

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: SB 386

INTRODUCER: Senator Bradley

SUBJECT: Specialty License Plates/United Service Organizations

DATE: March 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Pre-meeting
2.			ATD	
3.			FP	

I. Summary:

SB 386 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a United Service Organizations specialty license plate. The annual use fee for the plate is \$25, which will be distributed to the United Service Organizations, a nonprofit corporation.

The DHSMV estimates programming and implementation of the plate will cost \$7,680.

The bill takes effect October 1, 2023.

II. Present Situation:

United Service Organizations (USO)

The USO is a nonprofit, charitable corporation established immediately prior to the onset of America’s involvement in World War II in 1941 “to lift the morale of our military and nourish support on the home front.”¹

Today the USO operates in over 250 locations around the world providing programs and services to deployed military service members and their families. These programs and services include:²

- Providing centers with free internet access or free calling cards to deployed service members in combat zones so they can reach out to their families;
- Delivering care packages to deployed service members;
- Organizing trademark USO entertainment tours for service members;
- Providing support to injured service members; and

¹ USO, *About Us - The Organization*, <https://www.uso.org/about> (last visited March 10, 2023).

² See USO, *Frequently Asked Questions - What programs and services does the USO offer?*, <https://www.uso.org/faq> (last visited March 10, 2023).

- Providing support to the families of fallen service members.

Specialty License Plates

As of January 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 35 are in the presale process.³ 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.⁴ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁵

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 presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁶

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale 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.⁷

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 presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV 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.⁸

If the Legislature has approved 135 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 135.⁹

³ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited March 10, 2023).

⁴ 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.

⁵ Section 320.08058, F.S.

⁶ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

⁷ Section 320.08053(2)(b), F.S.

⁸ Section 320.08053(3)(a), F.S.

⁹ Section 320.08053(3)(b), F.S.

Use of Specialty License Plate Fees

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.¹⁰ Additionally, organizations 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.¹¹

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.¹² Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹³

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.¹⁴ 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.¹⁵

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), F.S.¹⁶

¹⁰ Section 320.08056(10)(a), F.S.

¹¹ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

¹² Section 320.08056(10)(a), F.S.

¹³ Section 320.08056(11), F.S.

¹⁴ Section 320.08056(8)(a), F.S.

¹⁵ Section 320.08056(8)(b), F.S.

¹⁶ Chapter 2020-181, s. 7, Laws of Fla.

III. Effect of Proposed Changes:

The bill amends, s. 320.08058, F.S., to authorize the DHSMV to create a United Service Organizations specialty license plate. The annual use fee for the plate is \$25, which is distributed to United Service Organizations, a nonprofit corporation.

The plate must bear the colors and design approved by the department, with the word “Florida” at the top of the plate and the words “United Services Organizations” at the bottom of the plate.

The plate will be added to the DHSMV presale voucher process, but will not be produced unless the presale requirement of 3,000 vouchers is met and the 135 plate cap has not been reached.

The bill takes effect October 1, 2023.

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.

B. Private Sector Impact:

If the specialty license plate is produced, the United Service Organizations will receive annual use fees associated with sales of the plate.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of the plate will cost \$7,680.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not specify the allowed use of fees received by the organization for the plate proceeds. The bill also does not specify the percentage of annual use fee revenues the organization may use for administrative and marketing purposes.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

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.

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

¹⁷ DHSMV, 2023 Agency Legislative Bill Analysis - SB 386 (February 10, 2023).