

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: SB 1500

INTRODUCER: Senator Broxson

SUBJECT: Specialty License Plate Fees

DATE: January 17, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	<b>Pre-meeting</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 1500 establishes a uniform annual use fee of \$25 per plate for all specialty license plates created in statute, except for specialty license plates for motorcycles.

The bill also clarifies that the Florida Salutes Veterans license plate, the United States Marine Corps license plate, the Military Services license plate, the Support Our Troops license plate, the American Legion license plate, and the U.S. Paratroopers license plate may expend fees and any earned interest outside of Florida.

The bill has an effective date of July 1, 2020.

**II. Present Situation:**

**Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>1</sup> 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup>

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.<sup>4</sup> Additionally, organizations

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 16, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08056(10)(a), F.S.

must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>5</sup>

### *DHSMV Costs Defrayed*

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty 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.<sup>6</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 320.08056, F.S., to establish a uniform annual use fee of \$25 per plate for all specialty license plates created in statute. The bill does not impact the \$20 uniform fee for motorcycle specialty license plates that is established in s. 320.08068, F.S.

The bill also adds language that clarifies that the current statutory reference to “United States Armed Forces and veterans-related specialty license plates” expressly includes the Florida Salutes Veterans license plate, the United States Marine Corps license plate, the Military Services license plate, the Support Our Troops license plate, the American Legion license plate as provided under s. 320.08058, F.S., and the U.S. Paratroopers license plate. Annual use fees and any interest earned from the fees from these plates may be expended outside of Florida.

The following specialty license plates will see an increase of the annual use fee from \$15 to \$25:

- Florida Salutes Veterans license plate;
- Florida United States Olympic Committee license plate;
- Florida Special Olympics license plate;
- Florida Indian River Lagoon license plate;
- Tampa Bay Estuary license plate;
- Florida Wildflower license plate;
- United States Marine Corps license plate;
- Share the Road license plate; and
- Military Services license plate.

The following specialty license plates will see an increase of the annual use fee from \$20 to \$25:

- Florida educational license plate;
- Invest in Children license plate;
- Florida arts license plate;
- Florida Agricultural license plate;
- Police Athletic League license plate;
- Boy Scouts of America license plate;
- Protect Wild Dolphins license plate;
- Everglades River of Grass license plate;
- Choose Life license plate;

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<sup>5</sup> Section 320.08062, F.S.

<sup>6</sup> Section 320.08056(7), F.S.

- Florida Firefighters license plate; and
- Police Benevolent Association license plate.

The Fish Florida specialty license plate annual use fee will increase from \$22 to \$25, and the Sea Turtle specialty license plate annual use fee will increase from \$23 to \$25.

When 1,000 or more Challenger/Columbia specialty license plates are purchased in bulk, the annual use fee will increase from \$15 per plate to \$25 per plate.

When an owner purchasing the Save Our Seas or Aquaculture specialty license plate for more than 10 vehicles registered to that owner, the annual use fee will increase from \$10 per plate to \$25 per plate.

The bill has an effective date of July 1, 2020.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

Section 19, Art. VII of the Florida Constitution requires “a supermajority vote” of two-thirds of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>7</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>8</sup> A state tax or fee imposed or authorized must be contained in a separate bill that contains no other subject.<sup>9</sup>

The \$25 annual use fee charged for a specialty license plate may be a new state fee subject to the constitutional requirements since it increases annual use fees for about 24 specialty license plates.

##### **E. Other Constitutional Issues:**

None.

<sup>7</sup> FLA. CONST. art. VII, s. 19(a).

<sup>8</sup> FLA. CONST. art. VII, s. 19(d)(1).

<sup>9</sup> FLA. CONST. art. VII, s. 19(e).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Those who currently have a specialty license plate with an annual use fee of less than \$25, will see an increase to an annual use fee of \$25.

Those entities benefiting from revenue generated from the sale of a specialty license plate with an annual use fee of less than \$25, may see an indeterminate positive fiscal impact as the annual use fee is increased to \$25.

**C. Government Sector Impact:**

There may be an indeterminate negative fiscal impact to the DHSMV due to programming requirements to increase the annual use fee for those specialty license plates impacted by the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.06

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.