

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 201 Specialty License Plate Fees
SPONSOR(S): Hogan Johnson, Delores and others
TIED BILLS: CS/HB 199 **IDEN./SIM. BILLS:** SB 482

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
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 to statutorily designated organizations in support of a particular cause or charity.

CS/HB 199 (2019), which this bill is linked to, creates the Highwaymen specialty license plate and provides for the design of the plate and the use of the annual use fees associated with the plate.

The bill provides an annual use fee of \$25 for the Highwaymen specialty license plate.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Specialty License Plates

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and ten 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.¹ 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.²

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.³ 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.⁴

Highwaymen

From the early 1950s through the 1980s, a group of 26 African-American artists known as the "Florida Highwaymen" used vivid and bright colors to display the beautiful untouched Florida landscape. The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately \$25 apiece. Currently, the market for an original work of art by a Florida Highwayman can bring \$5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.⁵

CS/HB 199 (2019)

CS/HB 199 (2019), which this bill is linked to, creates the Highwaymen specialty license plate and provides for the design of the plate and the use of the annual use fees associated with the plate.

The bill directs the annual use fees to be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the license plate. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate and shall use the remainder of the fees as specified below.

Before completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 15 percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.

¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Images*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 24, 2019).

² Section 320.08056(2), F.S.

³ Section 320.08062, F. S.

⁴ Section 320.08056(10)(a), F.S.

⁵ Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited January 24, 2019).

Upon completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 10 percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

Proposed Changes

The bill provides that the annual use fee for the Highwaymen specialty license plate is \$25.

B. SECTION DIRECTORY:

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

Section 2: Provides that the act shall take effect on the same day that CS/HB 199 or similar legislation takes effect.

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:

Revenue from the sale of the Highwaymen specialty license plate will benefit the St. Lucie Education Foundation, Inc., and the construction and operation of the Highwaymen Museum and African-American Cultural Center.

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, Art. VII, s. 19 of the Florida Constitution may apply if the fee provisions in the bill are interpreted to be a new fee.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES