

**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 Transportation

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BILL: SPB 7072

INTRODUCER: For consideration by the Transportation Committee

SUBJECT: Specialty License Plates

DATE: March 24, 2015

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

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Jones	Eichin		<b>Pre-meeting</b>

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**I. Summary:**

SPB 7072 removes certain requirements for establishing a specialty license plate, and directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop 12 new specialty license plates. The bill provides an established annual use fee for each plate, and provides for the distribution of the annual use fees.

The bill raises the minimum pre-sale requirement for a new specialty license plate from 1,000 to 4,000 vouchers. Further, it provides that, beginning July 1, 2020, the DHSMV must discontinue the issuance of a specialty license plate if the number of such specialty plate registrations falls below 4,000 for at least 12 consecutive months.

Additionally, the bill removes three specialty license plates that have been discontinued by the DHSMV, and provides conforming cross-references to reflect the changes made in this bill.

**II. Present Situation:**

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

The specialty plate application process, as it existed in 2009, was found to be unconstitutional.<sup>3</sup> That process included an application fee and a short and long-term marketing strategy. The pre-

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<sup>1</sup> Section 320.08056, F.S.

<sup>2</sup> Section 320.08058, F.S.

<sup>3</sup> Middle District Court of Florida (Orlando Division), Mar. 30, 2011, Case No. 6:09-cv-134-Orl-28KRS

sale methodology, established in 2010<sup>4</sup>, replaced the application process. However, the application process including the fee and marketing strategy language still exists in statute.<sup>5</sup>

Currently, the recognized process for establishing a specialty license plate requires the plate to first be approved by law. Upon being approved by law:

- 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 approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirements have not been met, the department will de-authorize the specialty plate, discontinue development, and discontinue issuance of the pre-sale voucher.

### **DHSMV Costs Defrayed**

The DHSMV retains sufficient annual use fees, from the sale of the specialty license 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>

### **Discontinuance of Specialty Plate**

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate 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 plate registrations is below 1,000 plates. Collegiate plates are exempt from the 1,000 minimum plate requirement.<sup>7</sup> Additionally, the specialty license plate must be discontinued 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.<sup>8</sup>

Organizations must adhere to certain accountability requirements, including an annual attestation document affirming that funds received have been spent in accordance with applicable statutes.<sup>9</sup>

### **Moratorium**

Currently, there is a statutory moratorium on the issuance of new specialty license plates. Except for a specialty license plate proposal which has submitted a letter of intent to the DHSMV prior

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<sup>4</sup> Ch. 2010-223, s. 22, Laws of Fla.

<sup>5</sup> See s. 320.08053(1), F.S.

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

<sup>7</sup> Section 320.08056(8)(a), F.S.

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

<sup>9</sup> Section 320.08062, F.S.

to May 2, 2008, and which has submitted a survey, marketing strategy, and application fee prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the DHSMV may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, F.S., between July 1, 2008, and July 1, 2016.<sup>10</sup> However, in recent years the Legislature has approved numerous new specialty license plates by notwithstanding the moratorium provisions.

## **Organizations**

### ***Bonefish and Tarpon Trust***<sup>11</sup>

The Bonefish and Tarpon Trust is a non-profit organization dedicated to conserving and enhancing global bonefish, tarpon, and permit fisheries and their environments. The Trust does this through stewardship, research, education, and advocacy, including funding studies and providing educational materials to the public and fisherman on bonefish, tarpon, and permit fisheries. The Trust also works with regulatory authorities and the public to ensure protection of these species is enforced.

### ***Rotary's Camp Florida***<sup>12</sup>

Rotary's Camp Florida is a non-profit organization providing camping facilities to children and adults with special needs. The facility is a 21-acre camp located in Brandon, Florida, which provides user groups with clean, safe, and barrier-free camping. The facility meets the full standards of the Americans with Disabilities Act. Half of the cost to rent the camp is paid by the disability user group and half is subsidized by Rotary Clubs throughout Florida. There is no charge to a child attending the camp.

### ***Olivia's Angels Foundation, Inc. (Support Down Syndrome)***<sup>13</sup>

Olivia's Angels Foundation is a Florida non-profit organization focused on education, awareness, and support for the Down Syndrome community. Its stated mission is to bring awareness of challenges associated with Down Syndrome, faced by parents and caretakers, through the development of advocacy programs and funding support for self-sustenance educational programs.

### ***Statewide Council on Human Trafficking (Safe and Free Florida)***

The Statewide Council on Human Trafficking is a 15-member council chaired by Florida's Attorney General.<sup>14</sup> The council was created by legislation passed in 2014, and is outlined in

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<sup>10</sup> Section 45, ch. 2008-176, Laws of Fla., as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Fla.

<sup>11</sup> See Bonefish & Tarpon Trust website at <https://www.bonefishtarpontrust.org/> (last visited Mar. 20, 2015).

<sup>12</sup> See Rotary's Camp Florida website at <http://www.rotaryscampflorida.org/> (last visited Mar. 20, 2015).

<sup>13</sup> See Olivia's Angels Foundation website at <http://www.oafl.org/> (last visited Mar. 20, 2015).

<sup>14</sup> Office of the Attorney General, *Statewide Council on Human Trafficking*, <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72> (last visited Mar. 20, 2015).

s. 16.617, F.S.<sup>15</sup> Membership includes law enforcement, prosecutors, legislators, and experts in the fields of health, education, and social services. The council's purpose is to:

- Develop recommendations for comprehensive programs and services for victims of human trafficking;
- Make recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Hold an annual statewide policy summit with an institute of higher learning;
- Work with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county; and
- Develop policy recommendations that further the efforts to combat human trafficking in this state.

***Florida Caribbean, Haitian, and Jamaican Organizations (Sun Sea Smiles)***

The Florida Caribbean Charitable Foundation, Inc., a civic and social organization, is a domestic non-profit corporation located in North Miami Beach, established in 2007.

American Friends of Jamaica, Inc., is a non-profit organization “dedicated to supporting Jamaican charitable organizations and social initiatives targeted at improving the lives of Jamaicans through Systemic development in the areas of education, healthcare, and economic development.”<sup>16</sup>

The mission of Haitian Neighborhood Center Sant La, Inc., is to “empower, strengthen, and stabilize South Florida’s Haitian community, through access for free services and resources, to ensure its successful integration.”<sup>17</sup> This is accomplished through services such as citizenship assistance, college scholarships, community outreach, employment services, community partnerships, and educational services.<sup>18</sup>

Fanm Ayisyen nan Miyami, Inc., also known as Haitian Women of Miami, has a mission to empower Haitian women and their families socially and politically, and to facilitate their adjustments to South Florida.<sup>19</sup> The organization has provided counseling, outreach, education, and access to care and advocacy service to low and moderate-income families for the last 16 years.<sup>20</sup>

The Greater Caribbean American Cultural Coalition, Inc., is “an umbrella organization serving the Caribbean people and other members of the community, by bringing together the various Caribbean countries and islands, and their rich cultural heritage.”<sup>21</sup> The coalition’s mission is to

<sup>15</sup> Ch. 2014-161, s. 6, Laws of Fla.

<sup>16</sup> See The American Friends of Jamaica website at: <http://www.theamericanfriendsofjamaica.org/> (last visited Mar. 21, 2015).

<sup>17</sup> See Haitian Neighborhood Center Sant La website at <http://santla.org> (last visited Mar. 21, 2015).

<sup>18</sup> *Id.*

<sup>19</sup> See Fanm Ayisyen Miyami website at <http://www.fanm.org/> (last visited Mar. 21, 2015).

<sup>20</sup> *Id.*

<sup>21</sup> See Greater Caribbean American Cultural Coalition website at <http://unifestlive.com/about-gcacc/> (last visited Mar. 21, 2015).

enrich the cultural environment by fostering multicultural understanding through an appreciation of Caribbean cultures.<sup>22</sup>

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, established in 2010 to provide assistance, guidance, and programs to the youth of Little Haiti.<sup>23</sup> The mission of the foundation is “to make a difference in the lives of youth by providing education, mentorship, athletics, arts and cultural programming.”<sup>24</sup>

***Take Stock in Children, Inc.***<sup>25</sup>

Take Stock in Children, Inc., is a non-profit organization in Florida, established in 1995, that offers low-income students volunteer mentors and college scholarships. The organization works with low-income and at-risk students starting in middle school, through high school, and their transition into college, to provide support, motivation, and accountability. To date, Take Stock in Children has served over 24,000 children throughout Florida, has over 8,200 mentors, and is the largest non-profit purchaser of Florida Prepaid Foundation Scholarships.

***Paddle Florida, Inc.***<sup>26</sup>

Paddle Florida, Inc., is a non-profit organization that supports canoeing and kayaking in Florida. The organization holds events to “expose paddlers to Florida’s natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection.” Paddle Florida also promotes Florida as an international destination for nature-based tourism, by providing trips featuring Florida’s most scenic rivers, canoe trails, and coastal environments.

***Orlando City Soccer Club***<sup>27</sup>

The Orlando City Soccer Club is a professional Major League Soccer team based in Orlando, Florida. The team was formed in 2010, and became the league’s twenty-first franchise on November 19, 2013.

***Southeastern Guide Dogs, Inc.***<sup>28</sup>

Southeastern Guide Dogs, Inc., is a non-profit organization located in Palmetto, Florida. The organization is accredited by the International Guide Dog Federation and Assistance Dogs International. It was founded in 1982, and “employs the latest in canine development and behavior research to create and nurture partnerships between visually impaired individuals and extraordinary guide dogs.” Southeastern Guide Dogs has matched over 2,700 guide dogs with individuals, and continues to place more than 100 dogs each year to help people with visual impairments, and veterans. The charity provides its services free of charge and receives no government funding.

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<sup>22</sup> *Id.*

<sup>23</sup> See The Little Haiti Optimist Foundation website at <http://www.littlehaitioptimist.org/> (last visited Mar. 21, 2015).

<sup>24</sup> *Id.*

<sup>25</sup> See Take Stock in Children website at <http://www.takestockinchildren.org/index> (last visited Mar. 21, 2015).

<sup>26</sup> See Paddle Florida website at <http://www.paddleflorida.org/> (last visited Mar. 21, 2015).

<sup>27</sup> See Orlando City Soccer Club website at <http://www.orlandocitysc.com/> (last visited Mar. 21, 2015).

<sup>28</sup> See Southeastern Guide Dogs website at <http://www.guidedogs.org/> (last visited Mar. 21, 2015).

***Ducks Unlimited, Inc.***<sup>29</sup>

Ducks Unlimited, Inc., is a non-profit and volunteer-based organization whose mission is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl. Ducks Unlimited is the world's largest and most effective waterfowl and wetlands conservation organization. In the past fiscal year, 82 percent of the organization's expenditures went to waterfowl and wetlands conservation and education. The organization currently has habitat projects in all 50 states, every Canadian province, and key areas of Mexico.

***Team Hammy***<sup>30</sup>

Team Hammy is an organization created in the name of Hamilton Vance Paris, who was diagnosed with amyotrophic lateral sclerosis (ALS) in July of 2010. Team Hammy strives to bring awareness, education, and hope to people with ALS and their families through fundraising and participating in events.

***Florida National Park Association, Inc.***<sup>31</sup>

The Florida National Park Association, also known as the Everglades Association, is a non-profit organization founded in 1951 to support educational, interpretive, and historical and scientific research responsibilities to help support the Everglades National Park, Big Cypress National Preserve, Biscayne National Park, and Dry Tortugas National Park. The association has provided more than 2.5 million dollars in aid to the National Park Service areas of south Florida.

**III. Effect of Proposed Changes:**

The bill removes specialty license plate application requirements listed in s. 320.08053(1), F.S., which includes:

- A request from an organization to the DHSMV to establish a new specialty license plate;
- A marketing strategy outlining short and long-term marketing plans for the specialty plate;
- A financial analysis outlining the anticipating revenues and planned expenditures to be derived from the sale of the plate; and
- An application fee.

Three specialty license plates are removed from statute because they have been discontinued by the DHSMV for failure to maintain 1,000 active plates or not meeting pre-sale requirements. Those plates are the:

- Corrections Foundation license plate;
- Children First license plate; and
- Veterans of Foreign Wars license plate.

The minimum pre-sale requirement for a new specialty license plate is changed from 1,000 plates to 4,000 plates. Beginning, July 1, 2020, the DHSMV must discontinue the issuance of an

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<sup>29</sup> See Ducks Unlimited website at <http://www.ducks.org/> (last visited Mar. 21, 2015).

<sup>30</sup> See Team Hammy website at <http://teamhammy.org/about-us/> (last visited Mar. 21, 2015).

<sup>31</sup> See Florida National Parks Association, *Everglades Association* website at <http://www.evergladesassociation.org/index.html> (last visited Mar. 21, 2015).

approved specialty plate if the number of valid specialty plate registrations falls below 4,000 plates for at least 12 consecutive months.

Additionally, the bill directs the DHSMV to establish 12 new specialty plates, each having an annual use fee of \$25.

### **Proposed Specialty Plates**

#### ***Bonefish and Tarpon Trust License Plate***

Specialty plate annual use fees will be distributed to the Bonefish Tarpon Trust to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments.

#### ***Rotary's Camp Florida***

Specialty plate annual use fees will be distributed to Rotary's Camp Florida to be used as grants for Florida Rotary Districts that provide camp services to children throughout Florida, and direct support to the programs and services provided to children who attend the camp.

#### ***Support Down Syndrome***

Specialty plate annual use fees will be distributed to Olivia's Angels Foundation, Inc., to fund its activities, programs, and projects within the state.

#### ***Safe and Free Florida***

Specialty plate annual use fees will be distributed to the Statewide Council on Human Trafficking, to distribute to nongovernmental, not-for-profit agencies within each Florida county which assists sexually abused, exploited, or trafficked victims. Funds may not be distributed to an agency that charges victims for services received. An agency receiving such funds must use them to provide material needs, detoxification services, prenatal and postnatal care, safe houses or recovery care centers, or counseling programs for victims.

#### ***Sun Sea Smiles***

Specialty plate annual use fees will be distributed as follows:

- 5 percent to the Florida Caribbean Charitable Foundation, Inc., strictly for marketing the specialty license plate;
- 30 percent to the Florida Caribbean Charitable Foundation, Inc., to be used for a college scholarship program, promotion of health and wellness among Florida residents of Caribbean descent, and to promote awareness of Caribbean culture within the state;
- 20 percent to the American Friends of Jamaica, Inc., for use as grants to promote social and community development among Florida residents;
- 10 percent to the Haitian Neighborhood Center Sant La, Inc., to promote social and community development;
- 10 percent to Fanm Ayisyen Nan Miyami, Inc., to promote social and community development;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state; and

- 5 percent to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state.

***Take Stock in Children***

Specialty plate annual use fees will be distributed to Take Stock in Children, Inc., to fund its activities, scholarship and mentoring programs, and projects.

***Paddle Florida***

Specialty plate annual use fees will be distributed to Paddle Florida, Inc., to be used by the Florida Forever grant program to support activities that further outdoor recreation and natural resource protection.

***Orlando City Soccer Club***

Specialty plate annual use fees will be deposited into the Professional Sports Development Trust Fund within the Department of Economic Opportunity to attract and support major sports events in the state, and to promote the economic development of the sports industry.

***Dogs Making a Difference***

Specialty plate annual use fees will be distributed to Southeastern Guide Dogs for the training and promotion of dogs for use by veterans and citizens who are blind.

***Ducks Unlimited***

Specialty plate annual use fees will be distributed to Ducks Unlimited, Inc., to support the organization's mission and efforts for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

***Team Hammy***

Specialty plate annual use fees will be distributed to Team Hammy, Inc., to grant wishes to families living with ALS, provide continuing education to caretakers and physicians, and create awareness of ALS in the community.

***Florida Bay Forever***

Specialty plate annual use fees will be distributed to the Florida National Park Association, Inc., to supplement the Everglades National Park service's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

Except as otherwise expressly provided, this act takes effect July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.



B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who choose to purchase a specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees. The organization designated to receive those fees, after retention of funds by the DHSMV, will receive revenue from each purchase.

Proposed specialty plates must meet the new minimum pre-sale requirements. Furthermore, existing specialty plates that do not meet the new minimum sale requirements by July 1, 2020, will be discontinued by the DHSMV.

C. Government Sector Impact:

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.

The DHSMV will incur minimal, non-recurring programming costs to implement the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08053, 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.)

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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