

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 Transportation

BILL: CS/SB 364

INTRODUCER: Transportation Committee and Senator Bean

SUBJECT: Specialty License Plate Presales

DATE: January 26, 2022 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 364 reduces the minimum voucher sale requirement for all specialty license plates to 2,500, before manufacture of the license plate may commence. In addition, the bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to extend the presale period by an additional 24 months, from 24 months to 48 months, for an approved specialty license plate organization that, as of the date the bill becomes law, is in the presale period but has not recorded at least 2,500 voucher sales.

The bill provides that independent colleges or universities opting to use the standard template specialty license plate will have their plate sales combined with previous individual independent college or university license plate sales for purposes of meeting the minimum license plate sales threshold of 1,000 sales for at least 12 consecutive months and license plate limits in statute.

The bill creates a Blue Angels motorcycle specialty license plate and seven new specialty license plates: Inter Miami CF; Safe Haven for Newborns; Pap Corps Champions for Cancer Research; Learn to Fly; Florida Swims; Ethical Ecotourism; and Down Syndrome Awareness, and amends the existing Live the Dream specialty license plate.

According to the DHSMV, the bill may have a negative, but insignificant, fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date of upon becoming law.

II. Present Situation:

Specialty License Plates

Presently, there are 123 specialty license plates available for purchase in Florida and another 36 specialty license plates available for pre-sale.¹ 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.² 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.³ In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales, or in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacturing of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. Upon discontinuation, 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.⁴

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that they have met the presale requirement. If the next awaiting specialty license plate has not met the presale requirement, the department will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.⁵

If the Legislature has approved 150 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 150.⁶

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.⁷ Additionally, organizations

¹ Department of Highway Safety and Motor Vehicles, *2022 Legislative Bill Analysis for SB 364*, (November 5, 2021), p. 2 (on file in the Senate Committee on Transportation).

² Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08053(3)(a), F.S.

⁶ Section 320.08053(3)(b), F.S.

⁷ 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.⁸

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.⁹

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid 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 is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.¹⁰ In addition, the DHSMV is authorized to discontinue any specialty license plate 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.¹¹

However, effective July 1, 2023, the requirement increases so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida Professional Sports Team license plates established under s. 320.08058(9).¹²

Out-of-state Specialty License Plates

Three out-of-state specialty license plates are available through the DHSMV presale process. They are the University of Alabama, Auburn University, and the University of Georgia.¹³

⁸ Section 320.08062, F.S.

⁹ Section 320.08056(7), F.S.

¹⁰ Section 320.08056(8)(a), F.S.

¹¹ Section 320.08056(8)(b), F.S.

¹² Chapter 2020-181, s. 7, Laws of Fla.

¹³ *Supra* FN 1, at p. 3.

Existing Specialty License Plate

Live the Dream Specialty License Plate

Section 320.08058(47), F.S., provides for the distribution and use of the annual use fees for the Live the Dream plate. The annual use fees are to be used as follows:

- Up to five percent to administer, promote, and market the license plate;
- At least 60 percent must be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs that provide research, care, and treatment for sickle cell disease;
- At least 30 percent must be distributed to Chapman Partnership, Inc., for programs that provide relief from poverty, hunger, and homelessness; and
- Up to five percent may be distributed by the department on behalf of The Dream Foundation, Inc., to The Martin Luther King, Jr. Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

Community Organizations

Inter Miami CF

The Inter Miami CF Foundation Corporation¹⁴ is an organization which uses “the game of soccer as a catalyst for positive change in the South Florida community.” It focuses on education, inclusion, and wellness for kids and young adults in underserved communities. The Inter Miami CF Foundation Corporation uses the soccer club’s reach, expertise, and resources to strategically plan and execute sports-based development and direct-service community programs, initiatives, and events.¹⁵

Gloria M. Silverio Foundation

The Gloria M. Silverio Foundation, Inc.,¹⁶ is a nonprofit organization that is dedicated to saving the lives of newborns from the dangers of abandonment and assisting pregnant girls and women in crisis.¹⁷

Papanicolaou Corps for Cancer Research

The Papanicolaou Corps for Cancer Research, Inc.,¹⁸ is a nonprofit organization with approximately 20,000 members, which may be one of South Florida’s largest grassroots

¹⁴ Department of State, Sunbiz.org, Detail by Entity Name, *Inter Miami CF Foundation Corp.*, Document No. P20000013003. Throughout this analysis, references to Department of State, Division of Corporations documents filed by entities can be found by searching at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 21, 2022) by entity name or by document number.

¹⁵ See Department of State, Sunbiz.org, Detail by Entity Name, *Inter Miami CF Foundation Corporation, Articles of Incorporation*. The corporation is registered with the state as a for-profit corporation, but its articles state that it is a nonprofit, charitable organization. The filing with the state may be incorrect.

¹⁶ Department of State, Sunbiz.org, Detail by Entity Name, *Gloria M. Silverio Foundation, Incorporated*, Document No. N00000008496.

¹⁷ A Safe Haven for Newborns, *Our Mission*, <https://asafehavenfornewborns.com/what-we-do/our-mission/> (last visited January 21, 2022).

¹⁸ Department of State, Sunbiz.org, Detail by Entity Name, *Papanicolaou Corps for Cancer Research, Inc.*, Document No. N36411.

fundraising organization. Funds raised at their events benefit the Sylvester Comprehensive Cancer Center at the University of Miami, Miller School of Medicine. There, physicians and scientists work on groundbreaking research programs to eradicate all forms of cancer.¹⁹

Florida's Lifted Youth

The Florida's Lifted Youth Inc.,²⁰ is a nonprofit organization which assists children of fallen heroes and underprivileged youth to establish a career in aviation.²¹

Swimming Pool Education and Safety Foundation

The Swimming Pool Education and Safety Foundation, Inc., also known as Florida Swims Foundation,²² is a nonprofit organization that funds swimming lessons and distributes safety information throughout the state. The foundation awards scholarships to college students and provides grants for swimming lessons. The foundation also collaborates with local organizations, such as the YMCA and Boys & Girls Clubs, to bring water safety measures and swimming lessons to families with young children.²³

Florida Society for Ethical Ecotourism

In 1998, the CREW Land and Water Trust and the Florida Department of Environmental Protection Rookery Bay National Estuarine Research Reserve received a grant from the Advisory Council of Environmental Education, within the Florida Game and Fresh Water Fish Commission, to provide an educational workshop for ecotour providers of Southwest Florida. As a result of the grant, a day-long Southwest Florida Eco/Heritage Tourism Workshop took place in downtown Ft. Myers in which 85 people participated.²⁴

Following the workshop, a group of volunteers from Southwest Florida communities met and formed the Society for Ethical Ecotourism in Southwest Florida. In 2011 they changed their name to the Florida Society for Ethical Ecotourism, Inc.²⁵ The Florida Society for Ethical Ecotourism, Inc., is registered as an active nonprofit corporation with the DOS.²⁶

Paddle Florida

Paddle Florida, Inc., is a nonprofit corporation²⁷ organized to support canoeing and kayaking in Florida. The organization supports multi-day paddling/camping trips in each of Florida's five

¹⁹ The Pap Corps, <https://www.thepapcorps.org/> (last visited January 21, 2022).

²⁰ Department of State, Sunbiz.org, Detail by Entity Name, *Florida's Lifted Youth Inc.*, Document No. N21000003354.

²¹ See Department of State, Sunbiz.org, Detail by Entity Name, *Florida's Lifted Youth Inc.*, *Articles of Incorporation* (filed March 17, 2021).

²² Department of State, Sunbiz.org, Detail by Entity Name, *Swimming Pool Education And Safety Foundation Inc.*, Document No. N07000000242.

²³ Florida Swimming Pool Association, *SPESF*, <https://floridapoolpro.portals7.gomembers.com/About/FloridaSwimsFoundation.aspx> (last visited January 21, 2022).

²⁴ Florida Society for Ethical Ecotourism, *History of the "Florida Society for Ethical Ecotourism"*, <https://www.floridasee.com/docs/Florida%20SEE%20History.pdf> (last visited January 21, 2022).

²⁵ *Id.*

²⁶ Department of State, Sunbiz.org, Detail by Entity Name, *Florida Society for Ethical Ecotourism, Inc.*, Document No. N01000000235.

²⁷ Department of State, Sunbiz.org, Detail by Entity Name, *Paddle Florida, Inc.*, Document No. N11000000503.

water management districts, showcasing the state's natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection. Paddle Florida seeks to promote Florida as an international destination for nature-based tourism.²⁸

Our City Beautiful

Our City Beautiful, Inc., is a nonprofit organization²⁹ organized to bridge the gap in affordable housing for individuals with Intellectual and Physical disabilities through communities of tiny homes.³⁰

III. Effect of Proposed Changes:

CS/SB 364 amends s. 320.08053(2)(b), F.S., to reduce the minimum voucher sale requirement for all specialty license plates to 2,500, before manufacture of the license plate may commence. In addition, the bill directs the DHSMV to extend the presale period by an additional 24 months, from 24 months to 48 months, for an approved specialty license plate organization that, as of the date the bill becomes law, is in the presale period but has not recorded at least 2,500 voucher sales.

The bill amends s. 320.08056(12), F.S., to provide that independent colleges or universities opting to use the standard template specialty license plate will have their plate sales combined with previous individual independent college or university license plate sales for purposes of meeting the minimum license plate sales threshold of 1,000 sales for at least 12 consecutive months and license plate limits in statute.

Existing Specialty License Plate

Live the Dream Specialty License Plate

The bill amends s. 320.08058(47), F.S., to revise the distribution and use of the annual use fees. The annual use fees are to be used as follows:

- At least 40 percent must be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs that provide research, care, and treatment for sickle cell disease;
- At least ten percent must be used for programs and services provided directly by the Dream Foundation, Inc., which assist inmates released from the custody of a county jail in this state or a Department of Corrections facility in successfully reentering the community;
- At least 15 percent must be distributed as grants for programs and services throughout this state which assist inmates released from the custody of a county jail in this state or a Department of Corrections facility in successfully reentering the community; and
- At least 25 percent must be distributed as scholarships to graduating high school seniors in this state who have at least one parent or legal guardian who is incarcerated, for the purpose of attending a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center. Scholarships must be awarded

²⁸ Paddle Florida, <http://www.paddleflorida.org/> (last visited January 21, 2022).

²⁹ Department of State, Sunbiz.org, Detail by Entity Name, *Our City Beautiful, Inc.*, Document No. N19000002890.

³⁰ Our City Beautiful, *What We Are About*, <https://our-city-beautiful.com/who-we-are/> (last visited January 26, 2022).

through a competitive application process and fiscal oversight of the scholarship program must be performed by a certified public accounting firm.

New Specialty License Plates

Blue Angels Motorcycle License Plate

The bill amends s. 320.08058(79), F.S., to create a motorcycle license plate option for the Blue Angels license plate. Any department-approved image must be placed on the far left side of a plate for display on a motorcycle, and the number of valid plates issued for display on a motor vehicle or on a motorcycle must be added together to determine whether the plate must be discontinued.

Inter Miami CF License Plate

The bill creates the Florida Inter Miami CF license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Inter Miami CF” appears at the bottom of the plate.

The annual use fees are distributed to the Inter Miami CF Foundation Corporation, to be used as follows:

- Up to ten percent to promote and market the plate; and
- The remainder to plan and execute sports-based development and direct-service community programs, initiatives, and events.

Currently, it appears that Florida Inter Miami CF is registered with the state as a for-profit corporation, but its articles state that it is a nonprofit, charitable organization. The filing with the state may be incorrect.

Safe Haven for Newborns License Plate

The bill creates the Safe Haven for Newborns License Plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “A Safe Haven for Newborns” appears at the bottom of the plate.

The annual use fees are distributed to the Gloria M. Silverio Foundation, Incorporated, to be used as follows:

- Up to ten percent for marketing and administration of the plate; and
- The remainder to be used by the foundation to prevent infant abandonment through awareness, education, and direct assistance.

Pap Corps Champions for Cancer Research License Plate

The bill creates the Pap Corps Champions for Cancer Research license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “To Imagine and Help Create a World Without Cancer” appears at the bottom of the plate.

The annual use fees are distributed to the Papanicolaou Corps for Cancer Research, Inc., to be used as follows:

- Up to ten percent for promotion and marketing of the plate, and reimbursing the Pap Corps for administrative costs, startup costs, and costs incurred in the development and approval process of the plate; and
- The remaining funds must be distributed with the approval of and accountability to the board of directors of the Pap Corps and must be used to promote and support awareness of critical lifesaving cancer research by the Sylvester Comprehensive Cancer Center through education, outreach, and clinical research.

Learn to Fly License Plate

The bill creates the Learn to Fly license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Learn to Fly” appears at the bottom of the plate.

The annual use fees are distributed to the Florida’s Lifted Youth Inc., to be used as follows:

- Up to ten percent to promote and market the plate; and
- The remainder to be used by Florida’s Lifted Youth Inc., to assist underprivileged youth and the children of fallen heroes to establish careers in aviation.

Florida Swims License Plate

The bill creates the Florida Swims license plate. The plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Swim for Life” appears at the bottom of the plate.

The annual use fees are distributed to the Swimming Pool Education and Safety Foundation, Inc., doing business as Florida Swims, to be used as follows:

- Up to ten percent for administration, promotion, and marketing of the plate; and
- The remainder to be used by the Swimming Pool Education and Safety Foundation, Inc., to promote swimming pool and water safety and to provide grants and scholarships for childhood swimming lessons in this state.

Ethical Ecotourism License Plate

The bill creates the Florida Ethical Ecotourism license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate, and the words “Ethical Ecotourism” must appear at the bottom of the plate.

The annual use fees are distributed equally between the Florida Society for Ethical Ecotourism, Inc., and Paddle Florida, Inc., to be used as follows:

- Up to ten percent for administrative costs and to market the plate; and
- The remainder:
 - By Florida Society for Ethical Ecotourism, Inc., to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources; and

- By Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

Down Syndrome Awareness License Plate

The bill creates the Down Syndrome Awareness license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate, and the words “Down Syndrome Awareness” must appear at the bottom of the plate.

The annual use fees are distributed Our City Beautiful, Inc., to be used as follows:

- Up to ten percent for administrative costs and marketing of the plate;
- 50 percent to build and maintain HOLLAND, an affordable housing project for independent living for persons with Down syndrome or other intellectual disability;
- 15 percent for Our City Beautiful World Changer scholarships for Florida residents 18 years of age or older with Down syndrome who wish to further their education at postsecondary educational institutions located in this state; and
- 35 percent for grants to other nonprofit organizations within this state to support housing, educational scholarships, and employment assistance programs for persons with Down syndrome or other intellectual disability.

The bill directs the Division of Law Revision to replace the phrase “the effective date of this act” wherever it occurs in the bill with the date the bill becomes a law.

The bill has an effective date of upon becoming law.

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:

None.

E. Other Constitutional Issues:

None identified.

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

None. Section 320.08056(3)(d), F.S., currently provides that the annual use fee for a specialty license plate is \$25, except as otherwise provided.

B. Private Sector Impact:

Reduction of the minimum voucher sale requirement for all specialty license plates to 2,500, before manufacture of the license plate may commence, and the extension of the presale period by an additional 24 months, will allow more specialty license plates to meet the requirements for production and avoid deauthorization as required under s. 320.08053(2)(b), F.S.

Once a specialty license plate goes into production, organizations authorized for a distribution from the proceeds of the sale of the license plate will benefit.

Independent colleges and universities opting to use the standard template specialty license plate design will have their plate sales combined with previous individual independent college or university license plate sales for purposes of meeting the minimum license plate sales threshold of 1,000 sales for at least 12 consecutive months and license plate limits in statute and for meeting the 150 license plates in circulation. This may keep the independent colleges and universities specialty license plate from being discontinued as required under s. 320.08056(8)(a), F.S.

C. Government Sector Impact:

The DHSMV advised an update to internal procedures and instructions to organizations regarding specialty license plate requirements will be needed; however, there will be no programming costs incurred by the DHSMV.³¹

Programming will be required initially to allow the DHSMV to accept vouchers, but the DHSMV may not finalize a design or issue the new license plate if the 150 cap is reached prior to the license plate selling 2,500 vouchers. The amount of programming is determined by the number of plates and the number of distributions per plate.

The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.³²

VI. Technical Deficiencies:

None.

³¹ *Supra* FN 1, at p. 4.

³² Section 320.08056(7), F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08053, 320.08056 and 320.08058

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

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

CS by Transportation on January 25, 2022:

- Creates seven new specialty license plates;
- Creates one new motorcycle specialty license plate;
- Amends one existing specialty license plate;
- Amends the voucher sale requirement for all specialty license plates; and
- Amends how license plate sales numbers are calculated for independent colleges or universities opting to use the standard template specialty license plate for purposes of meeting the minimum license plate sales threshold of 1,000 sales for at least 12 consecutive months and license plate limits in statute.

B. Amendments:

None.