

**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 Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: SB 244

INTRODUCER: Senator Hooper

SUBJECT: Specialty License Plates/Clearwater Marine Aquarium

DATE: January 11, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<b>Favorable</b>
3.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 244 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate for Clearwater Marine Aquarium. The annual use fee for the plate is \$25.

Proceeds of the sale of the Clearwater Marine Aquarium specialty license plate will be distributed to Clearwater Marine Aquarium, Inc. The organization may use up to ten percent of proceeds to promote, administer, and market the plate. The remaining funds must be used to fund its efforts to rescue, rehabilitate, and release marine life; provide environmental education; conduct research; and promote conservation strategies.

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

The bill takes effect October 1, 2024

**II. Present Situation:**

**Clearwater Marine Aquarium**

Clearwater Marine Aquarium, Inc. is a Florida not-for-profit corporation registered with the Florida Department of State.<sup>1</sup> The organization’s website includes the following mission statement: “We believe in preserving our environment while inspiring the human spirit through leadership in the rescue, rehabilitation, and release of marine life; environment education; research; and conservation.”<sup>2</sup>

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<sup>1</sup> Florida Department of State: Division of Corporations, *Clearwater Marine Aquarium, Inc.* Sunbiz.org, Document number 722979 (October 27, 2023).

<sup>2</sup> *Id.*

The organization was founded in 1972 by a group of volunteers who were passionate about marine life and wanted to help educate the community of Clearwater.<sup>3</sup>

### Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.<sup>4</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>5</sup> 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.<sup>6</sup>

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.<sup>7</sup>

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.<sup>8</sup>

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.<sup>9</sup>

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.<sup>10</sup>

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<sup>3</sup> Clearwater Marine Aquarium, *50 Years of Marine Conservation*, [50 Years of Marine Conservation - Clearwater Marine Aquarium \(cmaqarium.org\)](https://www.cmaqarium.org) (last visited October 27, 2023).

<sup>4</sup> 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](https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf) (last visited October 10, 2023).

<sup>5</sup> 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.

<sup>6</sup> Section 320.08058, F.S.

<sup>7</sup> 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.

<sup>8</sup> Section 320.08053(2)(b), F.S.

<sup>9</sup> Section 320.08053(3)(a), F.S.

<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup>

### *Discontinuance of Specialty Plates*

Prior to June 30, 2023, the DHSMV was required to 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 was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement.<sup>15</sup> In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>16</sup>

However, effective July 1, 2023, the requirement increased 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.<sup>17</sup>

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<sup>11</sup> Section 320.08056(10)(a), F.S.

<sup>12</sup> 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.

<sup>13</sup> Section 320.08056(10)(a), F.S.

<sup>14</sup> Section 320.08056(11), F.S.

<sup>15</sup> Section 320.08056(8)(a), F.S.

<sup>16</sup> Section 320.08056(8)(b), F.S.

<sup>17</sup> 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 new specialty license plate for the Clearwater Marine Aquarium. The annual use fee for the plate is \$25. 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 “Clearwater Marine Aquarium” at the bottom of the plate.

Proceeds from the sale of the plate will be distributed to Clearwater Marine Aquarium, Inc. The organization may use up to 10 percent of the fees for the administration, promotion, and marketing of the plate. The remaining fees must be used by the Clearwater Marine Aquarium, Inc., to fund its efforts to rescue, rehabilitate, and release marine life; provide environmental education; conduct research; and promote conservation strategies.

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, 2024.

**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 Clearwater Marine Aquarium 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.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**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.

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

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<sup>18</sup> DHSMV, *2024 Legislative Bill Analysis: SB 244* (November 3, 2023) at p. 5.