

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1588

SPONSOR: Transportation Committee and Senator Constantine

SUBJECT: Specialty license plates

DATE: March 29, 2004

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
3.	<u>Weaver</u>	<u>Kelly</u>	<u>ATD</u>	<u>Favorable</u>
4.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This CS clarifies that “scientific sample survey” means information gathered from a representative subset of the population as a whole and modifies the requirements for specialty license plates to require a scientific sample survey indicating 30,000 motor vehicle owners intend to purchase the proposed plate rather than 15,000 motor vehicle owners. In addition, the CS requires the Auditor General to validate the methodology, results, and any evaluation by the department of the scientific sample survey prior to the submission of the specialty license plate for approval by the Legislature.

The CS also modifies existing law to discontinue an approved specialty license plate (even collegiate specialty plates) if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. The CS also provides for a warning letter to be mailed to the sponsoring organization following the first month the total number falls below 1,000 plates.

This CS substantially amends ss. 320.08053 and 320.08056 of the Florida Statutes.

## II. Present Situation:

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 91 more specialty license plates.

Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in

addition to required license taxes and service fees, are distributed to an organization or organization in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed \$60,000, to defray the Department of Highway Safety and Motor Vehicle's (DHSMV) cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee will be refunded to the requesting organization.

Section 320.08056, F.S., provides that the DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by the DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of the DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded. To date, only three plates have ever been

discontinued for lack of sales. These plates are the Girl Scouts plate, the Orlando Predators plate, and the Tampa Bay Storm plate.

Annual use fees or any interest earned from those fees may not be used for commercial or for-profit activities, or for general administrative expenses (except as specifically authorized or to pay the cost of the audit or report required to ensure the proceeds are used as authorized).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from the DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 93 specialty license plates to date. Sales of specialty license plates generated more than \$24 million in annual use fee revenues in 2002, and more than \$24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than \$225 million.

### III. Effect of Proposed Changes:

**Section 1** amends s. 320.08053(1), F.S., to clarify "scientific sample survey" means information gathered from a representative subset of the population as a whole and further modifies the requirements for specialty license plates to require a scientific sample survey indicating 30,000 motor vehicle owners intend to purchase the proposed plate rather than 15,000 motor vehicle owners. Also, the CS requires the Auditor General to validate the methodology, results, and any evaluation by the department of the scientific sample survey prior to the submission of the specialty license plate for approval by the Legislature.

**Section 2** amends s. 320.08056(8), F.S., to discontinue an approved specialty license plate (even collegiate specialty plates) if the number of valid specialty plate registrations, including annual renewals, falls below 1,000 plates for at least 12 consecutive months. The CS also provides for a warning letter to be mailed to the sponsoring organization following the first month the total number falls below 1,000 plates.

**Section 3** provides for an effective date of July 1, 2004.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This CS would affect organizations seeking authorization for specialty license plates. Additionally, this CS would affect organizations receiving proceeds from annual use fees of specialty license plates which are discontinued for failure to issue 1,000 plates, including renewals, for at least 12 consecutive months.

C. Government Sector Impact:

According to the DHSMV, this CS has no fiscal impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.