

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.)

Prepared By: Transportation Committee

BILL: CS/SB 136

INTRODUCER: Transportation Committee and Senator Bullard

SUBJECT: Live the Dream Specialty License Plate

DATE: January 11, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Boyd	Meyer	TR	Fav/CS
2.				
3.				
4.				
5.				
6.				

I. Summary:

Section 320.08058(49), F.S., is amended to provide 25 percent of revenue generated from the “Live the Dream” specialty license plate will be distributed equally among the sickle cell organizations registered with the state for programs that provide research, care, and treatment for sickle cell disease.

This bill substantially amends s. 320.08058 (49) of the Florida Statutes.

II. Present Situation:

Specialty License Plates

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.

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 specific terms, including a sample plate conforming to the specifications set by Department of Highway Safety and Motor Vehicles (DHSMV).
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs. The Auditor General is required to validate the methodology, results, and any evaluation by DHSMV of the scientific sample survey prior to the submission of the specialty license plate for approval by the Legislature.
- An application fee, not to exceed \$60,000, to defray DHSMV's 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 is refunded to the requesting organization. The word "Florida" must appear in the same location on each specialty license plate in such a size and location that is clearly identifiable on the license plate.

Section 320.08056, F.S., provides 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 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 the number of valid specialty license plates falls below 1,000 plates (including annual renewals) for at least 12 consecutive months. 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 109 specialty license plates to date. Sales of specialty license plates generated more than \$26 million in annual use fee revenues in 2004, \$29 million in 2005 and more than \$32 million in 2006. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than \$312 million.

The "Live the Dream" Specialty License Plate

The Dream Foundation, Inc., is dedicated to assisting the indigent and less fortunate through direct and indirect programs and grants. The Foundation's principal mission is to address the increasing problem with respect to access to affordable medical and dental treatment for the underprivileged.

Section 320.08058(49), F.S., provides the first \$60,000 of revenues generated from the collection of annual fees for the "Live the Dream" specialty plate are to be distributed to the Live the Dream Foundation, Inc., to cover start up and administration costs. All funds distributed thereafter are to be allocated as follows:

- 25 percent to the Live the Dream Foundation, Inc. for marketing and promotional costs associated with the plate;
- 25 percent distributed as grants for research, treatment, and care programs for sickle cell disease;
- 25 percent to the Florida chapter of the March of Dimes for child and infant health programs;
- 10 percent to the Florida Association of Healthy Start Coalition to decrease racial disparity, infant mortality rates, and increase healthy births;
- 10 percent to the Community Partnership for the Homeless to provide relief for poverty, homelessness, and hunger;
- 5 percent to the Live the Dream Foundation, Inc., for administrative costs associated with production, management, and distribution of the proceeds.

The Sickle Cell Disease Association of Florida, Inc.

The Sickle Cell Disease Association of Florida, Inc. (SCDAF), is a not for profit 501(c) (3) charitable organization initiated in August, 1972 by Dr. Johnnie Ruth Clark, Ph.D. According to the Sickle Cell Disease Association of America, SCDAF serves 8 community based chapters throughout the State of Florida and is one of 58 state based chapters serving the SCDA.

Programs started and operated by SCDAF include:

- Sickle Cell Education and Counseling Program
- Statewide Sickle Cell Education and Counseling Program
- Resource Center

- Educational Assistance Program
- Statewide Community Based Outreach Program
- Screening and Testing Program
- Summer Recreation and Enhancement Camp

The Live the Dream license plate was created by the legislature in 2004 by chapter 2004-337, Laws of Florida. This license plate ranks 58th in popularity for the number of license plates currently issued. To date, the Live the Dream license plate has raised \$190,225.00.

III. Effect of Proposed Changes:

This bill redirects the 25 percent of allocated funds for general grants for research, care, and treatment of sickle cell disease to be distributed equally among the sickle cell organizations registered with the state. This bill also provides an effective date of July 1, 2007.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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