.org.”

In God We Trust Specialty License Plate

Current Situation

Section 320.08058(66), F.S., creates the “In God we Trust” specialty license plate. The statute provides that the license plate annual use fees are distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds are also distributed to provide grants and scholarships to other 501(c)(3) organizations and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history.

The In God We Trust Foundation, Inc., distributes the license plate annual use fees in the following manner:

- The In God We Trust Foundation, Inc., retains all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.
- Ten percent of the funds received by the In God We Trust Foundation, Inc., are expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.
- All remaining funds are expended by the In God We Trust Foundation, Inc., for programs.

Proposed Changes

The bill amends s. 320.08058(66)(b), F.S., providing that the annual use fees from the In God We Trust specialty license plate are distributed to the In God We Trust Foundation, Inc., which may use up to 10 percent of the proceeds to offset administrative costs, promoting, and marketing of the specialty license plate directly associated with the operations of the foundation. The remaining proceeds may be used to address the needs of the military community and the public safety community; provide educational grants and scholarships to foster self-reliance and stability in Florida’s youth; and provide education in public and private schools regarding the historical significance of religion in American and Florida

history. The In God We Trust Foundation, Inc., is required to create an advisory council comprised of persons with knowledge in the above program areas to make funding recommendations.

Fallen Law Enforcement Specialty License Plate

Current Situation

Section 320.08058(80), F.S., creates the Fallen Law Enforcement Officers license plates. The statute provides that the annual use fees are to be distributed to the Police and Kids Foundation, Inc., which may use up to 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds must be used to invest and reinvest, and the interest earnings must be used for the operations of the Police and Kids Foundation, Inc.

Based in Brooksville, Florida, the Police and Kids Foundation, Inc., is a non-profit corporation with the objective of providing funding for responding police officers to help a child in need. This assistance may include items such as food, clothing, and the replacement of lost or damaged property. The foundation also created a scholarship for at least one senior student at the Pinellas Park High School Criminal Justice Academy.¹⁷

Proposed Changes

The bill clarifies the distribution of the Fallen Law Enforcement Officer specialty license plate. The bill keeps the maximum of 10 percent of the proceeds for marketing the license plate. It provides that the remaining proceeds are to be used for the operations, activities, programs, and projects of the Police and Kids Foundation, Inc.

Creation of New Collegiate Specialty License Plate

Auburn University Specialty License Plate

Current Situation

Florida has not authorized a specialty license plate for any college or university located outside of Florida.

The Tampa Bay Auburn Club is an officially chartered group of Auburn University Alumni and Friends. Its stated mission is to encourage more top Tampa Bay area students to attend Auburn University and to foster the spirit of Auburn University throughout the Tampa Bay Area.¹⁸ The Tampa Bay Auburn Club, Inc., is an active corporation with the Department of State.

Proposed Changes

The bill creates the Auburn University specialty license plate with a fee of \$50. The license plate must bear a DHSMV approved color and design. The word "Florida" will appear at the top of the plate and "War Eagle" will appear at the bottom of the plate.

The bill provides that the Tampa Bay Auburn Club is the lead club on behalf of the state's Auburn clubs. The annual use fees are distributed to the Tampa Bay Auburn Club, along with statistics on sales of the license plate tabulated by county. The Tampa Bay Auburn Club must distribute to each of the state's Auburn clubs on a pro-rata basis the moneys received for sales in the regions within the respective club's area for the purpose of awarding scholarships to Florida residents attending Auburn University. Students receiving these scholarships are required to be eligible for the Florida Bright Futures Scholarship Program¹⁹ and are required to use the scholarship funds for tuition and other expenses related to attending Auburn University.

¹⁷ Police and Kids Foundation Website <http://www.policeandkids.com/about/> (Last visited Feb. 14, 2017).

¹⁸ <http://tampabayauburnclub.com/> (Last visited Mar. 13, 2017).

¹⁹ The Florida Bright Futures Scholarship Program is created pursuant to s. 1009.531, F.S.

Creation of Other New Specialty License Plates

Beat Childhood Cancer Specialty License Plate

Current Situation

Neuroblastoma (nb) is a cancer that affects children. It is among the most common childhood tumors, and typically affects children under five years old. It is not usually diagnosed until the tumor grows and presents symptoms. The majority of childhood neuroblastoma cases are aggressive, showing survival rates of less than 60 percent with standard chemotherapy, and a 50 percent relapse rate. Once relapsed, there is currently no curative treatment, and for those under five years old, the survival rate is less than 10 percent.²⁰ The mission of Beat Nb is to drive neuroblastoma cancer research, and to raise awareness of the disease.²¹ The Beat Nb Cancer Foundation, Inc., is an active corporation with the Department of State.

Proposed Changes

The bill creates the Beat Childhood Cancer specialty license plate with a fee of \$25. The license plate must bear a DHSMV approved color and design. The word “Florida” will appear at the top of the plate and “Beat Childhood Cancer” will appear at the bottom of the plate.

The annual use fees from the Beat Childhood Cancer license plate are to be distributed to Beat Nb, Inc., which may use a maximum of 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the specialty license plate. The remaining proceeds are to be used by the corporation to fund pediatric cancer treatment and research.

Florida State Beekeepers Association Specialty License Plate

Current Situation

The Florida State Beekeepers Association is dedicated to keeping Florida apiculture strong and healthy and is the major voice for the state's beekeeping industry. Its mission is to:

- To provide resources for the improvement of beekeeping by using proven techniques and procedures in the management of honey bees and to share this knowledge with everyone interested in the art of beekeeping.
- To promote the development of practical beekeeping methods in the state of Florida.
- To act in the interest of Florida beekeepers in advocating for and carrying on statewide beekeeping affairs.
- To act as a medium for and to aid in cooperative and mutual beekeeping methods.
- To act as the representative of the Florida beekeepers in state and national beekeeping affairs.²²

The Florida State Beekeepers Association, Inc., is an active corporation registered with the Department of State.

Proposed Changes

The bill creates the Florida State Beekeepers specialty license plate with a fee of \$25. The license plate must bear a DHSMV approved color and design. The word “Florida” will appear at the top of the plate and “Save the Bees” will appear at the bottom of the plate.

The annual use fees from the sale of the Florida State Beekeepers license plate are to be distributed to the Florida States Beekeepers Association to be used to fund outreach and education to raise

²⁰ <https://beatnb.org/neuroblastoma/> (Last visited Mar. 13, 2017)

²¹ <https://beatnb.org/about-us/> (Last visited Mar. 13, 2017)

²² <http://www.floridabeekeepers.org/> (Last visited Mar. 13, 2017).

awareness of the importance of beekeeping to Florida agriculture, and to fund honeybee research and husbandry.

American Eagle Specialty License Plate

Current Situation

Based in Pigeon Forge, Tennessee, the American Eagle Foundation is a not-for-profit organization whose mission is to protect the bald eagle and other birds of prey through education, re-population, conservation, and rehabilitation.²³

Proposed Changes

The bill directs the DHSMV to develop an American Eagle license plate, with an annual use fee of \$25, bearing the colors and design approved by DHSMV. The word “Florida” must appear at the top of the plate and “God Bless America” must appear at the bottom of the plate.

The annual use fees from the sale of the American Eagle license plate are distributed to the American Eagle Foundation for deposit in its national endowment fund. Up to 10 percent of the funds received may be used for administrative costs and marketing the license plate. The American Eagle Foundation is required to use the proceeds to fund public education programs, rescue and care programs, and other conservation efforts that benefit bald eagles.

Dan Marino Foundation Specialty License Plate

Current Situation

The Dan Marino Foundation, Inc., is a results-driven nonprofit organization dedicated to improving the lives of persons with autism or other developmental disabilities.²⁴ Based in Fort Lauderdale, the Dan Marino Foundation, Inc. is an active corporation with the Department of State.²⁵

Proposed Changes

The bill directs the DHSMV to develop a Dan Marino Foundation license plate, with an annual use fee of \$25, bearing the colors and design approved by DHSMV. The word “Florida” must appear at the top of the plate and “Marino Campus” must appear at the bottom of the plate.

The annual use fees from the sale of the Dan Marino Foundation license plate are distributed to the Dan Marino Foundation, Inc., which may use up to 10 percent of the fees for administrative costs and marketing the plate. The remainder of the fees must be used by the Dan Marino Foundation, Inc., to assist Floridians with developmental disabilities in becoming employed, independent, and productive, to promote awareness of such services, and to promote and fund education scholarships related to such services.

Ducks Unlimited Specialty License Plate

Current Situation

Ducks Unlimited is a waterfowl and wetlands conservation organization founded in 1937. The mission of Ducks Unlimited is habitat conservation.²⁶ Since 1985, Ducks Unlimited has worked to conserve more than 26,000 acres of Florida wetlands.²⁷

²³ American Eagle Foundation website: <https://www.eagles.org/> (Last visited Jan. 27, 2017).

²⁴ Dan Marino Foundation Website: <https://danmarinofoundation.org/> (Last visited Feb. 23, 2017).

²⁵ <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=DANMARINOFOUNDATION%20N480800&aggregateId=domnp-n48080-9460ccb4-0142-4ea7-a8d2-39d9c152a411&searchTerm=Dan%20Marino&listNameOrder=DANMARINO%20L940000001540> (Last visited Feb. 23, 2017).

²⁶ Ducks Unlimited, *About Ducks Unlimited*, <http://www.ducks.org/about-du?poe=hometxt> (last visited Feb. 24, 2017).

²⁷ <http://www.ducks.org/florida/florida-conservation-projects> (Last visited Mar. 14, 2017).

Proposed Changes

The bill directs 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 fee is distributed to Ducks Unlimited, Inc., and the proceeds must be used to support Ducks 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 must 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.

Florida Bay Forever Specialty License Plate

Current Situation

The Florida National Parks Association, Inc. (FNPA) is the official not for profit entity of Everglades National Park, Biscayne National Park, Dry Tortugas National Park and Big Cypress National Preserve. The purpose of the FNPA is to help generate additional revenues to help supplement the park service's budgets as well as support educational, interpretive, and historical and scientific research. The FNPA also operates the book stores within the Parks to help generate revenues as well as providing a visitor information services function on behalf of the National Park Service.²⁸

Proposed Changes

The bill directs DHSMV to develop a Florida Bay Forever license plate. The plate must bear DHSMV approved colors and design. The word "Florida" must appear at the top of the plate and "Florida Bay Forever" must appear at the bottom of the plate.

The annual use fees from the sale of the Florida Bay Forever license plate are distributed to the Florida National Parks Association, Inc., which may use up to 10 percent of the funds for administrative costs and marketing the plate. The remainder of the funds must be used to supplement the Everglades National Park's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

Support our Constitution Specialty License Plate

Current Situation

The Constitution Foundation's mission is to "increase awareness and understanding of the United States Constitution in Florida's school students, to recruit and train school leaders to make presentations in each school district, and to provide at no cost to each student learning material along with a pocket Constitution."²⁹

Proposed Changes

The bill creates the Support Our Constitution license plate with an annual use fee of \$25. The annual use fees are distributed to the Constitution Foundation, Inc., to be used as follows:

- Up to 10 percent may be used for administrative costs.
- The remainder is used to fund activities of the Constitution Foundation, Inc., to increase awareness and understanding of the United States Constitution in Florida's public schools, recruit and train school leaders to make presentations in each school district, and provide to each student, at no charge, learning materials and a pocket Constitution.

²⁸ Proposal for Florida Bay Forever Specialty License Plate. (Copy on file with Transportation & Infrastructure Subcommittee).

²⁹ <http://constitutionfoundation.org/> (Last visited April 19, 2017).

The new plate will display the words “Florida” appear at the top of the plate, and the words “Support our Constitution” at the bottom of the plate.

Donate Life Florida Specialty License Plate

Current Situation

Donate Life Florida is a non-profit organization contracted by the State of Florida, Agency for Health Care Administration to create the state’s organ, tissue, and eye donor registry.³⁰

Proposed Changes

The bill creates the Donate Life Florida license plate with an annual use fee of \$25. The annual use fees are distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remainder of the proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry.

The new plate will display the words “Florida” must appear at the top of the plate, and the words “Donors Save Lives” at the bottom of the plate.

Rotary Specialty License Plate

Current Situation

Rotary is a global network of 1.2 million neighbors, friends, leaders, and problem-solvers who come together to make positive, lasting change in communities at home and abroad.³¹

Founded in 1990, the Community Foundation of Tampa Bay is dedicated to helping individuals in Hillsborough, Pinellas, Pasco, and Hernando counties. The Foundation functions as a partnership between donors, nonprofits, community and business leaders, professional advisors, volunteers, and the residents of its four-county region.³²

Proposed Changes

The bill creates the Rotary license plate with an annual use fee of \$25. The annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., to be distributed as follows:

- Up to 10 percent for administrative costs and for marketing 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; and
- The remainder is distributed, proportionally based on sales, to each Rotary district in the state to support Rotary youth programs in Florida.

The new plate will display the words “Florida” must appear at the top of the plate, and the word “Rotary” at the bottom of the plate. The license plate will also bear the Rotary International wheel emblem.

Ronald Reagan Specialty License Plate

Current Situation

Ronald Reagan was the 40th President of the United States, serving from 1981 to 1989.³³

Founded in 1983, the Florida National Guard Foundation’s purpose is to provide charitable and educational aid in the form of money and other property and services. The Foundation also administers

³⁰ <https://www.donatelifeflorida.org/content/about/> (Last visited April 19, 2017).

³¹ <https://www.rotary.org/en/about-rotary> (Last visited April 20, 2017).

³² <https://www.cftampabay.org/about-2/> (Last visited April 19, 2017).

³³ <https://www.whitehouse.gov/1600/presidents/ronaldreagan> (Last visited April 20, 2017).

a scholarship program developed by the Florida National Guard Association of Florida. The foundation operates as a direct-support organization for the Department of Military Affairs.³⁴

Proposed Changes

The bill directs DHSMV to create a new specialty license plate designated as the “President Ronald Reagan” license plate, with an annual use fee of \$25 to be distributed to Florida Ronald Reagan Centennial, Inc. and used as follows:

- Ten percent for marketing and administrative costs;
- Forty-five percent to the Florida National Guard Foundation;
- Forty-five percent to support ongoing research of Alzheimer’s disease for the benefit of Florida citizens and their families who suffer from the disease.

The new plate will display the word “Florida” at the top of the plate, and the words “President Ronald Reagan” at the bottom of the plate.

B. SECTION DIRECTORY:

Section 1 amends s. 320.08053, F.S., relating to the establishment of specialty license plates.

Section 2 amends s. 320.08056, F.S., relating to specialty license plates.

Section 3 amends s. 320.08058, F.S., relating to specialty license plates.

Section 4 provides an effective date of October 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV estimates \$7,410 in programming costs associated with the issuance of each new specialty license plate.³⁵ With 11 new specialty license plates, DHSMV will incur approximately \$81,510 in programming costs associated with new specialty license plates.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Recipient organizations for newly created specialty license plates may see an increase in revenues associated with the sale of specialty license plates.

³⁴ <http://www.floridanationalguardfoundation.org/aboutus.html> (Last visited April 20, 2017).

³⁵ DHSMV bill analysis of HB 309, p. 4 (on file with the Transportation & Infrastructure Subcommittee).

Special Olympics Florida and the Florida Lighthouse Association will incur costs associated with purchasing the inventory of the previously designed license plates. The estimated cost is \$2.82 per license plate.³⁶

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 21, 2017, the Transportation & Infrastructure Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provided that specialty license plates with statutory eligibility requirements for purchase from the 4,000 license plate requirement to keep the license plate active.

On March 28, 2017, the Transportation & Tourism Appropriations Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The amendments: removed the provision that would increase the presale and maintenance requirements from 1,000 to 4,000; removed the exemptions related to plates of institutions of the State University System and Florida professional sports teams; established a limit of 125 active specialty license plates; that no more than 5 additional plates may be issued in a given calendar year; and removed the requirement to audit every two years organizations receiving revenues from specialty license plate fees.

On April 19, 2017 the Government Accountability Committee adopted a proposed committee substitute along with five amendments and an amendment to an amendment. The proposed committee substitute, as amended, did the following:

- Provided a minimum of 3,000 voucher sales for license plates for out-of-state colleges or universities.
- Established a limit of 125 active specialty license plates and provides a method of adding additional approved plates.
- Required out-of-state college and university license plates to have an annual use fee of \$50.
- Deauthorized the American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers specialty license plates.

³⁶ E-mail from DHSMV, March 17, 2016. (Copy on file with Transportation & Infrastructure Subcommittee).

- Created the Auburn University, Beat Childhood Cancer, Florida State Beekeepers Association, American Eagle, Dan Marino Foundation, Ducks Unlimited and Florida Bay Forever specialty license plates.
- Provided that a provision for automatic discontinuance of specialty license plates does not apply to license plates with statutory eligibility for issuance.
- Required DHSMV to discontinue the specialty license plates with the fewest number of plates in circulation.
- Authorized persons to keep a discontinued specialty license plate for the remainder of the 10-year replacement period.
- Provided for the disposition of specialty license plate fees for discontinued plates or funds for organizations
- Authorized the use of specialty license plate fees for out of state college or university plates to be spent out of state.
- Revised provisions regarding the Special Olympics, Lighthouse Association, In God We Trust, and Fallen Law Enforcement Officer license plates.
- Removed a requirement that DHSMV report on the cost of goods sold for specialty license plates.
- Removed a requirement for DHSMV to review and prepare for a transition in the process of issuing specialty license plates.
- Revised provisions relating to the Share the Road license plate.
- Created the Ronald Reagan, Donate Life Florida, Rotary, and Support our Constitution specialty license plates.

This analysis is written to the committee substitute as reported favorably by the Government Accountability Committee.