

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 387 Specialty License Plate Fees

SPONSOR(S): Transportation & Infrastructure Subcommittee, Hogan Johnson and others

TIED BILLS: HB 1135 **IDEN./SIM. BILLS:** SB 414

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	15 Y, 0 N, As CS	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee	10 Y, 0 N	Hicks	Davis
3) State Affairs Committee			

SUMMARY ANALYSIS

There are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional annual 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.

HB 1135 (2020), which this bill is linked to, creates various specialty license plates and provides for the design of each plate and the use of the annual use fees associated with each plate.

This bill provides that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, the annual use fee of \$25 will be charged for any specialty license plate that is required to be developed. The bill also establishes an annual use fee of \$50 for the Auburn University, the University of Georgia, and the University of Alabama specialty license plates, respectively.

The bill does not have a fiscal impact on state or local governments.

This bill will take effect on the same date that HB 1135 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

This bill authorizes a new state fee, requiring a two-thirds vote of the membership of the House. See Section III.A.2. of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Legislation Imposing or Raising State Fees or Taxes

The Florida Constitution provides that no state tax or fee may be imposed, authorized, or raised by the Legislature except through legislation approved by two-thirds of the membership of each house of the Legislature.¹ For purposes of this requirement, a “fee” is any charge or payment required by law, including any fee or charge for services and fees or costs for licenses and to “raise” a fee or tax means to:²

- Increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;
- Increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or
- Decrease or eliminate a state tax or fee exemption or credit.

A bill that imposes, authorizes, or raises any state fee or tax may only contain the fee or tax provision(s) and may not contain any other subject.³

The constitutional provision does not authorize any state tax or fee to be imposed if it is otherwise prohibited by the constitution and does not apply to any tax or fee authorized or imposed by a county, municipality, school board, or special district.⁴

Specialty License Plates

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.⁵ 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. A vehicle registered under the International Registration Plan, a commercial truck required to display two license plates, or a truck tractor are not eligible for specialty license plates.⁶

Organizations in receipt of specialty license plate revenue must adhere to certain accountability requirements found in statute. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable statutes.⁷ 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.⁸

HB 1135 (2020), which this bill is linked to, creates 21 new license plates and provides for their design and the use of their annual use fees.

¹ Fla. Const. art. VII, s. 19(a)-(b). The amendment appeared on the 2018 ballot as Amendment 5.

² Fla. Const. art. VII, s. 19(d).

³ Fla. Const. art. VII, s. 19(e).

⁴ Fla. Const. art. VII s. 19(c).

⁵ The annual use fees for specific specialty license plates are provided in s. 320.08056(4), F.S.

⁶ Section 320.08056(2), F.S.

⁷ Section 320.08062, F. S.

⁸ Section 320.08056(10)(a), F.S.

Proposed Changes

The bill amends s. 320.08056, F.S., providing that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, an annual use fee of \$25 will be charged for any specialty license plate that is required to be developed pursuant to s. 320.08058, F.S.

The bill also establishes an annual use fee of \$50 for the Auburn University, University of Georgia, and the University of Alabama specialty license plates, respectively.

B. SECTION DIRECTORY:

Section 1 amends s. 320.08056, F.S., relating to specialty license plates.

Section 2 provides that this act takes effect on the same date that HB 1135 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, the bill appears to implicate Article VII, s. 19 of the Florida Constitution because the bill authorizes a \$25 fee for specialty license plates and a \$50 fee for specialty license plates for out-of-state universities.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 21, 2020, the Transportation & Infrastructure Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The bill, as originally filed, provided for a \$25 annual use fee for the Highwaymen specialty license plate. The PCS provided that unless the amount of an annual use fee is specified in statute, the annual use fee would be \$25. The PCS also established a \$50 annual use fee for the Auburn University, University of Georgia, and University of Alabama specialty license plates.

This analysis is drafted to the committee substitute as approved by the Transportation & Infrastructure Subcommittee.