

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 1154

INTRODUCER: Senator Perry

SUBJECT: License Plate Decals for Organ Donors

DATE: February 2, 2018

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Jones | Miller | TR | Pre-meeting |
| 2. | | | ATD | |
| 3. | | | AP | |

I. Summary:

SB 1154 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a red heart decal, upon request, to the owner or lessee of a motor vehicle who is registered as an organ, tissue, or eye donor. The decal shall be issued free of charge, and it may be affixed to the upper left-hand corner of the owner's or lessee's motor vehicle license plate.

DHSMV will incur costs associated with the creation and distribution of the heart decal, and for programming and implementation of the bill. *See* V. Fiscal Impact Statement.

The bill takes effect July 1, 2018.

II. Present Situation:

Organ Donation in Florida

In 2008, the Legislature found that a shortage of organ and tissue donors existed in Florida, and there was a need for a statewide donor registry with online registration and enhanced donor education. The donor registry is designated as the Joshua Abbott Organ and Tissue Registry.¹ The Agency for Healthcare Administration (AHCA) and DHSMV contracted with Donate Life Florida to run the donor registry and maintain donor records.² The registry collects personal information from each donor including, but not limited to, his or her name, address, date and place of birth, race, and driver's license or identification card number.³

¹ Chapter 2008-223, L.O.F.

² Donate Life Florida, *About Donate Life Florida*, available at <https://www.donatelifeflorida.org/content/about/> (last visited Feb. 2, 2018). Section 765.5155, F.S.

³ Donate Life Florida, *Sign Me Up Today*, available at <https://www.donatelifeflorida.org/register/> (last visited Feb. 2, 2018).

As of February 2016, over 9.9 million Floridians have registered in the donor registry.⁴ Information held in the donor registry which identifies a donor is confidential and exempt from the state's public records laws.⁵ Donor information may be disclosed to:

- Procurement organizations certified by the AHCA; and
- Persons engaged in bona fide research if the person agrees to certain criteria.⁶

Pursuant to s. 765.521, F.S., a person is asked if he or she would like to register as an organ donor while obtaining, renewing, or replacing his or her driver license or identification card. A person who signs up to be an organ donor during this process has a red heart printed on his or her driver license or identification card to symbolize that he or she is an organ donor. As of November 19, 2017, there were 8,173,634 Florida driver licenses and identification cards with the organ donor designation.⁷

License Plate Decals

Section 320.061, F.S., prohibits a person from altering the original appearance of a license plate or validation sticker, as well as prohibits a person from applying or attaching anything onto or around a license plate which interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate. Currently, validation stickers are the only decal authorized to be placed on a license plate and must be affixed to the upper right corner of the license plate.⁸ DHSMV is required to provide tax collectors and license plate agents with the necessary number of validation stickers.⁹

III. Effect of Proposed Changes:

The bill creates s. 320.0849, F.S., requiring the DHSMV to issue a red heart decal, upon request, to the owner or lessee of a motor vehicle who is registered as an organ, tissue, or eye donor. The decal shall be issued free of charge, and it may be affixed to the upper left-hand corner of the owner's or lessee's motor vehicle license plate.

The demand for the decals is unknown. The DHSMV will acquire the decals and distribute them to over 350 tax collector offices and license plate agents throughout the state. Additionally, changes made by the bill may require marketing and communication with the public by the DHSMV with assistance from Donate Life Florida.¹⁰

The bill takes effect July 1, 2018.

⁴ Donate Life Florida, Total Registrants as of February 2018, available at <https://www.donateliflorida.org/> (last visited Feb. 1, 2018).

⁵ Section 119.07(1), F.S., and FLA. CONST. art. I, s. 24(a).

⁶ Section 765.51551, F.S. The person must submit a research plan to the AHCA detailing the exact nature of the information requested and intended use, maintain the confidentiality of the information, destroy any confidential records or information obtained after the research is concluded, and not directly or indirectly contact any donor or donee.

⁷ DHSMV, *2018 Agency Legislative Bill Analysis HB 685/SB 1154* (Jan. 31, 2018) (on file with the Senate Committee on Transportation).

⁸ Section 320.06(1)(b)1., F.S.

⁹ Section 320.06(2), F.S.

¹⁰ DHSMV Analysis, *supra* note 7 at p. 6.

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:

The bill does not appear to have a fiscal impact on the private sector, but may increase public awareness of organ donation.

C. Government Sector Impact:

The bill will have an indeterminate, but likely significant negative fiscal impact to the DHSMV. Currently, the DHSMV pays \$.0575 for each validation sticker purchased. It is unknown if the heart decal will have a similar cost. If all individuals who are registered as an organ donor through the DHSMV requested one decal, at a cost to the DHSMV of \$.0575, the decals would cost the DHSMV \$469,984.¹¹ It is unlikely that every organ donor registered with the DHSMV owns or leases a vehicle and would request the heart decal, however, registered donors who request the decal may own or lease multiple vehicles or request a new decal upon acquiring a new license plate or to replace a damaged or stolen decal.

In addition to inventory costs, the DHSMV estimates the bill will cost \$25,305 for programming and implementation.¹²

VI. Technical Deficiencies:

None.

¹¹ DHSMV Analysis, *supra* note 7 at p. 2.

¹² DHSMV Analysis, *supra* note 7 at p. 4.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 320.0849 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.
