



Economic Expansion & Infrastructure Council

MEETING PACKETS

**February 22, 2007
4:15 pm – 5:30 pm
404 House Office Building**

**Marco Rubio
Speaker**

**Rep. Dean Cannon
Chair**



The Florida House of Representatives

Economic Expansion & Infrastructure Council

Marco Rubio
Speaker

Dean Cannon
Chair

AGENDA

February 22, 2007

4:15 pm – 5:30 pm

404 HOB

- 1. Welcome, call to order and roll call – Chair Dean Cannon**

- 2. Consideration of the following:**
 - **HB 275 – Motor Vehicle, Mobile Home, and Vessel Registration by Representative Mike Davis**
 - **HB 537 – Presidential Preference Primary by Representative David Rivera**

- 3. Reports from Committee Chairs**

- 4. Closing comments – Chair Cannon**

- 5. Adjourn**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 275

Motor Vehicle, Mobile Home, and Vessel Registration

SPONSOR(S): Davis

TIED BILLS:

IDEN./SIM. BILLS: SB 442

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	8 Y, 0 N	Creamer	Miller
2) <u>Economic Expansion & Infrastructure Council</u>		Creamer <i>JC</i>	Tinker <i>TBT</i>
3) <u>Policy & Budget Council</u>			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 275 contains a number of changes in the law related to motor vehicle, mobile home, and vessel registration. The bill:

- Redefines the term “registration” period to include a 24-month period and defines “extended registration periods” as a period of 24 months during which a motor vehicle or mobile home registration is valid;
- Authorizes an optional biennial renewal of motor vehicle, mobile home and vessel registrations upon payment of double the annual amount of license tax and add-on charges;
- Clarifies that vehicles registered to persons in violation of s. 316.193, F.S., or s. 322.26(2), F.S., are not eligible for the extended registration period;
- Extends the time period from five to six years and increases the fee from \$10 to \$12 for replacement of registration license plates;
- Extends the period of validity for license plates and validation stickers to provide for the 24-month extended registration period;
- Clarifies that advance registration renewals on extended registrations may occur up to three months prior to the date of expiration of the registration; and
- Clarifies that the registration period for a motor vehicle or a mobile home may not exceed 27 months.

Succinctly, the bill provides for an optional extended (biennial) motor vehicle registration period for motorcycles, passenger cars, trucks, mobile homes, and vessels. The bill restructures the five-year license plate replacement cycle to six years, and increases the license plate replacement fee to \$12.

Implementation of this bill will most likely result in a non-recurring revenue increase in the first year of the two year cycle and there would be a corresponding decrease in revenues the second year. This is based on an assumption that 50 percent of registrants will elect to use the biennial registration. This 50 percent assumption is not based on empirical data, but is used to show the potential fiscal impacts of the bill.

Since the number of persons choosing a two year registration period is unknown the bill’s impact to state and local revenues is indeterminate. However, the fiscal impact of HB 275 is expected to be revenue neutral in net effects.

The bill is effective January 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government- The bill gives registrants the option of an extended registration period for motor vehicles, mobile homes, and vessels. The bill also allows payment for such registrations every two years.

B. EFFECT OF PROPOSED CHANGES:

Extended Registration Period

Currently the valid registration period for motor vehicles and mobile homes is 12 months. HB 275 defines an "extended registration period" as a period of 24 months during which a motor vehicle or motor home registration is valid. The bill also adds this 24-month period to the definition of "registration period."

Biennial Registration and Renewals

Currently the law provides for a 12-month annual registration of vehicles and mobile homes. The registration period is tied to either the owner's birth month, the calendar year, or in some cases, to a 12-month period set by the Department of Highway Safety and Motor Vehicles (DHSMV).

HB 275 amends the registration and renewal periods to provide that the registration of vehicles described below are eligible for the extended 24-month registration period and may be renewed biennially:

- Motorcycles
- Mopeds
- Automobiles for private use
- Trucks with a net weight of less than 5,000 pounds
- Heavy trucks with a gross vehicle weight of 5,001 pounds or more, but less than 8,000 pounds
- Motor vehicles for hire
- Trailers for private use
- Trailers for hire
- Park trailers
- Travel trailers
- 35 to 40 foot fifth wheel trailers
- Mobile homes

The bill requires payment of the cumulative sum of license taxes, service charges, surcharges, and additional fees on registrations that would normally be paid for two 12-month registrations. The optional registration period would reduce the citizens' burden of renewing registrations annually and reduce vehicle registration renewal workload.

License Plates and Validation Stickers

Under current law, license plates are issued for a five-year period, and replaced upon renewal of the registration at the end of the five-year period. Upon payment of the proper license tax and fees, the registration is issued for 12 months with expiration based on the applicant's appropriate registration period, and a validation decal is attached to the license plate which is valid for not more than 12 months.

HB 275 provides a six-year license plate issuance period, with the current \$2 per year fee paid each year to be credited towards the next \$12 replacement fee. The expiration of the license plate is based on the applicant's appropriate registration period. The bill also provides that license plates equipped with validation stickers are subject to the extended 24-month registration period. Further, the bill provides that for each extended registration period until the license plate is replaced, a validation sticker showing the year of expiration is to be issued and is valid for not more than 24 months.

Advanced Registration

Current law provides for advance registration renewals at any time during the three months preceding the date of expiration of the registration period, but a registration period may not exceed 15 months. HB 275 provides that an advance registration renewal period may not exceed 27 months.

Vessel Registration Renewal

Current law provides that a vessel's annual registration renewal period is 30 days from the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. The bill provides that any vessel owner subject to registration under s. 328.72(12), F.S., is eligible for an extended registration period of 24 months.

B. SECTION DIRECTORY:

Section 1. Amends s. 320.01, F.S., to define extended registration period and redefine registration period.

Section 2. Amends s. 320.055, F.S., to establish extended registration and renewal periods for motor vehicles and mobile homes and clarifies vehicles eligible for the extended registration period.

Section 3. Amends s. 320.06, F.S., to extend the time period and increase the fee for replacement of registration license plates, and to extend the period of validity for license plates and validation stickers to provide for extended registration..

Section 4. Amends s. 320.07, F.S., to authorize the biennial renewal of motor vehicle and mobile home registrations and to require payment of double the amount of license tax, service charge and surcharge on annual registrations and clarifies semiannual registrations.

Section 5. Amends s. 320.071, F.S., to clarify that the registration period for a motor vehicle or mobile home may not exceed 27 months.

Section 6. Amends s. 328.72, F.S., to provide an extended registration period for vessel owners.

Section 7. Provides an effective date of January 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The fiscal impact of the bill is indeterminate. Assuming that 50 percent of all vehicle, mobile home and vessel registrants elect to use a biennial registration, the positive revenue impact for the first year (2nd six months of the fiscal year) would be a non-recurring revenue increase to the State Transportation Trust Fund (STTF), the General Revenue Fund (GR) and other state trust funds totaling \$99,812,132. There would be a corresponding decrease in revenues the second year. This

50 percent assumption is not based on empirical data, but is used to show the potential fiscal impacts of the bill.

Assuming an estimated 3,149,991 new vehicles register for the first time in fiscal year 2007-2008, the initial license plate fee increase from \$10 to \$12 will generate an annual revenue increase up to \$6,229,982. Based on the implementation date of January 1, 2008 and the estimate of new vehicle registrations, the 6 month revenue may be as much as \$3,149,991.

In addition, a temporary influx in revenue would occur as a result of modifying the current license replacement cycle from five years to six years. Registrants currently on the five year replacement cycle would be required to pay an additional \$2 fee at the time of license replacement. For the first and sixth year, revenues would increase by only \$3,524,609, due to mid-year implementation. For the second through the fifth fiscal year, advanced replacement revenues would increase \$7,049,218 per year. Beginning in fiscal year 2013-2014 no additional advanced replacement revenue will be generated, as all registrants will be converted to the six year replacement.

2. Expenditures:

According to the DHSMV, this bill will require contracted programming modifications to the Motor Vehicle License Software System. The cost of these modifications will be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The fiscal impact to local governments is indeterminate. Assuming that 50 percent of all vehicle, mobile home and vessel registrants elect to use a biennial registration, the positive revenue impact for the first year (2nd six months of the fiscal year) would be a non-recurring revenue increase to Local Governments of \$9,599,706 from tax collector's fees and service charges. There would be a corresponding decrease in revenues the second year. This 50 percent assumption is not based on empirical data, but is used to show the potential fiscal impacts of the bill.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons opting to use an extended registration period would have to pay double the current license tax, service charges and add-on fees for an annual registration. Also, registrants conducting an initial registration transaction would pay \$12 instead of \$10 for a license plate that is replaced every six years rather than every five years.

Under current law, refunds are not given when a person moves out of Florida prior to the expiration of their registration. Consistent with the current registration process, the bill does not provide for a refund of license taxes paid for an extended registration period. Therefore, a person who pays for a 24-month registration and moves out of Florida prior to the expiration of that registration would not receive a refund for any portion of the taxes and fees paid.

D. FISCAL COMMENTS:

Since the number of persons choosing a two-year registration period is unknown, the bill's impact to state revenue is indeterminate. However, the fiscal impact of HB 275 is expected to be revenue neutral in long range effects.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The DHSMV appears to have sufficient rulemaking authority pursuant to s 120.536(1) F.S. and s 120.54 F.S., to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

1. Drafting:

HB 275 does not include specialty license plates, discussed in s. 320.08056(4), F.S., and personalized license plates, described in s. 320.0805, F.S., for extended registration. The bill's sponsor has indicated this was a drafting oversight, and offered an amendment in committee to correct it. The amendment was adopted without objection by the Committee on Infrastructure.

HB 275 as amended does not include provisions for the management of two year revenues. The bill's sponsor has indicated an amendment will be offered in Council.

2. Other:

The DHSMV has stated that it is not possible to gauge if there are any significant savings related to the department's cost to purchase license plates every six years rather than every five years. Theoretically, there should be a cost reduction of 1/6th over the extended replacement period. However, fewer people are actually waiting five years to replace their plate. Many people will decide they want to switch to a different specialty plate or a different personalized plate prior to the end of the required replacement period. Also, due to the fact there are more and more cars on the road, the DHSMV will have to purchase more and more plates. By the fifth year, growth in the number of cars on the road and any price increases that may come from the vendors between now and then will erode any potential savings. The DHSMV currently has a contract for aluminum license plate material for two years, but after that the contracted price for aluminum will have to be renegotiated; the new contract will be negotiated in the middle of the transition period from the five-year cycle to the six-year cycle.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On February 8, 2007, this bill was considered by the Committee on Infrastructure. An amendment was adopted which clarified that holders of specialty license plates and personalized license plates are eligible for extended registration. The bill was reported favorably with an amendment.

A bill to be entitled

An act relating to motor vehicle, mobile home, and vessel registration; amending s. 320.01, F.S.; redefining the term "registration period"; defining the term "extended registration period"; amending s. 320.055, F.S.; establishing an extended registration period and renewal period for certain motor vehicles and mobile homes; amending s. 320.06, F.S.; extending the time period and revising the fee for replacement of registration license plates; extending the period of validity of license plates and validation stickers to provide for an extended registration period; amending s. 320.07, F.S.; providing for the semiannual, annual, or biennial renewal of motor vehicle and mobile home registrations; authorizing the biennial renewal of certain motor vehicle and mobile home registrations upon payment of the cumulative total of license taxes, service charges, surcharges, and other fees; amending s. 320.071, F.S.; specifying that the registration period for a motor vehicle or mobile home may not exceed a specified number of months; amending s. 328.72, F.S.; providing for an extended registration period for certain vessel owners; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (19) of section 320.01, Florida Statutes, is amended to read:

29 320.01 Definitions, general.--As used in the Florida
 30 Statutes, except as otherwise provided, the term:

31 (19) (a) "Registration period" means a period of 12 months
 32 or 24 months during which a motor vehicle or mobile home
 33 registration is valid.

34 (b) "Extended registration period" means a period of 24
 35 months during which a motor vehicle or mobile home registration
 36 is valid.

37 Section 2. Subsection (1) of section 320.055, Florida
 38 Statutes, is amended to read:

39 320.055 Registration periods; renewal periods.--The
 40 following registration periods and renewal periods are
 41 established:

42 (1) (a) For a motor vehicle subject to registration under
 43 s. 320.08(1), (2), (3), (5)(b), (c), (d), or (f), (6)(a), (7),
 44 (8), (9), or (10) and owned by a natural person, the
 45 registration period begins the first day of the birth month of
 46 the owner and ends the last day of the month immediately
 47 preceding the owner's birth month in the succeeding year. If
 48 such vehicle is registered in the name of more than one person,
 49 the birth month of the person whose name first appears on the
 50 registration shall be used to determine the registration period.
 51 For a vehicle subject to this registration period, the renewal
 52 period is the 30-day period ending at midnight on the vehicle
 53 owner's date of birth.

54 (b) A motor vehicle or mobile home that is subject to
 55 registration under s. 320.08(1), (2), (3), (4)(a) or (b), (6),
 56 (7), (8), (9), (10), or (11) is eligible for an extended

57 registration period as defined in s. 320.01(19)(b).

58 ~~(c)-(b)~~ Notwithstanding the requirements of paragraph (a),
 59 the owner of a motor vehicle subject to paragraph (a) who has
 60 had his or her driver's license suspended pursuant to a
 61 violation of s. 316.193 or pursuant to s. 322.26(2) for driving
 62 under the influence must obtain a 6-month registration as a
 63 condition of reinstating the license, subject to renewal during
 64 the 3-year period that financial responsibility requirements
 65 apply. The registration period begins the first day of the birth
 66 month of the owner and ends the last day of the fifth month
 67 immediately following the owner's birth month. For such
 68 vehicles, the department shall issue a vehicle registration
 69 certificate that is valid for 6 months and shall issue a
 70 validation sticker that displays an expiration date of 6 months
 71 after the date of issuance. The license tax required by s.
 72 320.08 and all other applicable license taxes shall be one-half
 73 of the amount otherwise required, except the service charge
 74 required by s. 320.04 shall be paid in full for each 6-month
 75 registration. A vehicle required to be registered under this
 76 paragraph is not eligible for the extended registration period
 77 under paragraph (b).

78 Section 3. Paragraphs (b) and (c) of subsection (1) of
 79 section 320.06, Florida Statutes, are amended to read:

80 320.06 Registration certificates, license plates, and
 81 validation stickers generally.--

82 (1)

83 (b) Registration license plates bearing a graphic symbol
 84 and the alphanumeric system of identification shall be issued

85 for a 6-year ~~5-year~~ period. At the end of that 6-year ~~said 5-~~
 86 ~~year~~ period, upon renewal, the plate shall be replaced. The fee
 87 for such replacement is \$12 ~~shall be \$10~~, \$2 of which shall be
 88 paid each year before the plate is replaced, to be credited
 89 towards the next \$12 ~~\$10~~ replacement fee. The fees shall be
 90 deposited into the Highway Safety Operating Trust Fund. A credit
 91 or refund shall not be given for any prior years' payments of
 92 such prorated replacement fee if ~~when~~ the plate is replaced or
 93 surrendered before the end of the 6-year ~~5-year~~ period, except
 94 that a credit may be given when a registrant is required by the
 95 department to replace a license plate under s. 320.08056(8)(a).
 96 With each license plate, there shall be issued a validation
 97 sticker showing the owner's birth month, license plate number,
 98 and the year of expiration or the appropriate renewal period if
 99 the owner is not a natural person. The validation sticker shall
 100 ~~is to~~ be placed on the upper right corner of the license plate.
 101 Such license plate and validation sticker shall be issued based
 102 on the applicant's appropriate renewal period. The registration
 103 period is ~~shall be~~ a period of 12 months, the extended
 104 registration period is a period of 24 months, and all
 105 expirations shall occur based on the applicant's appropriate
 106 registration period. A vehicle with an apportioned registration
 107 shall be issued an annual license plate and a cab card that
 108 denote the declared gross vehicle weight for each apportioned
 109 jurisdiction in which the vehicle is authorized to operate.

110 (c) Registration license plates equipped with validation
 111 stickers subject to the registration period ~~are~~ ~~shall be~~ valid
 112 for not more than 12 months and ~~shall~~ expire at midnight on the

113 | last day of the registration period. A registration license
 114 | plate equipped with a validation sticker subject to the extended
 115 | registration period is valid for not more than 24 months and
 116 | expires at midnight on the last day of the extended registration
 117 | period. For each registration period after the one in which the
 118 | metal registration license plate is issued, and until the
 119 | license plate is required to be replaced, a validation sticker
 120 | showing the month and year of expiration shall be issued upon
 121 | payment of the proper license tax amount and fees and ~~is shall~~
 122 | ~~be valid for not more than 12 months.~~ For each extended
 123 | registration period occurring after the one in which the metal
 124 | registration license plate is issued and until the license plate
 125 | is required to be replaced, a validation sticker showing the
 126 | year of expiration shall be issued upon payment of the proper
 127 | license tax amount and fees and is valid for not more than 24
 128 | months. When license plates equipped with validation stickers
 129 | are issued in any month other than the owner's birth month or
 130 | the designated registration period for any other motor vehicle,
 131 | the effective date shall reflect the birth month or month and
 132 | the year of renewal. However, when a license plate or validation
 133 | sticker is issued for a period of less than 12 months, the
 134 | applicant shall pay the appropriate amount of license tax and
 135 | the applicable fee under ~~the provisions of~~ s. 320.14 in addition
 136 | to all other fees. Validation stickers issued for vehicles taxed
 137 | under ~~the provisions of~~ s. 320.08(6)(a), for any company that
 138 | ~~which~~ owns 250 vehicles or more, or for semitrailers taxed under
 139 | the provisions of s. 320.08(5)(a), for any company that ~~which~~
 140 | owns 50 vehicles or more, may be placed on any vehicle in the

141 fleet so long as the vehicle receiving the validation sticker
 142 has the same owner's name and address as the vehicle to which
 143 the validation sticker was originally assigned.

144 Section 4. Section 320.07, Florida Statutes, is amended to
 145 read:

146 320.07 Expiration of registration; ~~annual~~ renewal
 147 required; penalties.--

148 (1) The registration of a motor vehicle or mobile home
 149 expires shall expire at midnight on the last day of the
 150 registration or extended registration period. A vehicle shall
 151 not be operated on the roads of this state after expiration of
 152 the renewal period unless the registration has been renewed
 153 according to law.

154 (2) Registration shall be renewed semiannually, annually,
 155 or biennially, as provided in this subsection, during the
 156 applicable renewal period, upon payment of the applicable
 157 license tax amounts ~~amount~~ required by s. 320.08, service
 158 charges required by s. 320.04, and any additional fees required
 159 by law.

160 (a) ~~However,~~ Any person who owns ~~owning~~ a motor vehicle
 161 registered under s. 320.08(4), (6)(b), or (13) may register
 162 semiannually as provided in s. 320.0705.

163 (b) Any person who owns a motor vehicle or mobile home
 164 registered under s. 320.08(1), (2), (3), (4)(a) or (b), (6),
 165 (7), (8), (9), (10), or (11) may renew the vehicle registration
 166 biennially during the applicable renewal period upon payment of
 167 the 2-year cumulative total of all applicable license tax
 168 amounts required by s. 320.08 and service charges or surcharges

169 required by ss. 320.03, 320.04, 320.0801, 320.08015, 320.0802,
 170 320.0804, and 320.08046 and payment of the 2-year cumulative
 171 total of any additional fees required by law for an annual
 172 registration.

173 (3) The operation of any motor vehicle without having
 174 attached thereto a registration license plate and validation
 175 stickers, or the use of any mobile home without having attached
 176 thereto a mobile home sticker, for the current registration
 177 period shall subject the owner thereof, if he or she is present,
 178 or, if the owner is not present, the operator thereof to the
 179 following penalty provisions:

180 (a) Any person whose motor vehicle or mobile home
 181 registration has been expired for a period of 6 months or less
 182 commits a noncriminal traffic infraction, punishable as a
 183 nonmoving violation as provided in chapter 318.

184 (b) Any person whose motor vehicle or mobile home
 185 registration has been expired for more than 6 months, ~~shall~~ upon
 186 a first offense, is ~~be~~ subject to the penalty provided in s.
 187 318.14.

188 (c) Any person whose motor vehicle or mobile home
 189 registration has been expired for more than 6 months, ~~shall~~ upon
 190 a second or subsequent offense, commits ~~be guilty of~~ a
 191 misdemeanor of the second degree, punishable as provided in s.
 192 775.082 or s. 775.083.

193 (d) However, an ~~ne~~ operator shall not be charged with a
 194 violation of this subsection if the operator can show, pursuant
 195 to a valid lease agreement, that the vehicle had been leased for
 196 a period of 30 days or less at the time of the offense.

197 (e) Any servicemember, as defined in s. 250.01, whose
 198 mobile home registration ~~has~~ expired while he or she was serving
 199 on active duty or state active duty shall not be charged with a
 200 violation of this subsection if, at the time of the offense, the
 201 servicemember was serving on active duty or state active duty 35
 202 miles or more from the mobile home. The servicemember must
 203 present to the department either a copy of the official military
 204 orders or a written verification signed by the servicemember's
 205 commanding officer to receive a waiver of ~~waive~~ charges.

206 (f) The owner of a leased motor vehicle is not responsible
 207 for any penalty specified in this subsection if the motor
 208 vehicle is registered in the name of the lessee of the motor
 209 vehicle.

210 (4)(a) In addition to a penalty provided in subsection
 211 (3), a delinquent fee based on the following schedule of license
 212 taxes shall be imposed on any applicant who fails to renew a
 213 registration prior to the end of the month in which renewal
 214 registration is due. The delinquent fee shall be applied
 215 beginning on the 11th calendar day of the month succeeding the
 216 renewal period. The delinquent fee does ~~shall~~ not apply to those
 217 vehicles that ~~which~~ have not been required to be registered
 218 during the preceding registration period or as provided in s.
 219 320.18(2). The delinquent fee shall be imposed as follows:

- 220 1. License tax of \$5 but not more than \$25: \$5 flat.
- 221 2. License tax over \$25 but not more than \$50: \$10 flat.
- 222 3. License tax over \$50 but not more than \$100: \$15 flat.
- 223 4. License tax over \$100 but not more than \$400: \$50
- 224 flat.

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225 5. License tax over \$400 but not more than \$600: \$100
 226 flat.

227 6. License tax over \$600 and up: \$250 flat.

228 (b) A person who has been assessed a penalty pursuant to
 229 s. 316.545(2)(b) for failure to have a valid vehicle
 230 registration certificate is not subject to the delinquent fee
 231 authorized by this subsection if such person obtains a valid
 232 registration certificate within 10 working days after such
 233 penalty was assessed. The official receipt authorized by s.
 234 316.545(6) constitutes proof of payment of the penalty
 235 authorized in s. 316.545(2)(b).

236 (c) The owner of a leased motor vehicle is not responsible
 237 for any delinquent fee specified in this subsection if the motor
 238 vehicle is registered in the name of the lessee of the motor
 239 vehicle.

240 (5) Any servicemember, as defined in s. 250.01, whose
 241 motor vehicle or mobile home registration has expired while he
 242 or she was serving on active duty or state active duty may
 243 ~~shall be able to~~ renew his or her registration upon return from
 244 active duty or state active duty without penalty, if the
 245 servicemember served on active duty or state active duty 35
 246 miles or more from the servicemember's home of record prior to
 247 entering active duty or state active duty. The servicemember
 248 must provide to the department either a copy of the official
 249 military orders or a written verification signed by the
 250 servicemember's commanding officer to receive a waiver of ~~waive~~
 251 delinquent fees.

252 (6) Delinquent fees imposed under this section are ~~shall~~

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253 not ~~be~~ apportionable under the International Registration Plan.

254 Section 5. Paragraph (a) of subsection (1) of section
 255 320.071, Florida Statutes, is amended to read:

256 320.071 Advance registration renewal; procedures.--

257 (1)(a) The owner of any motor vehicle or mobile home
 258 currently registered in this state may file an application for
 259 renewal of registration with the department, or its authorized
 260 agent in the county wherein the owner resides, any time during
 261 the 3 months preceding the date of expiration of the
 262 registration period. The registration period may not exceed 27
 263 months.

264 Section 6. Subsections (1), (3), (9), and (12) of section
 265 328.72, Florida Statutes, are amended to read:

266 328.72 Classification; registration; fees and charges;
 267 surcharge; disposition of fees; fines; marine turtle stickers.--

268 (1) VESSEL REGISTRATION FEE.--Vessels that are required to
 269 be registered shall be classified for registration purposes
 270 according to the following schedule, and the registration
 271 certificate fee shall be in the following amounts:

272 Class A-1--Less than 12 feet in length, and all canoes to
 273 which propulsion motors have been attached, regardless of
 274 length....\$3.50 for each 12-month period registered.

275 Class A-2--12 feet or more and less than 16 feet in
 276 length....10.50 for each 12-month period registered.

277 (To county)....2.85 for each 12-month period registered.

278 Class 1--16 feet or more and less than 26 feet in
 279 length....18.50 for each 12-month period registered.

280 (To county)....8.85 for each 12-month period registered.

281 Class 2--26 feet or more and less than 40 feet in
 282 length...50.50 for each 12-month period registered.
 283 (To county)...32.85 for each 12-month period registered.
 284 Class 3--40 feet or more and less than 65 feet in
 285 length...82.50 for each 12-month period registered.
 286 (To county)...56.85 for each 12-month period registered.
 287 Class 4--65 feet or more and less than 110 feet in
 288 length...98.50 for each 12-month period registered.
 289 (To county)...68.85 for each 12-month period registered.
 290 Class 5--110 feet or more in length...122.50 for each 12-
 291 month period registered.
 292 (To county)...86.85 for each 12-month period registered.
 293 Dealer registration certificate ...16.50 for each 12-month
 294 period registered.
 295
 296 The county portion of the vessel registration fee is derived
 297 from recreational vessels only.
 298 (3) ALIEN OR NONRESIDENT LICENSE FEE.--An additional
 299 license fee of \$50 for each 12-month period registered shall be
 300 required of all aliens or nonresidents of the state on all
 301 vessels not subject to a specific reciprocal agreement with
 302 another state, which vessels are used for commercial purposes
 303 and owned in whole or in part by such aliens or nonresidents.
 304 Such fee shall be in addition to the vessel registration fee
 305 required by this section.
 306 (9) SURCHARGE.--In addition, there is hereby levied and
 307 imposed on each vessel registration fee imposed under subsection
 308 (1) a surcharge in the amount of \$1 for each 12-month period of

309 registration, which shall be collected in the same manner as the
 310 fee and deposited into the State Agency Law Enforcement Radio
 311 System Trust Fund of the Department of Management Services.

312 (12) REGISTRATION.--

313 (a) "Registration period" is a period of 12 months during
 314 which a vessel registration is valid.

315 (b) Any vessel owner who is subject to registration under
 316 subparagraph (c)1. is eligible for an extended registration
 317 period that begins the first day of the birth month of the owner
 318 and ends the last day of the month immediately preceding the
 319 owner's birth month 24 months after the beginning of the
 320 registration period. If the vessel is registered in the name of
 321 more than one person, the birth month of the person whose name
 322 first appears on the registration shall be used to determine the
 323 extended registration period. For a vessel subject to this
 324 extended registration period, the renewal period is the 30-day
 325 period ending at midnight on the vessel owner's date of birth.
 326 ~~"Renewal period" is a period of 30 days during which renewal of~~
 327 ~~a vessel registration is required, except as otherwise provided~~
 328 ~~by law.~~

329 (c) The following registration periods and renewal periods
 330 are established:

331 1. For vessels owned by individuals, the registration
 332 period begins the first day of the birth month of the owner and
 333 ends the last day of the month immediately preceding the owner's
 334 birth month in the succeeding year. If the vessel is registered
 335 in the name of more than one person, the birth month of the
 336 person whose name first appears on the registration shall be

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337 used to determine the registration period. For a vessel subject
 338 to this registration period, the renewal period is the 30-day
 339 period ending at midnight on the vessel owner's date of birth.

340 2. For vessels owned by companies, corporations,
 341 governmental entities, and registrations issued to dealers and
 342 manufacturers, the registration period begins July 1 and ends
 343 June 30. The renewal period is the 30-day period beginning June
 344 1.

345 Section 7. This act shall take effect January 1, 2008.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 275

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>X</u>	(Y/N) 2/8/07
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Infrastructure
2 Representative(s) M. Davis offered the following:

3
4 **Amendment**

5 Remove line(s) 170 and insert:
6 320.0804, 320.0805, 320.08046, and 320.08056 and payment of the
7 2-year cumulative

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 537 Presidential Preference Primary
SPONSOR(S): Rivera and others
TIED BILLS: IDEN./SIM. BILLS: SB 1010

DIRECTOR	REFERENCE	ACTION	ANALYST	STAFF
	1) Committee on Ethics & Elections	9 Y, 0 N	West	Mitchell
	2) Economic Expansion & Infrastructure Council		West <i>PW</i>	Tinker <i>TBT</i>
	3) _____	_____	_____	_____
	4) _____	_____	_____	_____
	5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 537 would change the date of Florida's presidential preference primary election from the second Tuesday in March to the first Tuesday in February, or the first Tuesday immediately following the New Hampshire presidential preference primary, whichever occurs first. The bill changes the dates for submission of candidate lists by the major political parties to accommodate a change in the primary date.

This bill is effective July 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility – The bill is designed to increase Florida's voice in the selection of presidential candidates of both parties. For the first time in recent history, Florida's voters will be heard with this change in the law.

B. EFFECT OF PROPOSED CHANGES:

The bill as currently written would place Florida's presidential preference primary on January 29, 2008, one week after the current New Hampshire presidential preference primary. The New Hampshire Secretary of State has the ability under New Hampshire law to move up its primary so that it occurs seven days before any other state's primary. It is possible that the New Hampshire election could be moved up even into late 2007.

New Hampshire Law RSA 653:9 provides:

"The presidential primary election shall be held on the second Tuesday in March or on a Tuesday selected by the secretary of state which is 7 days or more immediately preceding the date on which any other state shall hold a similar election, whichever is earlier, of each year when a president of the United States is to be elected or the year previous. Said primary shall be held in connection with the regular March town meeting or, if held on any other day, at a special election called by the secretary of state for that purpose."

Challenges to Moving the Primary Date

Early voting in Florida begins on the 15th day before an election.¹ With early voting, Florida would begin to vote in its primary election on January 14, 2008, the same day of the Iowa caucus. County supervisors of elections (supervisors) can send out absentee ballots as soon as they are printed, following the second Friday in November, the date that this bill would require party delegates to be qualified. The supervisors may begin tabulating absentee ballots four days before election day, but may not release any totals until the polls close at 7 p.m. on election day, January 29, 2008.

An earlier primary election date may present the supervisors with certain challenges for staffing the polls. Florida law requires poll workers to receive 3 hours of training before each election. If a change in the New Hampshire primary date moves Florida's primary into the holiday season, supervisors may have difficulty recruiting sufficient poll workers. If the election falls within the holiday season, many churches and community buildings that would normally be available for polling locations may be booked for holiday functions.

Effect of Political Party Rules on a Change in the Primary Date

Republican Party rules are established and adopted at the party convention every 4 years. According to current party rules, if any state has its primary before February 5th, 2008, and *after* the call to the national convention, it may lose up to 90% of its delegates, thereby reducing

¹ s. 101.657(1)(d), F.S. (2006).

Florida's delegation from 114 to 12 delegates.² The amount of delegates that Florida would lose may depend on the interpretation of what constitutes a violation of the rules. A reduction in Florida's delegates might prompt the Florida delegation to challenge the delegations from Iowa, Nevada, New Mexico, New Hampshire, and North Carolina who would also be violating the same rule.

Democratic Party rules can be changed between conventions by its Rules & Bylaws committee. On July 22, 2006, the National Democratic Party's Rules and Bylaws Committee recommended the following 2008 primary schedule:

- Iowa Caucus - January 14, 2008
- Nevada Caucus - January 19, 2008,
- New Hampshire Primary - January 22, 2008,
- South Carolina Primary - January 29, 2006, and
- Other states beginning February 5, 2008.

The Democratic National Committee approved this rule on August 19, 2006. The new rules also impose new sanctions on presidential candidates if they campaign in states that do not comply with the new rules. Campaigning is defined as making personal appearances in the state, hiring campaign workers, and buying advertising, etc. They will also suffer a reduction in delegates to the national convention similar to that of the Republican Party.

It is not known if the national parties will change or enforce these rules in order to avoid alienating a pivotal state such as Florida.

Florida is Demographically Representative of the Nation

In the last two presidential elections, Florida has been one of the few states that have closely mirrored the final nationwide results.³ This means money spent to win the Florida primary will also benefit candidates in the general election.

While Iowa and New Hampshire may reflect the nation in election outcomes, they don't reflect the nation's ethnic diversity. Iowa and New Hampshire have less than 3% black or Hispanic populations. In fact, New Hampshire's black population is a fraction of 1%. Florida, on the other hand, more closely tracks the nation in its ethnic diversity. The nation is currently 75% white, 12% black and 16% Hispanic – similarly, Florida is 78% white, 15% black and 17% Hispanic.

² Rule 16(2) provides:

If a state or state party violates the Rules of the Republican Party relating to the timing of the selection process resulting in the election of delegates or alternate delegates to the national convention **after** the call to the national convention is issued, then the number of delegates to the national convention from that state shall be reduced by ninety percent (90%), and the corresponding alternate delegates shall also be reduced.

(emphasis added.)

Rule 16(1) provides:

If a state or state party violates the Rules of the Republican Party relating to the timing of the selection process resulting in the election of delegates or alternate delegates to the national convention **before** the call to the national convention is issued, then the number of delegates to the national convention from that state shall be reduced by fifty percent (50%).

(emphasis added.)

³ Florida's presidential elections results for 2004 were: Bush 52%; Kerry 47%. The national results were: Bush 50%; Kerry 48%.

New Hampshire has the 4th highest medium income in the nation. The average person in New Hampshire earns \$10,000 more income than the average American. Florida is 27th in terms of percentage of people over the age of 25 with a bachelor's degree. Florida is 25th in terms of median home value. New Hampshire has the fewest people in the nation that are below the poverty level. Florida is 20th in terms of poverty level. Florida clearly reflects the demographic diversity of the nation.

C. SECTION DIRECTORY:

Section 1. Amends s. 103.101, F.S., to change the date that the presidential preference primary will be held in Florida to the first Tuesday in February, or the first Tuesday immediately following the New Hampshire presidential preference primary, whichever occurs first; also makes conforming changes to dates for submission of presidential candidates to the Secretary of State.

Section 2. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill should have a positive effect on any local sales tax, rental car and hotel tax revenues.

2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill should have a positive effect on sales tax, rental car and hotel tax revenues.

2. Expenditures:

The cost of holding a statewide election at the polls is about \$19 million, traditionally paid by the counties. This would not change under this bill. Some cities have concurrent local elections to save money and may need to coordinate their election dates so that they may continue to realize these cost savings.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Holding Florida's primary earlier in the year is accompanied by a host of economic benefits. The media, candidates, and special interest groups will spend millions of dollars for political advertising, food, lodging, and transportation. The economic benefits to New Hampshire alone are currently estimated at over \$250 million dollars.⁴ By comparison, Florida is more than six times larger than the State of New Hampshire.

D. FISCAL COMMENTS:

⁴ "The overall value of primary-related media exposure, in terms of tourism promotion and business development, is \$33 million for one year leading up to the primary...The one-year economic impact of the 2000 primary, including \$33 million in publicity benefits, was \$264 million." Library and Archives of New Hampshire's Political Tradition at the New Hampshire State Library, found at www.nhprimary.nhsl.lib.nh.us.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Election laws are exempt from the mandates requirements of Art. VII, s. 18(a), Florida Constitution.

2. Other:

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

This statement serves to address two issues raised in the staff analysis for HB 537 related to the Florida presidential preference primary: Challenges to Moving the Primary Date and Effect of Political Party Rules on a Change in the Primary Date.

With respect to challenges involved in moving the primary date, Secretary of State Kurt Browning recently testified before the House Ethics and Elections Committee that the presidential primary dates contemplated in HB 537, under the current condition of holding the New Hampshire primary on January 22nd, do not pose obstacles for implementation by supervisors of elections. If New Hampshire decided to move its primary earlier than January 22nd, it would then possibly be pre-empting the Iowa caucuses currently scheduled for January 14th. Should this highly unlikely scenario crystallize and Florida be placed in a position to move its presidential primary into early or mid-January, then supervisors of elections should make preparations to accommodate potential conflicts associated with holiday functions at churches or community buildings. Supervisors of elections are accustomed to dealing with such potential conflicts under current early voting requirements which overlap weekend days of worship. In terms of the actual election day, any Tuesday from 7:00 am to 7:00 pm, holiday season or not, should not pose an insurmountable obstacle in terms of potential conflicts with existing polling places.

In terms of the effect of political party rules on a change in the primary date, the sponsor of HB 537 readily concedes that both the Democrat and Republican parties have the authority and ability to sanction Florida if the presidential primary is moved before February 5th. The most practical sanction at the disposal of the Democrat and Republican parties is the reduction of the number of delegates credentialed for their respective national conventions. As most observers of presidential politics would agree, national conventions in the modern era have become pro-forma exercises organized to coronate a pre-determined presidential nominee rather than a genuine selection or nomination process where the outcome is in question. The role of a delegate in a modern day political party convention has been relegated to that of rubber-stamping the decision made in each delegate's respective state during that state's presidential primary. Under these conditions, priority should be placed on the role Florida will play in selecting a presidential nominee rather than on the opportunities for a select few Floridians to attend a national convention.

Finally, it is important to note that Florida, a state which has decided presidential elections and is considered competitive by both major parties, is widely recognized as a leading state for fundraising efforts by presidential candidates. If presidential candidates are going to utilize Florida for the extraction of financial resources that under the current campaign format are utilized in states such as Iowa, New Hampshire and South Carolina, then it should seem reasonable for the people of Florida to expect presidential candidates to also dedicate time and resources campaigning in the State of Florida.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On February 8, 2007, a conforming amendment was adopted in the Committee on Ethics & Elections. The amendment moves back to the second Tuesday after the first Monday in November of the year preceding the presidential primary the deadline for submitting an affidavit to the Secretary of State providing that person does not intend to be a presidential candidate.

1 A bill to be entitled
 2 An act relating to the presidential preference primary;
 3 amending s. 103.101, F.S.; revising the dates relating to
 4 the presidential preference primary; providing an
 5 effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Subsections (1), (2), and (6) of section
 10 103.101, Florida Statutes, are amended to read:

11 103.101 Presidential preference primary.--

12 (1) Each political party other than a minor political
 13 party shall, on the first ~~second~~ Tuesday in February ~~March~~ in
 14 each year the number of which is a multiple of 4, or the first
 15 Tuesday immediately following the New Hampshire presidential
 16 preference primary, whichever occurs first, elect one person to
 17 be the candidate for nomination of such party for President of
 18 the United States or select delegates to the national nominating
 19 convention, as provided by party rule.

20 (2) There shall be a Presidential Candidate Selection
 21 Committee composed of the Secretary of State, who shall be a
 22 nonvoting chair; the Speaker of the House of Representatives;
 23 the President of the Senate; the minority leader of each house
 24 of the Legislature; and the chair of each political party
 25 required to have a presidential preference primary under this
 26 section.

27 (a) By October ~~December~~ 31 of the year preceding the
 28 ~~Florida~~ presidential preference primary, each political party

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29 shall submit to the Secretary of State a list of its
 30 presidential candidates to be placed on the presidential
 31 preference primary ballot or candidates entitled to have
 32 delegates appear on the presidential preference primary ballot.
 33 The Secretary of State shall prepare and publish a list of the
 34 names of the presidential candidates submitted. The Secretary of
 35 State shall submit such list of names of presidential candidates
 36 to the selection committee on the first Tuesday after the first
 37 Monday in November of the January each year preceding the a
 38 presidential preference primary ~~election is held~~. Each person
 39 designated as a presidential candidate shall have his or her
 40 name appear, or have his or her delegates' names appear, on the
 41 presidential preference primary ballot unless all committee
 42 members of the same political party as the candidate agree to
 43 delete such candidate's name from the ballot. The selection
 44 committee shall meet in Tallahassee on the first Tuesday after
 45 the first Monday in November of the January each year preceding
 46 the a presidential preference primary ~~is held~~. The selection
 47 committee shall publicly announce and submit to the Department
 48 of State no later than 5 p.m. on the following day the names of
 49 presidential candidates who shall have their names appear, or
 50 who are entitled to have their delegates' names appear, on the
 51 presidential preference primary ballot. The Department of State
 52 shall immediately notify each presidential candidate designated
 53 by the committee. Such notification shall be in writing, by
 54 registered mail, with return receipt requested.

55 (b) Any presidential candidate whose name does not appear
 56 on the list submitted to the Secretary of State may request that

57 the selection committee place his or her name on the ballot.
 58 Such request shall be made in writing to the Secretary of State
 59 no later than the second Tuesday after the first Monday in
 60 November of the year preceding the presidential preference
 61 primary ~~January~~.

62 (c) If a presidential candidate makes a request that the
 63 selection committee reconsider placing the candidate's name on
 64 the ballot, the selection committee will reconvene no later than
 65 the second Thursday after the first Monday in November of the
 66 year preceding the presidential preference primary ~~January~~ to
 67 reconsider placing the candidate's name on the ballot. The
 68 Department of State shall immediately notify such candidate of
 69 the selection committee's decision.

70 (6) Delegates must qualify no later than the second Friday
 71 in November of the year preceding the presidential preference
 72 primary ~~January~~ in the manner provided by party rule.

73 Section 2. This act shall take effect July 1, 2007.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 537

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION Y (Y/N) 2/8/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Ethics and Elections

2 Representative(s) Rivera offered the following:

3
4 **Amendment (with directory amendments)**

5 Remove line(s) 9 and insert:

6 Section 1. Subsections (1), (2), (3), and (6) of section

7
8 Between line(s) 69 and 70 insert:

9
10 (3) A candidate's name shall be printed on the
11 presidential preference primary ballot unless the candidate
12 submits to the Department of State, prior to the second Tuesday
13 after the first Monday in November of the year preceding the
14 presidential preference primary January, an affidavit stating
15 that he or she is not now, and does not presently intend to
16 become, a candidate for President at the upcoming nominating
17 convention. If a candidate withdraws pursuant to this
18 subsection, the Department of State shall notify the state
19 executive committee that the candidate's name will not be placed
20 on the ballot. The Department of State shall, no later than the
21 third Tuesday after the first Monday in November of the year

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 preceding the presidential preference primary January, certify
23 to each supervisor of elections the name of each candidate for
24 political party nomination to be printed on the ballot.

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