Tab 1	CS/SB	14 by J	U, Altman ;	Relief of the Estate of Dr.	Sherrill Lynn Aversa by the Departme	nt of Transportation
Tab 2	SB 32	by Flore	es ; (Identica	I to H 3527) Relief of O'Brie	en and Stephenson by Department of	Transportation
Tab 3	-	•	U, Negron; and Motor \		of the Estate of Danielle Maudsley by	the Department of
Tab 4	SB 556	by Altr	man ; (Comp	pare to CS/CS/H 0371) Flori	da Commission on Poverty	
566780	D	S	RCS	ATD, Clemens	Delete everything after	02/26 04:10 PM
Tab 5	CS/SB	696 by	FT, Altman	; (Similar to H 4039) Tax o	on Sales, Use, and Other Transactions	
Tab 6	CS/SB	1216 b	y CM, Star g	gel; (Similar to CS/H 1017)	Reemployment Assistance Fraud	
Tab 7	CS/SB	1260 b	y EP, Simp	son; (Similar to CS/CS/H 1	051) Anchoring Limitation Areas	
Tab 8	CS/SB	1570 b	y TR, Simm	nons; (Compare to CS/H 13	873) School Bus Stop Safety	
Tab 10	CS/SB	1390 b	y TR, Bran d	des; (Compare to CS/H 708	31) Issuance of Specialty License Plate	es
131612	PCS	S	RCS	ATD		02/26 04:14 PM
608532	PCS:A	S	RCS	ATD, Clemens	btw L.74 - 75:	02/26 04:14 PM
451156	PCS:A	S	RCS	ATD, Latvala	Delete L.101 - 104:	02/26 04:14 PM
				to CS/H 0227) Specialty Lie		

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT Senator Latvala, Chair Senator Clemens, Vice Chair

MEETING DATE:	Wednesday, February 24, 2016
TIME:	1:30—3:30 p.m.
PLACE:	301 Senate Office Building

MEMBERS: Senator Latvala, Chair; Senator Clemens, Vice Chair; Senators Brandes, Detert, Diaz de la Portilla, Gibson, Hukill, Sachs, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 14 Judiciary / Altman	Relief of the Estate of Dr. Sherrill Lynn Aversa by the Department of Transportation; Providing for the relief of the Estate of Dr. Sherrill Lynn Aversa; providing an appropriation to compensate the Estate of Dr. Sherrill Lynn Aversa for Dr. Aversa's death as a result of the negligence of the Department of Transportation; requiring the Executive Office of the Governor to establish spending authority from unappropriated trust fund balances of the department for compensation to the Estate of Dr. Sherrill Lynn Aversa; providing attorney fees and costs and a limitation on such fees and costs, etc.	Favorable Yeas 9 Nays 0
		SM JU 02/09/2016 Fav/CS ATD 02/24/2016 Favorable AP	
2	SB 32 Flores (Identical H 3527)	Relief of O'Brien and Stephenson by Department of Transportation; Providing relief of Amie Draiemann O'Brien, individually and as personal representative of the Estate of Christian Darby Stephenson, deceased, and for the relief of Hailey Morgan Stephenson and Christian Darby Stephenson II, as surviving minor children of the decedent; providing an appropriation to compensate them for the wrongful death of Christian Darby Stephenson, which was due in part to the negligence of the Department of Transportation; providing a limitation on the payment of fees and costs, etc.	Favorable Yeas 9 Nays 0
		SM JU 02/16/2016 Favorable ATD 02/24/2016 Favorable AP	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development Wednesday, February 24, 2016, 1:30–3:30 p.m.

ТАВ	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 64 Judiciary / Negron (Similar H 3535)	Relief of the Estate of Danielle Maudsley by the Department of Highway Safety and Motor Vehicles; Providing for the relief of the Estate of Danielle Maudsley; providing for an appropriation to compensate the Estate of Danielle Maudsley for Ms. Maudsley's death, sustained as a result of the alleged negligence of Trooper Daniel Cole and the Florida Highway Patrol, a division of the Department of Highway Safety and Motor Vehicles; providing that certain payments and the appropriation satisfy all present and future claims related to the alleged acts; providing a limitation on the payment of compensation, fees, and costs, etc. SM JU 02/16/2016 Fav/CS ATD 02/24/2016 Favorable AP	Favorable Yeas 8 Nays 0
4	SB 556 Altman (Compare CS/CS/H 371)	Florida Commission on Poverty; Creating the commission within the Department of Economic Opportunity; specifying the membership of the commission and the duration of members' terms; authorizing reimbursement for per diem and travel expenses; prescribing the powers and duties of the commission; requiring the commission to annually submit a report to the Governor and the Legislature, etc. CM 02/16/2016 Favorable ATD 02/24/2016 Fav/CS	Fav/CS Yeas 9 Nays 0
		FP	
5	CS/SB 696 Finance and Tax / Altman (Similar H 4039)	Tax on Sales, Use, and Other Transactions;Exempting all aircraft sales or leases, rather than the sales or leases of certain aircraft, from the sales and use tax, etc.FT02/16/2016 Fav/CS ATDATD02/24/2016 Favorable AP	Favorable Yeas 6 Nays 2
6	CS/SB 1216 Commerce and Tourism / Stargel (Similar CS/H 1017)	Reemployment Assistance Fraud; Citing this act as the "Department of Economic Opportunity Cybercrime Prevention Act"; adding the Department of Economic Opportunity as an entity that may be issued reproductions from certain files or digital records for specified reasons; revising provisions relating to disqualification from reemployment assistance benefits, etc. CM 02/16/2016 Fav/CS ATD 02/24/2016 Favorable AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development Wednesday, February 24, 2016, 1:30–3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 1260 Environmental Preservation and Conservation / Simpson (Similar CS/H 1051)	Anchoring Limitation Areas; Prohibiting overnight anchoring or mooring of vessels in specified anchoring limitation areas; providing for the removal and impoundment of vessels under certain circumstances, etc. EP 02/17/2016 Fav/CS	Favorable Yeas 8 Nays 1
		ATD 02/24/2016 Favorable FP	
8	CS/SB 1570 Transportation / Simmons (Compare CS/H 1373)	School Bus Stop Safety; Revising the terms of violation and the penalties for failure to stop a vehicle upon approaching a school bus that displays a stop signal; requiring an additional fee to be added to a fine imposed for a specified violation, etc.	Favorable Yeas 9 Nays 0
		TR 02/17/2016 Fav/CS ATD 02/24/2016 Favorable FP	
9	A proposed committee substitute is expected to be considered:	combining the following 2 bills (CS/SB 1390, SB 7062)	
10	CS/SB 1390 Transportation / Brandes (Compare CS/H 7081, Linked S 7062)	Issuance of Specialty License Plates; Revising presale requirements for issuance of a specialty plate; revising conditions for discontinuing issuance of a specialty plate; providing an exception to the minimum requirements for certain specialty plates, etc.	Fav/CS with SB 7062 Yeas 7 Nays 1
		TR 01/20/2016 Fav/CS ATD 02/24/2016 Fav/CS Combined - Lead AP	
11	SB 7062 Transportation (Compare CS/H 227, CS/H 567, CS/H 663, CS/H 733, CS/CS/H 801, CS/H 1013, CS/H 1101, CS/H 1103, CS/H 1141, CS/H 1349, CS/H 7081, S 278, S 690, S 896, S 1008, S 1022, S 1180, S	Specialty License Plates; Establishing annual use fees for certain specialty license plates; adding certain North American Soccer League teams for the Florida Professional Sports Team license plate; revising requirements relating to the distribution and use of annual use fees collected from the sale of certain specialty license plates, etc.	See CS/SB 1390
	1276, S 1304, S 1330, S 1446, S 1448, S 1486, Linked CS/S 1390)	ATD 02/24/2016 Fav/CS Combined AP RC	

Other Related Meeting Documents



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

402 Senate Office Building Mailing Address

404 South Monroe Street Tallahassee, Florida 32399-1100 (850) 487-5237

	DATE	COMM	ACTION
	1/6/16	SM	FAV/4 amends
	02/11/16	JU	Fav/CS
Ī	02/23/16	ATD	Recommend: Fav
		AP	

January 6, 2016

The Honorable Andy Gardiner President, The Florida Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100

Re: **CS/SB 14** – Judiciary Committee and Senator Thad Altman Relief of Estate of Dr. Sherrill Lynn Aversa

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNOPPOSED EQUITABLE CLAIM FOR \$650,000 FROM UNAPPROPRIATED TRUST FUNDS OF THE DEPARTMENT OF TRANSPORTATION FOR THE DEATH OF THE CLAIMANT IN AN AUTOMOBILE ACCIDENT CAUSED WHEN A LADDER FELL OFF A DEPARTMENT TRUCK.

<u>CURRENT STATUS:</u> Before a prior legislative session, Judge Bram D. E. Canter, an administrative law judge from the Division of Administrative Hearings, serving as a Senate Special Master, held a de novo hearing on a previous version of this bill. After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported FAVORABLY.

Judge Canter's report was reissued for SB 30 (2012), the most recent version of the claim bill for which a report is available. The 2012 report is attached as an addendum to this document.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, Thomas C. Cibula. My responsibilities were to review the records relating to the claim bill, be available for questions from Senators, and determine whether any changes have occurred since the hearing before Judge Canter, which if known at the hearing might have significantly altered the findings or recommendation in the report.

As part of my review of this matter, counsel for the parties were asked to describe any developments that have occurred since the original special master hearing. After reviewing the responses, I find that there are no new facts that would justify altering the original findings. Additionally, the 2012 claim bill on which Judge Canter's report is based is effectively identical to the claim bill filed for the 2016 Legislative Session.

The 2016 bill, however, retains several errors relating to the amount of the consent judgment, prior payments by the Department of Transportation, and the amount that should be paid under the claim bill. These errors were identified in Judge Canter's special master report and recognized in correspondence from the parties. Accordingly, Senate may wish to revise the bill as follows:

Delete line 44

and insert:

amount of \$800,000 solely against the department, with no

Delete lines 46-47 and insert:

WHEREAS, the department has paid \$150,000 to the Estate of Dr. Aversa consistent with the statutory limits of liability set forth in

Delete line 57 and insert: \$650,00 to a new category titled "Relief: Estate of Dr.

Delete lines 62-63

and insert:

a warrant, pursuant to the Stipulated Settlement Agreement executed by the Department of Transportation and the personal representative of the estate of Dr. Sherrill Lynn Aversa, in the amount of \$650,000 upon funds of the Department of Respectfully submitted,

Thomas C. Cibula Senate Special Master

cc: Debbie Brown, Secretary of the Senate

CS by Judiciary:

The CS corrects errors in the bill relating to the amount of the underlying judgment and the amount of the appropriation. As a result of the corrections, the amount of the appropriation in the bill is reduced to \$650,000 from \$697,000.

SPECIAL MASTER'S FINAL REPORT – CS/SB 14 January 6, 2016 Page 4



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location 402 Senate Office Building

Mailing Address 404 South Monroe Street Tallahassee, Florida 32399-1100 (850) 487-5237

DATE	COMM	ACTION
12/1/11	SM	Fav/1 amendment

December 1, 2011

The Honorable Mike Haridopolos President, The Florida Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100

Re: **SB 30 (2012)** – Senator Thad Altman Relief of Sherrill Lynn Aversa

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNOPPOSED EQUITABLE CLAIM FOR \$650,000 FROM UNAPPROPRIATED TRUST FUNDS OF THE DEPARTMENT OF TRANSPORTATION FOR THE DEATH OF THE CLAIMANT IN AN AUTOMOBILE ACCIDENT CAUSED WHEN A LADDER FELL OFF A DEPARTMENT TRUCK.

FINDINGS OF FACT: On June 21, 1999, Dr. Sherrill Lynn Aversa, 33 years old, was traveling southbound on I-75 in Tampa in rush hour traffic. She was wearing her seatbelt. At the same time, a Department of Transportation (DOT) truck driven by DOT employee Domingo Alvarado was traveling northbound. A 12foot extension ladder on the DOT truck was not well-secured and fell off the truck into the path of a vehicle driven by Roxann Hodge. Ms. Hodge veered sharply left to avoid the ladder and went into the median where she lost control of her Ms. Hodge's car crossed the median into the vehicle. southbound traffic and struck Dr. Aversa's car head-on. Dr. Aversa was killed instantly. Three other vehicles were also involved in the crash, but those drivers were not seriously injured.

When Mr. Alvarado realized that the ladder had fallen off his truck, he pulled off the roadway, backed up, and retrieved the ladder, which had come to a rest in the center northbound lane. Mr. Alvarado re-secured the ladder and then proceeded on his way. He said that he was unaware that his ladder caused a crash, although he acknowledged seeing smoke and commotion in the southbound lanes of I-75. Later that evening, Mr. Alvarado saw news coverage of the crash and called the Florida Highway Patrol to report his probable involvement.

Mr. Alvarado was cited for a violation of section 316.520, Florida Statutes, for failing to secure a load. DOT suspended him for four weeks without pay for violating DOT's policy regarding securing equipment on his truck.

Dr. Aversa was survived by her husband, Dr. Lee Crandall. They had no children. Dr. Aversa was an epidemiologist at the University of Miami Medical School and a leading researcher in the field of HIV/AIDS. An economist's report estimated that Dr. Aversa's economic damages (lost wages, etc.) were approximately \$2.6 million.

Dr. Crandall created a non-profit foundation to honor Dr. Aversa. The foundation awards scholarships to assist epidemiology students in completing their doctoral degrees. Dr. Crandall testified at the claim bill hearing that it is his intention to deposit most of the funds awarded from this claim bill into the foundation in order to endow the scholarships in perpetuity.

The other injured drivers settled with DOT for a total of \$50,000. That left \$150,000 under the sovereign immunity cap to pay Dr. Aversa's estate. DOT paid \$150,000 to Dr. Aversa's estate. All but \$727 was used to pay for attorney's fees and costs. Dr. Crandall received approximately \$110,000 from a life insurance policy, \$100,000 in underinsured motorist coverage, and \$10,000 in settlement proceeds from Ms. Hodge's insurer. Some of these funds were used to pay off Dr. Aversa's student loans and some will be transferred to the foundation once Dr. Aversa's estate is closed.

SPECIAL MASTER'S FINAL REPORT – SB 30 (2012) December 1, 2011 Page 3

- LITIGATION HISTORY: Dr. Crandall, as husband and personal representative of Dr. Aversa's estate, filed an action for negligence against DOT in the circuit court for Hillsborough County in 2000. In May 2003, on the eve of trial, the parties entered into a stipulated settlement agreement wherein DOT agreed to pay Dr. Aversa's estate a total of \$800,000. DOT has already paid \$150,000, leaving \$650,000 to be paid by way of this claim bill. As a part of the settlement agreement, DOT agreed to cooperate and support the passage of a claim bill in the amount of \$650,000.
- <u>CONCLUSIONS OF LAW:</u> The claim bill hearing was a *de novo* proceeding to determine, based on the evidence presented to the Special Master, whether DOT is liable in negligence for the death of the Claimant and, if so, whether the amount of the claim is reasonable.

Mr. Alvarado had a duty to secure the load to his truck pursuant to section 316.520, Florida Statutes, and DOT policy. His failure to do so was the direct and proximate cause of the crash that killed Dr. Aversa. Mr. Alvarado was an employee of DOT acting in the course and scope of his employment at the time of the crash. His negligence is therefore attributable to DOT.

The amount of the claim is fair and reasonable.

ATTORNEY'S FEES: Claimant's attorneys have agreed to limit their fees to 25 percent of any amount awarded by the Legislature in compliance with section 768.28(8), Florida Statutes. There is an agreement to pay the lobbyist's fee from the claim bill proceeds, which could conflict with the requirement in SB 30 that the lobbyist's fee must be paid from the 25 percent attorney's fees.

OTHER ISSUES: DOT states that the claim should be paid from the State Transportation Fund.

There are some errors in SB 30. The bill states that the consent judgment was for \$797,500. The correct figure is \$800,000. The bill states that DOT paid \$100,000 to Dr. Aversa's estate, but DOT paid \$150,000.

SPECIAL MASTER'S FINAL REPORT – SB 30 (2012) December 1, 2011 Page 4

RECOMMENDATIONS:

For the reasons set forth above, I recommend that Senate Bill 30 (2012) be reported FAVORABLY, as amended.

Respectfully submitted,

Bram D. E. Canter Senate Special Master

cc: Senator Thad Altman Debbie Brown, Interim Secretary of the Senate Counsel of Record



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

302 Senate Office Building Mailing Address

404 South Monroe Street Tallahassee, Florida 32399-1100 (850) 487-5237

DATE	COMM	ACTION
1/13/16	SM	Favorable
2/16/16	JU	Favorable
2/23/16	ATD	Recommend: Fav
	AP	

January 13, 2016

The Honorable Andy Gardiner President, The Florida Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100

Re: **SB 32** – Senator Anitere Flores **HB 3527** Representative Jay Fant Relief of Amie Draiemann O'Brien

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$1,116,940 AGAINST THE DEPARTMENT OF TRANSPORTATION ARISING OUT OF A MOTOR VEHICLE CRASH IN JACKSONVILLE IN 2000 THAT KILLED CHRIS STEPHENSON

FINDINGS OF FACT: On December 11, 2006, an administrative law judge from the Division of Administrative Hearings, serving as a Senate special master, held a de novo hearing on a previous version of this bill, SB 34 (2007). After the hearing, the judge issued a report containing findings of fact and conclusions of law and recommended that the bill be reported favorably with an amendment. That report is attached as an addendum to this report.

Due to the passage of time since the hearing, the Senate President reassigned the claim to me, James Knudson. My responsibilities were to review the records relating to the claim bill, be available for questions from the members, and determine whether any changes have occurred since the hearing, which if known at the hearing, might have SPECIAL MASTER'S FINAL REPORT – SB 32 January 13, 2016 Page 2

significantly altered the findings or recommendation in the previous report.

According to counsel for the claimant, no substantial changes have occurred since the hearing. Counsel for the claimant, in a letter dated September 30, 2015, detailed the current status of Amie Draiemann (Stephenson) O'Brian and the two surviving children, Hailey and Christian, II. They reside in Knoxville. Tennessee where Amie Draiemann O'Brien works as a teacher's assistant tutoring children with disabilities at the school her children attend. Amie is also attending Tusculum College to attain her bachelor's degree in Psychology. Amie and Hailey attend counseling for their issues regarding Mr. Stephenson's Christian previously death. attended counseling, but has anger issues and has stopped doing so. Hailey plans to enroll at Walter's State Community College in Tennessee. Christian is considering joining the Navy after graduating high school, but has not made a decision regarding his future after high school.

The prior claim bill, SB 34 (2007) had provided an appropriation from the General Revenue Fund to the Department of Transportation Amie to Draiemann Stephenson of \$1,092,040, plus taxable costs. On December 2, 2011, a subsequent Senate special master issued a Final Report that adopted the findings of the 2006 Final Report and recommended two amendments to a subsequent version of this claim bill, SB 62 (2012), which were not adopted because that bill was not heard in a Senate committee. These amendments, are incorporated into the claim bill filed for the 2016 Legislative Session.

The bill apportions damages between Mr. Stephenson's estate, his wife, and two children in the amounts awarded in the jury verdict. The jury verdict specifically apportioned damages between Mr. Stephenson's estate (36.22 percent of the award), Amie (21.26 percent), Hailey (27.86 percent), and Christian, II. (14.66 percent).

Based on the forgoing and the absence of new developments that might justify altering the prior special master's findings, I recommend SB 32 FAVORABLY. Respectfully submitted,

James Knudson Senate Special Master

cc: Secretary of the Senate

SPECIAL MASTER'S FINAL REPORT – SB 70 December 2, 2011 Page 4



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location 402 Senate Office Building Mailing Address 404 South Monroe Street Tallahassee, Florida 32399-1100 (850) 487-5237

DATE	COMM	ACTION
12/2/11	SM	Fav/1 amendment

December 2, 2011

The Honorable Mike Haridopolos President, The Florida Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100

Re: **SB 70** – Senator Michael S. Bennett Relief of Amie Draiemann Stephenson (O'Brien)

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR \$1,092,040 AGAINST THE DEPARTMENT OF TRANSPORTATION ARISING OUT OF A MOTOR VEHICLE CRASH IN JACKSONVILLE IN 2000 THAT KILLED CHRIS STEPHENSON.

FINDINGS OF FACT:On August 12, 2000, 29-year-old Christian D. Stephenson
was killed when he lost control of the gas tanker that he was
driving and crashed on the Hart Bridge Expressway in
Jacksonville. The truck exploded in the crash, and Mr.
Stephenson burned to death in the fire.

The posted speed limit on the portion of the expressway where the crash occurred was 45 MPH. Mr. Stephenson was traveling in excess of the speed limit (perhaps as fast as 60 MPH) at the time of the crash, according to the eye witnesses and experts who testified at the trial. The road was wet, and it was raining at the time of the crash. However, it was not raining as heavily at the time of the crash as it had been in the hour or so preceding the crash.

Mr. Stephenson was traveling in the left lane of the road, following closely behind a jeep driven by Jason Keiffer. Unbeknown to Mr. Keiffer or Mr. Stephenson, there was a large pool of standing water in the left lane of the road. The water was estimated to be 300 feet long and 6 to 9 inches deep at its deepest point. The cause of the standing water was a clogged drainage basin in the median.

Mr. Keiffer hit the water and lost control of his jeep. Mr. Stephenson swerved to the right to miss Mr. Keiffer's jeep. That maneuver sent him in the direction of the safety zone in which three other vehicles were sitting. In order to miss those vehicles, Mr. Stephenson steered further to the right down an exit ramp where his truck hit a guardrail, flipped over, and burst into flames.

The three vehicles sitting in the safety zone were a City of Jacksonville police car, a car driven by Shana Williams, and a news van driven by Douglas Lockwood. Ms. Williams and Mr. Lockwood had each hit the water and lost control of their vehicles shortly before the crash involving Mr. Stephenson. The police car was driven by Lt. David Vanaman, who had just responded to the scene to assist Ms. Williams and Mr. Lockwood about the time that Mr. Stephenson lost control of his truck.

The Department of Transportation (DOT) is responsible for maintaining the drainage basins along the Hart Bridge Expressway. After the crash, DOT maintenance supervisor Alex Slaughter was called to the scene.

Mr. Slaughter called for the assistance of a vacuum truck to suck up the standing water and clean up the drainage basin. The vacuum truck was able to suck up all of the water on the road, but it was unable to unclog the drainage basin. As a result, it was necessary for Mr. Slaughter and three other DOT maintenance employees to climb down into the drainage basin and remove by hand the materials clogging the drain. The materials removed from the drainage basin included various items of trash and what was described at trial as a large rubber or plastic flap. It took the four DOT employees two hours to remove all of the materials in the drainage basin. Approximately one cubic yard of debris was removed.

No evidence was presented as to when DOT had last inspected and/or cleaned out the drainage basin. Mr. Slaughter testified that the materials removed from the drainage basin had likely accumulated over 6 to 8 months. The plaintiffs' expert, Jerome Thomas, testified that the debris had likely been accumulating for several years. Mr. Thomas's estimate is more reasonable in light of the length of time that it took the DOT employees to unclog the drainage basin after the crash, the amount of debris removed, and the evidence of prior flooding at the site.

This was not the first time that the water had accumulated on the road in this location as a result of the clogged drainage basin. Several witnesses testified about seeing standing water at that location, and there had been several prior crashes, including one involving a City of Jacksonville fire truck, in which drivers lost control of their vehicles after hitting the water. However, there was no evidence that these accidents were reported to DOT, or that DOT had actual knowledge of the flooding caused by the clogged drain at this location.

Mr. Stephenson was survived by his wife, Amie, and two children, Hailey and Christian, II. Hailey (now 13) was 2 years old at the time of Mr. Stephenson's death. Christian, II (now 11), was born several months after Mr. Stephenson's death. Amie and Hailey both spent time in counseling after Mr. Stephenson's death. Christian is reportedly experiencing behavioral and emotional problems as a consequence of never having met his father.

Amie is a stay-at-home mom. She last worked outside the home in 1998, which was about the time that Hailey was born. Amie has moved on with her life. She married Kevin O'Brien, Mr. Stephenson's best friend, in October 2005. They have a daughter together.

Amie received approximately \$325,000 from various sources after Mr. Stephenson's death. That amount included \$104,581.34 in workers' compensation death benefits; a \$5,000 funeral benefit from Mr. Stephenson's insurer, State Farm; a \$100,000 uninsured motorist settlement from State Farm; a \$10,000 settlement of a suit against Mr. Keiffer; a \$10,000 settlement of a suit against the City of Jacksonville; \$22,000 in donations through a charity fund established by a local hospital where Mr. Stephenson's mother worked; and \$75,000 in life insurance. These funds are in addition to the \$175,100 paid by DOT in satisfaction of its legal liability for the judgment in this case, as discussed below. Amie used the money from the charity fund to pay off the family's debts and purchase furniture for a new home. There is a statutory lien on the workers' compensation benefits, which will be paid from the proceeds of the claim bill.

In addition to the lump sum payments referenced above, Amie received Social Security survivor benefits of approximately \$700 per month until the time that she married Mr. O'Brien. Hailey and Chris, II, continue to receive survivor benefits. It was reported at the Special Master hearing that each child receives benefits of \$917 per month, and that the benefits will continue until the children turn 18.

Amie testified at the Special Master hearing that any money she receives from the claim bill will ultimately pass to her children, and not Mr. O'Brien. She confirmed that intent in writing after the hearing. Additionally, Mr. O'Brien submitted a written statement waiving his right to any of the money received by Amie from the claim bill.

DOT reported that it has sufficient funds available in its "unappropriated trust fund balances" to pay the claim, and those funds were suggested by DOT as the appropriate source for payment of this claim if the bill is approved over its objection. Payment of the claim from those funds will not adversely impact DOT's operations or any particular work program.

LEGAL PROCEEDINGS: In 2001, Amie, as personal representative of Mr. Stephenson's estate, filed suit against DOT, the City of Jacksonville, Multimedia Holdings Corporation (Mr. Lockwood's employer), Ms. Williams, and Mr. Keiffer, in circuit court in Jacksonville. A two-week jury trial was held in March 2005.

> Prior to trial, the court entered summary judgment in favor of Multimedia and Ms. Williams. Those rulings were affirmed on appeal, and judgments were subsequently entered in favor of

Ms. Williams (\$21,599 in attorney's fees and \$1,887.07 in costs) and Multimedia (\$5,148 in attorney's fees). Those judgments remain unsatisfied and are against Mr. Stephenson's estate, which has not yet been closed. It is expected that the judgments will be paid out of the proceeds from the claim bill that are paid to the estate.

Summary judgment was also entered in favor of Mr. Keiffer prior to the trial. The claimants' appeal of that ruling was dismissed after Mr. Keiffer agreed to pay \$10,000 to settle the suit against him. A \$10,000 pre-trial settlement was also reached with the City of Jacksonville.

As a result of the pre-trial rulings and settlements, the case proceeded to trial with DOT as the only defendant. The jury found DOT negligent and apportioned 36 percent of the negligence for Mr. Stephenson's death to DOT. The jury apportioned the remaining 64 percent of the negligence to Mr. Stephenson. The jury awarded a total of \$3,589,000, broken down as follows:

Damages to Mr. Stephenson's estate	\$1,300,000
Damages to Amie	\$763,000
Damages to Hailey	\$1,000,000
Damages to Chris, II	\$526,000

After the award was reduced to reflect Mr. Stephenson's comparative fault, a final judgment was entered against DOT for \$1,292,040.

The final judgment reserved jurisdiction to award costs against DOT. A cost judgment was never entered because the parties agreed that the amount of trial-related costs was roughly equivalent to the amount that would be offset against the judgment for the collateral sources received by Amie after Mr. Stephenson's death.

DOT did not appeal the final judgment. Amie appealed the final judgment, but the appeal was voluntarily dismissed because according to the claimants' attorney, Amie would not have been able emotionally to go through another trial in the event that the judgment was reversed on appeal.

DOT paid \$175,100 to the claimants in satisfaction of its legal liability under the judgment. The remainder of the \$200,000

SPECIAL MASTER'S FINAL REPORT – SB 70 December 2, 2011 Page 9

available under the sovereign immunity cap was paid to the company that owned the truck Mr. Stephenson was driving which was destroyed in the crash. The "outstanding balance" of the judgment against DOT is \$1,117,940.

The claimants only received approximately \$26,000 of the \$175,100 paid by DOT, with approximately \$8,500 going to Amie, approximately \$11,300 going to Hailey, and approximately \$5,900 going to Christian, II. None of the initial payment went to Mr. Stephenson's estate. The remainder of the initial payment went to attorney's fees, costs, and the repayment of a loan taken out by the claimants.

The claimants' attorney reports that there are approximately \$320,000 of billed and unbilled costs and expenses which remain outstanding. Some of those expenses relate to post-trial matters, but the bulk of the expenses relate to the investigation and trial of the case.

<u>CLAIMANT'S ARGUEMENTS:</u> DOT was negligent by failing to keep the drainage basin free of debris, which caused water to overflow onto the road creating an unsafe condition that led to Mr. Stephenson's death.

> DOT had at least constructive notice of the dangerous condition created by the clogged drainage basin as a result of prior crashes at the location caused by standing water.

The jury verdict against DOT should be given full effect.

<u>RESPONDENT'S ARGUMENTS</u>: DOT did not have actual notice of the clogged drainage basin or the resulting dangerous roadway condition.

The clogged drain was not caused by months or years of accumulated debris, but rather by the large rubber or plastic flap that somehow got into the drainage basin.

The primary cause of the crash that killed Mr. Stephenson was his own negligence, namely his excessive speed for the wet road conditions that existed at the time of the crash.

<u>CONCLUSIONS OF LAW:</u> DOT had a duty to maintain the drainage basin so that it did not become clogged and create an unsafe roadway condition. Although DOT argued that its decisions as to where drainage basins are located and how and when they are inspected are planning level decisions entitled to sovereign immunity, it conceded that its duty to properly maintain a particular drainage basin is an operational level decision for which sovereign immunity has been partially waived by section 768.28, Florida Statutes.

DOT breached its duty, as evidenced by the fact that there was no evidence when the drainage basin was last cleaned out, and the fact that it took four DOT employees a total of two hours to remove the cubic yard of debris that had accumulated in the drainage basin. DOT's argument that the drainage basin became clogged because of a "freak event" (i.e., the rubber or plastic flap) was not persuasive in light of the amount of debris removed from the drainage basin after the crash and the evidence of prior crashes caused by standing water in the same location.

DOTs negligence was a proximate cause of Mr. Stephenson's death because but for the standing water in the roadway caused by the clogged drainage basin, Mr. Keiffer would not have lost control of his jeep causing Mr. Stephenson to take the evasive action that ultimately led to his death.

Mr. Stephenson's own negligence also contributed to his death because he was speeding at the time of his crash despite the wet road conditions, and he may have also been following Mr. Keiffer's jeep too closely. Accordingly, the jury's apportionment of fault between DOT and Mr. Stephenson is reasonable and appropriate.

The damages awarded by the jury are reasonable as well. Dr. Patricia Pacey, the expert who testified at trial for the claimants, calculated the economic damages of Mr. Stephenson's death to be approximately \$1.8 million. DOT's expert came to a similar amount. The jury awarded \$1.3 million to Mr. Stephenson's estate for economic damages. The remaining \$2.2 million of the verdict were non-economic damages apportioned amongst Amie, Hailey, and Christian, II.

The trial court did not enter a cost judgment against DOT, and it did not adjust the jury verdict to take into account collateral sources of recovery by Mr. Stephenson's family. SPECIAL MASTER'S FINAL REPORT – SB 70 December 2, 2011 Page 11

> The evidence presented at the Special Master hearing establishes that, consistent with the agreement of the parties at the trial level, the costs incurred by the claimants are roughly equivalent to, and off-set, the collateral-source payments received by the claimants.

- LEGISLATIVE HISTORY: This is the sixth year that this claim has been presented to the Legislature. The bills filed in 2007 (SB 34), 2008 (SB 62), 2009 (SB 22), 2010 (SB 32), and 2011 (SB 30) were not referred to committee.
- ATTORNEYS FEES: The bill states that "attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act." (Emphasis supplied). This limitation is within the authority and discretion of the Legislature. See Gamble v. Wells, 450 So. 2d 850 (Fla. 1984); Noel v. Schlesinger, 984 So. 2d 1265 (Fla. 4th DCA 2008).

The claimants' attorney provided an affidavit stating that in accordance with s. 768.28(8), F.S., attorney's fees related to this claim will be capped at 25 percent of the amount awarded in the bill. The lobbyist's fee is 6 percent of amount awarded in the bill, and according to lobbyist's affidavit, the lobbyist's fee is "included within the 25 percent attorney fee cap."

There are approximately \$320,000 of outstanding costs and expenses. Those costs will not come out of the claimants' portion of the bill as a result of the bill language quoted above.

<u>SPECIAL ISSUES:</u> This Final Report was written by Special Master T. Kent Wetherell, II, who conducted the claim bill hearing on this matter in December 2006. Having reviewed the case, the undersigned has elected to adopt Special Master Wetherell's report and recommendations, with minor editorial changes to the text.

> One amendment to the bill is needed. The fourth whereas clause erroneously states that the jeep was traveling towards Mr. Stephenson's tanker truck. This clause should be amended to conform to the undisputed evidence that Mr. Stephenson's tanker truck was following the jeep.

Other amendments might be desirable. First, the last "whereas" clause in the bill states that the amount subject to being awarded pursuant to this act is \$1,092,040, which will be the unpaid balance of the final judgment after DOT has paid the claimants \$200,000 under the sovereign immunity cap. To date, DOT has not paid the claimants the full \$200,000. Instead, DOT paid \$25,000 to the company that owned the truck which was destroyed in the fire and \$175,000 to the claimants. Given that the bill seeks payment of \$1,092,040, which is the amount of the judgment less \$200,000, it appears that the claimants anticipate DOT will pay them the \$25,000 balance due under the cap without the compulsion of this legislation-or that they have abandoned the pursuit of this sum. If these assumptions are incorrect, the claimants should seek to amend the bill, to reflect that the "outstanding balance" against DOT is \$1,117,940, and to correct the "whereas" clause accordingly.

Second, the bill contemplates a single lump sum payment to Amie, as personal representative of Mr. Stephenson's estate, even though the jury verdict specifically apportioned damages between Mr. Stephenson's estate (36.22 percent of the award), Amie (21.26 percent), Hailey (27.86 percent), and Christian, II. (14.66 percent). Amie testified at the Special Master hearing (and the claimants' attorney confirmed in a written submittal this year) that she has no objection to the children's shares of the claim bill being specifically earmarked for them. It was suggested, however, that the children's shares of the claim bill should be paid into a trust since they are minors. The claimants should consider seeking an amendment to the bill that would provide for the allocation of the proceeds as follows: \$404,575.65 to Mr. Stephenson's estate; \$237,454.78 to Amie; \$311,212.04 in trust for Hailey; and \$163,697.53 in trust for Christian, II.

<u>RECOMMENDATIONS:</u> For the reasons set forth above, I recommend that Senate Bill 62 (2012) be reported FAVORABLY, as amended.

Respectfully submitted,

John G. Van Laningham Senate Special Master

cc: Senator Michael S. Bennett Debbie Brown, Interim Secretary of the Senate Counsel of Record THE FLORIDA SENATE

APPEARANCE RECORD

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Speaking: For	Against Information	Waive Speaking: In Su (The Chair will read this inform	
Representing	Annie Stephanser	2 O'Bran	
Appearing at request	of Chair: Yes No	Lobbyist registered with Legislate	ure: Yes No
While it is a Senate tradition meeting. Those who do sp	on to encourage public testimony, time i beak may be asked to limit their remarks	may not permit all persons wishing to sp s so that as many persons as possible o	beak to be heard at this can be heard.

This form is part of the public record for this meeting.

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S-001 (10/14/14)



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

302 Senate Office Building Mailing Address

404 South Monroe Street Tallahassee, Florida 32399-1100 (850) 487-5237

	DATE	COMM	ACTION
2	2/03/16	SM	Fav/1 amendment
2	2/16/16	JU	Fav/CS
2	2/23/16	ATD	Recommend: Fav
		AP	

February 3, 2016

The Honorable Andy Gardiner President, The Florida Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100

Re: **CS/SB 64** – Judiciary Committee and Senator Joe Negron **HB 3535** Representative Amanda Murphy Relief of the Estate of Danielle Maudsley

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED EQUITABLE CLAIM FOR \$1,750,000 PAYABLE FROM THE GENERAL REVENUE FUND OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, BASED ON A SETTLEMENT AGREEMENT BETWEEN THE ESTATE OF DANIELLE MAUDSLEY AND THE FLORIDA HIGHWAY PATROL AND TROOPER DANIEL COLE, WHICH RESOLVED A CIVIL ACTION THAT AROSE FROM THE ALLEGED NEGLIGENT USE OF AN ELECTRONIC CONTROL DEVICE THAT CAUSED THE DEATH OF DANIELLE MAUDSLEY.

FINDINGS OF FACT:

On September 19, 2011, Trooper Daniel Cole of the Florida Highway Patrol (FHP) arrested 20 year old Danielle Maudsley for two counts of leaving the scene of a crash with property damage and two counts of driving with no valid driver's license. The charges are all second degree misdemeanors.

The first hit-and-run crash occurred at approximately 8:47 a.m. on September 19, 2011. Trooper Cole was dispatched to the scene and while responding, a second hit-and-run crash, which occurred at approximately 9:41 a.m., was reported with tag numbers, vehicle descriptions, and driver descriptions

consistent in both crashes. Trooper Cole requested a *Be on the Lookout (BOLO)* for the suspect's vehicle. Both crashes occurred in Pinellas County.

A short time later, deputies from the Pinellas County Sheriff's Office (PCSO) located the suspect vehicle, which was damaged, at Ms. Maudsley's residence in Pinellas Park. Trooper Cole was notified and went to the Maudsley residence. Upon arrival Deputy Chad Earl (PCSO) informed Trooper Cole that Danielle Maudsley resisted his attempts to detain her, without violence, and he intended to charge her for that offense, and that she was already on probation for driving with no valid driver's license. After deputies informed Trooper Cole that Danielle Maudsley had made spontaneous statements to the deputies that she had been involved in the hit-and-run crashes, Trooper Cole arrested Ms. Maudsley.

Trooper Cole handcuffed Ms. Maudsley behind her back and transported her to the Pinellas Park FHP station at 7651 U.S.19 North to complete the investigative paperwork prior to taking her to the county jail.

Trooper Cole had activated the in-car video and audio system for the transport. The video shows that Danielle Maudsley is a slightly built woman and while fidgeting in the back of the patrol car removed one of her hands from the handcuffs. Upon arrival at the FHP station at approximately 11:04 a.m., and while exiting the patrol car, Ms. Maudsley passively informed Trooper Cole that her hand was free and she was unable to reinsert it into the handcuffs. Trooper Cole re-cuffed Ms. Maudsley behind her back and they entered the side door of the FHP station near the conference room.

Trooper Cole seated Ms. Maudsley in a chair in the conference room farthest from the door. Trooper Cole seated himself at the conference room table between Ms. Maudsley and the door to complete the investigative paperwork. At approximately 11:11 a.m. Ms. Maudsley advised Trooper Cole that she was thirsty. While escorting her to get a drink of water, she complained about the handcuffs and turned so that he could see that her wrist was caught in one of the handcuffs. Trooper Cole had her adjust her wrist so that it was not caught and he checked to be sure the handcuffs were still secure.

At approximately 11:41 a.m., Trooper Cole requested another FHP officer watch Ms. Maudsley so that he could use the restroom. According to the investigative report, Trooper Cole returned about one and a half minutes later and assumed sole control of Ms. Maudsley while he resumed the paperwork.

Throughout the period from initially entering the conference room, there was no indication of aggressive or uncooperative behavior on the part of Danielle Maudsley while in custody.

At approximately 11:45 a.m., while Trooper Cole was still engaged in the paperwork, Danielle Maudsley ran past him, out of the conference room, down the short hallway, and exited the side door in which she had entered. At that time, Danielle Maudsley was no longer handcuffed behind her back. According to Trooper Cole, he was unable to discern whether she was handcuffed at all.

Trooper Cole indicated that he never heard Ms. Maudsley get up, the jingle of a handcuff, or anything. He felt a presence move behind him and when he looked up, she was even with the doorway to the conference room.

The in-car video and audio in Trooper Cole's transport vehicle were still activated and recorded the ensuing events. Off camera, Trooper Cole is heard asking, "Where are you going?" and he whistled at her. The next sound, which is almost immediately, is the squeak of the push bar on the station's exit door. Investigative reports and the video support the conclusion that the sound was from Danielle Maudsley pushing the bar to exit the building.

According to the investigative report, when Trooper Cole got to the exit door, it was swinging back in his direction. He pushed the door open with his left hand as he pulled his electronic control device (Taser) from the holster on his belt with his right hand. He weighed almost three times Danielle's weight, and according to Trooper Cole believed that [tackling] going to the ground with Danielle would certainly have resulted in her being injured.

The audio/video recording shows¹ Ms. Maudsley in full stride with her body posture leaning forward, within a distance of

¹ At time stamp 11:45:49 a.m. on the in-car video recording.

approximately one to two feet from Trooper Cole. Trooper Cole has the Taser in his right hand drawn and horizontal but his right elbow is still at his side. His posture is more erect. The left side of his body is not visible in the frame. Both are on the sidewalk under the eave of the building's roof.

According to the audio/video recording and still photographs from the recording, one second later, at 11:45:50 a.m., Trooper Cole's right hand with the Taser is outstretched approximately two feet from Ms. Maudsley's back. Both are still on the sidewalk beside the side door. The next still photograph with the same time stamp shows Ms. Maudsley stepping off the sidewalk in full stride, her back still to Trooper Cole, with her body posture indicating that she had received a Taser discharge into her back. She also released an audible squeal at this time. Trooper Cole had not warned the fleeing Maudsley that he was going to discharge the Taser. The distance between Trooper Cole and Ms. Maudsley had increased to approximately three to four feet by this point; however, the front of the Taser was approximately two feet away at the point of discharge.

At 11:45:51 a.m., Ms. Maudsley's body is twisting toward Trooper Cole in the parking lot. Still clearly handcuffed but in the front of her body, she falls backwards, striking the back of her head on the pavement of the parking lot.² She is whimpering and sits up. Trooper Cole instructs her to "lay down" several times, which she does. Other FHP troopers come out of the building to assist. Ms. Maudsley, while still whimpering and crying tries to sit up again and at 11:47:02 complains that she cannot not get up. This interchange continues until approximately 11:48 a.m., when she becomes quiet and still. Emergency Medical Services arrived at approximately 11:51 a.m., and transported Ms. Maudsley to Bayfront Medical Center.

At approximately 5:00 p.m., the physician attending to Ms. Maudsley advised that her condition was critical and her prognosis was not good due to the lack of activity in her brain. In addition Maudsley had tested positive for oxycodone, and cocaine in her system. Danielle Maudsley never regained consciousness, was diagnosed with a traumatic brain injury,

² The FDLE Investigative Report of the incident reports a measurement between the approximate point on the concrete pad where Trooper Cole fired his Taser at Daniele Maudsley to the point on the pavement/asphalt where Ms. Maudsley fell and fractured her skull at 15.217 feet.

remained in a constant vegetative state on life-support, and passed away on September 15, 2013.

The FHP Supervisor's Use of Control Report, signed in October, 2011, by the district shift commander, district commander, and troop commander concluded that based on the totality of the circumstances, the force used exceeded the minimum amount of force needed to effectuate the apprehension of Danielle Maudsley. Within that report, the supervising investigator noted that Trooper Cole was in no apparent danger and because of his closeness to the suspect, the time necessary to warn Ms. Maudsley would not have prevented him from being able to use the ECD if she continued to flee. He further noted that the ECD cartridges issued by the agency have a maximum range of 25 feet.

On or about September 20, 2011, the FHP requested the Florida Department of Law Enforcement (FDLE) investigate this incident as a Use of Force incident. On November 7, 2011, the FDLE concluded that Trooper Cole was in the legal performance of his official law enforcement duties and acted within the scope of his assignment. The investigation determined that the use of force by Trooper Cole was within the allowable parameters outlined in Chapter 776, Florida Statutes.

The Department of Highway Safety and Motor Vehicles (DHSMV) Office of Inspector General's administrative investigation likewise determined that Trooper Cole acted in accordance with Florida law and FHP policy.

Florida Statutes, FHP policies and procedures, and officer/trooper training programs provide structure, parameters, and guidance for the use of force to prevent escape, including the use of electronic control devices (ECD). Although not a complete recitation of these documents, the following considerations demonstrate the complexity of the issues presented in the facts of this claim bill:

- A law enforcement officer or other person who has an arrested person in his or her custody is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody. Section 776.07, F.S.
- Members of the FHP shall in every instance seek to employ the minimum amount of control required to

successfully overcome physical resistance, prevent escapes, and effect arrests. Members' actions must be objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. FHP Procedures 10.01.07 and Policy 10.05.02 specific to ECD.

- In accordance with s. 943.1717(1), F.S., a member's decision to deploy the ECD shall involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the member from passive physical resistance to active physical resistance, and the person (a) has the apparent ability to physically threaten the member or others; or, (b) is preparing or attempting to flee or escape. (Note: Fleeing cannot be the sole reason for deployment of the ECD.) FHP Policy Manual 10.05.04 C.
- There may be incidents in which the use of an ECD conflicts with [a list of 6 situations a member shall not use the device unless exigent circumstances exist, including use on a handcuffed prisoner]. In those cases, the use of the ECD must be based on justifiable facts and are subject to "Use of Control" supervisory review. FHP Policy Manual specific to ECD Deployment 10.05.04 C 1.
- As in all uses of control, certain individuals may be more susceptible to injury. Members should be aware of the greater potential for injury when using an ECD against ... persons of small build regardless of age. FHP Policy Manual specific to ECD – Deployment 10.05.04 C 2.
- When reasonable, members preparing to fire the device should announce a verbal warning such as "Stop Resisting, Taser!, Taser!" to warn the violator ... FHP Policy Manual specific to ECD – Deployment 10.05.04 C 4.

On November 2, 2012, Danielle Maudsley was determined to be incapacitated, and Julie Goddard was appointed her Guardian by the Circuit Court of the Ninth District in and for Orange County. Ms. Maudsley was residing in a nursing facility in Orange County at the time. When Ms. Maudsley died, Ms. Goddard became the Personal Representative of the Estate of Danielle Maudsley.

Litigation originated on May 23, 2013, in state court against Trooper Cole and the FHP in the Sixth Circuit of Pinellas County while Ms. Maudsley was still alive. The complaint alleged that Trooper Cole acted in a manner exhibiting wanton and willful disregard of human rights and safety, by among other ways:

- Failing to use his Taser in a proper, safe and appropriate manner;
- Deploying his Taser on a handcuffed and running Danielle Maudsley when he knew or should have known that the use of the Taser under the circumstances would likely result in severe injuries to her;
- Failing to use other available, safer means to stop Danielle Maudsley, such as reaching out with his hands and grabbing her;
- Failing to provide a verbal warning in accordance with the policies and procedures set forth by the Florida Highway Patrol; and
- Failing to follow other accepted policies and procedures set forth by the FHP.

The complaint also alleged that the FHP was negligent in its training and instruction of Trooper Cole in the proper, safe, and appropriate use of his Taser.

On July 7, 2014, after Danielle Maudsley's death, an amended complaint was filed that also alleged excessive force and Fourth Amendment constitutional violation claims. The case was removed to the United States District Court, Middle District of Florida.

On August 10, 2015, the parties settled all claims for \$1,950,000 to avoid the cost of protracted and expensive litigation. The settlement agreement refers to the allegations of negligence against the FHP and Trooper Cole that are contained in the Complaint. While maintaining no admission of liability or responsibility, the FHP and Trooper Cole acknowledge that if this case went to trail, a federal jury could reasonably award damages to the Plaintiff in the amount of \$1,950,000 based on the facts of the case.

The limit of the State's sovereign immunity in the amount of \$200,000 has been paid by the Division of Risk Management pursuant to s. 768.28, F.S. The remaining \$1,750,000 is the subject of the claim bill and will be paid from General Revenue appropriated to the DHSMV if the claim bill becomes law. The FHP and Trooper Cole have agreed not to oppose a claim bill in this amount.

SPECIAL MASTER'S FINAL REPORT – CS/SB 64 February 3, 2016 Page 8

> In the settlement agreement, the Plaintiff agrees to voluntarily dismiss the lawsuit, with prejudice, upon court approval. The Final Judgment has not been issued by the United States District Court for the Middle District of Florida in this matter. However, Senate Rule 4.81(6) provides that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

> A Medicaid lien of approximately \$400,521 and \$119 Pinellas County EMS outstanding medical bills exist.³ The net proceeds to the estate from this claim bill for \$1,750,000, after medical liens and attorney fees is expected to be approximately \$911,860. The probate court may award estate and personal representative fees, estimated at approximately \$114,030, in accordance with Florida law from all net proceeds⁴ to the estate.

> Counsel for the Plaintiff represents it is his understanding from discussion with the attorney for the personal representative of the estate, that the proposed distribution of any claim bill will be made in accordance with Florida Statute, in that both parents will receive damages equally, [after liens, costs, and expenses have been paid]. However, Cheryl Maudsley, mother and primary caregiver of Danielle, both during her life and while she was hospitalized, will be petitioning the probate court for a greater apportionment of those damages. Danielle Maudsley's father is currently incarcerated. According to Counsel, Cheryl Maudsley also intends to establish a trust for her 8 year old daughter, Danielle's sister, with a majority of her portion of the funds.

> This Special Master recommends several technical amendments to SB 64 to conform the facts stated in the preamble to findings of fact from the Special Master hearing and document submissions. In addition, the effective date of the bill is upon becoming a law. Amending the effective date to July 1, 2016, will allow for a General Revenue appropriation in the 2016-2017 General Appropriations Act rather than paying this claim from current year funds.

³ If this claim bill is not enacted, a negotiated amount of \$87,000 will be paid from the \$200,000 recovery under the waiver of sovereign immunity to satisfy the Medicaid lien. According to counsel, the \$200,000 has not been disbursed yet to the estate.

⁴ Estimated net proceeds is \$1,950,000 - \$487,500 (25% attorney and lobbying fees) - \$400,640 (Medicaid and medical bills) - \$14,636 (legal office expenses) = \$1,047,224.

CONCLUSIONS OF LAW:

A common law duty of care is owed to a person in custody. <u>Kaiser v. Kolb</u>, 543 So. 2d 732 (Fla 1989) Accordingly, Trooper Cole had a duty to reasonably carry out his operational responsibilities of maintaining custody of Danielle Maudsley and apprehending her when she attempted to flee. Under the doctrine of respondeat superior, the FHP, a Division of the DHSMV, is vicariously liable for the negligent acts of its employees, when such acts are within the course and scope of employment. See <u>Mallory v. O'Neil</u>, 69 So.2d 313 (Fla.1954), and s. 768.28, F.S.

Whether Trooper Cole implemented his responsibilities negligently or in accordance with statutory and departmental policy was an appropriate question for the jury. This hearing officer concludes that Trooper Cole negligently performed his duties in the firing of his Taser at the point in time that he discharged it, without first issuing a warning to allow her the opportunity to stop, without ascertaining to the best of his ability whether Ms. Maudsley was still handcuffed and to reassess the situation in that light, and without at least attempting to stop or overtake her in a manner that did not include a full body tackle. He had a 25 foot discharge range within which these actions could have been employed prior to a Taser discharge. Discharging the Taser was the proximate cause of Danielle Maudsley injuries and subsequent demise. The parties agreed to execute the settlement agreement to resolve this question as well as all allegations in the Amended Complaint. The settlement agreement is reasonable given the unfortunate outcome of this incident.

ATTORNEYS FEES: Section 768.28(8), F.S., states that no attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment or settlement. Claimant's counsel, Ralph M. Guito, III, Esq., has submitted an affidavit that the attorney fees, including lobbying fees, will not exceed 25 percent of the total amount awarded under the claim bill. SPECIAL MASTER'S FINAL REPORT – CS/SB 64 February 3, 2016 Page 10

<u>RECOMMENDATIONS:</u> Based upon the foregoing, I recommend that SB 64 be reported FAVORABLY, AS AMENDED.

Respectfully submitted,

Sandra R. Stovall Senate Special Master

cc: Secretary of the Senate

CS by Judiciary:

The committee substitute omits some of the more egregious allegations of misconduct by the Department of Highway Safety and Motor Vehicles which were included in the underlying bill. Additionally, the committee substitute requires the payment of Medicaid liens from the proceeds of the claim bill.

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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development					
PCS/SB 556 (628090)					
Fiscal Policy Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development) and Senator Altman					
Florida Commission on Poverty					
DATE: February 24, 2016 REVISED:					
YST	STAF	DIRECTOR	REFERENCE	ACTION	
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Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 556 establishes the Florida Council on Poverty (council) as an advisory council, as defined in s. 20.03, F.S., and assigns it to the Department of Economic Opportunity (DEO). The bill provides that the council will be administratively housed within the DEO.

The bill provides for the appointment of five council members who must be residents of the state. The Chief Financial Officer, the Commissioner of Agriculture, the President of the Senate, and the Speaker of the House of Representatives each appoint one member and the Governor appoints one member who must be from the Florida Association for Community Action, Inc. Council members serve without compensation, but are entitled to reimbursement for per diem and travel expenses. The council must hold its first meeting no later than August 1, 2016, and must meet at least twice a year thereafter.

The council is directed to:

- Conduct a review of policies and programs that work to move people out of poverty;
- Develop strategies to address the causes of poverty in this state;
- Develop recommendations to reduce the percentage of people living in poverty in this state; and
- Study the academic outcomes for children living in poverty and develop recommendations on how to improve those outcomes.

The council must submit an annual report to the Governor, President of the Senate, and the Speaker of the House of Representatives by January 15th of 2018 and of 2019. The report must contain an accounting of the council's activities, and the council's recommendations for legislative, administrative, or regulatory reforms to facilitate efforts to mitigate poverty in Florida. The bill provides for the council's termination on July 1, 2019.

The bill has an indeterminate, but expected to be minimal, negative fiscal impact to the DEO.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Poverty

The United States Census Bureau (bureau) tracks income and poverty in the United States. The bureau estimates that in 2014 there were 46.7 million Americans living in poverty, which equates to 14.8 percent of the country's population.¹ As of 2014, Florida had approximately 3.2 million persons living below the poverty line, with a poverty rate of 16.6 percent, and of Florida's 67 counties, 48 counties had poverty rates exceeding the national average.²

In order to reduce the number of persons living in poverty, some states have created statewide anti-poverty initiatives. The following are examples of such initiatives:

- The Legislative Commission to End Poverty in Minnesota by 2020 was created in 2006 to develop guidelines to end poverty and prepare recommendations on how to do so.³
- The Speaker of the House of Representatives for Alabama created a poverty task force in September 2007 to identify and assess conditions that create or worsen poverty throughout Alabama and to develop and propose policy initiatives to reduce or eliminate those conditions.⁴
- The Illinois Commission on the Elimination of Poverty was established in 2008 to address poverty in Illinois consistent with international human rights standards, with an initial goal to reduce extreme poverty in Illinois by 50 percent or more by 2015.⁵
- The Child Poverty Prevention Council for Louisiana was created in 2008 to pursue programs to reduce child poverty in the state by 50 percent over the following decade.⁶
- The Connecticut Legislature created a Child Poverty Council in 2004 to develop a 10-year plan to reduce the number of children living in poverty in Connecticut by 50 percent.⁷

¹ U.S. Census Bureau, Current Population Reports, P60-252, *Income and Poverty in the United States: 2014*, p. 12, available at <u>http://www.census.gov/content/dam/Census/library/publications/2015/demo/p60-252.pdf</u> (last visited Feb. 10, 2016). ² United States Department of Agriculture, Economic Research Service, County-level Poverty Data Sets, available at

http://www.ers.usda.gov/data-products/county-level-data-sets/poverty.aspx (last visited Feb. 10, 2016). ³ Minnesota Laws 2006, ch. 282, part. 2, s. 27.

⁴ Alabama House of Representatives, Poverty Task Force, Final Report (2008) available at <u>http://www.clasp.org/documents/PTF-Final-Report.pdf</u> (last visited Jan. 5, 2016).

⁵ 20 Ill. Comp. Stat. 4080/10 (2008).

⁶ LA, REV. STAT. ANN. s. 46:2801 (2008).

⁷ CONN. GEN. STAT. s. 4-67x (2004).

• The Rhode Island Legislature created a legislative commission on family income and asset building in 2007 to conduct a comprehensive review of Rhode Island laws, policies, and activities that benefit those in poverty.⁸

Advisory Bodies

Section 20.052, F.S., provides that an advisory body, commission, or board created by specific statutory enactment as an adjunct to an executive agency must be established, evaluated, or maintained in accordance with certain requirements.

Such an advisory body may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose,⁹ and it must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of the public purpose.¹⁰ An advisory body may not be created unless:

- Its powers and responsibilities conform with the definitions for governmental units in s. 20.03, F.S.;
- Its members are appointed for 4-year staggered terms; and
- Its members serve without additional compensation or honorarium, but may receive per diem and reimbursement for travel expenses.¹¹

The private citizen members of an *advisory body* that is adjunct to an executive agency must be appointed by the Governor, the head of the department, the executive director of the department, or a Cabinet officer. The private citizen members of a *commission or board* that is adjunct to an executive agency must be appointed by the Governor unless otherwise provided, must be confirmed by the Senate, and must be subject to the dual-office-holding prohibition of Section 5(a), Article II of the Florida Constitution.¹²

III. Effect of Proposed Changes:

The bill establishes the Florida Council on Poverty (council) and assigns it to the DEO as an advisory council, as defined in s. 20.03, F.S. The council will be administratively housed within the DEO, which will provide administrative assistance to the council.

The council consists of five members who are appointed as follows:

- The Governor appoints one member who must be from the Florida Association for Community Action, Inc.; and
- The Chief Financial Officer, the Commissioner of Agriculture, the President of the Senate, and the Speaker of the House of Representatives each appoints one member.
 All members of the council must be Elorida residents.

All members of the council must be Florida residents.

Members of the council serve without compensation, but are entitled to reimbursement for per diem and travel expenses. The council must annually elect a chair and a vice chair.

⁸ 2007 RI H 6561 (2007).

⁹ Section 20.052(1), F.S.

¹⁰ Section 20.052(2), F.S.

¹¹ Section 20.052(4), F.S.

¹² Section 20.052(5), F.S.

The council must hold its first meeting no later than August 1, 2016, and meet at least twice each year. The council will meet at the call of the chair or at times as determined by the council. Council meetings may be held via teleconference or other electronic means. Three members of the council constitutes a quorum, and a meeting may not be held unless a quorum is present. The affirmative vote of a majority of the council members present at the meeting is necessary to take official action.

The council is directed to:

- Conduct a review of policies and programs that work to move people out of poverty;
- Develop strategies to address the causes of poverty in this state;
- Develop recommendations to reduce the percentage of people living in poverty in this state; and
- Study the academic outcomes for children living in poverty and develop recommendations on how to improve those outcomes.

By January 15th of 2018 and of 2019, the bill requires the council to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that provides an accounting of its activities and recommendations for legislative, administrative, and regulatory reforms to facilitate efforts in mitigating the existence of poverty in Florida.

The bill provides for the council's termination on July 1, 2019.

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill authorizes council members to receive per diem and travel expenses in accordance with s. 112.061, F.S. The council is administratively housed within the DEO. The bill has an indeterminate, but expected to be minimal, negative fiscal impact to the DEO.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section 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.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 24:

- Creates a council, as defined in s. 20.03, F.S., instead of a commission.
- Provides that the council is administratively housed in the DEO.
- Changes the membership of the council by:
 - Removing an undesignated number of non-voting members appointed by the Governor;
 - Giving the Commissioner of Agriculture an appointment to the council;
 - Directing the Governor to appoint one member from the Florida Association for Community Action, Inc.;
 - Removing the requirement that appointees be confirmed by the Senate.
- Requires the council to hold its first meeting on or before August 1, 2016;
- Removes the council's ability to procure, contract and accept funds and services;
- Directs the council to conduct specific activities; and
- Terminates the council on July 1, 2019.
- B. Amendments:

None.

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



LEGISLATIVE ACTION

Senate Comm: RCS 02/26/2016 House

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Florida Council on Poverty.-

(1) ESTABLISHMENT OF THE COUNCIL.—The Florida Council on Poverty is established and assigned to the Department of Economic Opportunity as an advisory council, as defined in s. 20.03, Florida Statutes. The council shall be administratively housed within the Department of Economic Opportunity.

1

9 10 Florida Senate - 2016 Bill No. SB 556

566780

11	(2) COUNCIL MEMBERSHIPThe council shall consist of five
12	members who shall be residents of this state. The members shall
13	be appointed as follows:
14	(a) The Governor shall appoint one member who must be from
15	the Florida Association for Community Action, Inc.
16	(b) The Chief Financial Officer shall appoint one member.
17	(c) The Commissioner of Agriculture shall appoint one
18	member.
19	(d) The President of the Senate shall appoint one member.
20	(e) The Speaker of the House of Representatives shall
21	appoint one member.
22	(3) MEETINGS; ORGANIZATION
23	(a) The first meeting of the council shall be held no later
24	than August 1, 2016. Thereafter, the council shall meet at least
25	twice each year. Meetings may be held via teleconference or
26	other electronic means.
27	(b) Members of the council shall annually elect from its
28	membership a chair and vice chair. The council shall meet at the
29	call of the chair or at such times as may be prescribed by the
30	council.
31	(c) Three members of the council constitute a quorum, and a
32	meeting may not be held unless a quorum is present. The
33	affirmative vote of a majority of the members of the council
34	present is necessary for any official action by the council.
35	(d) Members of the council shall serve without compensation
36	but may be reimbursed for per diem and travel expenses in
37	accordance with s. 112.061, Florida Statutes.
38	(4) SCOPE OF ACTIVITIES The council shall:
39	(a) Conduct a review of policies and programs that work to

Florida Senate - 2016 Bill No. SB 556

566780

40	move people out of poverty.
41	(b) Develop strategies to address the causes of poverty in
42	the state.
43	(c) Develop recommendations to reduce the percentage of
44	people living in poverty in the state.
45	(d) Study the academic outcomes for children in poverty and
46	develop recommendations on how to improve such outcomes.
47	(5) REPORT.—By January 15 of each year, beginning in 2018,
48	the council shall submit an annual report to the Governor, the
49	President of the Senate, and the Speaker of the House of
50	Representatives containing an accounting of its activities and
51	recommendations for legislative, administrative, and regulatory
52	reforms to facilitate efforts in mitigating the existence of
53	poverty in this state.
54	(6) TERMINATIONThe Florida Council on Poverty shall be
55	abolished on July 1, 2019.
56	Section 2. This act shall take effect July 1, 2016.
57	
58	========== T I T L E A M E N D M E N T ==============
59	And the title is amended as follows:
60	Delete everything before the enacting clause
61	and insert:
62	A bill to be entitled
63	An act relating to the Florida Council on Poverty;
64	establishing the council within the Department of
65	Economic Opportunity; specifying the membership of the
66	council; providing for organization of the council;
67	authorizing reimbursement for per diem and travel
68	expenses; prescribing the scope of the council's

606-03624-16

Florida Senate - 2016 Bill No. SB 556



69 activities; requiring the council to annually submit a 70 report to the Governor and Legislature; requiring the 71 council's abolition by a specific date; providing an 72 effective date. By Senator Altman

	16-00283A-16 2016556
1	A bill to be entitled
2	An act relating to the Florida Commission on Poverty;
3	creating the commission within the Department of
4	Economic Opportunity; specifying the membership of the
5	commission and the duration of members' terms;
6	authorizing reimbursement for per diem and travel
7	expenses; prescribing the powers and duties of the
8	commission; requiring the commission to annually
9	submit a report to the Governor and the Legislature;
10	providing an effective date.
11	
12	Be It Enacted by the Legislature of the State of Florida:
13	
14	Section 1. Florida Commission on Poverty
15	(1) The Florida Commission on Poverty is established and
16	assigned to the Department of Economic Opportunity. The
17	commission shall serve as an advisory board to the Governor and
18	Cabinet, the Legislature, and appropriate state agencies and
19	entities on matters relating to poverty.
20	(2) The commission shall consist of one voting member
21	appointed by the Governor, one voting member appointed by the
22	Chief Financial Officer, one voting member appointed by the
23	President of the Senate, one voting member appointed by the
24	Speaker of the House of Representatives, and one voting member
25	from the Florida Association for Community Action, Inc. All
26	appointees must be confirmed by the Senate. The Governor may
27	additionally appoint any number of nonvoting members who may
28	concurrently hold public office with his or her term of service.
29	Members of the commission must be residents of this state.

Page 1 of 3

	16-00283A-16 2016556
30	(3) Members of the commission shall be appointed for 4-year
31	terms and may be reappointed for successive terms. A vacancy
32	shall be filled for the remainder of the unexpired term in the
33	same manner as the original appointment.
34	(4) The commission shall meet at least twice each year at
35	the call of the chair or at the request of a majority of its
36	total voting membership. A majority of the total voting
37	membership constitutes a quorum, and the affirmative vote of a
38	majority of a quorum is necessary to take official action.
39	(5) Members of the commission shall serve without
40	compensation, but voting members are entitled to reimbursement
41	for per diem and travel expenses in accordance with s. 112.061,
42	Florida Statutes.
43	(6) The commission shall:
44	(a) Annually elect a chair, who must be a voting member of
45	the commission, and a vice chair.
46	(b) Conduct a study and develop strategies to address the
47	causes of poverty in the state.
48	(c) Solicit the participation of counties in the study. A
49	county that wishes to participate must submit an application to
50	the commission that outlines current issues relating to poverty
51	in that county. The commission shall develop procedures to
52	approve or deny applications for participation.
53	(7) The commission may:
54	(a) Procure information and assistance from the state or
55	any political subdivision, municipality, public officer, or
56	governmental department or agency thereof.
57	(b) Contract for necessary goods and services.
58	(c) Apply for and accept funds, grants, gifts, and services

Page 2 of 3

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APPEARANCE RECORD

2/24/16 (Deliver BC	TH copies of this form to the Sen	nator or Senate Profession	nal Staff conducting the	e meeting) 556
Meeting Date				Bill Number (if applicable)
Topic Pover,	4 Commission CENTER	•		Amendment Barcode (if applicable)
4				
Job Title CED C	A PITAL AARA (PICZA D	MAUNTY ACTION	NAGEN(Y	
Address <u>309</u> Office	plaza D	£	Phone	
TLH	FL.	32301	Email	·····
<i>City</i> Speaking: For Agains	State			In Support Against sinformation into the record.)
Representing <u>F2</u>	SEN FOR COMMI	WALFION		
Appearing at request of Chair	Yes 📈 No	Lobbyist reg	gistered with L	egislature: Yes No
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While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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S-001 (10/14/14)

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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

 BILL:
 CS/SB 696

 INTRODUCER:
 Finance and Tax Committee and Senator Altman

SUBJECT: Tax on Sales, Use, and Other Transactions

DATE: February 23, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gross	Diez-Arguelles	FT	Fav/CS
2.	Gusky	Miller	ATD	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 696 exempts all sales and leases of aircraft from the sales and use tax. The term "aircraft" means a manned vehicle capable of flight which is designed to transport persons or property.

The Revenue Estimating Conference analyzed similar legislation and determined that the bill will reduce General Revenue receipts by \$25.6 million and local government revenues by \$4.5 million in Fiscal Year 2016-17.

The bill takes effect July 1, 2015.

II. Present Situation:

Florida imposes sales tax on aircraft purchased through a dealer or broker.¹ An aircraft sold by nonregistered dealers or an aircraft brought into Florida is subject to use tax.² Purchasers must also pay discretionary sales surtaxes in certain counties.³

¹ Florida Dep't of Revenue, Form GT-800008, *Sales and Use Tax Aircraft Information for Owners and Purchasers* (rev. April, 2015).

² *Id. See* also, s. 212.05(1)(a), F.S.

³ Id.

Purchases by nonresidents are exempt from sales tax if the aircraft will be removed from the state and certain requirements are met.⁴

Aircraft Sales and Use Tax Exemption

Aircraft Sales and Leases

Two types of aircraft are exempt from tax. Aircraft with a maximum certified takeoff weight of more than 15,000 pounds and used by a common carrier⁵ and qualified aircraft are exempt from sales and use tax. The term "qualified aircraft" means any aircraft having a maximum certified takeoff weight of less than 10,000 pounds and equipped with twin turbofan engines that meet Stage IV noise requirements. The qualified aircraft must be used by a business operating as an on-demand air carrier under Federal Aviation Administration Regulation Title 14, chapter I, part 135, Code of Federal Regulations, that owns or leases and operates a fleet of at least 25 of such aircraft in this state.⁶

Aircraft Repair and Maintenance

Labor charges for the repair and maintenance of qualified aircraft and aircraft of more than 2,000 pounds maximum certified takeoff weight, including rotary wing aircraft, are exempt from the tax imposed under ch. 212, F.S.⁷

Replacement engines, parts, and equipment used to repair or maintain qualified aircraft and aircraft of more than 2,000 pounds maximum certified takeoff weight, including rotary wing aircraft, are exempt from the tax imposed under ch. 212, F.S. if the repair occurs in Florida.⁸

To receive the sales and use tax exemption and the repair and maintenance exemptions for a qualified aircraft, a purchaser or lessee must offer, in writing, to participate in a flight training and research program at two or more accredited universities based in this state.⁹

III. Effect of Proposed Changes:

The bill exempts all sales and leases of aircraft from the sales and use tax. The term "aircraft" means a manned vehicle capable of flight which is designed to transport persons or property.

The bill takes effect July 1, 2016.

⁴ *Id*.

⁵ A "common carrier" means an airline operating under Federal Aviation Administration regulations contained in Title 14, chapter I, part 121 or part 129 of the Code of Federal Regulation.

⁶ Section 212.02, F.S.

⁷ Section 212.08(7)(ee), F.S.

⁸ Section 212.08(7)(rr), F.S.

⁹ Section 212.0801, F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandates provision of Art. VII, Section 18, of the Florida Constitution may apply because the bill reduces the authority of municipalities and counties to raise revenue. However, the bill appears to be exempt from the mandate provision because it has an insignificant fiscal impact.^{10,11} The Revenue Estimating Conference estimates that the bill reduces the authority that counties have to raise revenue through local option sales taxes by \$1.1 million in Fiscal Year 2016-2017; therefore, the bill appears to be exempt from the mandates provisions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference analyzed similar legislation¹² and determined that CS/SB 696 will reduce General Revenue receipts by \$25.6 million and local government revenues by \$4.5 million in Fiscal Year 2016-17.

B. Private Sector Impact:

The private sector will experience reduced costs associated with aircraft purchases due to the sales and use tax exemption provided in this legislation.

C. Government Sector Impact:

The Department of Revenue estimates an insignificant expenditure related to CS/SB 696 and no present difficulty in implementation, administration, or enforcement.¹³

¹⁰ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), *available at* <u>http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf</u> (last visited Jan. 29, 2016).

¹¹ Based on the Demographic Estimating Conference's population adopted on December 1, 2015. The conference packet is *available at http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf* (last visited Feb. 22, 2016). Florida's projected resident population for Fiscal Year 2016-2017 is 20,367,100. The threshold for an insignificant fiscal impact is approximately \$2.04 million.

¹² Florida Revenue Estimating Conference, *Proposed Language*, 1-2, (Sept. 18, 2015), *available at* <u>http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2016/_pdf/page1-2.pdf</u> (last visited Feb. 11, 2016).

¹³ Department of Revenue, *Senate Bill 696 Fiscal Analysis*, (Nov. 19, 2015) (on file with the Senate Committee on Finance and Tax).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 212.08 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Finance and Tax on February 16, 2016:

The CS provides a definition for the term "aircraft."

B. Amendments:

None.

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

By the Committee on Finance and Tax; and Senator Altman 593-03608-16 2016696c1 1 A bill to be entitled 2 An act relating to the tax on sales, use, and other 3 transactions; amending s. 212.08, F.S.; exempting all aircraft sales or leases, rather than the sales or 4 5 leases of certain aircraft, from the sales and use 6 tax; defining the term "aircraft"; deleting the 7 definition of the term "common carrier" to conform to 8 changes made by the act; providing an effective date. 9 10 Be It Enacted by the Legislature of the State of Florida: 11 12 Section 1. Paragraph (ss) of subsection (7) of section 13 212.08, Florida Statutes, is amended to read: 14 212.08 Sales, rental, use, consumption, distribution, and 15 storage tax; specified exemptions.-The sale at retail, the 16 rental, the use, the consumption, the distribution, and the 17 storage to be used or consumed in this state of the following 18 are hereby specifically exempt from the tax imposed by this 19 chapter. 20 (7) MISCELLANEOUS EXEMPTIONS.-Exemptions provided to any 21 entity by this chapter do not inure to any transaction that is 22 otherwise taxable under this chapter when payment is made by a 23 representative or employee of the entity by any means, 24 including, but not limited to, cash, check, or credit card, even 25 when that representative or employee is subsequently reimbursed 26 by the entity. In addition, exemptions provided to any entity by 27 this subsection do not inure to any transaction that is 28 otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department 29 30 or the entity obtains or provides other documentation as 31 required by the department. Eligible purchases or leases made 32 with such a certificate must be in strict compliance with this Page 1 of 2

1	593-03608-16 2016696c1
33	subsection and departmental rules, and any person who makes an
34	exempt purchase with a certificate that is not in strict
35	compliance with this subsection and the rules is liable for and
36	shall pay the tax. The department may adopt rules to administer
37	this subsection.
38	(ss) Aircraft sales or leases.—The sale or lease of a
39	qualified aircraft or an aircraft of more than 15,000 pounds
40	maximum certified takeoff weight for use by a common carrier is
41	exempt from the tax imposed by this chapter. As used in this
42	paragraph, the term "aircraft" means a manned vehicle capable of
43	flight which is designed to transport persons or property.
44	"common carrier" means an airline operating under Federal
45	Aviation Administration regulations contained in Title 14,
46	chapter I, part 121 or part 129 of the Code of Federal
47	Regulations.
48	Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date			Bill Number (if applicable)
Topic Tax on Sales, Use, and Ot	her Transactions		Amendment Barcode (if applicable)
Name Heather Turnbull			
Job Title Partner			
Address 112 E Jefferson Street			Phone 850-681-9111
Street			
Tallahassee	FL	32301	Email turnbullh@rubingroup.com
City	State	Zip	
Speaking: For Against	Information	Waive S	peaking: In Support Against ir will read this information into the record.)
Representing Embraer AND N	National Business	Aviation Associat	ion
Appearing at request of Chair:	Yes 🗹 No	Lobbyist regist	ered with Legislature: 🖌 Yes 🗌 No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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S-001 (10/14/14)

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APPEARANCE RE	ECORD
2/2 + 16 (Deliver BOTH copies of this form to the Senator or Senate Profes	ssional Staff conducting the meeting) 676
Meeting Date	Bill Number (if applicable)
Topic Salas Tax in Averift	Amendment Barcode (if applicable)
Name Eric Prutsman	
Job Title	
Address <u>P. J.</u> Bux 10449 Street	Phone $\frac{817-212-25187}{212-25187}$
Tallohana F2 32309 City State Zio	Email <u>eni @ pruhmalman</u>
Speaking: For Against Information Wa	aive Speaking: In Support Against
Representing Florida Avictim Businin A	Association
Appearing at request of Chair: Yes X No Lobbyist	registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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.)

The Profession	al Staff of t			n Transportatio	on, Tourism, and Economic
CS/SB 1210	6				
Commerce	and Tour	ism Committe	e and Senator Sta	argel	
Reemploym	nent Assis	stance Fraud			
February 17	7, 2016	REVISED:			
YST	STAFF	DIRECTOR	REFERENCE		ACTION
	МсКау	¥	СМ	Fav/CS	
	Miller		ATD	Recomme	nd: Favorable
			AP		
	CS/SB 121 Commerce Reemployn	CS/SB 1216 Commerce and Tour Reemployment Assis February 17, 2016 YST STAFF McKay	CS/SB 1216 Commerce and Tourism Committe Reemployment Assistance Fraud February 17, 2016 REVISED: YST STAFF DIRECTOR McKay	Development CS/SB 1216 Commerce and Tourism Committee and Senator State Reemployment Assistance Fraud February 17, 2016 REVISED: YST STAFF DIRECTOR REFERENCE McKay CM Miller ATD	CS/SB 1216 Commerce and Tourism Committee and Senator Stargel Reemployment Assistance Fraud February 17, 2016 REVISED: YST STAFF DIRECTOR REFERENCE McKay CM Fav/CS Miller ATD Recomme

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 1216 creates the "Department of Economic Opportunity Cybercrime Prevention Act." The bill provides the Department of Highway Safety and Motor Vehicles (DHSMV) the authority to provide reproductions of images and signatures from driver licenses to the Department of Economic Opportunity (DEO) for the purpose of facilitating the detection of fraud and identity theft in reemployment assistance claims.

The bill modifies the disqualification period imposed when an individual is found to have knowingly made a false or fraudulent representation in order to receive reemployment assistance benefits to which the individual would not otherwise be entitled. Specifically, if the false or fraudulent representation is made in furtherance of any state or federal felony crime relating to identity theft or inappropriate use of personally identifying information, the individual will be disqualified from receiving reemployment assistance benefits until any amount received due to the misrepresentation is repaid in full and as follows:

- Five years from the date of the individual's first conviction; and
- 10 years from the date of the individual's second or subsequent conviction.

The bill amends the definition of "racketeering activity" to include false or fraudulent representations made in violation of the Reemployment Assistance Program.

The DEO indicates that it will establish a dedicated reemployment assistance fraud investigation unit, requiring four full-time equivalent (FTE) positions and \$286,376 of recurring funds, to

Page 2

implement the bill.¹ SB 2500, 1st Engrossed, the Senate General Appropriations Bill, includes the requested positions and funding. Expanding the definition of "racketeering activity" to include the third degree felony offense of making a false statement or representation to obtain reemployment assistance benefits is expected to have a positive, insignificant prison bed impact on the Department of Corrections.² Expanding the information that the DHSMV shares with the DEO is expected to have a minimal, negative fiscal impact to the DHSMV. See Section V.

The bill provides an effective date of upon becoming law.

II. Present Situation:

Reemployment Assistance Program

The federal Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no fault of their own (as determined under state law) and who meet the requirements of state law.³ The program is administered as a partnership of the federal government and the states.⁴

Florida's unemployment insurance program was created by the Legislature in 1937.⁵ The program was rebranded as the "Reemployment Assistance Program" in 2012.⁶ The DEO is responsible for administering Florida's reemployment assistance laws, primarily through its Division for Workforce Services.⁷

An unemployed individual must apply to the DEO for benefits using Florida's Online Reemployment Assistance System.⁸ To receive benefits, a claimant must meet certain monetary and nonmonetary eligibility requirements and provide proof of identification.⁹ Key eligibility requirements involve a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment. A notice of claim is sent to a claimant's most recent employer and all employers whose employment records are liable for benefits.¹⁰

¹ E-mail from Damon Steffens, Budget Chief, Department of Economic Opportunity, dated January 26, 2016 (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

² Criminal Justice Impact Conference, *SB 1216 – Reemployment Assistance Fraud* (Jan. 29, 2016), *available at:* <u>http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/SB1216.pdf</u>

³ United States Department of Labor, Employment and Training Administration, *State Unemployment Insurance Benefits, available at* <u>http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp</u> (last visited Feb. 11, 2016).

⁴ There are 53 programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia.

⁵ Chapter 18402, L.O.F.

⁶ Chapter 2012-30, L.O.F.

⁷ Section 20.60(5)(c), F.S., and s. 443.171, F.S.

⁸ Rule 73B-11.013, F.A.C.

⁹ See s. 443.091, F.S., and Rule 73B-11.013, F.A.C.

¹⁰ Section 445.151(3)(a), F.S.

Fraudulent Claims

In 2014, the DEO implemented the Fraud Initiative and Rules Rating Engine (FIRRE) program in order to detect fraud and identity theft within public-assistance programs.¹¹ In the first year of implementation, the FIRRE program detected over 70,000 fraudulent claims for reemployment assistance benefits.¹²

In order to identify falsely filed claims, the FIRRE program cross matches identification information with external entities, including the claimant's social security and driver's license information.¹³ To cross match driver's license information, the DEO has been provided limited access to the information database used by the DHSMV.¹⁴ The DEO's current access does not provide digital images contained in DHSMV's Driver and Vehicle Information Database (DAVID), because such access is not authorized under current law.¹⁵ Under s. 322.142, F.S., other state agencies have been given access to reproductions of the digital images for similar purposes.¹⁶

Penalties and Disqualification

Under current law, any person who establishes a fictitious employing unit¹⁷ by submitting fraudulent documents through a computer system, by alteration or destruction of computer files, or by theft of financial instruments, data, and other assets for the purpose of enabling any person to receive benefits under the reemployment program commits a felony of the third degree.¹⁸ Establishment of a fictitious employing unit in violation of the Reemployment Assistance Program is considered racketeering activity under Florida law.¹⁹

Any person who makes false or fraudulent representations for the purpose of obtaining benefits contrary to the Reemployment Assistance Program commits a felony of the third degree.²⁰ Each false or fraudulent representation constitutes a separate offense.²¹A person who makes such representation is subject to a disqualification of benefits, beginning with the week in which the false or fraudulent representation is made.²² The disqualification may be imposed for a period of up to 1 year following the date the DEO discovers the false or fraudulent representation and until

¹⁵ *Id*.

¹⁶ Section 322.142(4), F.S., provides access to the digital images contained in DAVID to the Department of Business and Professional Regulation, the Department of Health, the Department of State, the Department of Children and Family Services, the Agency for Health Care Administration, and the Department of Financial Services.

¹¹ Letter to Thomas Perez, US Secretary of Labor, from Jesse Panuccio, Exe. Dir. DEO, RE: Identify Theft and Fraud in Public Benefit Systems (March 13, 2015).

 $^{^{12}}$ *Id*.

¹³ Department of Economic Opportunity, *Agency Legislative Bill Analysis*, (Jan. 7, 2016) (on file with the Senate Committee on Commerce and Tourism).

¹⁴ *Id*.

¹⁷ An employing unit means "an individual or type of organization, including a partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign; the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing; or the legal representative of a deceased person; which has or had in its employ one or more individuals performing services for it within this state." Section 443.036(20), F.S. ¹⁸ Section 443.071(4), F.S.

¹⁹ Section 865.02(1)(a)7., F.S.

²⁰ Section 865.02(1)(a)7., F.S. ²⁰ Section 443.071(1), F.S.

 $^{^{20}}$ Section 443.071(1), F.S 21 Id.

 $^{^{21}}$ Id.

²² Section 443.101(6), F.S.

any overpayment of benefits resulting from such representation is repaid in full.²³ The duration of disqualification for false or fraudulent representations in other states is comparable to Florida's current penalty, as the disqualification time period in most states is 52 weeks.²⁴

A disqualification may be appealed in the same manner as appeals of determinations and redeterminations.²⁵ However, a conviction of an offense prohibited by s. 443.071, F.S., is conclusive upon a reemployment assistance appeals referee and the Reemployment Assistance Appeals Commission of the making of the false or fraudulent statement.²⁶

Recovery for Overpayment

Any person who receives benefits by fraud, to which he or she is not entitled, is liable for repaying those benefits to the DEO.²⁷ Florida law also allows the DEO to impose a penalty equal to 15 percent of the amount overpaid.²⁸

Upon discovery of an overpayment, the DEO determines the amount of overpayment and attempts to recover the overpayment. To enforce this provision, the DEO must find the existence of fraud through a redetermination or a decision within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be commenced within 7 years after the redetermination or decision.²⁹ The DEO is required to collect the repayment of benefits without interest by the deduction of benefits through a redetermination of benefits or by a civil action.³⁰

III. Effect of Proposed Changes:

Section 1 provides that the act may be cited as the "Department of Economic Opportunity Cybercrimes Prevention Act."

Section 2 amends s. 322.142, F.S., relating to color photographic or digital imaged licenses, to authorize the HSMV to make and issue reproductions of color photographic or digital imaged licenses and signatures of licensees to the DEO. The DEO will be able to use such reproductions for the purpose of facilitating the validation of reemployment assistance claims and identifying fraudulent or false reemployment assistance claims. Allowing the DEO access to the HSMV database will likely increase the number of false or fraudulent claims detected by the DEO.³¹

Section 3 amends s. 443.101(6), F.S., relating to the disqualification for reemployment assistance benefits, to increase the time period for which an individual can be disqualified from receiving reemployment assistance benefits when the individual is found to have made false or

³⁰ Section 445.151(6)(e), F.S.

²³ Id.

²⁴ For a review of other state laws, *see* US Dept. of Labor, *Comparison of State Unemployment Laws, available at* <u>http://www.unemploymentinsurance.doleta.gov/unemploy/comparison2015.asp</u> (last visited Feb. 12, 2016).

²⁵ Section 443.151(3), F.S. The Social Security Act requires states to offer "an opportunity for a fair hearing before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied." 42 U.S.C. 503(a)(3). ²⁶ *Id.*

²⁷ Section 445.151(6)(a), F.S.

²⁸ Id.

²⁹ *Id*.

³¹ Department of Economic Opportunity, *Agency Legislative Bill Analysis*, (Jan. 7, 2016) (on file with the Senate Committee on Commerce and Tourism).

fraudulent representations in violation of the Reemployment Assistance Program. Specifically, the bill provides that if the false or fraudulent representation is made in furtherance of any state or federal felony crime relating to identity theft or inappropriate use of personally identifying information, the individual will be disqualified from receiving reemployment assistance benefits until any amount received due to the misrepresentation is repaid in full and as follows:

- Five years from the date of the individual's first conviction; and
- 10 years from the date of the individual's second or subsequent conviction.

Section 4 amends s. 895.02(1)(a)7, F.S., relating to the definition of "racketeering activity," to include additional actions found to violate the Reemployment Assistance Program. Specifically, the bill expands the offense of racketeering activity to include the crime of making a false or fraudulent representation in order to receive reemployment assistance benefits, which is chargeable under s. 443.01(1), F.S.

Section 5 provides that the bill is effective upon becoming law.

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:

None.

C. Government Sector Impact:

The DEO is already engaged in activities to prevent fraud in the reemployment assistance program within existing resources. The DEO indicates that it will establish a dedicated reemployment assistance fraud investigation unit, requiring 4 full-time equivalent (FTE) positions and \$286,376 of recurring funds, to implement the bill.³² SB 2500, 1st

³² E-mail from Damon Steffens, Budget Chief, Department of Economic Opportunity, dated January 26, 2016 (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

Engrossed, the Senate General Appropriations Bill, includes an interagency transfer of vacant positions and recurring funding from the Special Employment Security Administration Trust Fund to support the fraud investigation unit.

Expanding the definition of "racketeering activity" to include the third degree felony offense of making a false statement or representation to obtain reemployment assistance benefits is expected to have a positive, insignificant prison bed impact on the Department of Corrections.³³

The DHSMV already shares data with the DEO; expanding the data shared to include reproductions of images and signatures from driver licenses is expected to have a minimal negative fiscal impact to the DHSMV.

VI. Technical Deficiencies:

Generally, laws that create or modify a criminal offense have an effective date of July 1st or October 1st to give the public and the judicial branch sufficient notice. Staff recommends that sections 3 and 4 of the bill have an effective date of July 1, 2016.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.142, 443.101, and 895.02.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on February 16, 2016: The committee substitute:

- Removes the authority of the DEO to hire law enforcement officers in order to investigate, enforce, and prosecute violations of the Reemployment Assistance Program;
- Changes the penalties required to be imposed when an individual is found to have knowingly made a false or fraudulent representation in furtherance of any state or federal felony crime relating to identity theft or inappropriate use of personally identifying information; and
- Removes the authority of the DEO to collect the repayment of benefits received by an individual's false or fraudulent representations through attachment or garnishment.

³³ Criminal Justice Impact Conference, *SB 1216 – Reemployment Assistance Fraud* (Jan. 29, 2016), *available at:* <u>http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/SB1216.pdf</u>

B. Amendments:

None.

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

By the Committee on Commerce and Tourism; and Senator Stargel

577-03604A-16

20161216c1

	S//-05004A-16 20101210C1
1	A bill to be entitled
2	An act relating to reemployment assistance fraud;
3	providing a short title; amending s. 322.142, F.S.;
4	adding the Department of Economic Opportunity as an
5	entity that may be issued reproductions from certain
6	files or digital records for specified reasons;
7	amending s. 443.101, F.S.; revising provisions
8	relating to disqualification from reemployment
9	assistance benefits; amending s. 895.02, F.S.;
10	expanding the definition of the term "racketeering
11	activity" to include knowingly making false statements
12	or representations or knowingly failing to disclose a
13	material fact to obtain or increase benefits or other
14	payments under ch. 443, F.S., and other specified
15	laws; providing an effective date.
16	
17	WHEREAS, the incidence of identity theft and resulting
18	fraud has reached a crisis level, and
19	WHEREAS, identity theft is especially problematic in this
20	state, which the Federal Trade Commission reports has the
21	highest per capita rate of identity theft in the nation, and
22	WHEREAS, stolen identities are used to commit an ever-
23	expanding range of fraud, including public assistance fraud, and
24	WHEREAS, identity theft and related fraud harm those whose
25	identities are stolen, rob the social safety net of precious
26	resources, impose unwarranted costs on taxpayers, and undermine
27	public confidence in government, and
28	WHEREAS, the Department of Economic Opportunity's efforts

29 to detect, prevent, and prosecute fraud have revealed that 30 thousands of fraudulent claims for reemployment assistance are 31 being filed, and

32

WHEREAS, the Department of Economic Opportunity has made

Page 1 of 7

	577-03604A-16 20161216c1
33	prevention, detection, and prosecution of reemployment
34	assistance fraud a top priority and has identified additional
35	resources and tools necessary to effectively combat fraud, NOW,
36	THEREFORE,
37	
38	Be It Enacted by the Legislature of the State of Florida:
39	
40	Section 1. This act may be cited as the "Department of
41	Economic Opportunity Cybercrime Prevention Act."
42	Section 2. Present paragraphs (k) and (l) of subsection (4)
43	of section 322.142, Florida Statutes, are redesignated as
44	paragraphs (l) and (m), respectively, and a new paragraph (k) is
45	added to that subsection, to read:
46	322.142 Color photographic or digital imaged licenses
47	(4) The department may maintain a film negative or print
48	file. The department shall maintain a record of the digital
49	image and signature of the licensees, together with other data
50	required by the department for identification and retrieval.
51	Reproductions from the file or digital record are exempt from
52	the provisions of s. 119.07(1) and may be made and issued only:
53	(k) To the Department of Economic Opportunity pursuant to
54	an interagency agreement to facilitate the validation of
55	reemployment assistance claims and the identification of
56	fraudulent or false reemployment assistance claims.
57	Section 3. Subsection (6) of section 443.101, Florida
58	Statutes, is amended to read:
59	443.101 Disqualification for benefits.—An individual shall
60	be disqualified for benefits:
61	(6) For making any false or fraudulent representation for
	Page 2 of 7

	577-03604A-16 20161216c1
62	the purpose of obtaining benefits contrary to this chapter,
63	constituting a violation under s. 443.071. The disqualification
64	imposed under this subsection shall begin with the week in which
65	the false or fraudulent representation is made and shall
66	continue for a period not to exceed 1 year after the date the
67	Department of Economic Opportunity discovers the false or
68	fraudulent representation and until any overpayment of benefits
69	resulting from such representation has been repaid in full.
70	However, if the false or fraudulent representation made for the
71	purpose of obtaining benefits contrary to this chapter,
72	constituting a violation under s. 443.071, is made in
73	furtherance of any state or federal felony crime relating to
74	identity theft or inappropriate use of personally identifying
75	information, the disqualification imposed under this subsection
76	shall be for a period of 5 years after the date the individual
77	is convicted of such state or federal felony crime the first
78	time, and 10 years after the date the individual is convicted of
79	such state or federal felony crime the second or subsequent
80	time.
81	

These disqualifications This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

89 Section 4. Paragraph (a) of subsection (1) of section90 895.02, Florida Statutes, is amended to read:

Page 3 of 7

	577-03604A-16 20161216c1
91	895.02 Definitions.—As used in ss. 895.01-895.08, the term:
92	(1) "Racketeering activity" means to commit, to attempt to
93	commit, to conspire to commit, or to solicit, coerce, or
94	intimidate another person to commit:
95	(a) Any crime that is chargeable by petition, indictment,
96	or information under the following provisions of the Florida
97	Statutes:
98	1. Section 210.18, relating to evasion of payment of
99	cigarette taxes.
100	2. Section 316.1935, relating to fleeing or attempting to
101	elude a law enforcement officer and aggravated fleeing or
102	eluding.
103	3. Section 403.727(3)(b), relating to environmental
104	control.
105	4. Section 409.920 or s. 409.9201, relating to Medicaid
106	fraud.
107	5. Section 414.39, relating to public assistance fraud.
108	6. Section 440.105 or s. 440.106, relating to workers'
109	compensation.
110	7. <u>Section 443.071(1) or (4)</u> Section 443.071(4), relating
111	to creation of a fictitious employer scheme to commit
112	reemployment assistance fraud.
113	8. Section 465.0161, relating to distribution of medicinal
114	drugs without a permit as an Internet pharmacy.
115	9. Section 499.0051, relating to crimes involving
116	contraband and adulterated drugs.
117	10. Part IV of chapter 501, relating to telemarketing.
118	11. Chapter 517, relating to sale of securities and
119	investor protection.

Page 4 of 7

	577-03604A-16 20161216c1					
120	12. Section 550.235 or s. 550.3551, relating to dogracing					
121	and horseracing.					
122	13. Chapter 550, relating to jai alai frontons.					
123	14. Section 551.109, relating to slot machine gaming.					
124	15. Chapter 552, relating to the manufacture, distribution,					
125	and use of explosives.					
126	16. Chapter 560, relating to money transmitters, if the					
127	violation is punishable as a felony.					
128	17. Chapter 562, relating to beverage law enforcement.					
129	18. Section 624.401, relating to transacting insurance					
130	without a certificate of authority, s. 624.437(4)(c)1., relating					
131	to operating an unauthorized multiple-employer welfare					
132	arrangement, or s. 626.902(1)(b), relating to representing or					
133	aiding an unauthorized insurer.					
134	19. Section 655.50, relating to reports of currency					
135	transactions, when such violation is punishable as a felony.					
136	20. Chapter 687, relating to interest and usurious					
137	practices.					
138	21. Section 721.08, s. 721.09, or s. 721.13, relating to					
139	real estate timeshare plans.					
140	22. Section 775.13(5)(b), relating to registration of					
141	persons found to have committed any offense for the purpose of					
142	benefiting, promoting, or furthering the interests of a criminal					
143	gang.					
144	23. Section 777.03, relating to commission of crimes by					
145	accessories after the fact.					
146	24. Chapter 782, relating to homicide.					
147	25. Chapter 784, relating to assault and battery.					
148	26. Chapter 787, relating to kidnapping or human					
	Page 5 of 7					

I	577-03604A-16 20161216c1
149	trafficking.
150	27. Chapter 790, relating to weapons and firearms.
151	28. Chapter 794, relating to sexual battery, but only if
152	such crime was committed with the intent to benefit, promote, or
153	further the interests of a criminal gang, or for the purpose of
154	increasing a criminal gang member's own standing or position
155	within a criminal gang.
156	29. Former s. 796.03, former s. 796.035, s. 796.04, s.
157	796.05, or s. 796.07, relating to prostitution.
158	30. Chapter 806, relating to arson and criminal mischief.
159	31. Chapter 810, relating to burglary and trespass.
160	32. Chapter 812, relating to theft, robbery, and related
161	crimes.
162	33. Chapter 815, relating to computer-related crimes.
163	34. Chapter 817, relating to fraudulent practices, false
164	pretenses, fraud generally, and credit card crimes.
165	35. Chapter 825, relating to abuse, neglect, or
166	exploitation of an elderly person or disabled adult.
167	36. Section 827.071, relating to commercial sexual
168	exploitation of children.
169	37. Section 828.122, relating to fighting or baiting
170	animals.
171	38. Chapter 831, relating to forgery and counterfeiting.
172	39. Chapter 832, relating to issuance of worthless checks
173	and drafts.
174	40. Section 836.05, relating to extortion.
175	41. Chapter 837, relating to perjury.
176	42. Chapter 838, relating to bribery and misuse of public
177	office.
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Page 6 of 7

	577-03604A-16 20161216c1					
178	43. Chapter 843, relating to obstruction of justice.					
179	44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or					
180	s. 847.07, relating to obscene literature and profanity.					
181	45. Chapter 849, relating to gambling, lottery, gambling or					
182	gaming devices, slot machines, or any of the provisions within					
183	that chapter.					
184	46. Chapter 874, relating to criminal gangs.					
185	47. Chapter 893, relating to drug abuse prevention and					
186	control.					
187	48. Chapter 896, relating to offenses related to financial					
188	transactions.					
189	49. Sections 914.22 and 914.23, relating to tampering with					
190	or harassing a witness, victim, or informant, and retaliation					
191	against a witness, victim, or informant.					
192	50. Sections 918.12 and 918.13, relating to tampering with					
193	jurors and evidence.					
194	Section 5. This act shall take effect upon becoming a law.					

Page 7 of 7

	THE FL	ORIDA SENATE			
	APPEARA	NCE REC	ORD		
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Street TALLAHASSISE	J. Comp.	37399	_ Email	BILL, WILLSO MYELONI	N@NEO.
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Speaking: For Against	Waive Speaking: Against Against (The Chair will read this information into the record.)				
Representing	<u> </u>			****	-
Appearing at request of Chair:	Yes 🔀 No	Lobbyist regi	stered with	Legislature:	Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senate Meeting Date	or or Senate Professional Staff conducting the meeting)
	Bill Number (if applicable)
Topic <u>****</u>	Amendment Barcode (if applicable)
Name <u>States</u> States	
Job Title	
Address	Phone And
Street	
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City State	Zip
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
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Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Ves No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1260

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Simpson

SUBJECT: Anchoring Limitation Areas

DATE: February 23, 2016 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Fav/CS
2.	Gusky	Miller	ATD	Recommend: Favorable
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1260 establishes anchoring limitation areas in sections of Broward and Miami-Dade Counties. The bill prohibits a person from anchoring a vessel at any time between the hours from one-half hour after sunset to one-half hour before sunrise in any such anchoring limitation area. The bill authorizes vessels under certain circumstances to anchor overnight in an anchoring limitation area and provides an exemption for certain vessels.

The FWC or other law enforcement agencies that monitor anchoring in an anchoring limitation area may experience an indeterminate positive fiscal impact resulting from the issuance of boating citations for violations relating to the unlawful anchoring of vessels in an anchoring limitation area. Additionally, the FWC or other law enforcement agencies may experience increased costs as a result of enforcing anchoring in these areas. It is expected that any enforcement costs will be covered within existing resources.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Article X, section 11 of the Florida Constitution authorizes the private use of portions of sovereign lands, but only if not contrary to the public interest.¹ The term "sovereignty submerged lands" means "those lands including but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated."²

Riparian rights are those incident to land bordering upon navigable waters.³ Under Florida law, riparian rights specifically include the right to an unobstructed view and the right of ingress to and egress from the water.⁴ The Court in *Hayes v. Bowman* held that this right only extends over an area "as near practicable in the direction" of the Channel so as to distribute equitably the submerged lands between the upland and the Channel.⁵ A riparian owner's rights are concurrent with that of the public, not superior to that of the public.⁶ A riparian owner's right to use the navigable waters abutting his or her property may not obstruct or unreasonably impede lawful navigation by others.⁷ The public has the right to use navigable waters for navigation or commerce.⁸ Anchoring is considered to be incidental to the right of navigation.⁹

The anchoring of vessels has created conflicts in some areas of the state related to the use and enjoyment of the waters of this state for many years. These issues include, but are not limited to:

- The locations where anchored vessels accumulate;
- Unattended vessels;
- Anchored vessels that are dragging anchor or not showing proper lighting;
- Vessels that are not maintained properly or become derelict;
- Interpretation of state laws leading to inconsistent regulation of anchoring on state waters and confusion among the boating community; and
- Questions about local governmental authority to regulate anchoring.¹⁰

¹ Fla. Admin. Code R 18-21.003(51), defines the term "public interest" as "demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action."

² Fla. Admin. Code R. 18-21.003(61); the Submerged Lands Act, 43 U.S.C. §1301 and 1311(a) (confirmed state ownership).

³ Section 253.141, F.S.

⁴ Hayes v. Bowman, 91 So.2d 795 (Fla. 1975).

⁵ Id.

⁶ Harbor Beach Surf Club, Inc. v. Water Taxi of Ft. Lauderdale, Inc., 711 So.2d 1230 (Fla. 4th DCA 1998). ⁷ Id.

⁸ Brannon v. Boldt, 958 So.2d 367, 372 (Fla. 2d DCA 2007).

⁹ Ankersen, Hamann, & Flagg, Anchoring Away: Government Regulation and the Rights of Navigation in Florida, pg. 2 (Rev. May 2012) available at http://nsgl.gso.uri.edu/flsgp/flsgpt12001.pdf.

¹⁰ FWC, Anchoring and Mooring Pilot Program, Report of Findings and Recommendations, pg. 3 (Dec. 31, 2013) available at http://myfwc.com/media/2704721/FindingsRecommendations.pdf.

Balancing the interests of the state, local governments, homeowners, and boaters is complex.¹¹ The policy debate concerning the scope of state and local government regulation of the anchoring of vessels has been ongoing for decades.¹²

State Regulation of the Anchoring or Mooring of Vessels

The Governor and the Cabinet, sitting as the Board of Trustees of Internal Improvement (board), is responsible for administering, controlling, and managing sovereignty submerged lands.¹³ Section 253.03, F.S., authorizes the board to adopt rules governing all uses of sovereignty submerged lands by vessels, floating homes, or any other watercraft. However, the board is limited to adopting rules for anchoring, mooring, or otherwise attaching to the bottom; the establishment of anchorages; and the discharge of sewage, pump-out requirements, and facilities associated with anchorages.¹⁴ Such rules are prohibited from interfering with commerce or the transitory operation of vessels through navigable water but are required to control the use of sovereignty submerged lands as a place of business or residence.¹⁵ The board has adopted rules requiring a permit for the construction of mooring pilings or docks, but the board has not adopted rules regulating the anchoring of vessels.¹⁶

Section 327.44, F.S., prohibits a person from anchoring a vessel, except in case of emergency, in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference, if unreasonable under the prevailing circumstances.¹⁷ Interference with navigation is a noncriminal infraction, punishable by a civil penalty of \$50.¹⁸

Local Regulation of the Anchoring or Mooring of Vessels

Local governments by general permit are authorized to construct, operate, and maintain public mooring fields, each for up to 100 vessels.¹⁹ Mooring fields are required to be located where navigational access already exists between the mooring field and the nearest customarily used access channel or navigable waters for which the mooring field is designed to serve.²⁰ Each mooring field must be associated with a land-based support facility that provides amenities and conveniences, such as parking, bathrooms, showers, and laundry facilities.²¹ Major boat repairs and maintenance, fueling activities other than from the land-based support facility, and boat hull scrapping and painting are not authorized within such mooring fields.²²

¹¹ Id. at 1.

 $^{^{12}}$ Id.

¹³ Section 253.03, F.S.

¹⁴ Section 253.03(7)(b), F.S.

¹⁵ Id.

¹⁶ See Fla. Admin. Code Ch. 18-21 for rules regulating the construction of structures used for mooring or accessing vessels.

¹⁷ Section 327.44(2), F.S.

¹⁸ Section 327.73, F.S.

¹⁹ Section 373.118, F.S.; Fla. Admin. Code R. 62-330.420.

²⁰ Fla. Admin. Code R. 62-330.420.

²¹ Id.

²² Id.

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdiction and vessels that are within the marked boundaries of permitted mooring fields.²³ However, local governments are prohibited from enacting, continuing in effect, or enforcing any ordinance or local regulation that regulates the anchoring of vessels other than live-aboard vessels outside the marked boundaries of permitted mooring fields.²⁴

Anchoring and Mooring Pilot Program

In an effort to seek resolution of the policy debate over how much authority should appropriately be granted to local governments with respect to vessels anchoring within their jurisdictions, the Legislature in 2009, enacted s. 327.4105, F.S., to create the Anchoring and Mooring Pilot Program.²⁵ The goal of the program is to explore potential options authorizing local governments to regulate the anchoring and mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields.²⁶ The pilot program is directed by the Fish and Wildlife Conservation Commission (FWC) in cooperation with the Department of Environmental Preservation (DEP).²⁷

The following local governments, as participants of the pilot program, are authorized to regulate anchoring and mooring outside the marked boundaries of permitted mooring fields:

- The City of St. Augustine.
- The City of St. Petersburg.
- The City of Sarasota.
- Monroe County in partnership with the cities of Marathon and Key West.
- Martin County in partnership with the City of Stuart.²⁸

The pilot program was set to expire on July 1, 2014. However, the program was extended, on recommendation of the FWC, to provide more time to fully evaluate each pilot program location.²⁹ The pilot program and the local government ordinances developed under the program are set to expire July 1, 2017, unless reenacted by the Legislature.³⁰

²³ Section 327.60(3), F.S.; s. 327.02, F.S., defines the term "floating structure" to mean a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such.

 ²⁴ Section 327.60(2)(f), F.S.; s. 327.02, F.S., defines the term "live-aboard vessel" to mean "a vessel used solely as a residence and not for navigation; a vessel represented as a place of business or a professional or other commercial enterprise; or a vessel for which a declaration of domicile has been filed." The definition expressly excludes commercial fishing boats.
 ²⁵ FWC, *Anchoring and Mooring Pilot Program, Report of Findings and Recommendations*, pg. 1 (Dec. 31, 2013) *available*

at http://myfwc.com/media/2704721/FindingsRecommendations.pdf.

²⁶ Chapter 2009-86, s. 48, Laws of Fla.

²⁷ Section 327.4105, F.S.

²⁸ FWC, Anchoring and Mooring Pilot Program, Report of Findings and Recommendations, pg. 1 (Dec. 31, 2013) available at http://myfwc.com/media/2704721/FindingsRecommendations.pdf.

²⁹ Chapter 2014-136, s. 2, F.S.

³⁰ Section 327.4105(6), F.S.

FWC Public Survey

The FWC engaged the public through a series of open public meetings to explore potential options for regulating the anchoring of non-live-aboard vessels outside the marked boundaries of public mooring fields.³¹ The following concepts were contemplated in relation to the granting of limited authority to local governments to regulate anchoring within their jurisdiction:

- A setback distance where the anchoring of vessels would be prohibited in the vicinity of public boating access infrastructure, such as boat ramps, hoists, mooring fields and marinas.
 - Sixty-six percent of respondents somewhat or strongly agreed that this concept was appropriate and 44 percent of respondents identified 150 feet as the most appropriate setback distance.
- A setback distance where the anchoring of vessels overnight in close proximity to waterfront residential property would be prohibited.
 - Fifty-one percent of respondents somewhat or strongly agreed that this concept was appropriate and 32 percent of respondents identified 150 feet as the most appropriate setback distance.
- The storing of vessels on the water in deteriorating condition would be prohibited.
 - Eighty-six percent of respondents somewhat or strongly agreed that this concept was appropriate.
- The timeframe for storing vessels on the water would be limited unless relocated a specified distance away.
 - Sixty-six percent of respondents somewhat or strongly agreed that this concept was appropriate and 31 percent of the respondents identified 60 days as most appropriate.
- If authority was granted to local governments to regulate anchoring in their jurisdiction, an allowance could be created for other anchoring regulations where need is demonstrated.
 - Forty-eight percent of respondents somewhat or strongly agreed that this concept was appropriate.
- If authority was granted to local governments to regulate anchoring in their jurisdiction, the creation of an online, interactive map to help boat operators know which local areas were covered under local anchoring restrictions.
 - Eighty-eight percent of respondents somewhat or strongly agreed that this concept was appropriate.³²

III. Effect of Proposed Changes:

Section 1 creates s. 327.4108, F.S., to designate the following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic and which are located in counties with populations exceeding 1.5 million residents as anchoring limitation areas:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County.
- Sunset Lake in Miami-Dade County.
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Rivo Alto Island and Di Lido Island.

 ³¹ FWC, Stakeholder Survey-Anchoring, Executive Summary, pg. 1 (Jan. 29, 2015) available at http://myfwc.com/media/2981012/Anchoring-Survey-Executive-Summary.pdf.
 ³² Id.

- San Marino Island and San Marco Island.
- San Marco Island and Biscayne Island.

The bill prohibits a person from anchoring a vessel at any time during the period between onehalf hour after sunset and one-half hour before sunrise in an anchoring limitation area to promote the public's use and enjoyment of the designated waterways.

The bill authorizes vessels to anchor overnight in an anchoring limitation area under the following circumstances:

- If a vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or persons onboard the vessel unless the vessel anchors.
 - A vessel may anchor for three business days or until the vessel is repaired, whichever occurs first.
- If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard the vessel unless the vessel anchors.
 - A vessel may anchor until weather conditions no longer pose such risk. During a hurricane or a tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.
- During events described in s. 327.48, F.S., relating to regattas, races, marine parades, tournaments, and exhibitions, or other special events including, but not limited to, public music performances, local government waterfront activities, or fireworks displays.
 - \circ A vessel may anchor for the lesser of the duration of the special event or for three days.

The bill exempts the following vessels:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes.
- Construction or dredging vessels on an active job site.
- Vessels actively engaged in commercial fishing.
- Vessels engaged in recreational fishing, if the persons onboard are actively tending hook and line fishing gear or nets.

The bill authorizes a law enforcement officer or agency to remove a vessel from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator, after being issued a citation for a violation:

- Anchors the vessel unlawfully in an anchoring limitation area within 12 hours after being issued the citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.

The bill provides a limitation on liability to a law enforcement officer or agency for any damage to the vessel, other than damage resulting from gross negligence or willful misconduct, resulting from the removal or impoundment of the vessel.

For the purposes of such removal or impoundment, the bill defines the term "law enforcement officer or agency" to mean the following officers or agencies:

- The Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers;
- The sheriffs of the various counties and their deputies;
- Municipal police officers; and
- Any other law enforcement officer described in s. 943.10, F.S.³³

The bill provides the following requirements for contractors performing removal or impoundment services at the direction of a law enforcement officer or agency:

- Be licensed in accordance with United States Coast Guard regulations, as applicable;
- Obtain and carry a current policy issued by a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor's actions; and
- Be properly equipped to perform such services.

The bill requires the operator of a vessel that is removed and impounded, in addition to a civil penalty, to pay all removal and storage fees before the vessel may be released.

Section 2 amends s. 327.70, F.S., providing that a violation of s. 327.4108, F.S., relating to the anchoring of vessels in anchoring limitation areas, may be enforced by a uniform boating citation issued to the operator of a vessel unlawfully anchored in an anchoring limitation area.

Section 3 amends s. 327.73, F.S., to provide the following civil penalties for the unlawful anchoring of vessels in an anchoring limitation area:

- For a first offense, a maximum fine of \$50.
- For a second offense, a maximum fine of \$100.
- For a third or subsequent offense, a maximum fine of \$250.

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³³ Section 943.10, F.S., defines the term "law enforcement officer" as "any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state...."

D. Other Constitutional Issues:

Article III, section 10 of the Florida Constitution prohibits the Legislature from enacting any special law unless notice is first published or a referendum is conducted. A special law, or "local law" does not apply with geographic uniformity across the state; it operates only upon designated persons or discrete regions, and bears no reasonable relationship to differences in population or other legitimate criteria.³⁴ On the other hand, general laws of local application do not require published notice or referendum.³⁵ A general law of location application applies to a distinct region or set of subdivisions within the state and its classification scheme is based on population or some other reasonable characteristic which distinguishes one locality from another.³⁶ If particular conditions exist in only a portion of the state, enactments with reference thereto nonetheless may be general laws.³⁷ If a law utilizes a classification that is geographical in its term but its purpose is one of statewide import and impact, and the classification is reasonably related to the law's purpose, it is a valid general law.³⁸

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vessel operators that unlawfully anchor a vessel in an anchoring limitation area would be required to pay a civil penalty and may be required to pay vessel removal and storage costs.

C. Government Sector Impact:

The FWC or other law enforcement agencies that monitor anchoring in an anchoring limitation area may experience an indeterminate positive fiscal impact resulting from the issuance of boating citations for violations relating to the unlawful anchoring of vessels in an anchoring limitation area. Additionally, the FWC or other law enforcement agencies may experience increased costs as a result of enforcing anchoring in these areas. It is expected that any enforcement costs will be covered within existing resources.

VI. Technical Deficiencies:

None.

³⁴ Lawnwood Medical Center, Inc. v. Seeger, 990 So.2d 503 (Fla. 2008).

³⁵ Dept. of Business Regulation v. Classic Mile, Inc., 541 So.2d 1155 (Fla. 1989).

³⁶ City of Miami Beach v. Frankel, 363 So.2d 55 (Fla. 1978).

³⁷ Schrader v. Florida Keys Aqueduct Authority, 840 So.2d 1050, 1055 (Fla. 2003).

³⁸ *Id.* at 1056.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 327.4108 of the Florida Statutes.

This bill substantially amends section 327.73 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.)

CS by Environmental Preservation and Conservation on February 17, 2016: The CS:

- Designates anchoring limitation areas, rather than recreational boating zones, and provides a limitation to areas that are in densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant boating traffic and are located in counties with populations exceeding 1.5 million residents.
- Removes Crab Island in Okaloosa County as a designated area.
- Authorizes vessels under certain circumstances to anchor overnight in anchoring limitation areas.
- Exempts certain vessels.
- Authorizes law enforcement officers or agencies to remove or cause the removal of vessels from an anchoring limitation area and impound such vessels for up to 48 hours under certain circumstances.
- Provides a limitation on liability for law enforcement officers or agencies that remove or impound a vessel.
- Provides requirements for contractors performing removal or impoundment services.
- Requires a vessel operator to pay all removal and storage fees for removed or impounded vessels.
- Amends s. 327.70, F.S., to authorize violations of s. 327.4108, F.S. to be enforced by a uniform boating citation.
- Increases the penalty for violations for repeat offenders.
- B. Amendments:

None.

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

 $\mathbf{B}\mathbf{y}$ the Committee on Environmental Preservation and Conservation; and Senator Simpson

	592-03733A-16 20161260c1
1	A bill to be entitled
2	An act relating to anchoring limitation areas;
3	creating s. 327.4108, F.S.; prohibiting overnight
4	anchoring or mooring of vessels in specified anchoring
5	limitation areas; providing exceptions; providing for
6	the removal and impoundment of vessels under certain
7	circumstances; providing penalties; amending s.
8	327.70, F.S.; providing for violations to be enforced
9	by the issuance of a uniform boating citation;
10	amending s. 327.73, F.S.; providing penalties;
11	providing an effective date.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
15	Section 1. Section 327.4108, Florida Statutes, is created
16	to read:
17	327.4108 Anchoring or mooring of vessels in anchoring
18	limitation areas
19	(1) The following densely populated urban areas, which have
20	narrow state waterways, residential docking facilities, and
21	significant recreational boating traffic and are located in
22	counties with populations exceeding 1.5 million residents, are
23	designated as anchoring limitation areas:
24	(a) The section of Middle River lying between Northeast
25	21st Court and the Intracoastal Waterway in Broward County.
26	(b) Sunset Lake in Miami-Dade County.
27	(c) The sections of Biscayne Bay in Miami-Dade County lying
28	between:
29	1. Rivo Alto Island and Di Lido Island.
30	2. San Marino Island and San Marco Island.
31	3. San Marco Island and Biscayne Island.

Page 1 of 5

	592-03733A-16 20161260c1
32	(2) To promote the public's use and enjoyment of the
33	designated waterway, except as provided in subsections (3) and
34	(4), a person may not anchor a vessel at any time during the
35	period between one-half hour after sunset and one-half hour
36	before sunrise in an anchorage limitation area.
37	(3) Notwithstanding subsection (2), a person may anchor a
38	vessel in an anchorage limitation area:
39	(a) If the vessel suffers a mechanical failure that poses
40	an unreasonable risk of harm to the vessel or the persons
41	onboard unless the vessel anchors. The vessel may anchor for 3
42	business days or until the vessel is repaired, whichever occurs
43	<u>first.</u>
44	(b) If imminent or existing weather conditions in the
45	vicinity of the vessel pose an unreasonable risk of harm to the
46	vessel or the persons onboard unless the vessel anchors. The
47	vessel may anchor until weather conditions no longer pose such
48	risk. During a hurricane or a tropical storm, weather conditions
49	are deemed to no longer pose an unreasonable risk of harm when
50	the hurricane or tropical storm warning affecting the area has
51	expired.
52	(c) During events described in s. 327.48 or other special
53	events, including, but not limited to, public music
54	performances, local government waterfront activities, or
55	fireworks displays. A vessel may anchor for the lesser of the
56	duration of the special event or for 3 days.
57	(4) This section does not apply to:
58	(a) Vessels owned or operated by a governmental entity for
59	law enforcement, firefighting, military, or rescue purposes.
60	(b) Construction or dredging vessels on an active job site.

Page 2 of 5

592-03733A-16 20161260c1 61 (c) Vessels actively engaged in commercial fishing. 62 (d) Vessels engaged in recreational fishing, if the persons 63 onboard are actively tending hook and line fishing gear or nets. 64 (5) (a) As used in this subsection, the term "law 65 enforcement officer or agency" means an officer or agency 66 authorized to enforce this section pursuant to s. 327.70. 67 (b) A law enforcement officer or agency may remove a vessel from an anchorage limitation area and impound the vessel for up 68 69 to 48 hours, or cause such removal and impoundment, if the 70 vessel operator, after being issued a citation for a violation 71 of this section: 72 1. Anchors the vessel in violation of this section within 73 12 hours after being issued the citation; or 74 2. Refuses to leave the anchorage limitation area after 75 being directed to do so by a law enforcement officer or agency. 76 (c) A law enforcement officer or agency acting under this 77 subsection to remove or impound a vessel, or to cause such removal or impoundment, shall be held harmless for any damage to 78 79 the vessel resulting from such removal or impoundment unless the 80 damage results from gross negligence or willful misconduct. 81 (d) A contractor performing removal or impoundment services 82 at the direction of a law enforcement officer or agency pursuant 83 to this subsection must: 84 1. Be licensed in accordance with United States Coast Guard regulations, as applicable. 85 2. Obtain and carry a current policy issued by a licensed 86 87 insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or 88 89 resulting from the contractor's actions.

Page 3 of 5

	592-03733A-16 20161260c1
90	3. Be properly equipped to perform such services.
91	(e) In addition to the civil penalty imposed under s.
92	327.73(1)(y), the operator of a vessel that is removed and
93	impounded pursuant to paragraph (b) must pay all removal and
94	storage fees before the vessel is released. A vessel removed
95	pursuant to paragraph (b) may not be impounded for longer than
96	48 hours.
97	(6) A violation of this section is punishable as provided
98	in s. 327.73(1)(y).
99	Section 2. Paragraph (c) is added to subsection (2) of
100	section 327.70, Florida Statutes, to read:
101	327.70 Enforcement of this chapter and chapter 328
102	(2)
103	(c) A noncriminal violation of s. 327.4108 may be enforced
104	by a uniform boating citation issued to the operator of a vessel
105	unlawfully anchored in an anchoring limitation area.
106	Section 3. Paragraph (y) is added to subsection (1) of
107	section 327.73, Florida Statutes, to read:
108	327.73 Noncriminal infractions
109	(1) Violations of the following provisions of the vessel
110	laws of this state are noncriminal infractions:
111	(y) Section 327.4108, relating to the anchoring of vessels
112	in anchoring limitation areas, for which the penalty is:
113	1. For a first offense, up to a maximum of \$50.
114	2. For a second offense, up to a maximum of \$100.
115	3. For a third or subsequent offense, up to a maximum of
116	<u>\$250.</u>
117	
118	Any person cited for a violation of any provision of this
I	

Page 4 of 5

	592-03733A-16 20161260c1
119	subsection shall be deemed to be charged with a noncriminal
120	infraction, shall be cited for such an infraction, and shall be
121	cited to appear before the county court. The civil penalty for
122	any such infraction is \$50, except as otherwise provided in this
123	section. Any person who fails to appear or otherwise properly
124	respond to a uniform boating citation shall, in addition to the
125	charge relating to the violation of the boating laws of this
126	state, be charged with the offense of failing to respond to such
127	citation and, upon conviction, be guilty of a misdemeanor of the
128	second degree, punishable as provided in s. 775.082 or s.
129	775.083. A written warning to this effect shall be provided at
130	the time such uniform boating citation is issued.
131	Section 4. This act shall take effect July 1, 2016.

132

	• • • •	THE FLOR	IDA SENATE	
	<u></u>	APPEARAN BOTH copies of this form to the Senator of		
Mee	ting Date			Bill Number (if applicable)
Topic	Andhoine	Linitation	Aces	Amendment Barcode (if applicable)
Name	Michael	<u>Canters</u>		
Job Title	·······			
Address	2-0-00	Ponce Le Le		Phone 803-537-01-2
	Street	· · · · · · · · · · · · · · · · · · ·	Zip	Email MCantand Colonia
Speaking		<u>.</u>		peaking: Against Against Against in will read this information into the record.)
Repre	esenting	<u>y of Mixini</u>	12000	
Appearin	ig at request of Cha	ir: 🔄 Yes 📃 No	Lobbyist regist	ered with Legislature: 🔀 Yes 🗌 No

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While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

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THE FLOR	RIDA SENATE	
O2/24/2016 (Deliver BOTH copies of this form to the Senator		
Meeting Date		Bill Number (if applicable)
Topic ANCHORING LIMITATION	<u> </u>	Amendment Barcode (if applicable)
Name MICHAEL PETECER	·	_
Job Title <u>RETIREの</u>	· · · · · · · · · · · · · · · · · · ·	
Address $\frac{2472}{\text{Street}} \leq \frac{577}{2} \leq$	· · · · · · · · · · · · · · · · · · ·	_ Phone <u>954-907-6818</u>
Street <u>POMPANO</u> BEACH FL City State	33062	Email HOGITZ @YAHO. COM
City State	Zip	
Speaking: For X Against Information		Speaking: In Support Against air will read this information into the record.)
Representing	<u> </u>	
Appearing at request of Chair: 🔄 Yes 💢 No	Lobbyist regis	stered with Legislature: 🔄 Yes 🔀 No

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THE FLORIDA SENATE

APPEARANCE RECORD

2/24/16 Meeting Date (Deliver BOTH copies of this form to the Senate	or or Senate Professional Staff conducting the meeting)
Topic ANCHORING	Amendment Barcode (if applicable)
Name NICHOLAS HARDY	· · · · · · · · · · · · · · · · · · ·
Job Title CAPTAIN	
Address 60 HARRISON ST	Phone 850-591-6136
PANACEA FL City State	<u>Zip</u> Email nick@hardytoww.com
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing Sec.	·
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE	
APPEARANCE RECORD	
2 2) SB1240 Bill Number (if applicable)
Topic ANCHERING GEMINTATION ANENS Amen	dment Barcode (if applicable)
Name_Bill TURNEY	
Job Title MEM NER WATCHWAG MOTOZ CAL	Mility Heb
Address 832 MAGNOLIA Sherkes DR Phone 420	506 8800
Street <u>Niceville</u> <u>FL</u> <u>32578</u> Email <u>6,1/7</u> City State Zip	
Speaking: For Against Information Waive Speaking: In Su (The Chair will read this inform)	
Representing <u>SP2F</u>	
Appearing at request of Chair: Yes Yo Lobbyist registered with Legislat	ture: Yes KNo

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THE FLORIDA SENATE	
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Meeting Date	Bill Number (if applicable)
Topic Anchonica Lin, tation Areas	Amendment Barcode (if applicable)
Name Gordon Lonos	
Job Title CDR MSMR (retired) State Employee Ret	Fired 1
Address 431 Tanbark P	Phone 850 656-9889
Street Tallahausche FL 32301 City State Zip	Email Casey. pres. 9 @comcast. nel
	ve Speaking: In Support Against Chair will read this information into the record.)
Appearing at request of Chair: Yes 2 No Lobbyist re	egistered with Legislature: Yes 2 No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARAN	ICE RECORD
2/24/16 (Deliver BOTH copies of this form to the Senator	or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic Anchorway	Amendment Barcode (if applicable)
Name Bannie Basham	
Job Title	
Address 133 Oak St, #15	Phone 933 7277
Stretet Allahassee, H 32 City State	301 Email-apital. ideas Qatt. Not
Speaking: For Against Information	Zip V Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing SOAT U.S.	
Appearing at request of Chair: Yes No	Lobbyist registered with Legislature: Yes No
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THE FLORIDA SENATE
DO 124/16 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) CS/SB/360
Méeting Date
Topic <u>HUCHORIAG LIMITATION</u> HISAS Amendment Barcode (if applicable)
Name DAVID HARRIS
Job Title MENBER: WATSLEAM PADIO CLUBIC CLUB + MARITIME ALT
Address <u>8545 x/wy 16</u> Phone 770 599-1257
Street SENOIA GA 30276 Email Blusthate Brusod
City State Zip
Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing WATGRURY PADIO CLUBE MARTIME DAT
Appearing at request of Chair: Yes X No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARAN	CE RECORD
2.24/6 (Deliver BOTH copies of this form to the Senator of	or Senate Professional Staff conducting the meeting)
Meeting Date	Bill Number (if applicable)
Topic AnchoRing LIMITATION A	२.९४३ Amendment Barcode (if applicable)
Name JoHN Scott	
Job Title Handres Member	
Address 1265 Lock hAnt Av	Phone 802 310 7409
the second se	32162 Email JOHN & KAJOLIE.com Zip
Speaking: For Against Information	Waive Speaking: In Support Against (The Chair will read this information into the record.)
Representing <u>AMERICA GREAT LOO</u>	P CRUISER ASSOCIATION
Appearing at request of Chair: Yes >No	Lobbyist registered with Legislature: 🔄 Yes 🔀 No
	P CRUISER ASSOCIATION

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

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Meeting Date				Bill Number (if applicable)
Topic <u>Anchoring</u>	Limitation	Creas	Ame	ndment Barcode (if applicable)
Name Phillip W		· · · · · · · · · · · · · · · · · · ·	_	
Job Title Member, C		Cruisers C	Committe	e e
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Street City	ach FL State	<u>33572</u> Zip	pwerndl; Email <u>-</u>	@gmnil.com
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Appearing at request of Chair:	Yes X No	Lobbvist register	ed with Legisla	ature: Yes 🔀 No

meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. This form is part of the public record for this meeting.

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While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD D D Image: Date (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) Meeting Date S Image: Date Bill Number (if applicable)
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Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development CS/SB 1570 BILL: **Transportation Committee and Senator Simmons** INTRODUCER: School Bus Stop Safety SUBJECT: February 23, 2016 DATE: **REVISED**: STAFF DIRECTOR ANALYST REFERENCE ACTION 1. Jones Eichin TR Fav/CS Sneed Miller ATD 2. **Recommend: Favorable** 3. FP

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1570 reclassifies the offense for passing a stopped school bus on the side that children enter and exit while displaying a stop signal from a noncriminal traffic infraction to the criminal offense of reckless driving.

The Office of State Courts Administrator (OSCA) has indicated that the change to a reckless driving charge may have a minimal impact on revenues in the State Court Revenue Trust Fund, which currently receives \$5 for each non-criminal traffic violation. However, OSCA anticipates this revenue reduction would have an insignificant fiscal impact on the trust fund.

The Department of Highway Safety and Motor Vehicles (DHSMV) estimates programming and implementing the changes would cost \$13,448. These costs are expected to be absorbed within existing resources.

The bill takes effect October 1, 2016.

II. Present Situation:

School buses are required to stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers, and, when possible, not stop where visibility is obscured for a distance of 200 feet either way from the bus.¹

Florida law requires that any person, upon approaching a stopped school bus displaying a stop signal, bring his or her vehicle to a full stop until the signal has been withdrawn.² Furthermore, it is unlawful to pass a school bus on the side that children enter and exit while the school bus displays a stop signal.³ However, a driver is not required to stop if the vehicle is traveling in the opposite direction of a stopped school bus "upon a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier."⁴

If, at a hearing, a person is found to have failed to fully stop for or passed a stopped school bus,⁵ both of which are noncriminal traffic infractions, the person must pay a minimum civil penalty of \$100 or \$200, respectively, plus an additional \$65.⁶ For any subsequent violation, the DHSMV, may suspend a person's driver license if such violation is committed within a period of 5 years after the first violation.⁷

In addition, if a court withholds adjudication of a driver who receives a traffic citation for illegally passing a school bus, the driver is required by the DHSMV to complete a driver improvement course. The DHSMV, within 10 days after receiving notice of judicial disposition, will send a notice to the driver indicating the requirement to attend a driver improvement course. If the course is not completed within 90 days of receiving the notice, the driver's license will be canceled until the course is successfully completed.⁸

School Bus Safety

The National Highway Safety Transportation Safety Association (NHTSA) estimates approximately 24 children are killed in school bus accidents each year.⁹ However, few deaths occur while actually on the bus. Typically, one-third of the fatalities occur when a child is struck by the school bus in the loading or unloading zone, one-third are struck by motorists who fail to stop for the bus, and one-third are pedestrians killed approaching or leaving the school bus.¹⁰

¹ Section 316.172(3), F.S.

² Section 316.172(1)(a), F.S.

³ Section 316.172(1)(b), F.S.

⁴ Section 316.172(2), F.S.

⁵ A person cited for passing a stopped school bus on the side children enter or exit must attend a mandatory hearing at a specified time and location. See ss. 316.172(1)(b) and 318.19(3), F.S.

⁶ Section 318.18(5), F.S. The additional \$65 is remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health for the purpose of funding trauma centers. *See* s. 395.4036, F.S. ⁷ *Id.* at 5(a) and (b). A person who passes a stopped school bus will receive 4 points on his or her driver license or, depending on the circumstances, his or her driver license may be suspended or, if a habitual traffic offender, shall be revoked. *See*

s. 322.27(1)(f) and (3)(d)4., F.S. *See also* s. 322.264, F.S., for the definition of the term "habitual traffic offender." ⁸ Section 322.0261(4)(c), F.S.

 ⁹ See National Conference of State Legislatures (NCSL), *Transportation Review – School Bus Safety* (July 2012) at p. 1, *available at: <u>http://www.ncsl.org/documents/transportation/schoolbus_transv0810.pdf</u> (last visited Feb. 12, 2016).
 ¹⁰ Id.*

2015 Illegal Passing of School Buses

Since 2011, the Florida Department of Education has posted survey results on its website of the number of vehicles that illegally pass a stopped school bus in a single day of the school year, according to the school bus drivers.¹¹ In Academic Year 2014-2015, a total of 9,807 school bus drivers in the state completed the survey. The survey indicated that school buses were passed illegally by 10,987 vehicles throughout the day. Of those, 371 vehicles were reported passing to the right side of the bus, the side students generally enter and exit.¹²

The DHSMV has indicated that in 2015 approximately 2,136 traffic citations were issued for failure to stop for a school bus, and 44 citations were issued for passing a school bus on the side children enter and exit.¹³

Reckless Driving

A person "who drives any vehicle in willful or wanton disregard for the safety of persons or property" or flees from a law enforcement officer in a vehicle shall be charged with reckless driving, which is a criminal offense.¹⁴

If convicted, a person is subject to punishment by imprisonment for not more than 90 days or by a minimum fine of \$25 and a maximum fine of \$500, or both.¹⁵ For any subsequent conviction, a person is subject to punishment by imprisonment for a maximum of six months or by a minimum fine of \$50 and a maximum fine of \$1,000, or both.¹⁶ If a person's reckless driving causes damage to a person or property, he or she commits a first degree misdemeanor, punishable by imprisonment not exceeding one year or a maximum fine of \$1,000.¹⁷ If a person's reckless driving causes driving causes serious bodily injury to another person, he or she commits a third degree felony, punishable by imprisonment not to exceed five years, a maximum fine of \$5,000 or, if a habitual felony offender, an extended term of imprisonment.¹⁸

If convicted of a violation of passing a school bus or reckless driving, four points are assessed against the offender's driver license.¹⁹

death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ." ¹⁹ Section 222 27(2)(d) E S

¹⁹ Section 322.27(3)(d), F.S.

¹¹ See Florida Department of Education website, *School Transportation, Illegal Passing of School Buses – Survey Results*, <u>http://www.fldoe.org/schools/safe-healthy-schools/transportation/</u> (last visited Feb. 12, 2016).

¹² Id. under link titled "Florida survey results of 2015"

¹³ Email from the DHSMV (Feb. 15, 2016) (on file with the Senate Committee on Transportation).

¹⁴ Sections 316.192(1) and 318.17(4), F.S.

¹⁵ Section 316.192(2)(a), F.S.

¹⁶ Section 316.192(2)(b), F.S..

¹⁷ Sections 316.192(3)(c)1., 775.082(4)(a), 775.083(1)(d), F.S. A court has the discretion to suspend or cancel a driver license and impose any other civil penalty it deems fit. s. 775.082(7), F.S.

¹⁸ Sections 316.192(3)(c)2., 775.082(3)(e), 775.083(1)(c), and 775.084(1)(a), F.S. Section 316.192(3)(c)2., F.S. defines "serious bodily injury" as "an injury to another person, which consists of a physical condition that creates a substantial risk of

III. Effect of Proposed Changes:

Section 1 amends s. 316.172, F.S., increasing the penalty from a noncriminal moving violation to the criminal offense of reckless driving for a person operating a motor vehicle who passes a school bus on the side that children enter and exit when the bus displays a stop signal.

Section 2 creates a subsection (6) within the reckless driving statute, to retain the \$65 penalty currently collected for a violation of passing a school bus on the side that children enter and exit when the bus is displaying a stop signal.

Section 3 amends s. 318.17, F.S., to make conforming changes.

Section 4 amends s. 318.18, F.S., to remove the civil penalty for illegally passing a school bus on the side children enter and exit, as that penalty is reclassified as reckless driving.

Sections 5 and 6 conform cross-references to changes made by the bill.

Section 7 provides the bill takes effect October 1, 2016.

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:

Individuals cited for illegally passing a school bus will incur increased penalties.

C. Government Sector Impact:

Changing the violation for passing a school bus on the side children enter and exit²⁰ from a noncriminal moving violation to a charge of reckless driving is expected to have an insignificant fiscal impact on state government.

Specifically, the Office of State Courts Administrator has indicated the change to a reckless driving charge could impact revenues to the State Court Revenue Trust Fund, which currently receives \$5 for each non-criminal traffic violation, but anticipates that this revenue reduction would have a minimal impact on the trust fund.²¹

Additionally, the DHSMV anticipates the bill will require approximately 298.5 hours of system programming and implementation, resulting in an estimated cost of \$13,448 to the department.²² These costs are expected to be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.172, 316.192, 318.17, and 318.18.

This bill makes conforming changes to the following sections of the Florida Statutes: 318.21 and 395.4036.

IX. Additional Information:

A. Committee Substitute – Statement of Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on February 17, 2016:

The CS modifies the bill by removing the penalty increase for failing to stop for a school bus under s. 318.18(5)(a), F.S., and removes provisions allowing a school district to use cameras and video recording devices to enforce s. 316.172, F.S.

²⁰ Section 316.172(1)(b), F.S.

²¹ See Office of the State Court Administrator, 2015 Judicial Impact Statement for SB 346 (March 3, 2015) (on file with the Senate Committee on Transportation).

²² DHSMV, 2016 Agency Legislative Bill Analysis for SB 1570 (Feb. 11, 2016) (on file with the Senate Committee on Transportation).

B. Amendments:

None.

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

By the Committee on Transportation; and Senator Simmons

596-03743-16

20161570c1

	201013/001
1	A bill to be entitled
2	An act relating to school bus stop safety; amending s.
3	316.172, F.S.; revising the terms of violation and the
4	penalties for failure to stop a vehicle upon
5	approaching a school bus that displays a stop signal;
6	providing for criminal penalties under certain
7	circumstances; amending s. 316.192, F.S.; requiring an
8	additional fee to be added to a fine imposed for a
9	specified violation; providing for distribution of the
10	fee; amending s. 318.17, F.S.; conforming provisions
11	to changes made by the act; amending s. 318.18, F.S.;
12	removing provisions made obsolete by the act; amending
13	s. 318.21, F.S.; conforming a cross-reference;
14	amending s. 395.4036, F.S.; conforming a cross-
15	reference; conforming provisions to changes made by
16	the act; providing an effective date.
17	
18	Be It Enacted by the Legislature of the State of Florida:
19	
20	Section 1. Subsection (1) of section 316.172, Florida
21	Statutes, is amended to read:
22	316.172 Traffic to stop for school bus
23	(1)(a) <u>A</u> Any person using, operating, or driving a vehicle
24	on or over the roads or highways of this state shall, upon
25	approaching <u>a</u> any school bus <u>that</u> which displays a stop signal,
26	bring such vehicle to a full stop while the bus is stopped, and
27	the vehicle <u>may</u> shall not pass the school bus until the signal
28	has been withdrawn. A person who violates this <u>paragraph</u> section
29	commits a moving violation, punishable as provided in chapter
30	318.
31	(b) <u>A</u> Any person using, operating, or driving a vehicle
32	that passes a school bus on the side that children enter and

Page 1 of 5

	596-03743-16 20161570c1
33	exit when the school bus displays a stop signal commits reckless
34	driving a moving violation, punishable as provided in s. 316.192
35	chapter 318, and is subject to a mandatory hearing under the
36	provisions of s. 318.19.
37	Section 2. Subsection (6) is added to section 316.192,
38	Florida Statutes, to read:
39	316.192 Reckless driving
40	(6) In addition to any other penalty provided under this
41	section, \$65 shall be added to a fine imposed pursuant to this
42	section for a violation of s. 316.172(1)(b). The clerk shall
43	remit the \$65 to the Department of Revenue for deposit in the
44	Emergency Medical Services Trust Fund, to be used as provided in
45	<u>s. 395.4036.</u>
46	Section 3. Section 318.17, Florida Statutes, is amended to
47	read:
48	318.17 Offenses exceptedNo provision of this chapter is
49	available to a person who is charged with any of the following
50	offenses:
51	(1) Fleeing or attempting to elude a police officer, in
52	violation of s. 316.1935 <u>.</u> ;
53	(2) Leaving the scene of a crash, in violation of ss.
54	316.027 and 316.061 <u>.</u> ;
55	(3) Driving, or being in actual physical control of, any
56	vehicle while under the influence of alcoholic beverages, any
57	chemical substance set forth in s. 877.111, or any substance
58	controlled under chapter 893, in violation of s. 316.193, or
59	driving with an unlawful blood-alcohol level. \cdot ;
60	(4) Reckless driving, in violation of <u>s. 316.172(1)(b) or</u>
61	s. 316.192 <u>.</u> ;

Page 2 of 5

	596-03743-16 20161570c1
62	(5) Making false crash reports, in violation of s.
63	316.067. ;
64	
65	order or direction of any police officer or member of the fire
66	department, in violation of s. 316.072(3). ;
67	(7) Obstructing an officer, in violation of s. 316.545(1). ;
68	
69	(8) Any other offense in chapter 316 which is classified as
70	a criminal violation.
71	Section 4. Paragraphs (b) and (c) of subsection (5) of
72	section 318.18, Florida Statutes, are amended to read:
73	318.18 Amount of penaltiesThe penalties required for a
74	noncriminal disposition pursuant to s. 318.14 or a criminal
75	offense listed in s. 318.17 are as follows:
76	(5)
77	(b) Two hundred dollars for a violation of s.
78	316.172(1)(b), passing a school bus on the side that children
79	enter and exit when the school bus displays a stop signal. If,
80	at a hearing, the alleged offender is found to have committed
81	this offense, the court shall impose a minimum civil penalty of
82	\$200. In addition to this penalty, for a second or subsequent
83	offense within a period of 5 years, the department shall suspend
84	the driver license of the person for not less than 180 days and
85	not more than 1 year.
86	<u>(b)</u> In addition to the penalty under paragraph (a) or
87	paragraph (b) , \$65 for a violation of s. 316.172(1)(a) or (b) .
88	If the alleged offender is found to have committed the offense,
89	the court shall impose the civil penalty under paragraph (a) $rac{\partial r}{\partial r}$

Page 3 of 5

paragraph (b) plus an additional \$65. The additional \$65

90

CS for SB 1570

I	596-03743-16 20161570c1
91	collected under this paragraph shall be remitted to the
92	Department of Revenue for deposit into the Emergency Medical
93	Services Trust Fund of the Department of Health to be used as
94	provided in s. 395.4036.
95	Section 5. Subsection (21) of section 318.21, Florida
96	Statutes, is amended to read:
97	318.21 Disposition of civil penalties by county courts.—All
98	civil penalties received by a county court pursuant to the
99	provisions of this chapter shall be distributed and paid monthly
100	as follows:
101	(21) Notwithstanding subsections (1) and (2), the proceeds
102	from the additional penalties imposed pursuant to s.
103	318.18(5)(b) s. 318.18(5)(c) and (20) shall be distributed as
104	provided in that section.
105	Section 6. Paragraph (b) of subsection (1) of section
106	395.4036, Florida Statutes, is amended to read:
107	395.4036 Trauma payments
108	(1) Recognizing the Legislature's stated intent to provide
109	financial support to the current verified trauma centers and to
110	provide incentives for the establishment of additional trauma
111	centers as part of a system of state-sponsored trauma centers,
112	the department shall utilize funds collected under s. 318.18 and
113	deposited into the Emergency Medical Services Trust Fund of the
114	department to ensure the availability and accessibility of
115	trauma services throughout the state as provided in this
116	subsection.
117	(b) Funds collected under <u>ss. 316.192(6), 318.18(5)(b), and</u>
118	318.18(20) s. 318.18(5)(c) and (20) shall be distributed as
119	follows:

Page 4 of 5

CODING: Words stricken are deletions; words underlined are additions.

CS for SB 1570

596-03743-16 20161570c1 120 1. Thirty percent of the total funds collected shall be distributed to Level II trauma centers operated by a public 121 122 hospital governed by an elected board of directors as of 123 December 31, 2008. 124 2. Thirty-five percent of the total funds collected shall 125 be distributed to verified trauma centers based on trauma 126 caseload volume for the most recent calendar year available. The 127 determination of caseload volume for distribution of funds under 128 this subparagraph shall be based on the department's Trauma 129 Registry data. 1.30 3. Thirty-five percent of the total funds collected shall 131 be distributed to verified trauma centers based on severity of 132 trauma patients for the most recent calendar year available. The 133 determination of severity for distribution of funds under this 134 subparagraph shall be based on the department's International 135 Classification Injury Severity Scores or another statistically 136 valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource 137 138 consumption as adopted by the department by rule, weighted based 139 on the costs associated with and incurred by the trauma center 140 in treating trauma patients. The weighting of scores shall be 141 established by the department by rule.

142

Section 7. This act shall take effect October 1, 2016.

Page 5 of 5

CODING: Words stricken are deletions; words underlined are additions.

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 Professio	nal Staff of t		ns Subcommittee or elopment	n Transportation, Tourism, and Economic
BILL:	PCS/SBs 1	390 & 706	2 (131612)		
INTRODUCER:	Appropria and Transp			Transportation, T	ourism, and Economic Development
SUBJECT:	Specialty I	License Pla	ites		
DATE:	February 2	23, 2016	REVISED:		
ANAL	YST	STAFF	DIRECTOR	REFERENCE	ACTION
Jones		Eichin			TR Submitted as Committee Bill
I. Wells		Miller		ATD	Pre-meeting
2.				AP	
3.				RC	

I. Summary:

PCS/SBs 1390 & 7062 increases the minimum sales requirement for specialty license plates from 1,000 plates to 4,000. New specialty plates will be required to sell 4,000 presale vouchers before they will be manufactured. Effective July 1, 2018, existing specialty plates that fall below 4,000 valid registrations for at least 12 consecutive months will be discontinued.

The bill exempts established specialty plates that have statutory eligibility limitations for who may purchase the specific plate, from being discontinued by the Department of Highway Safety and Motor Vehicles (DHSMV) for not meeting the minimum sales requirement.

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop 25 new specialty license plates.

The bill adds the North American Soccer League to the "Florida Professional Sports Team" license plate, modifies the distribution and use of annual use fees for the "In God We Trust" specialty plate, as well as modifies the use of fees for the "Conserve Wildlife" specialty plate.

Depending on the number of plates that will be discontinued starting in July 1, 2019, the DHSMV may incur minimal programming costs associated with discontinuing specialty license plates.

The bill will have a negative impact on organizations and programs funded from a specialty plate that does not meet the increased minimum sales requirement and is subsequently discontinued.

According to the DHSMV, the cost for the minimum required number of each specialty license plate to be designed and manufactured is \$11,280. In addition, the DHSMV will also have

programming costs to develop all new specialty license plates. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹

Except as otherwise specified, the bill takes effect on July 1, 2016.

II. Present Situation:

Presently, there are over 120 specialty license plates available for purchase, and two in the presale phase. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.³

In order to establish a specialty license plate, the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV);
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the specialty plate and discontinue issuance of the pre-sale voucher. Upon discontinuation of the plate, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁴

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 United States Armed Forces and veterans-related specialty plates.⁵ Additionally, the fees may not be used for the purpose of marketing to, lobbying, entertaining, or rewarding a member or employee of the Legislature.⁶

DHSMV Costs Defrayed

The DHSMV retains sufficient annual use fees, from the sale of the specialty license plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty

¹ Section 320.08056(7), F.S.

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08056(11), F.S.

license plate program. The remainder of the proceeds collected are distributed as provided by law.⁷

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates are exempt from the minimum plate requirement.⁸ Additionally, the specialty license plate must be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

Organizations must adhere to certain accountability requirements, including an annual attestation document affirming that funds received have been spent in accordance with applicable statutes.¹⁰

As of January 1, 2016, 28 specialty plates required to maintain minimum sales were below 4,000 valid registrations.¹¹ Those plates are:

Specialty License Plates Below 4,000 Valid Registrations and Current Registrations			
A State Of Vision	2,194	Lauren's Kids	3,128
Agriculture Education	1,398	Miami Marlins	2,476
American Legion	791	Moffitt Cancer Center	674
American Red Cross	973	NASCAR	3,211
Big Brother Big Sister	554	Orlando Magic	3,372
Donate Organs	2,318	Parents Make a Difference	1,652
Fallen Law Enforcement	1,360	Play Tennis	3,144
Family Values	2,057	Protect Our Oceans	3,829
Florida Panthers	2,052	Scouting Teaches Values	2,509
Florida Sheriff's Association	1,003	Special Olympics	3,346
Florida Sheriff's Youth Ranches	3,944	St. John's River	617
Fraternal Order of Police	2,895	Support Homeownership for All	3,827
Hispanic Achievers	375	Trees are Cool	3,830
Kids Deserve Justice	1,436	Visit our Lights	3,830

According to the DHSMV, of the plates below 4,000 registrations, the American Legion, Big Brother Big Sister, Fallen Law Enforcement, Florida Sheriff's Association, Lauren's Kids, and Moffitt Cancer Center specialty plates were recently created and continue to show good public interest and growth. ¹² Additionally, the Hispanic Achievers and St. John's River plate are still in presale and have not been manufactured.

 12 Id.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ Section 320.08062, F.S.

¹¹ Email from the DHSMV, Draft SB 1390 Agency Legislative Bill Analysis (Jan. 15, 2016) (on file with the Senate

Committee on Transportation)

Moratorium

Currently, there is a statutory moratorium on the issuance of new specialty license plates. Except for a specialty license plate proposal which has submitted a letter of intent to the DHSMV prior to May 2, 2008, and which has submitted a survey, marketing strategy, and application fee prior to October 1, 2008, or was included in a bill filed during the 2008 Legislative Session, the DHSMV may not issue any new specialty license plates.¹³

The moratorium ends July 1, 2016, and does not affect the plates included in this bill.

Florida Professional Sports Team License Plates

Section 320.08058(9), F.S., directs the DHSMV to develop Florida Professional Sports Team license plates for Major League Baseball, National Basketball Association, National Football League, Arena Football League, National Hockey, and Major League Soccer teams domiciled in this state. Fifty-five percent of the annual use fee proceeds from these plates is distributed to the Professional Sports Development Trust Fund within the Department of Economic Opportunity to attract and support major sports events in the state. The remaining proceeds are allocated to Enterprise Florida, Inc., to:

- Promote the economic development of the sports industry;
- Distribute licensing and royalty fees to participating professional sports teams;
- Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
- Recognize schools whose students demonstrate excellent physical fitness or fitness improvement;
- Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
- Distribute funds to Florida based charities designated by Enterprise Florida and the participating professional sports teams; and
- Fulfill the sports promotion responsibilities of the Department of Economic Opportunity.

Conserve Wildlife License Plates

Section 320.08058(24) directs the DHSMV to develop a Conserve Wildlife license plate. Annual use fee proceeds from the plate are distributed to the Wildlife Foundation of Florida, Inc. Ten percent of the proceeds may be used for marketing the license plate and administrative costs directly related to the management and distribution of the proceeds. The remaining proceeds must be used for programs and activities of the Fish and Wildlife Conservation Commission that contribute to the health and well-being of the Florida black bears and other wildlife diversity.

In God We Trust License Plate

Section 320.08058(66), F.S., directs the DHSMV to develop an In God We Trust license plate. The annual use fees shall be distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United

¹³ Section 45, ch. 2008-176, L.O.F., as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, L.O.F.

States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds must also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide education grants to public and private schools to promote the historical and religious significance of American and Florida History. Ten percent of the funds must be expended for administrative costs, promotional, and marketing of the license plate.

Organizations

Organizations receiving money from the sale of proposed specialty plates are described below under their corresponding specialty plate.

III. Effect of Proposed Changes:

The bill increases the minimum sales requirement for specialty license plates from 1,000 to 4,000 plates. Specialty license plates that enter the presale period after July 1, 2016, are required to sell at least 4,000 presale vouchers in order to be manufactured. Effective July 1, 2018, any existing specialty plate that falls below 4,000 valid registrations for at least 12 consecutive months will be discontinued.

There are currently 28 specialty license plates that are below 4,000 valid registrations. If the plates remain under 4,000 valid registrations for the 12 consecutive months preceding July 1, 2019, they will be discontinued. Collegiate plates representing state and independent universities domiciled in Florida are exempt from minimum sale requirements.

The bill also provides an exemption for established specialty plates from being discontinued by the DHSMV for not meeting the minimum sales requirement if the plate has statutory limitations on who may purchase the specialty plate. For example, a registrant must be a good-standing member or related to a member of the Fraternal Order of Police in order to purchase the FOP specialty license plate.¹⁴ This appears to be the only plate that is exempted by this change.

Proposed Specialty Plates

The bill directs the DHSMV to develop 25 new specialty license plates. All the proposed specialty plates have an annual use fee of \$25.

Sun Sea Smiles License Plate

The Sun Sea Smiles plate annual use fees will be distributed as follows:

- 35 percent to the Florida Caribbean Charitable Foundation, Inc. Of the funds received,
 - 5 percent is for marketing the plate. From the remaining funds:
 - 60 percent is for a college scholarship program;
 - $\circ~$ 15 percent is to promote health and wellness among Florida residents of Caribbean descent; and
 - 25 percent is to promote awareness of Caribbean culture within the state.

¹⁴ Section 320.08058(72), F.S.

- 20 percent to the American Friends of Jamaica, Inc., for use as grants to promote social and community development among Florida residents;
- 10 percent to the Sant La Haitian Neighborhood Center, Inc., to promote social and community development;
- 10 percent to Fanm Ayisyen nan Miyami, Inc., to promote social and community development;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state; and
- 5 percent to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state.

In addition, each organization receiving funds may use up to 5 percent of its distribution for administrative expenses.

Florida Caribbean Charitable Foundation, Inc. 15

The Florida Caribbean Charitable Foundation, Inc., is a civic and social organization established in 2007; and is a domestic non-profit corporation located in North Miami Beach.

American Friends of Jamaica, Inc.¹⁶

The organization is a non-profit "dedicated to supporting Jamaican charitable organizations and social initiatives targeted at improving the lives of Jamaicans through systemic development in the areas of education, healthcare, and economic development."

The mission of the Center is to "empower, strengthen, and stabilize South Florida's Haitian community, through access for free services and resources, to ensure its successful integration." This is accomplished through services such as citizenship assistance, college scholarships, community outreach, employment services, community partnerships, and educational services.

Fanm Ayisyen nan Miyami, Inc.17

Fanm Ayisyen nan Miyami, Inc., also known as Haitian Women of Miami, has a mission to empower Haitian women and their families socially and politically, and to facilitate their adjustments to South Florida. The organization has provided counseling, outreach, education, access to care, and advocacy services to low and moderate-income families for the past 16 years.

Greater Caribbean American Cultural Coalition, Inc.¹⁸

The Coalition is "an umbrella organization serving the Caribbean people and other members of the community, by bringing together the various Caribbean countries and islands, and their rich

¹⁵ Florida Department of State - Division of Corporations, *Florida Caribbean Charitable Foundation, Inc.,* <u>http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&sea</u> <u>rchNameOrder=FLORIDACARIBBEANCHARITABLEFOUN%20N070000070260&aggregateId=domnp-n07000007026-</u> 231a2bc8-5eb0-42f9-8fa3-

<u>f6660756ccc1&searchTerm=florida%20caribbean%20charitable%20foundation&listNameOrder=FLORIDACARIBBEANC</u> <u>HARITABLEFOUN%20N070000070260</u> (last visited Jan. 29, 2016).

 ¹⁶ See The American Friends of Jamaica website, <u>http://www.theamericanfriendsofjamaica.org/</u> (last visited Jan. 29, 2016).
 ¹⁷ See Fanm Ayisyen Miyami website, <u>http://www.fanm.org/</u> (last visited Jan. 29, 2016).

¹⁸ See Greater Caribbean American Cultural Coalition website, <u>http://www.gcaccoalition.com/</u> (last visited Jan. 29 2016).

cultural heritage." The coalition's mission is to enrich the cultural environment by fostering multicultural understanding through an appreciation of Caribbean cultures.

Little Haiti Optimist Foundation, Inc. 19

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, and established in 2010 to provide assistance, guidance, and programs to the youth of Little Haiti.

Support Special Needs Kids License Plate

Annual use fees from the sale of the plate will be distributed to the Dan Marino Foundation, Inc. 10 percent of the fees are to promote and market the plate. The remaining proceeds are to be invested and reinvested, and the interest used to assist Floridians with developmental and intellectual disabilities by funding scholarships, assisting with job placement, and promoting education, independence, and awareness.

Dan Marino Foundation, Inc. 20

The Foundation was established in 1992. Its mission is "empowering individuals with autism and other developmental disabilities." The Foundation has raised over \$50 million since its inception, which has been used to perform quality-of-life research, build the Miami Children's Hospital Dan Marino Center, and the Marino Campus.

America the Beautiful License Plate

Annual use fees from the sale of the plate are to be distributed to the America the Beautiful Fund. Up to10 percent of funds may be used to offset administrative costs and to market and promote the plate. The remaining proceeds are for programs in support of military service members and their families and advancing self-sufficiency in children and families; educational scholarships; and land and wildlife conservation.

America the Beautiful Fund

America the Beautiful Fund is a fictitious name registered by Live Laugh Love Give, Inc.²¹

The mission statement of Live Laugh Love Give, Inc., is "Empowering children and families against dependency. Animal assistance, sanctuaries, and wildlife preservation. Education grants to better the world. Enhancing lives of military families."²²

Vision for Excellence License Plate

Annual use fees will be distributed to Vision for Excellence, Inc., which will use the proceeds for direct support of programs, services, and activities provided to children who participate in the organization's youth development programs. Up to 10 percent may be used for promotion and

¹⁹ See The Little Haiti Optimist Foundation website at <u>http://www.littlehaitioptimist.org/</u> (last visited Jan. 29, 2015).

²⁰ See Dan Marino Foundation website, <u>http://www.danmarinofoundation.org/</u> (last visited Jan. 29, 2016).

²¹ Florida Department of State – Division of Corporations website, *Fictitious Name Detail*,

http://www.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G15000109272&rdocnum=G15000109272 (last visited Jan. 29, 2016).

²² See Live Laugh Love website, <u>https://www.livelaughlove.com/give</u> (last visited Jan. 29, 2016).

marketing of the plate, and up to 10 percent may be used for administrative costs directly associated with the programs.

Vision for Excellence, Inc.²³

The organization was established in 2011 as a non-profit youth organization that provides social development programs and services to low-income and at-risk males, ages 9-15. The organization was designed to help Jacksonville's youth to become healthy productive adults with a focus to give back to their community. Its programs link male youth with local law enforcement and other professional adults for relationship building, and is intended to educate, motivate, and inspire participants to stay on the right path and become successful law abiding citizens.

Go Boating License Plate

Annual use fees are distributed to Eckerd College to fund the Eckerd College Search and Rescue Team, which provides 24-hour assistance to the Tampa Boating community. Up to 10 percent of the proceeds may be used for promotion and marketing of the plate. Remaining funds must be used to acquire boats and other equipment or for operating expenses.

Eckerd College Search and Rescue Team²⁴

The team was founded in 1971 and extended its rescue services to the Tampa Bay boating community in 1977. The team is a highly trained group of full-time, degree seeking, student volunteers who work closely with the U.S. Coast Guard, 911 Emergency Medical response, and other state and local agencies to answer more than 500 maritime distress calls per year. The members are trained in technical rescue, boating safety, seamanship, searching, firefighting, dewatering, navigation, medical response, and evening piloting rescue vessels.

Orlando City Soccer Club License Plate

The Orlando City Soccer Club is a professional Major League Soccer team based in Orlando, Florida. The team was formed in 2010, and became the league's twenty-first franchise on November 19, 2013.²⁵

Annual use fees are provided as specified for Florida Professional Sports Team license plates in s. 320.08058(9), F.S.

Support Our Constitution License Plate

Annual use fees are distributed to The Constitution Foundation, Inc., which may use up to 15 percent for administrative costs of the organization and 10 percent for promotion and marketing of the license plate. The remaining proceeds are used to fund activities, programs, projects, and mission of the Foundation to increase awareness and understanding of the United

²³ See Vision for Excellence website, <u>http://www.visionforexcellence.org/</u> (last visited Jan. 29, 2016).

²⁴ See Eckerd College website, *Eckerd College Search and Rescue*, <u>https://www.eckerd.edu/waterfront/ecsar/</u> (last visited Jan. 29, 2016)

²⁵ See Orlando City Soccer Club website, <u>http://www.orlandocitysc.com/</u> (last visited Jan. 29, 2016).

States Constitution in Florida's public schools. Funds are also used to recruit and train school leaders to make presentations and provide students learning materials and a pocket constitution.

The Constitution Foundation, Inc.²⁶

The Constitution Foundation, Inc., is a non-partisan educational organization founded in 2011 in Kissimmee, Florida. The foundation's mission is to increase awareness and understanding of the United States Constitution in Florida's schools, recruit and train leaders to make presentations in each school district, and provide to each student, at no cost, learning materials and a pocket Constitution.

Alpha Phi Alpha Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the United Negro College Fund (UNCF) to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Florida Federation of Alpha Chapters to market the plate; and
- 85 percent to the Florida Federation of Alpha Chapters to promote community awareness and action though educational, economic, and cultural service activities.

United Negro College Fund (UNCF)²⁷

The UNCF is the nation's largest minority education organization. UNCF provides operating funds for historically black colleges and universities, scholarships and internships for students, and faculty and administrative professional training.

Florida Federation of Alpha Chapters²⁸

Alpha Phi Alpha's mission statement is "develop leaders, promote brotherhood and academic excellence, while providing service and advocacy for our communities." The Fraternity's programs and projects include community outreach mentoring initiatives.

Omega Psi Phi Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to State of Florida Omega Friendship Foundation, Inc., to market the plate; and
- 85 percent to State of Florida Omega Friendship Foundation, Inc. to promote community awareness and action though educational, economic, and cultural service activities.

State of Florida Omega Friendship Foundation, Inc.²⁹

Omega Psi Phi Fraternity, Inc., was the first international fraternal organization to be founded on the campus of a historically black college. Founded in 1911 at Howard University, "Manhood, Scholarship, Perseverance and Uplift" were adopted as cardinal principles.

²⁶ See The Constitution Foundation website, <u>http://constitutionfoundation.org/about/</u> (last visited Jan. 29, 2016).

²⁷ See United Negro College Fund website, <u>http://www.uncf.org/sections/WhoWeAre/index.asp</u> (last visited Jan. 29, 2016).

²⁸ See Florida Federation of Alpha Chapters website, <u>http://flfederation.org/about-us/</u> (last visited Jan. 29, 2016).

²⁹ See Omega Friendship Foundation, Inc. website, <u>http://oppf.org/about_omega.asp (</u>last visited Jan. 29, 2016).

According to corporate filings with the Department of State, the State of Florida Omega Friendship Foundation, Inc, was organized to encourage and develop all facets of Christian ministry, home and abroad.³⁰

Kappa Alpha Psi Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc., to market the plate; and
- 85 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc. to promote community awareness and action though educational, economic, and cultural service activities.

Southern Province of Kappa Alpha Psi Fraternity, Inc.31

Kappa Alpha Psi was founded on the campus of Indiana University at Bloomington, Indiana in 1911. The objectives of this fraternity are to:

- Unite men of culture, patriotism, and honor in a bond of fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of colleges and universities; and
- Inspire service in the public interest.

According to the corporate filings with the Department of State, the Southern Province of Kappa Alpha Psi Fraternity, Inc., was organized for the purpose of supporting the charitable and educational activities of the Kappa Alpha Psi fraternal organization.³²

Phi Beta Sigma Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the TMB Charitable Foundation, Inc., to market the plate; and
- 85 percent to the TMB Charitable Foundation, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

³⁰ See Department of State – Division of Corporations, *Omega Foundation, Inc.*, (last visited Feb. 18, 2016), http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&sea rchNameOrder=OMEGAFOUNDATION% 20N150000093230&aggregateId=domnp-n15000009323-e9e86f2c-fa3a-40c2ab68-65e69c12a39b&searchTerm=omega% 20foundation&listNameOrder=OMEGAFOUNDATION% 20F440701

³¹ See Southern Province Kappa Alpha Psi Fraternity, Inc. website, <u>http://southernprovince.org/</u> (last visited Jan. 29, 2016). ³² See Department of State – Division of Corporations, *Southern Province of Kappa Alpha PSI Foundation, Inc.* (last visited Feb. 18, 2016).

http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=SOUTHERNPROVINCEKAPPAALPHAPSIF% 20N020000054560&aggregateId=domnp-n02000005456-b63f0099-e3a9-4358-8fb2-

³d7aba1bbc90&searchTerm=southern%20province%20of%20Kappa&listNameOrder=SOUTHERNPROVINCEKAPPAAL PHAPSIF%20N020000054560

According to corporate filings with the Department of State, the Foundation's principal address is in Tallahassee, Florida. The Foundation is a not-for-profit corporation "operated exclusively for charitable purposes, including, without limitation, acting as an instrument to which youth are encouraged and inspired to achieve academic success through mentoring."

Zeta Phi Beta Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to Florida Pearls, Inc., to market the plate; and
- 85 percent to Florida Pearls, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

The Florida Pearls, Inc.34

The Florida Pearls, Inc., is a not-for-profit corporation established to provide Florida communities with scholarships, health initiative programs, cultural and humanities program, youth programs, and feeding the hungry programs.

Delta Sigma Theta Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Delta Research and Educational Foundation to market the plate; and
- 85 percent to the Delta Research and Educational Foundation to promote community awareness and action though educational, economic, and cultural service activities.

Delta Research and Educational Foundation³⁵

Delta Sigma Theta Sorority established the Foundation in 1967. The Foundation's mission is to promote research which identifies and fashions solutions to issues affecting African American women and their families, nationally and globally through funding and support of programs of the sorority and collaborative organizations.

Alpha Kappa Alpha Sorority License Plate

Annual use fees are distributed as follows:

• 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;

³³ See Department of State – Division of Corporations, *TMB Charitable Foundation, Inc.* (last visited Feb. 18, 2016_.), <u>http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2014%5C0411%5C58641349</u> .<u>Tif&documentNumber=N14000003486</u> (last visited Jan. 29, 2016).

³⁴ See The Florida Pearls, Incorporated, brochure, *available at:* <u>http://www.zphibfl.org/Forms/Brochure-%20The%20Florida%20Pearls,%20Inc..pdf</u> (last visited Jan. 29, 2016).

³⁵ See Delta Sigma Theta Sorority website, *Delta Research and Education Foundation*, <u>http://www.deltasigmatheta.org/programs_delta_foundation.html</u> (last visited Jan. 29, 2016).

- 10 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to market the plate; and
- 85 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

Alpha Kappa Alpha Educational Advancement Foundation, Inc.³⁶

The Foundation was created in 1980 by the Alpha Kappa Alpha Sorority, Inc. "The mission of the Alpha Kappa Alpha Educational Advancement Foundation is to promote lifelong learning. This is accomplished by securing charitable contributions, gifts and endowed funds to award scholarships, fellowships and grants."

Sigma Gamma Rho Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc., to market the plate; and
- 85 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

Sigma Gamma Rho Sorority National Education Fund, Inc.³⁷

The Fund was developed by the Sigma Gamma Rho Sorority to provide scholarship aid to needy students and to conduct educational programs, workshops, symposiums, and forums to enhance the quality of life.

Safe and Free Florida License Plate

Annual use fees are distributed to the Department of Legal Affairs to establish a program to award grants to nongovernmental organizations that assist sexually abused, exploited, or trafficked victims. Funds may not be distributed to any organization that charges victims for services received through this funding. An organization receiving such funds must use them to provide material needs, detoxification services, prenatal and postnatal care, safe houses or recovery care centers, counseling and training programs, or emergency legal advocacy for victims. The department may use up to 15 percent of the proceeds to promote and market the plate, and is authorized to adopt rules to implement the uses and distribution of this plate's annual use fees.

Department of Legal Affairs

The Department of Legal Affairs,³⁸ also known as the Office of the Attorney General, is responsible for numerous duties, including conducting various programs to assist victims of

³⁶ See Alpha Kappa Alpha Educational Advancement Foundation website, <u>http://www.akaeaf.org/</u> (last visited Jan. 29, 2016).

³⁷ See Sigma Gamma Rho Sorority, *National Education Fund*, <u>http://sgrho1922.celect.org/nef</u> (last visited Jan. 29, 2016).

³⁸ See Department of Legal Affairs website at <u>http://www.myfloridalegal.com/#</u> (last visited Feb. 3, 2016).

crime. The Statewide Council on Human Trafficking is a 15-member council chaired by Florida's Attorney General.³⁹ The council was created by legislation passed in 2014, to combat human trafficking and assist victims of human trafficking.⁴⁰ Membership includes law enforcement, prosecutors, legislators, and experts in the fields of health, education, and social services. The council's purpose is to:

- Develop recommendations for comprehensive programs and services for victims of human trafficking;
- Make recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Hold an annual statewide policy summit with an institute of higher learning;
- Work with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county; and
- Develop policy recommendations that further the efforts to combat human trafficking in this state.

Bonefish and Tarpon Trust License Plate

Annual use fees are distributed to the Bonefish and Tarpon Trust to invest and reinvest the proceeds and use the interest to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments. Up to 10 percent of the proceeds may be used to promote and market the plate.

Bonefish and Tarpon Trust⁴¹

The Bonefish and Tarpon Trust is a non-profit organization dedicated to conserving and enhancing global bonefish, tarpon, and permit fisheries and their environments. The trust does this through stewardship, research, education, and advocacy, including funding studies and providing educational materials to the public and fisherman on bonefish, tarpon, and permit fisheries. The trust also works with regulatory authorities and the public to ensure protection of these species is enforced.

Jacksonville Armada Football Club License Plate

The Jacksonville Armada Football Club is an American professional soccer team. The team is part of the North American Soccer League (NASL) and based in Jacksonville, Florida. The team was established in 2013, and started competing in the NASL in the 2015 spring season.⁴²

Annual use fees are provided as specified for Florida Professional Sports Team license plates in s. 320.08058(9), F.S.

Florida Bay Forever License Plate

Annual use fees are distributed to the Florida National Park Association, Inc., to supplement the Everglades National Park service's budgets and to support educational, interpretive, historical,

³⁹ Office of the Attorney General, *Statewide Council on Human Trafficking*, <u>http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72</u> (last visited Feb. 3, 2016).

⁴⁰ Chapter 2014-161, s. 6, L.O.F. See s. 16.617, F.S

⁴¹ See Bonefish & Tarpon Trust website, <u>https://www.bonefishtarpontrust.org/</u> (last visited Feb. 3, 2016).

⁴² See Jacksonville Armada FC website, <u>http://www.armadafc.com/home</u> (last visited Feb. 3, 2016).

and scientific research relating to the Everglades National Park. Up to 10 percent of such fees may be used for administrative costs and marketing of the plate.

Florida National Park Association, Inc.43

The Florida National Park Association, also known as the Everglades Association, is a non-profit organization founded in 1951 to support educational, interpretive, and historical and scientific research responsibilities to help support the Everglades National Park, Big Cypress National Preserve, Biscayne National Park, and Dry Tortugas National Park. The association has provided more than \$2.5 million in aid to the National Park Service areas of south Florida.

National Wild Turkey Federation License Plate

Annual use fees are distributed to the Florida State Chapter of the National Wild Turkey Federation. Up to 25 percent of proceeds may be used for marketing of the plate, administrative costs, and promotion and education regarding Florida's hunting heritage. At least 75 percent of proceeds are to be used to fund programs and projects within the state that promote conservation, or that improve or increase turkey wildlife habitat.

National Wild Turkey Federation

The National Wild Turkey Federation was founded in 1973. The organization is dedicated to the conservation of wild turkey habitat and preserving hunting heritage. According to its website, the organization has invested \$488 million in its mission, and has improved more than 17 million acres of wildlife habitat. ⁴⁴ The Florida State Chapter of the organization is made up of officers and board of directors from local chapter members, and has a focus on local events and conservation projects around the state.⁴⁵

Ducks Unlimited License Plate

Annual use fees will be distributed to Ducks Unlimited, Inc., to support the organization's mission and efforts for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people. Up to 5 percent of proceeds may be used for administrative costs and marketing of the plate.

Ducks Unlimited, Inc.46

Ducks Unlimited, Inc., is a non-profit and volunteer-based organization whose mission is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl. According to the Ducks Unlimited website, it is the world's largest and most effective waterfowl and wetlands conservation organization. The organization currently has habitat projects in all 50 states, every Canadian province, and key areas of Mexico.

⁴³ See Florida National Parks Association website, *Everglades Association*, <u>http://www.evergladesassociation.org/index.html</u> (last visited Feb. 3, 2016).

⁴⁴ See National Wild Turkey Federation website, <u>http://www.nwtf.org/about/know-us/our-history</u> (last visited Feb. 4, 2016).

⁴⁵ See Florida State Chapter of the National Wild Turkey Federation website, <u>http://www.floridanwtf.org/about.aspx</u> (last visited on Feb. 4, 2016).

⁴⁶ See Ducks Unlimited website, <u>http://www.ducks.org/</u> (last visited Feb. 4, 2016).

Dogs Making a Difference License Plate

Annual use fees will be distributed to Southeastern Guide Dogs, Inc., for the training and promotion of dogs for use by veterans and citizens who are blind. Up to 10 percent of proceeds may be used for administrative costs and marketing of the plate.

Southeastern Guide Dogs, Inc.⁴⁷

Southeastern Guide Dogs, Inc., is a non-profit organization located in Palmetto, Florida. The organization is accredited by the International Guide Dog Federation and Assistance Dogs International. It was founded in 1982, and employs "the latest in canine development and behavior research to create and nurture partnerships between visually impaired individuals and extraordinary guide dogs." According to its website, Southeastern Guide Dogs has matched over 2,800 guide dogs with individuals, and continues to place more than 100 dogs each year to help people with visual impairments and veterans. The charity provides its services free of charge and receives no government funding.

Educate Engage Empower License Plate

Annual use fees are distributed to the Circuelle Foundation, Inc. Of the proceeds:

- Up to 10 percent may be used to market and promote the plate;
- Up to 10 percent may be used for administrative costs;
- 20 percent is to support breast cancer research; and
- The remainder is for Circuelle Foundation's programs, services, and activities to educated women about the risk factors of breast cancer and importance of breast health awareness.

Circuelle Foundation, Inc.48

This non-profit organization was founded in 2013, with a mission to "empower and educate women to know their breasts, support healthy breast rituals, and feel comfortable with their body". The foundation promotes healthy body image and breast health education, and donates mammograms, ultrasounds, and imagery for women with limited financial resources.

Rotary License Plate

Annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., who distributes the funds as follows:

- Up to 10 percent for administrative costs and for marketing the plate;
- 10 percent to Rotary's Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and
- The remainder to each Rotary district in the state in support of Rotary youth programs in Florida.

Rotary's Camp Florida49

Rotary's Camp Florida is a non-profit organization providing camping facilities to children and adults with special needs. The facility is a 21-acre camp located in Brandon, Florida, which

⁴⁷ See Southeastern Guide Dogs website, <u>http://www.guidedogs.org/</u> (last visited Feb. 4, 2016).

⁴⁸ See Circuelle Foundation website, <u>https://www.circuellefoundation.org/about.html</u> (last visited Feb. 4, 2016).

⁴⁹ See Rotary's Camp Florida website, <u>http://www.rotaryscampflorida.org/</u> (last visited Feb. 4, 2016).

provides user groups with clean, safe, and barrier-free camping. The facility meets the full standards of the Americans with Disabilities Act. Half of the cost to rent the camp is paid by the disability user group and half is subsidized by Rotary Clubs throughout Florida. There is no charge to a child attending the camp.

Rotary Club⁵⁰

Rotary is a 1.2 million-member, international organization dedicated to service. Rotary clubs bring together individuals to exchange ideas, build relationships, and take action. There are numerous Rotary clubs throughout the state.

Margaritaville License Plate

Annual use fees will be distributed to the Singing for Change Foundation for the organization's programs that focus on developing creative and sustainable communities through educational, economic, and cultural projects that will improve the quality of life in Florida. Up to 10 percent of the proceeds may be used for promotion and marketing of the plate.

Singing for Change Foundation⁵¹

Singing for Change is a private foundation established by Jimmy Buffet in 1995. \$1 of every Jimmy Buffet concert ticket goes to the Foundation. Its mission is to fund organizations that bring about positive change, focusing on grassroots organizations that rely heavily on volunteer efforts. The foundation has disbursed almost \$9 million in grants. According to its website, the foundation looks for groups:

- Working to engage individuals in their communities;
- Helping people realize their full potential and become self-sufficient; and
- Creating lasting change in the communities they serve.

Changes to Existing Specialty Plates

Florida Professional Sports Team License Plates

The bill adds the North American Soccer League to the Florida Professional Sports Team license plates for the purpose of adding The Jacksonville Armada Football Club.

Conserve Wildlife License Plate

The bill modifies the use of annual fees from the sale of the Conserve Wildlife specialty plates.⁵² One third of the proceeds of the annual use fee shall be used for programs and activities of the Fish and Wildlife Conservation Commission which contribute to the health and well-being of Florida black bears and to provide bear-resistant residential garbage containers. The remaining proceeds shall be used for other wildlife diversity programs and activities of the Fish and Wildlife Conservation Commission.

⁵⁰ See Rotary website, https://www.rotary.org/en (last visited Feb. 4, 2016).

⁵² Section 320.08058(24), F.S.

⁵² Section 320.08058(24), F.S.

In God We Trust License Plate

The distribution and use of annual use fees of the In God We Trust specialty plate⁵³ are modified to allow a *maximum* of 10 percent of annual use fees to be used to offset marketing, administration, and promotion of the plate. The bill repeals provisions requiring the fees to be used for the children of public safety employees and U.S. military members who have died in the line of duty who are not covered by existing law. The fees will be used to:

- Address the needs of military service members and their spouses and dependents:;
- Provide education in public and private schools regarding the historical significance of religion in American and Florida history;
- Provide educational grants in public and private schools;
- Address the needs of public safety employees and their spouses and dependents; and
- Foster self-reliance and stability in Florida's children and families.

Effective Date

Section 1 is effective July 1, 2016; Section 2 is effective July 1, 2018; and Sections 3 and 4 are effective October 1, 2016.

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:

PCS/SBs 1390 & 7062 will have a negative impact on organizations and programs funded from a specialty plate that does not meet the increased minimum sales requirement and is subsequently discontinued.

⁵³ Section 320.08058(66), F.S.

However, increasing the minimum sales requirement could reduce the number of different specialty plates, which could increase sales of the remaining specialty plates, thereby benefiting the organizations and programs supported by the remaining specialty plates.

Individuals who choose to purchase one of the new specialty license plates created in the bill will pay a \$25 annual use fee in addition to appropriate license taxes and fees. The organization designated to receive those fees, after retention of funds by the DHSMV to defray departmental expenditures, will receive revenue from each purchase. The revenue impact is unknown as the number of each specialty license plate that will be purchased is unknown.

C. Government Sector Impact:

Depending on the number of plates that will be discontinued starting in July 1, 2019, the DHSMV may incur minimal programming costs associated with discontinuing specialty license plates.

According to the DHSMV, the cost for the minimum required number of each specialty license plate to be designed and manufactured is \$11,280. In addition, the DHSMV will also have programming costs to develop all new specialty license plates. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.⁵⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08053, 320.08056 and 320.08058.

⁵⁴ Section 320.08056(7), F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

PCS/SBs 1390 & 7062 by Appropriation Subcommittee on Transportation, Tourism, and Economic Development on February 24:

The committee substitute combines and modifies the provisions of CS/SB 1390 and SB 7062:

- Increases minimum sales of specialty license plates from 1,000 to 4,000 effective July 1, 2018;
- Creates 25 new specialty license plates and deletes:
 - Team Hammy,
 - o Paddle Florida,
 - I Stand with Israel,
 - Save our Shores,
 - \circ Furry Friends,
 - o Ronald Reagan,
 - o Medical Professionals Who Care,
 - Florida Native,
 - Protect Pollinators,
 - Diabetes Awareness, and
 - Tampa Bay Rowdies.
- Modifies three existing specialty license plates:
 - o Florida Professional Sports Team,
 - Conserve Wildlife, and
 - In God We Trust.
- B. Amendments:

None.

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



LEGISLATIVE ACTION

Senate . Comm: RCS . 02/26/2016 . . .

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Clemens) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 74 and 75

insert:

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(eee) Donate <u>Life Florida</u> Organs-Pass It On license plate, \$25.

Between lines 193 and 194

8 insert:

(57) DONATE <u>LIFE FLORIDA</u> ORGANS-PASS IT ON LICENSE PLATES. (a) The department shall develop a Donate Life Florida

House

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11	Organs-Pass It On license plate as provided in this section. The
12	word "Florida" must appear at the top of the plate, and the
13	words <u>"Donors Save Lives"</u> "Donate Organs-Pass It On" must appear
14	at the bottom of the plate.
15	(b) The annual use fees shall be distributed to <u>Florida</u>
16	Coalition on Donation, Inc., which may Transplant Foundation,
17	Inc., and shall use up to 10 percent of the proceeds from the
18	annual use fee for marketing and administrative costs that are
19	directly associated with the management and distribution of the
20	proceeds. The remaining proceeds shall be used by the Florida
21	Coalition on Donation, Inc., to educate Florida residents on the
22	importance of organ, tissue, and eye donation to provide
23	statewide grants for patient services, including preoperative,
24	rehabilitative, and housing assistance; organ donor education
25	and awareness programs; and statewide medical research.
26	
27	===== DIRECTORY CLAUSE AMENDMENT ======
28	And the directory clause is amended as follows:
29	Delete lines 70 - 71
30	and insert:
31	Section 3. Paragraph (eee) of subsection (4) of section
32	320.08056, Florida Statutes, is amended, and paragraphs (ffff)
33	through (ddddd) are added to that subsection, to read:
34	Delete line 102
35	and insert:
36	(24), subsection (57), and paragraph (b) of subsection (66) of
37	section 320.08058,
38	
39	======================================



40	And the title is amended as follows:
41	Between lines 15 and 16
42	insert:
43	revising the name of a certain specialty license plate;

Page 3 of 3



LEGISLATIVE ACTION

Senate . Comm: RCS 02/26/2016

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

Senate Amendment

9

Delete lines 101 - 104

and insert:

(eeeee) Knights of Columbus license plate.

Section 4. Subsection (9), paragraph (b) of subsection (24), and paragraph (b) of subsection (66) of section 320.08058, Florida Statutes, are amended, and subsections (84) through (109) are added to that section, to read:

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10	
11	And between lines 699 and 700
12	insert:
13	(109) KNIGHTS OF COLUMBUS LICENSE PLATES
14	(a) The department shall develop a Knights of Columbus
15	license plate as provided in this section and s. 320.08053. The
16	plate must bear the colors and design approved by the
17	department. The word "Florida" must appear at the top of the
18	plate, the words "Knights of Columbus" must appear at the bottom
19	of the plate.
20	(b) The license plate annual use fees shall be distributed
21	to Florida K of C Charities, Inc., and used for the
22	organization's charitable purposes including funding the
23	Campaign for Citizens with Disabilities Fund, the Vocations Fund
24	and the Helping Life Fund. Up to ten percent of the proceeds may
25	be used for administration, marketing, and promotion of the
26	plate.
27	



ATD.ATD.04003

Proposed Committee Substitute by Appropriations Subcommittee on Transportation, Tourism, and Economic Development

1 A bill to be entitled 2 An act relating to specialty license plates; amending 3 s. 320.08053, F.S.; revising presale requirements for 4 issuance of a specialty plate; amending s. 320.08056, 5 F.S.; revising conditions for discontinuing issuance 6 of a specialty plate; providing an exception to the 7 minimum requirements for certain specialty plates; 8 amending ss. 320.08056 and 320.08058, F.S.; 9 establishing annual use fees for certain specialty 10 license plates; adding certain North American Soccer 11 League teams for the Florida Professional Sports Team license plate; redefining the term "major sports 12 13 events"; revising requirements relating to the 14 distribution and use of annual use fees collected from 15 the sale of certain specialty license plates; 16 directing the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; 17 18 providing for distribution and use of fees collected 19 from the sale of the plates; providing effective 20 dates.

22 Be It Enacted by the Legislature of the State of Florida: 23 24 Section 1. Effective July 1, 2016, Section 320.08053, 25 Florida Statutes, is amended to read:

26 320.08053 <u>Establishment of</u> Requirements for requests to 27 establish specialty license plates.-

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ATD.ATD.04003

(1) If a specialty license plate requested by an organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.

34 (2) (a) Within 120 days following the specialty license 35 plate becoming law, the department shall establish a method to 36 issue a specialty license plate voucher to allow for the presale 37 of the specialty license plate. The processing fee as prescribed 38 in s. 320.08056, the service charge and branch fee as prescribed 39 in s. 320.04, and the annual use fee as prescribed in s. 40 320.08056 shall be charged for the voucher. All other applicable fees shall be charged at the time of issuance of the license 41 42 plates.

43 (b) Within 24 months after the presale specialty license 44 plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 45 4,000 1,000 voucher sales before manufacture of the license 46 47 plate may begin commence. If, at the conclusion of the 24-month 48 presale period, the minimum sales requirement has requirements 49 have not been met, the specialty plate is deauthorized and the 50 department shall discontinue development of the plate and 51 discontinue issuance of the presale vouchers. Upon 52 deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit 53 54 towards any other specialty license plate or apply for a refund 55 on a form prescribed by the department.

56

Section 2. Effective July 1, 2018, paragraph (a) of

131612

ATD.ATD.04003

57	subsection (8) of section 320.08056, Florida Statutes, is
58	amended to read:
59	320.08056 Specialty license plates
60	(8)(a) The department must discontinue the issuance of an
61	approved specialty license plate if the number of valid
62	specialty plate registrations falls below 4,000 1,000 plates for
63	at least 12 consecutive months. A warning letter shall be mailed
64	to the sponsoring organization following the first month in
65	which the total number of valid specialty plate registrations is

66 below 4,000 1,000 plates. This paragraph does not apply to

67 collegiate license plates established under s. 320.08058(3) or 68 specialty license plates that have statutory eligibility

69 limitations for purchase.

70 Section 3. Paragraphs (fff) through (00000) are added to 71 subsection (4) of section 320.08056, Florida Statutes, to read: 72 320.08056 Specialty license plates.-

73 (4) The following license plate annual use fees shall be collected for the appropriate specialty license plates: 74

75	(ffff) Sun Sea Smiles license plate, \$25.
76	(gggg) Support Special Needs Kids license plate, \$25.
77	(hhhh) America the Beautiful license plate, \$25.
78	(iiii) Vision For Excellence license plate, \$25.
79	(jjjj) Go Boating license plate, \$25.
80	(kkkk) Orlando City Soccer Club license plate, \$25.
81	(1111) Support Our Constitution license plate, \$25.
82	(mmmm) Alpha Phi Alpha Fraternity license plate, \$25.
83	(nnnn) Omega Psi Phi Fraternity license plate, \$25.
84	(0000) Kappa Alpha Psi Fraternity license plate, \$25.
85	(pppp) Phi Beta Sigma Fraternity license plate, \$25.

Page 3 of 25

Florida Senate - 2016 Bill No. CS for SB 1390 & SB 7062

131612

ATD.ATD.04003

	ATD.ATD.04003
86	(qqqq) Zeta Phi Beta Sorority license plate, \$25.
87	(rrrr) Delta Sigma Theta Sorority license plate, \$25.
88	(ssss) Alpha Kappa Alpha Sorority license plate, \$25.
89	(tttt) Sigma Gamma Rho Sorority license plate, \$25.
90	(uuuu) Safe and Free Florida license plate, \$25.
91	(vvvv) Bonefish and Tarpon Trust license plate, \$25.
92	(wwww) Jacksonville Armada Football Club license plate,
93	<u>\$25.</u>
94	(xxxx) Florida Bay Forever license plate, \$25.
95	(yyyy) National Wild Turkey Federation license plate, \$25.
96	(zzzz) Ducks Unlimited license plate, \$25.
97	(aaaaa) Dogs Making a Difference license plate, \$25.
98	(bbbbb) Educate Engage Empower license plate, \$25.
99	(ccccc) Rotary license plate, \$25.
100	(ddddd) Margaritaville license plate, \$25.
101	Section 4. Subsection (9), paragraph (b) of subsection
102	(24), and paragraph (b) of subsection (66) of section 320.08058,
103	Florida Statutes, are amended, and subsections (84) through
104	(119) are added to that section, to read:
105	320.08058 Specialty license plates
106	(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES
107	(a) The Department of Highway Safety and Motor Vehicles
108	shall develop a Florida Professional Sports Team license plate
109	as provided in this section for Major League Baseball, National
110	Basketball Association, National Football League, Arena Football
111	League, National Hockey League, and Major League Soccer <u>, and</u>
112	North American Soccer League teams domiciled in this state.
113	However, any Florida Professional Sports Team license plate
114	created or established after January 1, 1997, must comply with



ATD.ATD.04003

the requirements of s. 320.08053 and be specifically authorized by an act of the Legislature. Florida Professional Sports Team license plates must bear the colors and design approved by the department and must include the official league or team logo, or both, as appropriate for each team. The word "Florida" must appear at the top of the plate.

121 (b) The license plate annual use fees are to be annually 122 distributed as follows:

123 1. Fifty-five percent of the proceeds from the Florida 124 Professional Sports Team plate must be deposited into the 125 Professional Sports Development Trust Fund within the Department 126 of Economic Opportunity. These funds must be used solely to 127 attract and support major sports events in this state. As used 128 in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major 129 130 League Baseball, the National Basketball Association, the National Football League, the National Hockey League, Major 131 132 League Soccer, the North American Soccer League, the men's and 133 women's National Collegiate Athletic Association Final Four 134 basketball championship, or a horseracing or dogracing Breeders' 135 Cup. All funds must be used to support and promote major 136 sporting events, and the uses must be approved by the Department 137 of Economic Opportunity.

138 2. The remaining proceeds of the Florida Professional 139 Sports Team license plate must be allocated to Enterprise 140 Florida, Inc. These funds must be deposited into the 141 Professional Sports Development Trust Fund within the Department 142 of Economic Opportunity. These funds must be used by Enterprise 143 Florida, Inc., to promote the economic development of the sports

PROPOSED COMMITTEE SUBSTITUTE



ATD.ATD.04003

144 industry; to distribute licensing and royalty fees to 145 participating professional sports teams; to promote education 146 programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to 147 148 partner with the Department of Education and the Department of 149 Health to develop a program that recognizes schools whose 150 students demonstrate excellent physical fitness or fitness 151 improvement; to institute a grant program for communities 152 bidding on minor sporting events that create an economic impact 153 for the state; to distribute funds to Florida-based charities 154 designated by Enterprise Florida, Inc., and the participating 155 professional sports teams; and to fulfill the sports promotion 156 responsibilities of the Department of Economic Opportunity.

157 3. Enterprise Florida, Inc., shall provide an annual 158 financial audit in accordance with s. 215.981 of its financial 159 accounts and records by an independent certified public 160 accountant pursuant to the contract established by the Department of Economic Opportunity. The auditor shall submit the 161 162 audit report to the Department of Economic Opportunity for 163 review and approval. If the audit report is approved, the 164 Department of Economic Opportunity shall certify the audit report to the Auditor General for review. 165

4. Notwithstanding the provisions of subparagraphs 1. and
2., proceeds from the Professional Sports Development Trust Fund
may also be used for operational expenses of Enterprise Florida,
Inc., and financial support of the Sunshine State Games.

170

(24) CONSERVE WILDLIFE LICENSE PLATES.-

(a) The department shall develop a Conserve Wildlifelicense plate. Conserve Wildlife license plates shall bear the

PROPOSED COMMITTEE SUBSTITUTE



ATD.ATD.04003

173 colors and design approved by the department. The word "Florida" 174 shall appear at the top of the plate, and the words "Conserve 175 Wildlife" shall appear at the bottom of the plate. The plate 176 design shall include the likeness of a Florida black bear.

(b) The proceeds of the Conserve Wildlife license plate
annual use fee shall be forwarded to the Wildlife Foundation of
Florida, Inc., a citizen support organization created pursuant
to s. 379.223.

181 1. Notwithstanding s. 320.08062, up to 10 percent of the 182 proceeds from the annual use fee may be used for marketing the 183 Conserve Wildlife license plate and administrative costs 184 directly related to the management and distribution of the 185 proceeds.

2. The remaining proceeds from the annual use fee shall be used for programs and activities of the Fish and Wildlife Conservation Commission. At least one-third of the fee shall be <u>used for programs whichthat</u> contribute to the health and wellbeing of Florida black bears, including bear resistant container programs, research, and public education. The remainder of the fee shall be used for and other priority wildlife

193 diversity research and public education programs.

194

(66) IN GOD WE TRUST LICENSE PLATES.-

(b) <u>The annual use fees from the plate shall be distributed</u>
<u>to the In God We Trust Foundation, Inc.</u>, which may use a maximum
<u>of 10 percent of the proceeds to offset marketing</u>,
<u>administration</u>, and promotion, and which may use the balance of
<u>the fees to address the needs of military service members and</u>
<u>their spouses and dependents</u>; provide education in public and
<u>private schools regarding the historical significance of</u>

Page 7 of 25



ATD.ATD.04003

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202	religion in American and Florida history; provide educational
203	grants in public and private schools; address the needs of
204	public safety employees and their spouses and dependents; and
205	foster self-reliance and stability in Florida's children and
206	families The license plate annual use fees shall be distributed
207	to the In God We Trust Foundation, Inc., to fund educational
208	scholarships for the children of Florida residents who are
209	members of the United States Armed Forces, the National Guard,
210	and the United States Armed Forces Reserve and for the children
211	of public safety employees who have died in the line of duty who
212	are not covered by existing state law. Funds shall also be
213	distributed to other s. 501(c)(3) organizations that may apply
214	for grants and scholarships and to provide educational grants to
215	public and private schools to promote the historical and
216	religious significance of American and Florida history. The In
217	God We Trust Foundation, Inc., shall distribute the license
218	plate annual use fees in the following manner:
219	1. The In God We Trust Foundation, Inc., shall retain all
220	revenues from the sale of such plates until all startup costs
221	for developing and establishing the plate have been recovered.
222	2. Ten percent of the funds received by the In God We Trust
223	Foundation, Inc., shall be expended for administrative costs,
224	promotion, and marketing of the license plate directly
225	associated with the operations of the In God We Trust
226	Foundation, Inc.
227	3. All remaining funds shall be expended by the In God We
228	Trust Foundation, Inc., for programs.
229	(84) SUN SEA SMILES LICENSE PLATES
230	(a) The department shall develop a Sun Sea Smiles license
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ATD.ATD.04003

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231	plate as provided in this section and s. 320.08053. The plate
232	must bear the colors and design approved by the department. The
233	word "Florida" must appear at the top of the plate, and the
234	words "Sun Sea Smiles" must appear at the bottom of the plate.
235	(b) The annual use fees from the sale of the plate shall be
236	distributed as follows:
237	1. Thirty-five percent shall be distributed to the Florida
238	Caribbean Charitable Foundation, Inc. Five percent shall be used
239	exclusively for marketing of the Sun Sea Smiles license plate.
240	Up to 5 percent of this amount may be used for administrative
241	expenses, and the remainder shall be used as follows:
242	a. Sixty percent shall be used for a college scholarship
243	program.
244	b. Fifteen percent shall be used to promote health and
245	wellness among Florida residents of Caribbean descent.
246	c. Twenty-five percent shall be used to promote awareness
247	of Caribbean culture within the state.
248	2. Twenty percent shall be distributed to the American
249	Friends of Jamaica, Inc., a charitable, nonprofit organization
250	under s. 501(c)(3) of the Internal Revenue Code registered with
251	the Department of Agriculture and Consumer Services and
252	incorporated in New York, for grants to promote social and
253	community development among Florida residents. Up to 5 percent
254	of this amount may be used for administrative and marketing
255	expenses.
256	3. Ten percent shall be distributed to Sant La Haitian
257	Neighborhood Center, Inc., to promote social and community
258	development. Up to 5 percent of this amount may be used for
259	administrative expenses.
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ATD.ATD.04003

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260	4. Ten percent shall be distributed to Fanm Ayisyen nan
261	Miyami, Inc., to promote social and community development. Up to
262	5 percent of this amount may be used for administrative
263	expenses.
264	5. Twenty percent shall be distributed to Greater Caribbean
265	American Cultural Coalition, Inc., to promote awareness of
266	Caribbean culture within the state. Up to 5 percent of this
267	amount may be used for administrative expenses.
268	6. Five percent shall be distributed to Little Haiti
269	Optimist Foundation, Inc., to promote awareness of Caribbean
270	culture and youth development within the state. Up to 5 percent
271	of this amount may be used for administrative expenses.
272	(85) SUPPORT SPECIAL NEEDS KIDS LICENSE PLATES
273	(a) The department shall develop a Support Special Needs
274	Kids license plate as provided in this section and s. 320.08053.
275	The word "Florida" must appear at the top of the plate, and the
276	words "Support Special Needs Kids" must appear at the bottom of
277	the plate.
278	(b) The annual use fees from the sale of the plate shall be
279	distributed to the Dan Marino Foundation, Inc., which:
280	1. May use a maximum of 10 percent of the proceeds to
281	promote and market the Support Special Needs Kids license plate.
282	2. Shall invest and reinvest the remainder of the proceeds
283	and use the interest thereon to assist Floridians with
284	developmental and intellectual disabilities by funding
285	scholarships, assisting with job placement, and promoting
286	education, independence, and awareness.
287	(86) AMERICA THE BEAUTIFUL LICENSE PLATES
288	(a) The department shall develop an America the Beautiful
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Page 10 of 25

ATD.ATD.04003

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289	license plate as provided in this section and s. 320.08053. The					
290	word "Florida" must appear at the top of the plate, and the					
291	words "America the Beautiful" must appear at the bottom of the					
292	plate.					
293	(b) The annual use fees from the sale of the plate shall be					
294	distributed to the America the Beautiful Fund, which may use a					
295	maximum of 10 percent of the proceeds to offset administrative					
296	costs of the organization and to market and promote the plate,					
297	and the remainder of the proceeds for programs in support of					
298	military service members and their families and advancing self-					
299	sufficiency in children and families; educational scholarships;					
300	and land and wildlife conservation to ensure sustained and					
301	equitable benefit to people, animals, and wildlife.					
302	<u> (</u>					
303	(87) VISION FOR EXCELLENCE LICENSE PLATES					
304	(a) The department shall develop a Vision For Excellence					
305	license plate as provided in this section and s. 320.08053. The					
306	plate must bear the colors and design approved by the					
307	department. The word "Florida" must appear at the top of the					
308	plate, and the words "Vision For Excellence" must appear at the					
309	bottom of the plate.					
310	(b) The annual use fees from the sale of such plates shall					
311	be distributed to Vision For Excellence, Inc., which shall					
312	retain all such proceeds until all startup costs for developing					
313	and establishing the plates have been recovered. Thereafter, the					
314	proceeds shall be used by Vision For Excellence, Inc., for					
315	direct support of programs, services, and activities provided to					
316	children who participate in Vision For Excellence, Inc., youth					
317	development programs. Up to 10 percent of the annual use fee					
I						

Page 11 of 25

ATD.ATD.04003

318 revenue may be used for promotion and marketing of the specialty 319 license plate, and up to 10 percent of the annual use fee 320 revenue may be used for administrative costs directly associated 321 with the programs. 322 (88) GO BOATING LICENSE PLATES.-323 (a) The department shall develop a Go Boating license plate 324 as provided in this section and s. 320.08053. The plate must 325 bear the colors and design approved by the department. The word 32.6 "Florida" must appear at the top of the plate, and the words "Go 327 Boating" must appear at the bottom of the plate. 328 (b) The annual use fees from the sale of the plate shall be 329 distributed to Eckerd College to fund the Eckerd College Search 330 and Rescue Team, which provides 24-hour assistance to the Tampa 331 Bay boating community. Up to 10 percent of the funds distributed 332 may be used by the Eckerd College Search and Rescue Team for 333 continuing promotion and marketing of the license plate. The 334 remainder of the funds must be used to acquire boats and other 335 equipment or for operational expenses not prohibited by s. 336 320.08056(10). 337 (89) ORLANDO CITY SOCCER CLUB LICENSE PLATES.-The 338 department shall develop an Orlando City Soccer Club license 339 plate as provided in subsection (9). 340 (90) SUPPORT OUR CONSTITUTION LICENSE PLATES.-341 (a) The department shall develop a Support Our Constitution 342 license plate as provided in this section and s. 320.08053. 343 Support Our Constitution license plates must bear the colors and 344 design approved by the department. The word "Florida" must 345 appear at the top of the plate, and the words "Support Our 346 Constitution" must appear at the bottom of the plate.

Page 12 of 25

ATD.ATD.04003

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347	(b) The annual use fees shall be distributed to The
348	Constitution Foundation, Inc., which may retain all proceeds
349	from the annual use fees until the startup costs for developing
350	and issuing the license plates have been recovered. Thereafter,
351	The Constitution Foundation, Inc., shall use the proceeds as
352	follows:
353	1. A maximum of 15 percent may be used for administrative
354	costs of the organization.
355	2. A maximum of 10 percent may be used for promotion and
356	the marketing costs of the license plate.
357	3. The remainder shall be used to fund the activities,
358	programs, projects, and mission of The Constitution Foundation,
359	Inc., to increase awareness and understanding of the United
360	States Constitution in Florida's public schools, recruit and
361	train school leaders to make presentations in each school
362	district, and provide to each student, at no charge, learning
363	materials and a pocket Constitution.
364	(91) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES
365	(a) The department shall develop an Alpha Phi Alpha
366	Fraternity license plate as provided in this section and s.
367	320.08053. The plates must bear the colors and design approved
368	by the department. The word "Florida" must appear at the top of
369	the plate, and the name of the fraternity must appear at the
370	bottom of the plate.
371	(b) The annual use fees from the sale of the plate shall be
372	distributed as follows:
373	1. Ten percent shall be distributed to the Florida
374	Federation of Alpha Chapters and used solely for marketing of
375	the Alpha Phi Alpha Fraternity, Inc., license plate.

Page 13 of 25

ATD.ATD.04003

376	2. Eighty-five percent shall be distributed to the Florida
377	Federation of Alpha Chapters and used to promote community
378	awareness and action through educational, economic, and cultural
379	service activities.
380	3. Five percent shall be distributed to the United Negro
381	College Fund to be used for college scholarships for Florida
382	residents attending historically black colleges and
383	universities.
384	(92) OMEGA PSI PHI FRATERNITY LICENSE PLATES
385	(a) The department shall develop an Omega Psi Phi
386	Fraternity license plate as provided in this section and s.
387	320.08053. The plates must bear the colors and design approved
388	by the department. The word "Florida" must appear at the top of
389	the plate, and the name of the fraternity must appear at the
390	bottom of the plate.
391	(b) The annual use fees from the sale of the plate shall be
392	distributed as follows:
393	1. Ten percent shall be distributed to the State of Florida
394	Omega Friendship Foundation, Inc., and used solely for marketing
395	of the Omega Psi Phi Fraternity, Inc., license plate.
396	2. Eighty-five percent shall be distributed to the State of
397	Florida Omega Friendship Foundation, Inc., and used to promote
398	community awareness and action through educational, economic,
399	and cultural service activities.
400	3. Five percent shall be distributed to the United Negro
401	College Fund to be used for college scholarships for Florida
402	residents attending historically black colleges and
403	universities.
404	(93) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES

Page 14 of 25

ATD.ATD.04003

405	(a) The department shall develop a Kappa Alpha Psi
406	Fraternity license plate as provided in this section and s.
407	320.08053. The plates must bear the colors and design approved
408	by the department. The word "Florida" must appear at the top of
409	the plate, and the name of the fraternity must appear at the
410	bottom of the plate.
411	(b) The annual use fees from the sale of the plate shall be
412	distributed as follows:
413	1. Ten percent shall be distributed to the Southern
414	Province of Kappa Alpha Psi Foundation, Inc., and used solely
415	for marketing of the Kappa Alpha Psi Fraternity, Inc., license
416	plate.
417	2. Eighty-five percent shall be distributed to the Southern
418	Province of Kappa Alpha Psi Foundation, Inc., and used to
419	promote community awareness and action through educational,
420	economic, and cultural service activities.
421	3. Five percent shall be distributed to the United Negro
422	College Fund to be used for college scholarships for Florida
423	residents attending historically black colleges and
424	universities.
425	(94) PHI BETA SIGMA FRATERNITY LICENSE PLATES
426	(a) The department shall develop a Phi Beta Sigma
427	Fraternity license plate as provided in this section and s.
428	320.08053. The plates must bear the colors and design approved
429	by the department. The word "Florida" must appear at the top of
430	the plate, and the name of the fraternity must appear at the
431	bottom of the plate.
432	(b) The annual use fees from the sale of the plate shall be
433	distributed as follows:

ATD.ATD.04003

434	1. Ten percent shall be distributed to TMB Charitable
435	Foundation, Inc., and used solely for marketing of the Phi Beta
436	Sigma Fraternity, Inc., license plate.
437	2. Eighty-five percent shall be distributed to TMB
438	Charitable Foundation, Inc., and used to promote community
439	awareness and action through educational, economic, and cultural
440	service activities.
441	3. Five percent shall be distributed to the United Negro
442	College Fund to be used for college scholarships for Florida
443	residents attending historically black colleges and
444	universities.
445	(95) ZETA PHI BETA SORORITY LICENSE PLATES
446	(a) The department shall develop a Zeta Phi Beta Sorority
447	license plate as provided in this section and s. 320.08053. The
448	plates must bear the colors and design approved by the
449	department. The word "Florida" must appear at the top of the
450	plate, and the name of the sorority must appear at the bottom of
451	the plate.
452	(b) The annual use fees from the sale of the plate shall be
453	distributed as follows:
454	1. Ten percent shall be distributed to Florida Pearls,
455	Inc., and used solely for marketing of the Zeta Phi Beta
456	Sorority, Inc., license plate.
457	2. Eighty-five percent shall be distributed to Florida
458	Pearls, Inc., and used to promote community awareness and action
459	through educational, economic, and cultural service activities.
460	3. Five percent shall be distributed to the United Negro
461	College Fund to be used for college scholarships for Florida
462	residents attending historically black colleges and

Page 16 of 25

PROPOSED COMMITTEE SUBSTITUTE

Florida Senate - 2016 Bill No. CS for SB 1390 & SB 7062

131612

ATD.ATD.04003

463 universities.

464	(96) DELTA SIGMA THETA SORORITY LICENSE PLATES
465	(a) The department shall develop a Delta Sigma Theta
466	Sorority license plate as provided in this section and s.
467	320.08053. The plates must bear the colors and design approved
468	by the department. The word "Florida" must appear at the top of
469	the plate, and the name of the sorority must appear at the
470	bottom of the plate.
471	(b) The annual use fees from the sale of the plate shall be
472	distributed as follows:
473	1. Ten percent shall be distributed to the Delta Research
474	and Educational Foundation and used solely for marketing of the
475	Delta Sigma Theta Sorority, Inc., license plate.
476	2. Eighty-five percent shall be distributed to the Delta
477	Research and Educational Foundation and used to promote
478	community awareness and action through educational, economic,
479	and cultural service activities.
480	3. Five percent shall be distributed to the United Negro
481	College Fund to be used for college scholarships for Florida
482	residents attending historically black colleges and
483	universities.
484	(97) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—
485	(a) The department shall develop an Alpha Kappa Alpha
486	Sorority license plate as provided in this section and s.
487	320.08053. The plates must bear the colors and design approved
488	by the department. The word "Florida" must appear at the top of
489	the plate, and the name of the sorority must appear at the
490	bottom of the plate.
491	(b) The annual use fees from the sale of the plate shall be

Page 17 of 25

ATD.ATD.04003

505

- 492 distributed as follows:
- 493 <u>1. Ten percent shall be distributed to the Alpha Kappa</u> 494 <u>Alpha Educational Advancement Foundation, Inc., and used solely</u> 495 <u>for marketing of the Alpha Kappa Alpha Sorority, Inc., license</u> 496 <u>plate.</u>
- 497 <u>2. Eighty-five percent shall be distributed to the Alpha</u>
 498 <u>Kappa Alpha Educational Advancement Foundation, Inc., and used</u>
 499 <u>to promote community awareness and action through educational,</u>
 500 <u>economic, and cultural service activities.</u>
- 501 <u>3. Five percent shall be distributed to the United Negro</u> 502 <u>College Fund to be used for college scholarships for Florida</u> 503 <u>residents attending historically black colleges and</u> 504 universities.
 - (98) SIGMA GAMMA RHO SORORITY LICENSE PLATES.-

506 <u>(a) The department shall develop a Sigma Gamma Rho Sorority</u> 507 <u>license plate as provided in this section and s. 320.08053. The</u> 508 <u>plates must bear the colors and design approved by the</u> 509 <u>department. The word "Florida" must appear at the top of the</u> 510 <u>plate, and the name of the sorority must appear at the bottom of</u> 511 the plate.

512 (b) The annual use fees from the sale of the plate shall be 513 distributed as follows:

514 <u>1. Ten percent shall be distributed to the Sigma Gamma Rho</u>
 515 <u>Sorority National Education Fund, Inc., and used solely for</u>
 516 <u>marketing of the Sigma Gamma Rho Sorority, Inc., license plate.</u>
 517 <u>2. Eighty-five percent shall be distributed to the Sigma</u>
 518 <u>Gamma Rho Sorority National Education Fund, Inc., and used to</u>
 519 <u>promote community awareness and action through educational,</u>
 520 economic, and cultural service activities.

Page 18 of 25

ATD.ATD.04003

521	3. Five percent shall be distributed to the United Negro
522	College Fund to be used for college scholarships for Florida
523	residents attending historically black colleges and
524	universities.
525	(99) SAFE AND FREE FLORIDA LICENSE PLATES
526	(a) The department shall develop a Safe and Free Florida
527	license plate as provided in this section and s. 320.08053. Safe
528	and Free Florida license plates must bear the colors and design
529	approved by the department. The word "Florida" must appear at
530	the top of the plate, and the words "End Human Trafficking" must
531	appear at the bottom of the plate.
532	(b) The annual use fees from the sale of the plates shall
533	be distributed to the Department of Legal Affairs, which:
534	1. May use up to 15 percent of the proceeds to promote and
535	market the license plate.
536	2. Shall establish a program to award grants to
537	nongovernmental organizations that shall use the awarded funds:
538	a. To provide for the material needs of sexually abused,
539	exploited, or trafficked victims, including, but not limited to,
540	clothing, housing, medical care, food, utilities, and
541	transportation.
542	b. For detoxification services.
543	c. For prenatal and postnatal care and to provide services
544	for infants awaiting placement with adoptive parents.
545	d. To purchase or lease real estate to facilitate a safe
546	house or a transitional care or recovery care center.
547	e. For counseling, training, awareness, and prevention
548	programs for sexually abused, exploited, or trafficked victims.
549	f. To provide emergency legal advocacy to sexually abused

Page 19 of 25

131612

ATD.ATD.04003

550 or trafficked victims at a rate established by the Department of

551 Legal Affairs.

(c) The Department of Legal Affairs may not distribute 552 553 funds under paragraph (b) to any nongovernmental organization 554 that charges victims for services received through this funding. 555 An organization that receives the funds may not use the funds 556 for administrative or capital expenditures. Each organization 557 that receives funds must submit an annual attestation as 558 provided in s. 320.08062 to the Department of Legal Affairs no 559 later than December 31. The Department of Legal Affairs shall 560 adopt and enforce rules to implement this subsection. 561 (100) BONEFISH AND TARPON TRUST LICENSE PLATES.-562 (a) The department shall develop a Bonefish and Tarpon 563 Trust license plate as provided in this section and s. 564 320.08053. The word "Florida" must appear at the top of the 565 plate, and the words "Bonefish and Tarpon Trust" must appear at

566 the bottom of the plate.

567 (b) The annual use fees from the sale of the plate shall be 568 distributed to the Bonefish and Tarpon Trust, which:

5691. May use a maximum of 10 percent of the proceeds to570promote and market the Bonefish and Tarpon Trust license plate.

571 <u>2. Shall invest and reinvest the remainder of the proceeds</u>
572 <u>and use the interest thereon to conserve and enhance Florida</u>
573 <u>bonefish and tarpon fisheries and their respective environments</u>
574 <u>through stewardship, research, education, and advocacy.</u>

575 (101) JACKSONVILLE ARMADA FOOTBALL CLUB LICENSE PLATES.—The 576 department shall develop a Jacksonville Armada Football Club 577 license plate as provided in subsection (9). 578 (102) FLORIDA BAY FOREVER LICENSE PLATES.—

Page 20 of 25

ATD.ATD.04003

579 (a) The department shall develop a Florida Bay Forever 580 license plate as provided in this section and s. 320.08053. The 581 word "Florida" must appear at the top of the plate and the words 582 "Florida Bay Forever" must appear at the bottom of the plate. 583 (b) The annual use fees shall be distributed to the Florida 584 National Park Association, Inc., which may use up to 10 percent 585 of such fees for administrative costs and marketing of the 586 plate. The balance of the fees shall be used to supplement the 587 Everglades National Park service's budgets and to support 588 educational, interpretive, historical, and scientific research 589 relating to the Everglades National Park. 590 (103) NATIONAL WILD TURKEY FEDERATION LICENSE PLATES.-591 (a) The department shall develop a National Wild Turkey 592 Federation license plate as provided in this section and s. 593 320.08053. The plate must bear the colors and design approved by 594 the department. The word "Florida" must appear at the top of the 595 plate, and the words "National Wild Turkey Federation" must 596 appear at bottom of the plate. 597 (b) The annual use fees from the sale of the plate shall be 598 distributed to the Florida State Chapter of the National Wild 599 Turkey Federation to be used as follows: 600 1. Up to 25 percent of the funds may be used for marketing 601 of the license plate, for promotion and education regarding this state's hunting heritage, and for administrative costs directly 602 603 associated with operation of the chapter. 604 2. At least 75 percent of the funds must be used to fund 605 programs and projects within the state which promote 606 conservation or which improve or increase turkey wildlife habitat. To the extent feasible, turkey wildlife habitat 607

Page 21 of 25

ATD.ATD.04003

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608	projects shall be coordinated with the Florida Fish and Wildlife
609	Conservation Commission.
610	(104) DUCKS UNLIMITED LICENSE PLATES
611	(a) The department shall develop a Ducks Unlimited license
612	plate as provided in this section and s. 320.08053. Ducks
613	Unlimited license plates must bear the colors and design
614	approved by the department. The word "Florida" must appear at
615	the top of the plate, and the words "Conserving Florida
616	Wetlands" must appear at the bottom of the plate.
617	(b) The annual use fees from the sale of the plate shall be
618	distributed to Ducks Unlimited, Inc., a nonprofit corporation
619	under s. 501(c)(3) of the Internal Revenue Code, to be used as
620	follows:
621	1. Up to 5 percent may be used for administrative costs and
622	marketing of the plate.
623	2. A minimum of 95 percent shall be used to support the
624	mission and efforts of Ducks Unlimited, Inc., for the
625	conservation, restoration, and management of Florida wetlands
626	and associated habitats for the benefit of waterfowl, other
627	wildlife, and people.
628	(105) DOGS MAKING A DIFFERENCE LICENSE PLATES
629	(a) The department shall develop a Dogs Making a Difference
630	license plate as provided in this section and s. 320.08053. The
631	plate must bear the colors and design approved by the
632	department. The word "Florida" must appear at the top of the
633	plate, and the words "Dogs Making a Difference" must appear at
634	the bottom of the plate.
635	(b) The annual use fees from the sale of the plate shall be
636	distributed to Southeastern Guide Dogs, Inc., which may use up
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Page 22 of 25

ATD.ATD.04003

	ATD.ATD.04003					
637	to 10 percent of the proceeds for administrative costs and					
638	marketing of the plate. The remainder of the fees shall be used					
639	by Southeastern Guide Dogs, Inc., for the training and promotion					
640	of dogs for use by veterans and citizens who are blind.					
641	(106) EDUCATE ENGAGE EMPOWER LICENSE PLATES					
642	(a) The department shall develop an Educate Engage Empower					
643	license plate as provided in this section and s. 320.08053. The					
644	plate must bear the colors and design approved by the					
645	department. The word "Florida" must appear at the top of the					
646	plate, and the words "Educate Engage Empower" must appear at the					
647	bottom of the plate.					
648	(b) The annual use fees from the sale of the plate shall be					
649	distributed to Circuelle Foundation, Inc., which shall retain					
650	all such proceeds until all startup costs for developing and					
651	establishing the plate have been recovered. Thereafter,					
652	Circuelle Foundation, Inc.:					
653	1. May use up to 10 percent of the proceeds for marketing					
654	and promotion of the plate.					
655	2. May use up to 10 percent of the proceeds for					
656	administrative costs directly associated with its programs.					
657	3. Shall use 20 percent of the proceeds to support breast					
658	cancer research.					
659	4. Shall use the remainder of the proceeds for its					
660	programs, services, and activities to educate women, in					
661	particular young women, about the risk factors of breast cancer					
662	and the importance of breast health awareness.					
663	(107) ROTARY LICENSE PLATES					
664	(a) The department shall develop a Rotary license plate as					
665	provided in this section and s. 320.08053. The plate must bear					

Page 23 of 25

Florida Senate - 2016 Bill No. CS for SB 1390 & SB 7062

131612

ATD.ATD.04003

	ATD.ATD.04003
666	the colors and design approved by the department. The word
667	"Florida" must appear at the top of the plate, and the word
668	"Rotary" must appear on the bottom of the plate. The license
669	plate shall bear the Rotary International wheel emblem.
670	(b) The annual use fees shall be distributed to the
671	Community Foundation of Tampa Bay, Inc., to distribute as
672	follows:
673	1. Up to 10 percent for administrative costs and for
674	marketing of the plate.
675	2. Ten percent to Rotary's Camp Florida for direct support
676	to all programs and services provided to special needs children
677	who attend the camp.
678	3. The remainder shall be distributed, proportionally based
679	on sales, to each Rotary district in the state in support of
680	Rotary youth programs in Florida.
681	(108) MARGARITAVILLE LICENSE PLATES
682	(a) The department shall develop a Margaritaville license
683	plate as provided in s. 320.08053 and this section.
684	Margaritaville license plates must bear the colors and design
685	approved by the department. The word "Florida" must appear at
686	the top of the plate, and the word "Margaritaville" must appear
687	at the bottom of the plate.
688	(b) The license plate annual use fees shall be distributed
689	to the Singing for Change Foundation to fund its activities,
690	programs, and projects in Florida. The Singing for Change
691	Foundation shall retain all revenue from the annual use fees
692	until all startup costs for developing and establishing the
693	plate have been recovered. Thereafter, up to 10 percent of the
694	annual use fee revenue may be used for promotion and marketing
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Page 24 of 25

PROPOSED COMMITTEE SUBSTITUTE

Florida Senate - 2016 Bill No. CS for SB 1390 & SB 7062

131612

ATD.ATD.04003

- 695 of the specialty license plate and the rest of the funds may be
- 696 used to fund the organization's programs that focus on
- 697 developing creative and sustainable communities through
- 698 educational, economic, and cultural projects that will improve
- 699 the quality of life in Florida.
- Section 5. Except as otherwise expressly provided in thisact, this act shall take effect October 1, 2016.

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 Professior	nal Staff of t		ns Subcommittee of elopment	n Transportation, Tourism, and Economic
BILL:	PCS/CS/SI	3 1390 & 3	SB 7062 (194	134)	
INTRODUCER:	11 1		ommittee on T nittee; and Ser	1	ourism, and Economic Development;
SUBJECT:	Specialty L	license Pla	ites		
DATE:	February 2	6, 2016	REVISED:		
ANAL	YST	STAFF	DIRECTOR	REFERENCE	ACTION
l. Jones		Eichin		TR	Fav/CS
2. Wells		Miller		ATD	Recommend: Fav/Combined CS
3.				AP	
1.				RC	
	_				

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1390 & SB 7062 increases the minimum sales requirement for specialty license plates from 1,000 plates to 4,000. New specialty plates will be required to sell 4,000 presale vouchers before they will be manufactured. Effective July 1, 2018, existing specialty plates that fall below 4,000 valid registrations for at least 12 consecutive months will be discontinued.

The bill exempts established specialty plates that have statutory eligibility limitations for who may purchase the specific plate, from being discontinued by the Department of Highway Safety and Motor Vehicles (DHSMV) for not meeting the minimum sales requirement.

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop 26 new specialty license plates.

The bill adds the North American Soccer League to the "Florida Professional Sports Team" specialty plate; modifies the distribution and use of annual use fees for the "In God We Trust" specialty plate; modifies the use of fees for the "Conserve Wildlife" specialty plate; and modifies the name and plate design, and the distribution and use of the annual use fees for the Donate Organs-Pass It On license plate.

Depending on the number of plates that will be discontinued starting in July 1, 2019, the DHSMV may incur minimal programming costs associated with discontinuing specialty license plates.

The bill will have a negative impact on organizations and programs funded from a specialty plate that does not meet the increased minimum sales requirement and is subsequently discontinued.

According to the DHSMV, the cost for the minimum required number of each specialty license plate to be designed and manufactured is \$11,280. In addition, the DHSMV will also have programming costs to develop all new specialty license plates. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹

Except as otherwise specified, the bill takes effect on July 1, 2016.

II. Present Situation:

Presently, there are over 120 specialty license plates available for purchase, and two in the presale phase. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.³

In order to establish a specialty license plate, the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV);
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the specialty plate and discontinue issuance of the pre-sale voucher. Upon discontinuation of the plate, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁴

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 United States Armed Forces and veterans-related specialty plates.⁵ Additionally, the fees may not be

¹ Section 320.08056(7), F.S.

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

used for the purpose of marketing to, lobbying, entertaining, or rewarding a member or employee of the Legislature.⁶

DHSMV Costs Defrayed

The DHSMV retains sufficient annual use fees, from the sale of the specialty license plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁷

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates are exempt from the minimum plate requirement.⁸ Additionally, the specialty license plate must be discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

Organizations must adhere to certain accountability requirements, including an annual attestation document affirming that funds received have been spent in accordance with applicable statutes.¹⁰

⁶ Section 320.08056(11), F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ Section 320.08062, F.S.

Specialty License Plates Below 4,000 Valid Registrations and Current Registrations				
A State Of Vision	2,194	Lauren's Kids	3,128	
Agriculture Education	1,398	Miami Marlins	2,476	
American Legion	791	Moffitt Cancer Center	674	
American Red Cross	973	NASCAR	3,211	
Big Brother Big Sister	554	Orlando Magic	3,372	
Donate Organs	2,318	Parents Make a Difference	1,652	
Fallen Law Enforcement	1,360	Play Tennis	3,144	
Family Values	2,057	Protect Our Oceans	3,829	
Florida Panthers	2,052	Scouting Teaches Values	2,509	
Florida Sheriff's Association	1,003	Special Olympics	3,346	
Florida Sheriff's Youth Ranches	3,944	St. John's River	617	
Fraternal Order of Police	2,895	Support Homeownership for All	3,827	
Hispanic Achievers	375	Trees are Cool	3,830	
Kids Deserve Justice	1,436	Visit our Lights	3,830	

As of January 1, 2016, 28 specialty plates required to maintain minimum sales were below 4,000 valid registrations.¹¹ Those plates are:

According to the DHSMV, of the plates below 4,000 registrations, the American Legion, Big Brother Big Sister, Fallen Law Enforcement, Florida Sheriff's Association, Lauren's Kids, and Moffitt Cancer Center specialty plates were recently created and continue to show good public interest and growth. ¹² Additionally, the Hispanic Achievers and St. John's River plate are still in presale and have not been manufactured.

Moratorium

Currently, there is a statutory moratorium on the issuance of new specialty license plates. Except for a specialty license plate proposal which has submitted a letter of intent to the DHSMV prior to May 2, 2008, and which has submitted a survey, marketing strategy, and application fee prior to October 1, 2008, or was included in a bill filed during the 2008 Legislative Session, the DHSMV may not issue any new specialty license plates. ¹³

The moratorium ends July 1, 2016, and does not affect the plates included in this bill.

Florida Professional Sports Team License Plates

Section 320.08058(9), F.S., directs the DHSMV to develop Florida Professional Sports Team license plates for Major League Baseball, National Basketball Association, National Football League, Arena Football League, National Hockey, and Major League Soccer teams domiciled in this state. Fifty-five percent of the annual use fee proceeds from these plates is distributed to the Professional Sports Development Trust Fund within the Department of Economic Opportunity to

¹¹ Email from the DHSMV, *Draft SB 1390 Agency Legislative Bill Analysis* (Jan. 15, 2016) (on file with the Senate Committee on Transportation)

¹² Id.

¹³ Section 45, ch. 2008-176, L.O.F., as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, L.O.F.

attract and support major sports events in the state. The remaining proceeds are allocated to Enterprise Florida, Inc., to:

- Promote the economic development of the sports industry;
- Distribute licensing and royalty fees to participating professional sports teams;
- Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
- Recognize schools whose students demonstrate excellent physical fitness or fitness improvement;
- Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
- Distribute funds to Florida based charities designated by Enterprise Florida and the participating professional sports teams; and
- Fulfill the sports promotion responsibilities of the Department of Economic Opportunity.

Conserve Wildlife License Plates

Section 320.08058(24) directs the DHSMV to develop a Conserve Wildlife license plate. Annual use fee proceeds from the plate are distributed to the Wildlife Foundation of Florida, Inc. Ten percent of the proceeds may be used for marketing the license plate and administrative costs directly related to the management and distribution of the proceeds. The remaining proceeds must be used for programs and activities of the Fish and Wildlife Conservation Commission that contribute to the health and well-being of the Florida black bears and other wildlife diversity.

In God We Trust License Plate

Section 320.08058(66), F.S., directs the DHSMV to develop an In God We Trust license plate. The annual use fees shall be distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds must also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide education grants to public and private schools to promote the historical and religious significance of American and Florida History. Ten percent of the funds must be expended for administrative costs, promotional, and marketing of the license plate.

Donate Organs-Pass It On License Plate

Section 320.08058(57) directs the DHSMV to develop a Donate Organ-Pass It On license plate. The annual use fees must be distributed to the Transplant Foundation, Inc. Up to 10 percent of the proceeds can be used for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds must be used to provide statewide grants for patient services, including preoperative, rehabilitative, and housing assistance; organ donor education and awareness programs; and statewide medical research.

Organizations

Organizations receiving money from the sale of proposed specialty plates are described below under their corresponding specialty plate.

III. Effect of Proposed Changes:

The bill increases the minimum sales requirement for specialty license plates from 1,000 to 4,000 plates. Specialty license plates that enter the presale period after July 1, 2016, are required to sell at least 4,000 presale vouchers in order to be manufactured. Effective July 1, 2018, any existing specialty plate that falls below 4,000 valid registrations for at least 12 consecutive months will be discontinued.

There are currently 28 specialty license plates that are below 4,000 valid registrations. If the plates remain under 4,000 valid registrations for the 12 consecutive months preceding July 1, 2019, they will be discontinued. Collegiate plates representing state and independent universities domiciled in Florida are exempt from minimum sale requirements.

The bill also provides an exemption for established specialty plates from being discontinued by the DHSMV for not meeting the minimum sales requirement if the plate has statutory limitations on who may purchase the specialty plate. For example, a registrant must be a good-standing member or related to a member of the Fraternal Order of Police in order to purchase the FOP specialty license plate.¹⁴ This appears to be the only plate that is exempted by this change.

Proposed Specialty Plates

The bill directs the DHSMV to develop 25 new specialty license plates. All the proposed specialty plates have an annual use fee of \$25.

Sun Sea Smiles License Plate

The Sun Sea Smiles plate annual use fees will be distributed as follows:

- 35 percent to the Florida Caribbean Charitable Foundation, Inc. Of the funds received, 5 percent is for marketing the plate. From the remaining funds:
 - 60 percent is for a college scholarship program;
 - 15 percent is to promote health and wellness among Florida residents of Caribbean descent; and
 - o 25 percent is to promote awareness of Caribbean culture within the state.
- 20 percent to the American Friends of Jamaica, Inc., for use as grants to promote social and community development among Florida residents;
- 10 percent to the Sant La Haitian Neighborhood Center, Inc., to promote social and community development;
- 10 percent to Fanm Ayisyen nan Miyami, Inc., to promote social and community development;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state; and

¹⁴ Section 320.08058(72), F.S.

• 5 percent to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state.

In addition, each organization receiving funds may use up to 5 percent of its distribution for administrative expenses.

Florida Caribbean Charitable Foundation, Inc.¹⁵

The Florida Caribbean Charitable Foundation, Inc., is a civic and social organization established in 2007; and is a domestic non-profit corporation located in North Miami Beach.

American Friends of Jamaica, Inc.¹⁶

The organization is a non-profit "dedicated to supporting Jamaican charitable organizations and social initiatives targeted at improving the lives of Jamaicans through systemic development in the areas of education, healthcare, and economic development."

The mission of the Center is to "empower, strengthen, and stabilize South Florida's Haitian community, through access for free services and resources, to ensure its successful integration." This is accomplished through services such as citizenship assistance, college scholarships, community outreach, employment services, community partnerships, and educational services.

Fanm Ayisyen nan Miyami, Inc.¹⁷

Fanm Ayisyen nan Miyami, Inc., also known as Haitian Women of Miami, has a mission to empower Haitian women and their families socially and politically, and to facilitate their adjustments to South Florida. The organization has provided counseling, outreach, education, access to care, and advocacy services to low and moderate-income families for the past 16 years.

Greater Caribbean American Cultural Coalition, Inc.¹⁸

The Coalition is "an umbrella organization serving the Caribbean people and other members of the community, by bringing together the various Caribbean countries and islands, and their rich cultural heritage." The coalition's mission is to enrich the cultural environment by fostering multicultural understanding through an appreciation of Caribbean cultures.

Little Haiti Optimist Foundation, Inc.¹⁹

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, and established in 2010 to provide assistance, guidance, and programs to the youth of Little Haiti.

¹⁵ Florida Department of State - Division of Corporations, *Florida Caribbean Charitable Foundation, Inc.*, http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&sea rchNameOrder=FLORIDACARIBBEANCHARITABLEFOUN%20N070000070260&aggregateId=domnp-n07000007026-231a2bc8-5eb0-42f9-8fa3-

<u>f6660756ccc1&searchTerm=florida%20caribbean%20charitable%20foundation&listNameOrder=FLORIDACARIBBEANC</u> <u>HARITABLEFOUN%20N070000070260</u> (last visited Jan. 29, 2016).

 ¹⁶ See The American Friends of Jamaica website, <u>http://www.theamericanfriendsofjamaica.org/</u> (last visited Jan. 29, 2016).
 ¹⁷ See Fanm Ayisyen Miyami website, <u>http://www.fanm.org/</u> (last visited Jan. 29, 2016).

¹⁸ See Greater Caribbean American Cultural Coalition website, <u>http://www.gcaccoalition.com/</u> (last visited Jan. 29 2016).

¹⁹ See The Little Haiti Optimist Foundation website at <u>http://www.littlehaitioptimist.org/</u> (last visited Jan. 29, 2015).

Support Special Needs Kids License Plate

Annual use fees from the sale of the plate will be distributed to the Dan Marino Foundation, Inc. 10 percent of the fees are to promote and market the plate. The remaining proceeds are to be invested and reinvested, and the interest used to assist Floridians with developmental and intellectual disabilities by funding scholarships, assisting with job placement, and promoting education, independence, and awareness.

Dan Marino Foundation, Inc.²⁰

The Foundation was established in 1992. Its mission is "empowering individuals with autism and other developmental disabilities." The Foundation has raised over \$50 million since its inception, which has been used to perform quality-of-life research, build the Miami Children's Hospital Dan Marino Center, and the Marino Campus.

America the Beautiful License Plate

Annual use fees from the sale of the plate are to be distributed to the America the Beautiful Fund. Up to10 percent of funds may be used to offset administrative costs and to market and promote the plate. The remaining proceeds are for programs in support of military service members and their families and advancing self-sufficiency in children and families; educational scholarships; and land and wildlife conservation.

America the Beautiful Fund

America the Beautiful Fund is a fictitious name registered by Live Laugh Love Give, Inc.²¹

The mission statement of Live Laugh Love Give, Inc., is "Empowering children and families against dependency. Animal assistance, sanctuaries, and wildlife preservation. Education grants to better the world. Enhancing lives of military families."²²

Vision for Excellence License Plate

Annual use fees will be distributed to Vision for Excellence, Inc., which will use the proceeds for direct support of programs, services, and activities provided to children who participate in the organization's youth development programs. Up to 10 percent may be used for promotion and marketing of the plate, and up to 10 percent may be used for administrative costs directly associated with the programs.

Vision for Excellence, Inc.²³

The organization was established in 2011 as a non-profit youth organization that provides social development programs and services to low-income and at-risk males, ages 9-15. The

²⁰ See Dan Marino Foundation website, <u>http://www.danmarinofoundation.org/</u> (last visited Jan. 29, 2016).

²¹ Florida Department of State – Division of Corporations website, *Fictitious Name Detail*,

http://www.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G15000109272&rdocnum=G15000109272 (last visited Jan. 29, 2016).

²² See Live Laugh Love website, <u>https://www.livelaughlove.com/give</u> (last visited Jan. 29, 2016).

²³ See Vision for Excellence website, <u>http://www.visionforexcellence.org/</u> (last visited Jan. 29, 2016).

organization was designed to help Jacksonville's youth to become healthy productive adults with a focus to give back to their community. Its programs link male youth with local law enforcement and other professional adults for relationship building, and is intended to educate, motivate, and inspire participants to stay on the right path and become successful law abiding citizens.

Go Boating License Plate

Annual use fees are distributed to Eckerd College to fund the Eckerd College Search and Rescue Team, which provides 24-hour assistance to the Tampa Boating community. Up to 10 percent of the proceeds may be used for promotion and marketing of the plate. Remaining funds must be used to acquire boats and other equipment or for operating expenses.

Eckerd College Search and Rescue Team²⁴

The team was founded in 1971 and extended its rescue services to the Tampa Bay boating community in 1977. The team is a highly trained group of full-time, degree seeking, student volunteers who work closely with the U.S. Coast Guard, 911 Emergency Medical response, and other state and local agencies to answer more than 500 maritime distress calls per year. The members are trained in technical rescue, boating safety, seamanship, searching, firefighting, dewatering, navigation, medical response, and evening piloting rescue vessels.

Orlando City Soccer Club License Plate

The Orlando City Soccer Club is a professional Major League Soccer team based in Orlando, Florida. The team was formed in 2010, and became the league's twenty-first franchise on November 19, 2013.²⁵

Annual use fees are provided as specified for Florida Professional Sports Team license plates in s. 320.08058(9), F.S.

Support Our Constitution License Plate

Annual use fees are distributed to The Constitution Foundation, Inc., which may use up to 15 percent for administrative costs of the organization and 10 percent for promotion and marketing of the license plate. The remaining proceeds are used to fund activities, programs, projects, and mission of the Foundation to increase awareness and understanding of the United States Constitution in Florida's public schools. Funds are also used to recruit and train school leaders to make presentations and provide students learning materials and a pocket constitution.

The Constitution Foundation, Inc.²⁶

The Constitution Foundation, Inc., is a non-partisan educational organization founded in 2011 in Kissimmee, Florida. The foundation's mission is to increase awareness and understanding of the United States Constitution in Florida's schools, recruit and train leaders to make presentations in

²⁴ See Eckerd College website, *Eckerd College Search and Rescue*, <u>https://www.eckerd.edu/waterfront/ecsar/</u> (last visited Jan. 29, 2016)

²⁵ See Orlando City Soccer Club website, <u>http://www.orlandocitysc.com/</u> (last visited Jan. 29, 2016).

²⁶ See The Constitution Foundation website, <u>http://constitutionfoundation.org/about/ (last visited Jan. 29, 2016)</u>.

each school district, and provide to each student, at no cost, learning materials and a pocket Constitution.

Alpha Phi Alpha Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the United Negro College Fund (UNCF) to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Florida Federation of Alpha Chapters to market the plate; and
- 85 percent to the Florida Federation of Alpha Chapters to promote community awareness and action though educational, economic, and cultural service activities.

United Negro College Fund (UNCF)²⁷

The UNCF is the nation's largest minority education organization. UNCF provides operating funds for historically black colleges and universities, scholarships and internships for students, and faculty and administrative professional training.

Florida Federation of Alpha Chapters²⁸

Alpha Phi Alpha's mission statement is "develop leaders, promote brotherhood and academic excellence, while providing service and advocacy for our communities." The Fraternity's programs and projects include community outreach mentoring initiatives.

Omega Psi Phi Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to State of Florida Omega Friendship Foundation, Inc., to market the plate; and
- 85 percent to State of Florida Omega Friendship Foundation, Inc. to promote community awareness and action though educational, economic, and cultural service activities.

State of Florida Omega Friendship Foundation, Inc.²⁹

Omega Psi Phi Fraternity, Inc., was the first international fraternal organization to be founded on the campus of a historically black college. Founded in 1911 at Howard University, "Manhood, Scholarship, Perseverance and Uplift" were adopted as cardinal principles.

According to corporate filings with the Department of State, the State of Florida Omega Friendship Foundation, Inc, was organized to encourage and develop all facets of Christian ministry, home and abroad.³⁰

²⁷ See United Negro College Fund website, <u>http://www.uncf.org/sections/WhoWeAre/index.asp</u> (last visited Jan. 29, 2016).

²⁸ See Florida Federation of Alpha Chapters website, <u>http://flfederation.org/about-us/</u> (last visited Jan. 29, 2016).

²⁹ See Omega Friendship Foundation, Inc. website, <u>http://oppf.org/about_omega.asp</u> (last visited Jan. 29, 2016).

³⁰ See Department of State – Division of Corporations, *Omega Foundation, Inc.*, (last visited Feb. 18, 2016), http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&sea rchNameOrder=OMEGAFOUNDATION%20N150000093230&aggregateId=domnp-n15000009323-e9e86f2c-fa3a-40c2-ab68-65e69c12a39b&searchTerm=omega%20foundation&listNameOrder=OMEGAFOUNDATION%20F440701

Kappa Alpha Psi Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc., to market the plate; and
- 85 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc. to promote community awareness and action though educational, economic, and cultural service activities.

Southern Province of Kappa Alpha Psi Fraternity, Inc.³¹

Kappa Alpha Psi was founded on the campus of Indiana University at Bloomington, Indiana in 1911. The objectives of this fraternity are to:

- Unite men of culture, patriotism, and honor in a bond of fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of colleges and universities; and
- Inspire service in the public interest.

According to the corporate filings with the Department of State, the Southern Province of Kappa Alpha Psi Fraternity, Inc., was organized for the purpose of supporting the charitable and educational activities of the Kappa Alpha Psi fraternal organization.³²

Phi Beta Sigma Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the TMB Charitable Foundation, Inc., to market the plate; and
- 85 percent to the TMB Charitable Foundation, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

TMB Charitable Foundation, Inc.³³

According to corporate filings with the Department of State, the Foundation's principal address is in Tallahassee, Florida. The Foundation is a not-for-profit corporation "operated exclusively for charitable purposes, including, without limitation, acting as an instrument to which youth are encouraged and inspired to achieve academic success through mentoring."

³¹ See Southern Province Kappa Alpha Psi Fraternity, Inc. website, <u>http://southernprovince.org/</u> (last visited Jan. 29, 2016).

³² See Department of State – Division of Corporations, *Southern Province of Kappa Alpha PSI Foundation, Inc.* (last visited Feb. 18, 2016).

³d7 aba1bbc90 & searchTerm = southern % 20 province % 20 of % 20 Kappa & listNameOrder = SOUTHERNPROVINCEKAPPAAL PHAPSIF % 20 N020000054560

³³ See Department of State – Division of Corporations, *TMB Charitable Foundation*, *Inc.*,<u>http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2014%5C0411%5C5864</u> 1349.Tif&documentNumber=N14000003486 (last visited Feb. 18, 2016).

Zeta Phi Beta Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to Florida Pearls, Inc., to market the plate; and
- 85 percent to Florida Pearls, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

The Florida Pearls, Inc. 34

The Florida Pearls, Inc., is a not-for-profit corporation established to provide Florida communities with scholarships, health initiative programs, cultural and humanities program, youth programs, and feeding the hungry programs.

Delta Sigma Theta Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Delta Research and Educational Foundation to market the plate; and
- 85 percent to the Delta Research and Educational Foundation to promote community awareness and action though educational, economic, and cultural service activities.

Delta Research and Educational Foundation³⁵

Delta Sigma Theta Sorority established the Foundation in 1967. The Foundation's mission is to promote research which identifies and fashions solutions to issues affecting African American women and their families, nationally and globally through funding and support of programs of the sorority and collaborative organizations.

Alpha Kappa Alpha Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to market the plate; and
- 85 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

³⁴ See The Florida Pearls, Incorporated, brochure, *available at:* <u>http://www.zphibfl.org/Forms/Brochure-%20The%20Florida%20Pearls,%20Inc..pdf</u> (last visited Jan. 29, 2016).

³⁵ See Delta Sigma Theta Sorority website, *Delta Research and Education Foundation*, <u>http://www.deltasigmatheta.org/programs_delta_foundation.html</u> (last visited Jan. 29, 2016).

Alpha Kappa Alpha Educational Advancement Foundation, Inc.³⁶

The Foundation was created in 1980 by the Alpha Kappa Alpha Sorority, Inc. "The mission of the Alpha Kappa Alpha Educational Advancement Foundation is to promote lifelong learning. This is accomplished by securing charitable contributions, gifts and endowed funds to award scholarships, fellowships and grants."

Sigma Gamma Rho Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc., to market the plate; and
- 85 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

Sigma Gamma Rho Sorority National Education Fund, Inc.³⁷

The Fund was developed by the Sigma Gamma Rho Sorority to provide scholarship aid to needy students and to conduct educational programs, workshops, symposiums, and forums to enhance the quality of life.

Safe and Free Florida License Plate

Annual use fees are distributed to the Department of Legal Affairs to establish a program to award grants to nongovernmental organizations that assist sexually abused, exploited, or trafficked victims. Funds may not be distributed to any organization that charges victims for services received through this funding. An organization receiving such funds must use them to provide material needs, detoxification services, prenatal and postnatal care, safe houses or recovery care centers, counseling and training programs, or emergency legal advocacy for victims. The department may use up to 15 percent of the proceeds to promote and market the plate, and is authorized to adopt rules to implement the uses and distribution of this plate's annual use fees.

Department of Legal Affairs

The Department of Legal Affairs,³⁸ also known as the Office of the Attorney General, is responsible for numerous duties, including conducting various programs to assist victims of crime. The Statewide Council on Human Trafficking is a 15-member council chaired by Florida's Attorney General.³⁹ The council was created by legislation passed in 2014, to combat human trafficking and assist victims of human trafficking.⁴⁰ Membership includes law

³⁶ See Alpha Kappa Alpha Educational Advancement Foundation website, <u>http://www.akaeaf.org/</u> (last visited Jan. 29, 2016).

³⁷ See Sigma Gamma Rho Sorority, National Education Fund, <u>http://sgrho1922.celect.org/nef</u> (last visited Jan. 29, 2016).

 ³⁸ See Department of Legal Affairs website at <u>http://www.myfloridalegal.com/#</u> (last visited Feb. 3, 2016).
 ³⁹ Office of the Attorney General, *Statewide Council on Human Trafficking*,

http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72 (last visited Feb. 3, 2016). ⁴⁰ Chapter 2014-161, s. 6, L.O.F. *See* s. 16.617, F.S

enforcement, prosecutors, legislators, and experts in the fields of health, education, and social services. The council's purpose is to:

- Develop recommendations for comprehensive programs and services for victims of human trafficking;
- Make recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Hold an annual statewide policy summit with an institute of higher learning;
- Work with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county; and
- Develop policy recommendations that further the efforts to combat human trafficking in this state.

Bonefish and Tarpon Trust License Plate

Annual use fees are distributed to the Bonefish and Tarpon Trust to invest and reinvest the proceeds and use the interest to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments. Up to 10 percent of the proceeds may be used to promote and market the plate.

Bonefish and Tarpon Trust⁴¹

The Bonefish and Tarpon Trust is a non-profit organization dedicated to conserving and enhancing global bonefish, tarpon, and permit fisheries and their environments. The trust does this through stewardship, research, education, and advocacy, including funding studies and providing educational materials to the public and fisherman on bonefish, tarpon, and permit fisheries. The trust also works with regulatory authorities and the public to ensure protection of these species is enforced.

Jacksonville Armada Football Club License Plate

The Jacksonville Armada Football Club is an American professional soccer team. The team is part of the North American Soccer League (NASL) and based in Jacksonville, Florida. The team was established in 2013, and started competing in the NASL in the 2015 spring season.⁴²

Annual use fees are provided as specified for Florida Professional Sports Team license plates in s. 320.08058(9), F.S.

Florida Bay Forever License Plate

Annual use fees are distributed to the Florida National Park Association, Inc., to supplement the Everglades National Park service's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park. Up to 10 percent of such fees may be used for administrative costs and marketing of the plate.

⁴¹ See Bonefish & Tarpon Trust website, <u>https://www.bonefishtarpontrust.org/</u> (last visited Feb. 3, 2016).

⁴² See Jacksonville Armada FC website, <u>http://www.armadafc.com/home</u> (last visited Feb. 3, 2016).

Florida National Park Association, Inc.43

The Florida National Park Association, also known as the Everglades Association, is a non-profit organization founded in 1951 to support educational, interpretive, and historical and scientific research responsibilities to help support the Everglades National Park, Big Cypress National Preserve, Biscayne National Park, and Dry Tortugas National Park. The association has provided more than \$2.5 million in aid to the National Park Service areas of south Florida.

National Wild Turkey Federation License Plate

Annual use fees are distributed to the Florida State Chapter of the National Wild Turkey Federation. Up to 25 percent of proceeds may be used for marketing of the plate, administrative costs, and promotion and education regarding Florida's hunting heritage. At least 75 percent of proceeds are to be used to fund programs and projects within the state that promote conservation, or that improve or increase turkey wildlife habitat.

National Wild Turkey Federation

The National Wild Turkey Federation was founded in 1973. The organization is dedicated to the conservation of wild turkey habitat and preserving hunting heritage. According to its website, the organization has invested \$488 million in its mission, and has improved more than 17 million acres of wildlife habitat.⁴⁴ The Florida State Chapter of the organization is made up of officers and board of directors from local chapter members, and has a focus on local events and conservation projects around the state.⁴⁵

Ducks Unlimited License Plate

Annual use fees will be distributed to Ducks Unlimited, Inc., to support the organization's mission and efforts for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people. Up to 5 percent of proceeds may be used for administrative costs and marketing of the plate.

Ducks Unlimited, Inc.46

Ducks Unlimited, Inc., is a non-profit and volunteer-based organization whose mission is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl. According to the Ducks Unlimited website, it is the world's largest and most effective waterfowl and wetlands conservation organization. The organization currently has habitat projects in all 50 states, every Canadian province, and key areas of Mexico.

⁴³ See Florida National Parks Association website, *Everglades Association*, <u>http://www.evergladesassociation.org/index.html</u> (last visited Feb. 3, 2016).

⁴⁴ See National Wild Turkey Federation website, <u>http://www.nwtf.org/about/know-us/our-history</u> (last visited Feb. 4, 2016).

⁴⁵ See Florida State Chapter of the National Wild Turkey Federation website, <u>http://www.floridanwtf.org/about.aspx</u> (last visited on Feb. 4, 2016).

⁴⁶ See Ducks Unlimited website, <u>http://www.ducks.org/</u> (last visited Feb. 4, 2016).

Dogs Making a Difference License Plate

Annual use fees will be distributed to Southeastern Guide Dogs, Inc., for the training and promotion of dogs for use by veterans and citizens who are blind. Up to 10 percent of proceeds may be used for administrative costs and marketing of the plate.

Southeastern Guide Dogs, Inc.⁴⁷

Southeastern Guide Dogs, Inc., is a non-profit organization located in Palmetto, Florida. The organization is accredited by the International Guide Dog Federation and Assistance Dogs International. It was founded in 1982, and employs "the latest in canine development and behavior research to create and nurture partnerships between visually impaired individuals and extraordinary guide dogs." According to its website, Southeastern Guide Dogs has matched over 2,800 guide dogs with individuals, and continues to place more than 100 dogs each year to help people with visual impairments and veterans. The charity provides its services free of charge and receives no government funding.

Educate Engage Empower License Plate

Annual use fees are distributed to the Circuelle Foundation, Inc. Of the proceeds:

- Up to 10 percent may be used to market and promote the plate;
- Up to 10 percent may be used for administrative costs;
- 20 percent is to support breast cancer research; and
- The remainder is for Circuelle Foundation's programs, services, and activities to educated women about the risk factors of breast cancer and importance of breast health awareness.

Circuelle Foundation, Inc.48

This non-profit organization was founded in 2013, with a mission to "empower and educate women to know their breasts, support healthy breast rituals, and feel comfortable with their body". The foundation promotes healthy body image and breast health education, and donates mammograms, ultrasounds, and imagery for women with limited financial resources.

Rotary License Plate

Annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., who distributes the funds as follows:

- Up to 10 percent for administrative costs and for marketing the plate;
- 10 percent to Rotary's Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and
- The remainder to each Rotary district in the state in support of Rotary youth programs in Florida.

Rotary's Camp Florida49

Rotary's Camp Florida is a non-profit organization providing camping facilities to children and adults with special needs. The facility is a 21-acre camp located in Brandon, Florida, which

⁴⁷ See Southeastern Guide Dogs website, <u>http://www.guidedogs.org/</u> (last visited Feb. 4, 2016).

⁴⁸ See Circuelle Foundation website, <u>https://www.circuellefoundation.org/about.html</u> (last visited Feb. 4, 2016).

⁴⁹ See Rotary's Camp Florida website, <u>http://www.rotaryscampflorida.org/</u> (last visited Feb. 4, 2016).

provides user groups with clean, safe, and barrier-free camping. The facility meets the full standards of the Americans with Disabilities Act. Half of the cost to rent the camp is paid by the disability user group and half is subsidized by Rotary Clubs throughout Florida. There is no charge to a child attending the camp.

Rotary Club⁵⁰

Rotary is a 1.2 million-member, international organization dedicated to service. Rotary clubs bring together individuals to exchange ideas, build relationships, and take action. There are numerous Rotary clubs throughout the state.

Margaritaville License Plate

Annual use fees will be distributed to the Singing for Change Foundation for the organization's programs that focus on developing creative and sustainable communities through educational, economic, and cultural projects that will improve the quality of life in Florida. Up to 10 percent of the proceeds may be used for promotion and marketing of the plate.

Singing for Change Foundation⁵¹

Singing for Change is a private foundation established by Jimmy Buffet in 1995. \$1 of every Jimmy Buffet concert ticket goes to the Foundation. Its mission is to fund organizations that bring about positive change, focusing on grassroots organizations that rely heavily on volunteer efforts. The foundation has disbursed almost \$9 million in grants. According to its website, the foundation looks for groups:

- Working to engage individuals in their communities;
- Helping people realize their full potential and become self-sufficient; and
- Creating lasting change in the communities they serve.

Knights of Columbus License Plate

The annual use fees will be distributed to the Florida K of C Charities, Inc., and used for the organization's charitable purposes including funding the Campaign for Citizens with Disabilities Fund, the Vocations Fund, and the Helping Life Fund. Up to 10 percent of the proceeds may be used for administration, marketing, and promotion of the plate.

Florida K of C Charities, Inc.52

The Florida K of C Charities, Inc., is a non-profit corporation that operates for charitable, scientific and educational purposes for the benefit of the general public. The organization works to establish, promote, assist, contribute to or otherwise encourage charitable and educational

⁵⁰ See Rotary website, https://www.rotary.org/en (last visited Feb. 4, 2016).

⁵¹ See Singing for Change website, <u>http://www.singingforchange.org/about.html</u> (last visited Feb. 4, 2016).

⁵² See Department of State – Division of Corporation, Florida K of C Charities, Inc.,

http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&sea rchNameOrder=FLORIDAKCCHARITIES%20N00000042600&aggregateId=domnp-n00000004260-131f3ce5-8f2d-4416b2ea-

<u>06a7d0c80802&searchTerm=Florida%20K%20of%20C&listNameOrder=FLORIDAKCCHARITIES%20N00000042600</u> (last visited Feb. 24, 2016).

pursuits to support and cooperate with activities of the Florida State Council of the Knights of Columbus and its Florida chapters.

Changes to Existing Specialty Plates

Florida Professional Sports Team License Plates

The bill adds the North American Soccer League to the Florida Professional Sports Team license plates for the purpose of adding The Jacksonville Armada Football Club.

Conserve Wildlife License Plate

The bill modifies the use of annual fees from the sale of the Conserve Wildlife specialty plates.⁵³ At least one third of the proceeds of the annual use fee must be used for programs and activities of the Fish and Wildlife Conservation Commission which contribute to the health and well-being of Florida black bears including bear-resistant container programs, research, and public education. The remaining proceeds must be used for other wildlife diversity research and public education programs of the Fish and Wildlife Conservation Commission.

In God We Trust License Plate

The distribution and use of annual use fees of the In God We Trust specialty plate⁵⁴ are modified to allow a *maximum* of 10 percent of annual use fees to be used to offset marketing, administration, and promotion of the plate. The bill repeals provisions requiring the fees to be used for the children of public safety employees and U.S. military members who have died in the line of duty who are not covered by existing law. The fees will be used to:

- Address the needs of military service members and their spouses and dependents:;
- Provide education in public and private schools regarding the historical significance of religion in American and Florida history;
- Provide educational grants in public and private schools;
- Address the needs of public safety employees and their spouses and dependents; and
- Foster self-reliance and stability in Florida's children and families.

Donate Life Florida License Plate (previously Donate Organs-Pass It On License Plate)

The bill renames the "Donate Organs-Pass It On" license plate as the "Donate Life Florida" license plate. The annual use fees will be distributed to the Florida Coalition on Donation, Inc., instead of the Transplant Foundation, Inc. Up to 10 percent of the proceeds may be used for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds must be used to educate Florida residents on the importance of organ, tissue, and eye donation.

⁵³ Section 320.08058(24), F.S.

⁵⁴ Section 320.08058(66), F.S.

Florida Coalition on Donation, Inc., is a non-profit corporation organized primarily for educational purposes, dedicated to saving lives and improving the quality of life, via promoting donor awareness of all forms of donation, including organ, tissue, eyes, bone marrow, and blood.

Effective Date

Section 1 is effective July 1, 2016; Section 2 is effective July 1, 2018; and Sections 3 and 4 are effective October 1, 2016.

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 will have a negative impact on organizations and programs funded from a specialty plate that does not meet the increased minimum sales requirement and is subsequently discontinued.

However, increasing the minimum sales requirement could reduce the number of different specialty plates, which could increase sales of the remaining specialty plates, thereby benefiting the organizations and programs supported by the remaining specialty plates.

<u>e7266bc6b011&searchTerm=Florida%20Coalition%20on%20Donation&listNameOrder=FLORIDACOALITIONONDONA</u> <u>TION%20N040000009500</u> (last visited Feb. 24, 2016).

⁵⁵ See Department of State- Division of Corporations, Florida Coalition on Donation, Inc.,

http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&sea rchNameOrder=FLORIDACOALITIONONDONATION%20N040000009500&aggregateId=domnp-n04000000950a4a9ca08-273f-44b0-bd02-

Individuals who choose to purchase one of the new specialty license plates created in the bill will pay a \$25 annual use fee in addition to appropriate license taxes and fees. The organization designated to receive those fees, after retention of funds by the DHSMV to defray departmental expenditures, will receive revenue from each purchase. The revenue impact is unknown as the number of each specialty license plate that will be purchased is unknown.

C. Government Sector Impact:

Depending on the number of plates that will be discontinued starting in July 1, 2019, the DHSMV may incur minimal programming costs associated with discontinuing specialty license plates.

According to the DHSMV, the cost for the minimum required number of each specialty license plate to be designed and manufactured is \$11,280. In addition, the DHSMV will also have programming costs to develop all new specialty license plates. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.⁵⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08053, 320.08056 and 320.08058.

IX. Additional Information:

A. Committee Substitute – Statement of Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS/SB 1390 & SB 7062 by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 24: The committee substitute combines and modifies the provisions of CS/SB 1390 and SB 7062:

- Increases minimum sales of specialty license plates from 1,000 to 4,000 effective July 1, 2018;
- Creates 26 new specialty license plates and deletes:
 - Team Hammy,
 - Paddle Florida,
 - I Stand with Israel,

⁵⁶ Section 320.08056(7), F.S.

- Save our Shores,
- Furry Friends,
- Ronald Reagan,
- Medical Professionals Who Care,
- o Florida Native,
- o Protect Pollinators,
- o Diabetes Awareness, and
- Tampa Bay Rowdies.
- Modifies three existing specialty license plates:
 - Florida Professional Sports Team,
 - o Conserve Wildlife,
 - In God We Trust, and
 - Donate Organs-Pass It On.
- B. Amendments:

None.

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

CS for SB 1390

	By the Committee on Transportation; and Senator Brandes
	596-02372-16 20161390c1
1	A bill to be entitled
2	An act relating to issuance of specialty license
3	plates; amending s. 320.08053, F.S.; revising presale
4	requirements for issuance of a specialty plate;
5	amending s. 320.08056, F.S.; revising conditions for
6	discontinuing issuance of a specialty plate; providing
7	an exception to the minimum requirements for certain
8	specialty plates; providing effective dates.
9	
10	Be It Enacted by the Legislature of the State of Florida:
11	
12	Section 1. Section 320.08053, Florida Statutes, is amended
13	to read:
14	320.08053 Establishment of Requirements for requests to
15	establish specialty license plates
16	(1) If a specialty license plate requested by an
17	organization is approved by law, the organization must submit
18	the proposed art design for the specialty license plate to the
19	department, in a medium prescribed by the department, as soon as
20	practicable, but no later than 60 days after the act approving
21	the specialty license plate becomes a law.
22	(2)(a) Within 120 days following the specialty license
23	plate becoming law, the department shall establish a method to
24	issue a specialty license plate voucher to allow for the presale
25	of the specialty license plate. The processing fee as prescribed
26	in s. 320.08056, the service charge and branch fee as prescribed
27	in s. 320.04, and the annual use fee as prescribed in s.
28	320.08056 shall be charged for the voucher. All other applicable
29	fees shall be charged at the time of issuance of the license
30	plates.
31	(b) Within 24 months after the presale specialty license
32	plate voucher is established, the approved specialty license

Page 1 of 2

CS for SB 1390

596-02372-16 20161390c1 33 plate organization must record with the department a minimum of 34 4,000 1,000 voucher sales before manufacture of the license 35 plate may begin commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has requirements 36 37 have not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and 38 39 discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license 40 plate voucher may use the annual use fee collected as a credit 41 42 towards any other specialty license plate or apply for a refund 43 on a form prescribed by the department. 44 Section 2. Effective July 1, 2018, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is 45 amended to read: 46 47 320.08056 Specialty license plates.-(8) (a) The department must discontinue the issuance of an 48 49 approved specialty license plate if the number of valid 50 specialty plate registrations falls below 4,000 1,000 plates for 51 at least 12 consecutive months. A warning letter shall be mailed 52 to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is 53 54 below 4,000 1,000 plates. This paragraph does not apply to 55 collegiate license plates established under s. 320.08058(3) or

56 <u>specialty license plates that have statutory eligibility</u> 57 limitations for purchase.

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58 Section 3. Except as otherwise expressly provided in this 59 act, this act shall take effect July 1, 2016.

Page 2 of 2

THE FLORIDA SENATE APPEARANCE RECORD (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)	÷
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Topic Sterning LICENSE RATES Amendment Barcode (if applicable)	
Name Recky Africa	
Job Title DIRECTION FLORIDA BILYLE ASSOCIATION	
Address 250 Strathmare Asense Phone 813-748-1513	
Oldsmar FL 34677 Email becky & flor on b. y. de. org	
Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)	
Representing FLORIDA- BICYCIE ASSOCIATION	
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No	
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.	
This form is part of the public record for this meeting.	

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meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development SB 7062 BILL: **Transportation Committee** INTRODUCER: **Specialty License Plates** SUBJECT: February 23, 2016 DATE: **REVISED:** ANALYST STAFF DIRECTOR ACTION REFERENCE TR Submitted as Committee Bill Jones Eichin 1. Wells Miller ATD Pre-meeting 2. AP 3. RC

I. Summary:

SB 7062 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a number of new specialty license plates.

The bill also modifies the distribution and use of annual use fees for the "In God We Trust" and the "Share the Road" specialty plate, as well as modifies the use of fees for the "Conserve Wildlife" specialty plate.

According to the DHSMV, the cost for the minimum required number of each specialty license plate to be designed and manufactured is \$11,280. In addition, the DHSMV will also have programming costs to develop all new specialty license plates. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹

The bill takes effect October 1, 2016, if SB 1390 or similar legislation is adopted this session or an extension thereof and becomes law. SB 1390 increases the minimum pre-sale requirement for specialty license plates to be manufactured.

II. Present Situation:

Presently, there are over 120 specialty license plates available for purchase, and two in the presale phase. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license

¹ Section 320.08056(7), F.S.

taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.³

In order to establish a specialty license plate, the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV);
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the specialty plate and discontinue issuance of the pre-sale voucher. Upon discontinuation of the plate, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁴

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 United States Armed Forces and veterans-related specialty plates.⁵ Additionally, the fees may not be used for the purpose of marketing to, lobbying, entertaining, or rewarding a member or employee of the Legislature.⁶

DHSMV Costs Defrayed

The DHSMV retains sufficient annual use fees, from the sale of the specialty license plates, to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁷

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates are exempt from the minimum plate requirement.⁸ Additionally, the specialty license plate must be

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08056(11), F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

discontinued if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁹

Organizations must adhere to certain accountability requirements, including an annual attestation document affirming that funds received have been spent in accordance with applicable statutes.¹⁰

Moratorium

Currently, there is a statutory moratorium on the issuance of new specialty license plates. Except for a specialty license plate proposal which has submitted a letter of intent to the DHSMV prior to May 2, 2008, and which has submitted a survey, marketing strategy, and application fee prior to October 1, 2008, or was included in a bill filed during the 2008 Legislative Session, the DHSMV may not issue any new specialty license plates. ¹¹

The moratorium ends July 1, 2016, and does not affect the plates included in this bill.

Florida Professional Sports Team License Plates

Section 320.08058(9), F.S., directs the DHSMV to develop Florida Professional Sports Team license plates for Major League Baseball, National Basketball Association, National Football League, Arena Football League, National Hockey, and Major League Soccer teams domiciled in this state. Fifty-five percent of the annual use fee proceeds from these plates is distributed to the Professional Sports Development Trust Fund within the Department of Economic Opportunity to attract and support major sports events in the state. The remaining proceeds are allocated to Enterprise Florida, Inc., to:

- Promote the economic development of the sports industry;
- Distribute licensing and royalty fees to participating professional sports teams;
- Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
- Recognize schools whose students demonstrate excellent physical fitness or fitness improvement;
- Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
- Distribute funds to Florida based charities designated by Enterprise Florida and the participating professional sports teams; and
- Fulfill the sports promotion responsibilities of the Department of Economic Opportunity.

Conserve Wildlife License Plates

Section 320.08058(24) directs the DHSMV to develop a Conserve Wildlife license plate. Annual use fee proceeds from the plate are distributed to the Wildlife Foundation of Florida, Inc. Ten percent of the proceeds may be used for marketing the license plate and administrative costs directly related to the management and distribution of the proceeds. The remaining proceeds

⁹ Section 320.08056(8)(b), F.S.

¹⁰ Section 320.08062, F.S.

¹¹ Section 45, ch. 2008-176, L.O.F., as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, L.O.F.

must be used for programs and activities of the Fish and Wildlife Conservation Commission that contribute to the health and well-being of the Florida black bears and other wildlife diversity.

Share the Road License Plates

Section 320.08058(30) directs the DHSMV to develop a Share the Road license plate. The annual use fees shall be distributed to Bike Florida, Inc., up to 25 percent of which shall be used for marketing and promotion of the "Share the Road" concept and license plate. The remaining funds shall be divided equally between Bike Florida, Inc., and the Florida Bicycle Association, Inc., to be used for:

- Education and awareness programs, for bicycle safety and motorist safety, with emphasis on sharing the roadway by all users.
- Training, workshops, educational materials, and media events.
- The promotion of safe bicycling.

In God We Trust License Plate

Section 320.08058(66), F.S., directs the DHSMV to develop an In God We Trust license plate. The annual use fees shall be distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds must also be distributed to other s 501(c)(3) organizations that may apply for grants and scholarships and to provide education grants to public and private schools to promote the historical and religious significance of American and Florida History. Ten percent of the funds must be expended for administrative costs, promotional, and marketing of the license plate.

Organizations

Organizations receiving money from the sale of proposed specialty plates are described below under their corresponding specialty plate.

III. Effect of Proposed Changes:

Proposed Specialty Plates

The bill directs the DHSMV to develop 36 new specialty license plates. All the proposed specialty plates have an annual use fee of \$25.

Sun Sea Smiles License Plate

The Sun Sea Smiles plate annual use fees will be distributed as follows:

- 35 percent to the Florida Caribbean Charitable Foundation, Inc. Of the funds received, 5 percent is for marketing the plate. From the remaining funds:
 - 60 percent is for a college scholarship program;
 - 15 percent is to promote health and wellness among Florida residents of Caribbean descent; and

- o 25 percent is to promote awareness of Caribbean culture within the state.
- 20 percent to the American Friends of Jamaica, Inc., for use as grants to promote social and community development among Florida residents;
- 10 percent to the Sant La Haitian Neighborhood Center, Inc., to promote social and community development;
- 10 percent to Fanm Ayisyen nan Miyami, Inc., to promote social and community development;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state; and
- 5 percent to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state.

In addition, each organization receiving funds may use up to 5 percent of its distribution for administrative expenses.

Florida Caribbean Charitable Foundation, Inc.¹²

The Florida Caribbean Charitable Foundation, Inc., is a civic and social organization established in 2007; and is a domestic non-profit corporation located in North Miami Beach..

American Friends of Jamaica, Inc.¹³

The organization is a non-profit "dedicated to supporting Jamaican charitable organizations and social initiatives targeted at improving the lives of Jamaicans through systemic development in the areas of education, healthcare, and economic development."

Sant La Haitian Neighborhood Center, Inc.¹⁴

The mission of the Center is to "empower, strengthen, and stabilize South Florida's Haitian community, through access for free services and resources, to ensure its successful integration." This is accomplished through services such as citizenship assistance, college scholarships, community outreach, employment services, community partnerships, and educational services.

Fanm Ayisyen nan Miyami, Inc.¹⁵

Fanm Ayisyen nan Miyami, Inc., also known as Haitian Women of Miami, has a mission to empower Haitian women and their families socially and politically, and to facilitate their adjustments to South Florida. The organization has provided counseling, outreach, education, access to care, and advocacy services to low and moderate-income families for the past 16 years.

¹² Florida Department of State - Division of Corporations, *Florida Caribbean Charitable Foundation, Inc.*, <u>http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&sea</u> <u>rchNameOrder=FLORIDACARIBBEANCHARITABLEFOUN%20N070000070260&aggregateId=domnp-n07000007026-</u> 231a2bc8-5eb0-42f9-8fa3-

<u>f6660756ccc1&searchTerm=florida%20caribbean%20charitable%20foundation&listNameOrder=FLORIDACARIBBEANC</u> <u>HARITABLEFOUN%20N070000070260</u> (last visited Jan. 29, 2016).

¹³ See The American Friends of Jamaica website, <u>http://www.theamericanfriendsofjamaica.org/</u> (last visited Jan. 29, 2016).

¹⁴ See Haitian Neighborhood Center Sant La website, <u>http://santla.org</u> (last visited Jan. 29, 2016).

¹⁵ See Fanm Ayisyen Miyami website, <u>http://www.fanm.org/</u> (last visited Jan. 29, 2016).

Greater Caribbean American Cultural Coalition, Inc.¹⁶

The Coalition is "an umbrella organization serving the Caribbean people and other members of the community, by bringing together the various Caribbean countries and islands, and their rich cultural heritage." The coalition's mission is to enrich the cultural environment by fostering multicultural understanding through an appreciation of Caribbean cultures.

Little Haiti Optimist Foundation, Inc.¹⁷

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, and established in 2010 to provide assistance, guidance, and programs to the youth of Little Haiti.

Support Special Needs Kids License Plate

Annual use fees from the sale of the plate will be distributed to the Dan Marino Foundation, Inc. 10 percent of the fees are to promote and market the plate. The remaining proceeds are to be invested and reinvested, and the interest used to assist Floridians with developmental and intellectual disabilities by funding scholarships, assisting with job placement, and promoting education, independence, and awareness.

Dan Marino Foundation, Inc.¹⁸

The Foundation was established in 1992. Its mission is "empowering individuals with autism and other developmental disabilities." The Foundation has raised over \$50 million since its inception, which has been used to perform quality-of-life research, build the Miami Children's Hospital Dan Marino Center, and the Marino Campus.

America the Beautiful License Plate

Annual use fees from the sale of the plate are to be distributed to the America the Beautiful Fund. Up to10 percent of funds may be used to offset administrative costs and to market and promote the plate. The remaining proceeds are for programs in support of military service members and their families and advancing self-sufficiency in children and families; educational scholarships; and land and wildlife conservation.

America the Beautiful Fund

America the Beautiful Fund is a fictitious name registered by Live Laugh Love Give, Inc.¹⁹

The mission statement of Live Laugh Love Give, Inc., is "Empowering children and families against dependency. Animal assistance, sanctuaries, and wildlife preservation. Education grants to better the world. Enhancing lives of military families."²⁰

¹⁶ See Greater Caribbean American Cultural Coalition website, <u>http://www.gcaccoalition.com/</u> (last visited Jan. 29 2016).

¹⁷ See The Little Haiti Optimist Foundation website at <u>http://www.littlehaitioptimist.org/</u> (last visited Jan. 29, 2015).

¹⁸ See Dan Marino Foundation website, <u>http://www.danmarinofoundation.org/</u> (last visited Jan. 29, 2016).

¹⁹ Florida Department of State – Division of Corporations website, *Fictitious Name Detail*,

http://www.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G15000109272&rdocnum=G15000109272 (last visited Jan. 29, 2016).

²⁰ See Live Laugh Love website, <u>https://www.livelaughlove.com/give</u> (last visited Jan. 29, 2016).

Team Hammy License Plate

Annual use fees will be distributed to Team Hammy, Inc., to grant wishes to families living with Amyotrophic Lateral Sclerosis (ALS), provide continuing education to caretakers and physicians, and increase ALS awareness in the community. Up to 10 percent of fees may be used for administrative costs and marketing the plate.

Team Hammy, Inc.²¹

Team Hammy is an organization created in the name of Hamilton Vance Paris, who was diagnosed with ALS in July of 2010. Team Hammy strives to bring awareness, education, and hope to people with ALS and their families through fundraising and participating in events.

Vision for Excellence License Plate

Annual use fees will be distributed to Vision for Excellence, Inc., which will use the proceeds for direct support of programs, services, and activities provided to children who participate in the organization's youth development programs. Up to 10 percent may be used for promotion and marketing of the plate, and up to 10 percent may be used for administrative costs directly associated with the programs.

Vision for Excellence, Inc.²²

The organization was established in 2011 as a non-profit youth organization that provides social development programs and services to low-income and at-risk males, ages 9-15. The organization was designed to help Jacksonville's youth to become healthy productive adults with a focus to give back to their community. Its programs link male youth with local law enforcement and other professional adults for relationship building, and is intended to educate, motivate, and inspire participants to stay on the right path and become successful law abiding citizens.

Go Boating License Plate

Annual use fees are distributed to Eckerd College to fund the Eckerd College Search and Rescue Team, which provides 24-hour assistance to the Tampa Boating community. Up to 10 percent of the proceeds may be used for promotion and marketing of the plate. Remaining funds must be used to acquire boats and other equipment or for operating expenses.

Eckerd College Search and Rescue Team²³

The team was founded in 1971 and extended its rescue services to the Tampa Bay boating community in 1977. The team is a highly trained group of full-time, degree seeking, student volunteers who work closely with the U.S. Coast Guard, 911 Emergency Medical response, and other state and local agencies to answer more than 500 maritime distress calls per year. The members are trained in technical rescue, boating safety, seamanship, searching, firefighting, dewatering, navigation, medical response, and evening piloting rescue vessels.

 ²¹ See Team Hammy on Facebook, <u>https://www.facebook.com/TeamHammy/info/?tab=page_info</u> (last visited Feb. 3, 2016).
 ²² See Vision for Excellence website, <u>http://www.visionforexcellence.org/</u> (last visited Jan. 29, 2016).

²³ See Eckerd College website, *Eckerd College Search and Rescue*, <u>https://www.eckerd.edu/waterfront/ecsar/</u> (last visited

Jan. 29, 2016)

Paddle Florida License Plates

Annual use fees from the plate are distributed to Paddle Florida, Inc., to be used by the Florida Forever program to support activities that further outdoor recreation and natural resource protection. Up to 10 percent of proceeds may be used for administrative costs and marketing of the plate.

Paddle Florida, Inc.²⁴

Paddle Florida, Inc., is a non-profit organization that supports canoeing and kayaking in Florida. The organization holds events to "expose paddlers to Florida's natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection." Paddle Florida also promotes Florida as an international destination for nature-based tourism, by providing trips featuring Florida's most scenic rivers, canoe trails, and coastal environments.

I Stand with Israel License Plate

Annual use fees from the plate are distributed to I Stand with Israel, Inc., to be used for the direct support of the Israeli Youth Program to send Florida university students between the ages of 18 and 26 and program chaperones to Israel. Up to 10 percent of the proceeds may be used for marketing and promotion of the plate, and up to 10 percent may be used for administrative costs directly associated with its programs.

I Stand with Israel, Inc.²⁵

According to corporate filings with the Department of State, the organization was created in 2016 for the specific purpose of managing the proceeds of the license plate sales and distribute such proceeds for the purpose stated in law.

Save our Shores Florida License Plate

Annual use fees are distributed to Adore the Shore, Inc., which may use up to 15 percent for administrative costs of the organization and up to 10 percent for promotion and marketing of the plate program. The remaining proceeds are to fund activities on the beaches of this state following natural or manmade occurrences that threaten the pristine nature of the beaches, and for any other legal purpose as allowed by the Internal Revenue Code.

Adore the Shore, Inc.²⁶

According to corporate filings with the Department of State, the organization states that it is a not-for-profit corporation whose purpose is "to conduct activities that are charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, or preventing cruelty to children or animals."

²⁴ See Paddle Florida website, <u>http://www.paddleflorida.org/</u> (last visited Jan. 29, 2016).

²⁵ See Florida Department of State – Division of Corporations, *I Stand With Israel, Inc. (Jan. 15, 2016),* <u>http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2016%5C0120%5C40050014</u> <u>.tif&documentNumber=N16000000516</u> (last visited Jan. 29, 2016).

²⁶ See Florida Department of State – Division of Corporations, *Adore the Shores, Inc.*, (Feb. 6, 2015), <u>http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2015%5C0212%5C69225064</u> <u>.Tif&documentNumber=N15000001461</u> (last visited Jan. 29, 2016).

Furry Friends License Plate

Annual use fees are distributed to Furry Friends of Florida, Inc., which may use up to 15 percent of proceeds for administrative, handling, and disbursement of expenses, and up to 10 percent for promotion, advertising, and marketing costs. The remaining proceeds are to be used for activities, programs, and projects, including, but not limited to, pet rescue, animal shelters, pet vaccinations, veterinary services, and service animals.

Furry Friends of Florida, Inc.²⁷

According to corporate filings with the Department of State, the organization states that it is a not-for-profit corporation whose purpose is "to conduct activities that are charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, or preventing cruelty to children or animals."

Orlando City Soccer Club License Plate

The Orlando City Soccer Club is a professional Major League Soccer team based in Orlando, Florida. The team was formed in 2010, and became the league's twenty-first franchise on November 19, 2013.²⁸

Annual use fees are provided as specified for Florida Professional Sports Team license plates in s. 320,08058(9), F.S..

Support Our Constitution License Plate

Annual use fees are distributed to The Constitution Foundation, Inc., which may use up to 15 percent for administrative costs of the organization and 10 percent for promotion and marketing of the license plate. The remaining proceeds are used to fund activities, programs, projects, and mission of the Foundation to increase awareness and understanding of the United States Constitution in Florida's public schools. Funds are also used to recruit and train school leaders to make presentations and provide students learning materials and a pocket constitution.

The Constitution Foundation, Inc.²⁹

The Constitution Foundation, Inc., is a non-partisan educational organization founded in 2011 in Kissimmee, Florida. The foundation's mission is to increase awareness and understanding of the United States Constitution in Florida's schools, recruit and train leaders to make presentations in each school district, and provide to each student, at no cost, learning materials and a pocket Constitution.

Alpha Phi Alpha Fraternity License Plate

Annual use fees are distributed as follows:

• 5 percent for the United Negro College Fund (UNCF) to be used for scholarships for Florida residents attending historically black colleges and universities;

²⁷ See Florida Department of State – Division of Corporations, *Furry Friends of Florida, Inc. (Feb. 6, 2015),* <u>http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2015%5C0213%5C69225073</u> <u>.Tif&documentNumber=N15000001468</u> (last visited Jan. 29, 2016).

²⁸ See Orlando City Soccer Club website, <u>http://www.orlandocitysc.com/</u> (last visited Jan. 29, 2016).

²⁹ See The Constitution Foundation website, <u>http://constitutionfoundation.org/about/</u> (last visited Jan. 29, 2016).

- 10 percent to the Florida Federation of Alpha Chapters to market the plate; and
- 85 percent to the Florida Federation of Alpha Chapters to promote community awareness and action though educational, economic, and cultural service activities.

United Negro College Fund (UNCF)³⁰

The UNCF is the nation's largest minority education organization. UNCF provides operating funds for historically black colleges and universities, scholarships and internships for students, and faculty and administrative professional training.

Florida Federation of Alpha Chapters³¹

Alpha Phi Alpha's mission statement is "develop leaders, promote brotherhood and academic excellence, while providing service and advocacy for our communities." The Fraternity's programs and projects include community outreach mentoring initiatives.

Omega Psi Phi Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to State of Florida Omega Friendship Foundation, Inc., to market the plate; and
- 85 percent to State of Florida Omega Friendship Foundation, Inc. to promote community awareness and action though educational, economic, and cultural service activities.

State of Florida Omega Friendship Foundation, Inc.³²

Omega Psi Phi Fraternity, Inc., was the first international fraternal organization to be founded on the campus of a historically black college. Founded in 1911 at Howard University, "Manhood, Scholarship, Perseverance and Uplift" were adopted as cardinal principles.

According to corporate filings with the Department of State, the State of Florida Omega Friendship Foundation, Inc, was organized to encourage and develop all facets of Christian ministry, home and abroad.³³

Kappa Alpha Psi Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc., to market the plate; and
- 85 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc. to promote community awareness and action though educational, economic, and cultural service activities.

³⁰ See United Negro College Fund website, <u>http://www.uncf.org/sections/WhoWeAre/index.asp</u> (last visited Jan. 29, 2016).

³¹ See Florida Federation of Alpha Chapters website, <u>http://flfederation.org/about-us/</u> (last visited Jan. 29, 2016).

³² See Omega Friendship Foundation, Inc. website, <u>http://oppf.org/about_omega.asp</u> (last visited Jan. 29, 2016).

³³ See Department of State – Division of Corporations, *Omega Foundation, Inc.*, (last visited Feb. 18, 2016), http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&sea rchNameOrder=OMEGAFOUNDATION%20N150000093230&aggregateId=domnp-n15000009323-e9e86f2c-fa3a-40c2-

ab68-65e69c12a39b&searchTerm=omega%20foundation&listNameOrder=OMEGAFOUNDATION%20F440701

Southern Province of Kappa Alpha Psi Fraternity, Inc.³⁴

Kappa Alpha Psi was founded on the campus of Indiana University at Bloomington, Indiana in 1911. The objectives of this fraternity are to:

- Unite men of culture, patriotism, and honor in a bond of fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of colleges and universities; and
- Inspire service in the public interest.

According to the corporate filings with the Department of State, the Southern Province of Kappa Alpha Psi Fraternity, Inc., was organized for the purpose of supporting the charitable and educational activities of the Kappa Alpha Psi fraternal organization.³⁵

Phi Beta Sigma Fraternity License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the TMB Charitable Foundation, Inc., to market the plate; and
- 85 percent to the TMB Charitable Foundation, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

TMB Charitable Foundation, Inc.³⁶

According to corporate filings with the Department of State, the Foundation's principal address is in Tallahassee, Florida. The Foundation is a not-for-profit corporation "operated exclusively for charitable purposes, including, without limitation, acting as an instrument to which youth are encouraged and inspired to achieve academic success through mentoring."

Zeta Phi Beta Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to Florida Pearls, Inc., to market the plate; and
- 85 percent to Florida Pearls, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

³⁴ See Southern Province Kappa Alpha Psi Fraternity, Inc. website, <u>http://southernprovince.org/</u> (last visited Jan. 29, 2016).

³⁵ See Department of State – Division of Corporations, *Southern Province of Kappa Alpha PSI Foundation, Inc.* (last visited Feb. 18, 2016).

³d7aba1bbc90&searchTerm=southern%20province%20of%20Kappa&listNameOrder=SOUTHERNPROVINCEKAPPAAL PHAPSIF%20N020000054560

³⁶ See Department of State – Division of Corporations, *TMB Charitable Foundation, Inc.* (last visited Feb. 18, 2016_.), <u>http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2014%5C0411%5C58641349</u> <u>.Tif&documentNumber=N14000003486</u> (last visited Jan. 29, 2016).

The Florida Pearls, Inc.³⁷

The Florida Pearls, Inc., is a not-for-profit corporation established to provide Florida communities with scholarships, health initiative programs, cultural and humanities program, youth programs, and feeding the hungry programs.

Delta Sigma Theta Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Delta Research and Educational Foundation to market the plate; and
- 85 percent to the Delta Research and Educational Foundation to promote community awareness and action though educational, economic, and cultural service activities.

Delta Research and Educational Foundation³⁸

Delta Sigma Theta Sorority established the Foundation in 1967. The Foundation's mission is to promote research which identifies and fashions solutions to issues affecting African American women and their families, nationally and globally through funding and support of programs of the sorority and collaborative organizations.

Alpha Kappa Alpha Sorority License Plate

Annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to market the plate; and
- 85 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

Alpha Kappa Alpha Educational Advancement Foundation, Inc.³⁹

The Foundation was created in 1980 by the Alpha Kappa Alpha Sorority, Inc. "The mission of the Alpha Kappa Alpha Educational Advancement Foundation is to promote lifelong learning. This is accomplished by securing charitable contributions, gifts and endowed funds to award scholarships, fellowships and grants."

Sigma Gamma Rho Sorority License Plate

Annual use fees are distributed as follows:

• 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;

³⁷ See The Florida Pearls, Incorporated, brochure, *available at:* <u>http://www.zphibfl.org/Forms/Brochure-%20The%20Florida%20Pearls,%20Inc..pdf</u> (last visited Jan. 29, 2016).

³⁸ See Delta Sigma Theta Sorority website, *Delta Research and Education Foundation*, <u>http://www.deltasigmatheta.org/programs_delta_foundation.html</u> (last visited Jan. 29, 2016).

³⁹ See Alpha Kappa Alpha Educational Advancement Foundation website, <u>http://www.akaeaf.org/</u> (last visited Jan. 29, 2016).

- 10 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc., to market the • plate; and
- 85 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc., to promote community awareness and action though educational, economic, and cultural service activities.

Sigma Gamma Rho Sorority National Education Fund, Inc.⁴⁰

The Fund was developed by the Sigma Gamma Rho Sorority to provide scholarship aid to needy students and to conduct educational programs, workshops, symposiums, and forums to enhance the quality of life.

Safe and Free Florida License Plate

Annual use fees are distributed to the Department of Legal Affairs to establish a program to award grants to nongovernmental organizations that assist sexually abused, exploited, or trafficked victims. Funds may not be distributed to any organization that charges victims for services received through this funding. An organization receiving such funds must use them to provide material needs, detoxification services, prenatal and postnatal care, safe houses or recovery care centers, counseling and training programs, or emergency legal advocacy for victims. The department may use up to 15 percent of the proceeds to promote and market the plate, and is authorized to adopt rules to implement the uses and distribution of this plate's annual use fees.

Department of Legal Affairs

The Department of Legal Affairs,⁴¹ also known as the Office of the Attorney General, is responsible for numerous duties, including conducting various programs to assist victims of crime. The Statewide Council on Human Trafficking is a 15-member council chaired by Florida's Attorney General.⁴² The council was created by legislation passed in 2014, to combat human trafficking and assist victims of human trafficking.⁴³ Membership includes law enforcement, prosecutors, legislators, and experts in the fields of health, education, and social services. The council's purpose is to:

- Develop recommendations for comprehensive programs and services for victims of human trafficking;
- Make recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Hold an annual statewide policy summit with an institute of higher learning;
- Work with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county; and
- Develop policy recommendations that further the efforts to combat human trafficking in this state.

⁴⁰ See Sigma Gamma Rho Sorority, National Education Fund, http://sgrho1922.celect.org/nef (last visited Jan. 29, 2016).

⁴¹ See Department of Legal Affairs website at <u>http://www.myfloridalegal.com/#</u> (last visited Feb. 3, 2016). ⁴² Office of the Attorney General, *Statewide Council on Human Trafficking*,

http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72 (last visited Feb. 3, 2016). ⁴³ Chapter 2014-161, s. 6, L.O.F. See s. 16.617, F.S

Bonefish and Tarpon Trust License Plate

Annual use fees are distributed to the Bonefish and Tarpon Trust to invest and reinvest the proceeds and use the interest to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments. Up to 10 percent of the proceeds may be used to promote and market the plate.

Bonefish and Tarpon Trust⁴⁴

The Bonefish and Tarpon Trust is a non-profit organization dedicated to conserving and enhancing global bonefish, tarpon, and permit fisheries and their environments. The trust does this through stewardship, research, education, and advocacy, including funding studies and providing educational materials to the public and fisherman on bonefish, tarpon, and permit fisheries. The trust also works with regulatory authorities and the public to ensure protection of these species is enforced.

Jacksonville Armada Football Club License Plate

The Jacksonville Armada Football Club is an American professional soccer team. The team is part of the North American Soccer League (NASL) and based in Jacksonville, Florida. The team was established in 2013, and started competing in the NASL in the 2015 spring season.⁴⁵

Annual use fees are provided as specified for Florida Professional Sports Team license plates in s. 320.08058(9), F.S.

Ronald Reagan License Plate

Annual use fees are distributed to Florida Ronald Reagan Centennial, Inc. Of the proceeds:

- Up to 15 percent may be used for administrative costs;
- Up to 10 percent may be used for promotion and marketing of the plate;
- Up to 10 percent shall be donated to the Florida National Guard Foundation; and
- The remainder is to fund activities, programs, and projects that educate Florida's students and citizens about the contributions of President Reagan and to support ongoing research of Alzheimer's disease.

Florida Ronald Reagan Centennial, Inc.⁴⁶

According to corporate filings with the Department of State, the organization was created in 2016 to support, promote, and fund activities, programs, and projects educating individuals about the contributions of President Reagan; supporting Alzheimer disease research; supporting the Florida National Guard Foundation; and establishing, operating, maintaining, and funding related programs.

⁴⁴ See Bonefish & Tarpon Trust website, <u>https://www.bonefishtarpontrust.org/</u> (last visited Feb. 3, 2016).

⁴⁵ See Jacksonville Armada FC website, <u>http://www.armadafc.com/home</u> (last visited Feb. 3, 2016).

⁴⁶ See Florida Department of State – Division of Corporations, *Florida Ronald Reagan Centennial, Inc.*, (Jan. 14, 2016), <u>http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2016%5C0119%5C00011637</u> <u>.Tif&documentNumber=N16000000398</u> (last visited Feb. 3, 2016).

Florida Bay Forever License Plate

Annual use fees are distributed to the Florida National Park Association, Inc., to supplement the Everglades National Park service's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park. Up to 10 percent of such fees may be used for administrative costs and marketing of the plate.

Florida National Park Association, Inc.47

The Florida National Park Association, also known as the Everglades Association, is a non-profit organization founded in 1951 to support educational, interpretive, and historical and scientific research responsibilities to help support the Everglades National Park, Big Cypress National Preserve, Biscayne National Park, and Dry Tortugas National Park. The association has provided more than \$2.5 million in aid to the National Park Service areas of south Florida.

Medical Professionals Who Care License Plate

Annual use fees are distributed to Florida Benevolent Group, Inc., to assist low income individuals in obtaining a medical education and career through scholarships, support, and guidance. Up to 10 percent of fees may be used for administrative costs and marketing of the plate.

Florida Benevolent Group, Inc.

The Florida Benevolent Group provides scholarships and ongoing support to individuals who desire a career in the medical profession. $\frac{48}{2}$

Florida Native License Plate

Annual use fees are distributed to Florida Native Plant Society to fulfill its mission. Of the fees:

- Up to 10 percent may be used for administrative costs;
- Up to 10 percent may be used to market and promote the plate;
- At least 25 percent must be dedicated to maintaining, improving, and restoring public hunting and fishing habitats; and
- 25 percent used to promote the cultivation of Florida's agricultural products.

Florida Native Plant Society⁴⁹

The mission of the Florida Native Plant Society is to promote the preservation, conservation, and restoration of Florida's native plants through support for conservation land acquisition, land management, research, public policies, and education.

Protect Pollinators License Plate

Annual use fees are distributed to Florida Wildflower Foundation, Inc. Up to 10 percent of annual use fees are for promotion and marketing of the plate. The remaining proceeds are to be invested and reinvested, and the interest used to establish pollinator wildflower habitats and pollinator education and research programs.

⁴⁷ See Florida National Parks Association website, *Everglades Association*, <u>http://www.evergladesassociation.org/index.html</u> (last visited Feb. 3, 2016).

⁴⁸ See Florida Benevolent Group website, http://www.floridabenevolentgroup.org/ (last visited Feb. 3, 2016).

⁴⁹ See Florida Native Plant Society website, <u>http://www.fnps.org/</u> (last visited Feb. 3, 2016).

Florida Wildflower Foundation, Inc.⁵⁰

The organization's mission is to "enrich lives with Florida native wildflowers through education, planting and research."

National Wild Turkey Federation License Plate

Annual use fees are distributed to the Florida State Chapter of the National Wild Turkey Federation. Up to 25 percent of proceeds may be used for marketing of the plate, administrative costs, and promotion and education regarding Florida's hunting heritage. At least 75 percent of proceeds are to be used to fund programs and projects within the state that promote conservation, or that improve or increase turkey wildlife habitat.

National Wild Turkey Federation

The National Wild Turkey Federation was founded in 1973. The organization is dedicated to the conservation of wild turkey habitat and preserving hunting heritage. According to its website, the organization has invested \$488 million in its mission, and has improved more than 17 million acres of wildlife habitat. ⁵¹ The Florida State Chapter of the organization is made up of officers and board of directors from local chapter members, and has a focus on local events and conservation projects around the state.⁵²

Ducks Unlimited License Plate

Annual use fees will be distributed to Ducks Unlimited, Inc., to support the organization's mission and efforts for the conservation, restoration, and management of Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people. Up to 5 percent of proceeds may be used for administrative costs and marketing of the plate.

Ducks Unlimited, Inc.53

Ducks Unlimited, Inc., is a non-profit and volunteer-based organization whose mission is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl. According to the Ducks Unlimited website, it is the world's largest and most effective waterfowl and wetlands conservation organization. The organization currently has habitat projects in all 50 states, every Canadian province, and key areas of Mexico.

Dogs Making a Difference License Plate

Annual use fees will be distributed to Southeastern Guide Dogs, Inc., for the training and promotion of dogs for use by veterans and citizens who are blind. Up to 10 percent of proceeds may be used for administrative costs and marketing of the plate.

⁵⁰ See Florida Wildflower Foundation website, <u>http://flawildflowers.org/</u> (last visited Feb. 4, 2016).

⁵¹ See National Wild Turkey Federation website, <u>http://www.nwtf.org/about/know-us/our-history</u> (last visited Feb. 4, 2016).

⁵² See Florida State Chapter of the National Wild Turkey Federation website, <u>http://www.floridanwtf.org/about.aspx</u> (last visited on Feb. 4, 2016).

⁵³ See Ducks Unlimited website, <u>http://www.ducks.org/</u> (last visited Feb. 4, 2016).

Southeastern Guide Dogs, Inc.54

Southeastern Guide Dogs, Inc., is a non-profit organization located in Palmetto, Florida. The organization is accredited by the International Guide Dog Federation and Assistance Dogs International. It was founded in 1982, and employs "the latest in canine development and behavior research to create and nurture partnerships between visually impaired individuals and extraordinary guide dogs." According to its website, Southeastern Guide Dogs has matched over 2,800 guide dogs with individuals, and continues to place more than 100 dogs each year to help people with visual impairments and veterans. The charity provides its services free of charge and receives no government funding.

Educate Engage Empower License Plate

Annual use fees are distributed to the Circuelle Foundation, Inc. Of the proceeds:

- Up to 10 percent may be used to market and promote the plate;
- Up to 10 percent may be used for administrative costs;
- 20 percent is to support breast cancer research; and
- The remainder is for Circuelle Foundation's programs, services, and activities to educated women about the risk factors of breast cancer and importance of breast health awareness.

Circuelle Foundation, Inc.⁵⁵

This non-profit organization was founded in 2013, with a mission to "empower and educate women to know their breasts, support healthy breast rituals, and feel comfortable with their body". The foundation promotes healthy body image and breast health education, and donates mammograms, ultrasounds, and imagery for women with limited financial resources.

Diabetes Awareness License Plate

Annual use fees are remitted to the Department of Health to be distributed. Of the fees:

- 35 percent is retained by the Department of Health for diabetes-specific health services for state residents, of which up to 10 percent may be used for administrative and marketing expenses;
- 35 percent is distributed to the Florida American Diabetes Association, Inc., for scholarships in the health fields, to promote health and wellness among minority populations, and for diabetes awareness based on identified needs. Up to 5 percent of this amount may be used for administrative expenses; and
- 30 percent is distributed to LIFT Health Organization, Inc., for grants to promote community engagement; education, scholarships, and research; and to provide medical bracelets to persons with diabetes. Up to 5 percent of this amount may be used for administrative and marketing expenses.

Florida American Diabetes Association, Inc.

At the time of publication, staff was unable to find information about or a corporate filing for this organization. It is unclear if the organization is affiliated with the American Diabetes Association⁵⁶.

⁵⁴ See Southeastern Guide Dogs website, <u>http://www.guidedogs.org/</u> (last visited Feb. 4, 2016).

⁵⁵ See Circuelle Foundation website, <u>https://www.circuellefoundation.org/about.html</u> (last visited Feb. 4, 2016).

⁵⁶ American Diabetes Association website, <u>http://www.diabetes.org/about-us/</u> (last visited Feb. 4, 2016).

LIFT Health Organization, Inc.⁵⁷

L.I.F.T. (Life Is Full of Truth) Health Organization aides in creating solutions for health issues and lifestyle inadequacies.

Rotary License Plate

Annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., who distributes the funds as follows:

- Up to 10 percent for administrative costs and for marketing the plate;
- 10 percent to Rotary's Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and
- The remainder to each Rotary district in the state in support of Rotary youth programs in Florida.

Rotary's Camp Florida⁵⁸

Rotary's Camp Florida is a non-profit organization providing camping facilities to children and adults with special needs. The facility is a 21-acre camp located in Brandon, Florida, which provides user groups with clean, safe, and barrier-free camping. The facility meets the full standards of the Americans with Disabilities Act. Half of the cost to rent the camp is paid by the disability user group and half is subsidized by Rotary Clubs throughout Florida. There is no charge to a child attending the camp.

Rotary Club59

Rotary is a 1.2 million-member, international organization dedicated to service. Rotary clubs bring together individuals to exchange ideas, build relationships, and take action. There are numerous Rotary clubs throughout the state.

Tampa Bay Rowdies License Plate

The Tampa Bay Rowdies is an American professional soccer team.⁶⁰ The Rowdies are part of the NASL, and play home games in St. Petersburg, Florida. The team was originally established in 1975 and won the NASL Soccer Bowl in its inaugural year. It was reestablished in 2008, began playing in 2010, and won the NASL Soccer Bowl Championship in 2012.

Annual use fees are provided as specified for Florida Professional Sports Team license plates s. 320.08058(9), F.S..

Margaritaville License Plate

Annual use fees will be distributed to the Singing for Change Foundation for the organization's programs that focus on developing creative and sustainable communities through educational, economic, and cultural projects that will improve the quality of life in Florida. Up to 10 percent of the proceeds may be used for promotion and marketing of the plate.

⁵⁷ See LIFT Health Org. website, <u>http://www.lifthealth.org/</u> (last visited Feb. 4, 2016).

⁵⁸ See Rotary's Camp Florida website, <u>http://www.rotaryscampflorida.org/</u> (last visited Feb. 4, 2016).

⁵⁹ See Rotary website, https://www.rotary.org/en (last visited Feb. 4, 2016).

⁶⁰ See Tampa Bay Rowdies website, <u>http://www.rowdiessoccer.com/</u> (last visited Feb. 4, 2016).

Singing for Change Foundation⁶¹

Singing for Change is a private foundation established by Jimmy Buffet in 1995. \$1 of every Jimmy Buffet concert ticket goes to the Foundation. Its mission is to fund organizations that bring about positive change, focusing on grassroots organizations that rely heavily on volunteer efforts. The foundation has disbursed almost \$9 million in grants. According to its website, the foundation looks for groups:

- Working to engage individuals in their communities;
- Helping people realize their full potential and become self-sufficient; and
- Creating lasting change in the communities they serve.

Changes to Existing Specialty Plates

Florida Professional Sports Team License Plates

The bill adds the North American Soccer League to the Florida Professional Sports Team license plates for the purpose of adding two NASL teams: The Jacksonville Armada Football Club and Tampa Bay Rowdies.

Conserve Wildlife License Plate

The bill modifies the use of annual fees from the sale of the Conserve Wildlife specialty plates.⁶² The bill requires the specialty plate revenue to be used by the Fish and Wildlife Conservation Commission to provide bear-resistant residential garbage containers.

Share the Road License Plate

The bill decreases the amount of annual use fees from the Share the Road plate for marketing and promotion of the concept and plate, from up to 25 percent to up to 15 percent. It removes the Florida Bicycle Association, Inc., from receiving funds from the sale of the plate, and requires Bike Florida, Inc., to use up to 25 percent of annual use fees for the marketing and promotion of Bike Florida Tours. The bill also adds that Bike Florida must use the remaining funds to give an annual presentation on bicycle and motorist safety in North, Central, and South Florida, and use funds for the promotion of safe bicycling as well as uses already in statute.

In God We Trust License Plate

The distribution and use of annual use fees of the In God We Trust specialty plate⁶³ are modified to allow a *maximum* of 10 percent of annual use fees to be used to offset marketing, administration, and promotion of the plate. The bill repeals provisions requiring the fees to be used for the children of public safety employees and U.S. military members who have died in the line of duty who are not covered by existing law. The fees will be used to:

- Address the needs of military service members and their spouses and dependents:;
- Provide education in public and private schools regarding the historical significance of religion in American and Florida history;

⁶¹ See Singing for Change website, <u>http://www.singingforchange.org/about.html</u> (last visited Feb. 4, 2016).

⁶² Section 320.08058(24), F.S.

⁶³ Section 320.08058(66), F.S.

- Provide educational grants in public and private schools;
- Address the needs of public safety employees and their spouses and dependents; and
- Foster self-reliance and stability in Florida's children and families.

Effective Date and Contingency Clause

The bill takes effect October 1, 2016, if SB 1390 or similar legislation is adopted this session or an extension thereof and becomes law.

SB 1390 increases the minimum pre-sale requirement for specialty plates from 1,000 plates to 4,000. If both bills become law, all proposed specialty plates within this bill must sell 4,000 pre-sale vouchers within the 24-month pre-sale period to be manufactured.

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 impact is unknown as the number of each specialty license plate that will be purchased is unknown. Individuals who choose to purchase a specialty license plate created in the bill will pay a \$25 annual use fee in addition to appropriate license taxes and fees. The organization designated to receive those fees, after retention of funds by the DHSMV to defray departmental expenditures, will receive revenue from each purchase.

C. Government Sector Impact:

According to the DHSMV, the cost for the minimum required number of each specialty license plate to be designed and manufactured is \$11,280. In addition, the DHSMV will also have programming costs to develop all new specialty license plates. The DHSMV is

authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.⁶⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

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.

⁶⁴ Section 320.08056(7), F.S.

By the Committee on Transportation

	596-03040-16 20167062
1	A bill to be entitled
2	An act relating to specialty license plates; amending
3	s. 320.08056, F.S.; establishing annual use fees for
4	certain specialty license plates; amending s.
5	320.08058, F.S.; adding certain North American Soccer
6	League teams for the Florida Professional Sports Team
7	license plate; redefining the term "major sports
8	events"; revising requirements relating to the
9	distribution and use of annual use fees collected from
10	the sale of certain specialty license plates;
11	directing the Department of Highway Safety and Motor
12	Vehicles to develop certain specialty license plates;
13	providing for distribution and use of fees collected
14	from the sale of the plates; providing a contingent
15	effective date.
16	
17	Be It Enacted by the Legislature of the State of Florida:
18	
19	Section 1. Paragraphs (ffff) through (00000) are added to
20	subsection (4) of section 320.08056, Florida Statutes, to read:
21	320.08056 Specialty license plates
22	(4) The following license plate annual use fees shall be
23	collected for the appropriate specialty license plates:
24	(ffff) Sun Sea Smiles license plate, \$25.
25	(gggg) Support Special Needs Kids license plate, \$25.
26	(hhhh) America the Beautiful license plate, \$25.
27	(iiii) Team Hammy license plate, \$25.
28	(jjjj) Vision For Excellence license plate, \$25.
29	(kkkk) Go Boating license plate, \$25.
30	(1111) Paddle Florida license plate, \$25.
31	(mmmm) I Stand With Israel license plate, \$25.
32	(nnnn) Save Our Shores Florida license plate, \$25.

Page 1 of 30

	596-	03040-16 2	20167062
33		(0000) Furry Friends license plate, \$25.	
34		(pppp) Orlando City Soccer Club license plate, \$25.	_
35		(qqqq) Support Our Constitution license plate, \$25.	_
36		(rrrr) Alpha Phi Alpha Fraternity license plate, \$2	5.
37		(ssss) Omega Psi Phi Fraternity license plate, \$25.	_
38		(tttt) Kappa Alpha Psi Fraternity license plate, \$2	5.
39		(uuuu) Phi Beta Sigma Fraternity license plate, \$25	
40		(vvvv) Zeta Phi Beta Sorority license plate, \$25.	
41		(wwww) Delta Sigma Theta Sorority license plate, \$2	5.
42		(xxxx) Alpha Kappa Alpha Sorority license plate, \$2	:5.
43		(yyyy) Sigma Gamma Rho Sorority license plate, \$25.	_
44		(zzzz) Tampa Bay Rowdies license plate, \$25.	
45		(aaaaa) Safe and Free Florida license plate, \$25.	
46		(bbbbb) Bonefish and Tarpon Trust license plate, \$2	:5.
47		(ccccc) Jacksonville Armada Football Club license p	olate,
48	\$25 .	_	
49		(ddddd) Ronald Reagan license plate, \$25.	
50		(eeeee) Florida Bay Forever license plate, \$25.	
51		(fffff) Medical Professionals Who Care license plat	e, \$25.
52		(ggggg) Florida Native license plate, \$25.	
53		(hhhhh) Protect Pollinators license plate, \$25.	
54		(iiiii) National Wild Turkey Federation license pla	ite, \$25.
55		(jjjjj) Ducks Unlimited license plate, \$25.	
56		(kkkkk) Dogs Making a Difference license plate, \$25) .
57		(1111) Educate Engage Empower license plate, \$25.	
58		(mmmmm) Diabetes Awareness license plate, \$25.	
59		(nnnnn) Rotary license plate, \$25.	
60		(00000) Margaritaville license plate, \$25.	
61		Section 2. Subsection (9), paragraph (b) of subsect	ion.

Page 2 of 30

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596-03040-16
                                                             20167062
62
    (24), subsection (30), and paragraph (b) of subsection (66) of
63
    section 320.08058, Florida Statutes, are amended, and
64
    subsections (84) through (119) are added to that section, to
65
    read:
66
         320.08058 Specialty license plates.-
          (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.-
67
68
          (a) The Department of Highway Safety and Motor Vehicles
69
    shall develop a Florida Professional Sports Team license plate
70
    as provided in this section for Major League Baseball, National
71
    Basketball Association, National Football League, Arena Football
72
    League, National Hockey League, and Major League Soccer, and
73
    North American Soccer League teams domiciled in this state.
74
    However, any Florida Professional Sports Team license plate
75
    created or established after January 1, 1997, must comply with
    the requirements of s. 320.08053 and be specifically authorized
76
77
    by an act of the Legislature. Florida Professional Sports Team
78
    license plates must bear the colors and design approved by the
    department and must include the official league or team logo, or
79
80
    both, as appropriate for each team. The word "Florida" must
81
    appear at the top of the plate.
82
          (b) The license plate annual use fees are to be annually
83
    distributed as follows:
84
         1. Fifty-five percent of the proceeds from the Florida
```

Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Department of Economic Opportunity. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major

Page 3 of 30

596-03040-16 20167062 91 League Baseball, the National Basketball Association, the 92 National Football League, the National Hockey League, Major League Soccer, the North American Soccer League, the men's and 93 94 women's National Collegiate Athletic Association Final Four 95 basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major 96 97 sporting events, and the uses must be approved by the Department 98 of Economic Opportunity. 99 2. The remaining proceeds of the Florida Professional 100 Sports Team license plate must be allocated to Enterprise 101 Florida, Inc. These funds must be deposited into the 102 Professional Sports Development Trust Fund within the Department 103 of Economic Opportunity. These funds must be used by Enterprise 104 Florida, Inc., to promote the economic development of the sports 105 industry; to distribute licensing and royalty fees to 106 participating professional sports teams; to promote education 107 programs in Florida schools that provide an awareness of the 108 benefits of physical activity and nutrition standards; to 109 partner with the Department of Education and the Department of 110 Health to develop a program that recognizes schools whose 111 students demonstrate excellent physical fitness or fitness 112 improvement; to institute a grant program for communities 113 bidding on minor sporting events that create an economic impact 114 for the state; to distribute funds to Florida-based charities 115 designated by Enterprise Florida, Inc., and the participating 116 professional sports teams; and to fulfill the sports promotion 117 responsibilities of the Department of Economic Opportunity. 3. Enterprise Florida, Inc., shall provide an annual 118

118 3. Enterprise Florida, Inc., shall provide an annual 119 financial audit in accordance with s. 215.981 of its financial

Page 4 of 30

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SB 7062

596-03040-16 20167062 120 accounts and records by an independent certified public 121 accountant pursuant to the contract established by the Department of Economic Opportunity. The auditor shall submit the 122 123 audit report to the Department of Economic Opportunity for 124 review and approval. If the audit report is approved, the Department of Economic Opportunity shall certify the audit 125 126 report to the Auditor General for review. 127 4. Notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund 128 129 may also be used for operational expenses of Enterprise Florida, 130 Inc., and financial support of the Sunshine State Games. 131 (24) CONSERVE WILDLIFE LICENSE PLATES.-132 (b) The proceeds of the Conserve Wildlife license plate annual use fee shall be forwarded to the Wildlife Foundation of 133 134 Florida, Inc., a citizen support organization created pursuant 135 to s. 379.223. 136 1. Notwithstanding s. 320.08062, up to 10 percent of the 137 proceeds from the annual use fee may be used for marketing the 138 Conserve Wildlife license plate and administrative costs 139 directly related to the management and distribution of the 140 proceeds. 141 2. The remaining proceeds from the annual use fee shall be 142 used for programs and activities of the Fish and Wildlife 143 Conservation Commission which that contribute to the health and 144 well-being of Florida black bears and to provide bear-resistant 145 residential garbage containers other wildlife diversity. 146 (30) SHARE THE ROAD LICENSE PLATES.-147 (a) The department shall develop a Share the Road license 148 plate as provided in this section. The word "Florida" must

Page 5 of 30

	596-03040-16 20167062
149	appear at the top of the plate, and the words "Share the Road"
150	must appear at the bottom of the plate.
151	(b) The annual use fees shall be distributed to Bike
152	Florida, Inc., up to $\underline{15}$ $\underline{25}$ percent of which shall be used for
153	marketing and promotion of the "Share the Road" concept and
154	license plate, and up to 25 percent of which shall be used for
155	marketing and promotion of Bike Florida Tours. The remaining
156	funds shall be divided equally between Bike Florida, Inc., and
157	the Florida Bicycle Association, Inc., to be used for:
158	1. Education and awareness programs <u>on, for</u> bicycle safety
159	and motorist safety, with emphasis on sharing the roadway by all
160	users, to be presented annually in North Florida, Central
161	Florida, and South Florida.
162	2. Training, workshops, educational materials, and media
163	events, and the promotion of safe bicycling.
164	3. The promotion of safe bicycling.
165	(66) IN GOD WE TRUST LICENSE PLATES
166	(b) The annual use fees from the plate shall be distributed
167	to the In God We Trust Foundation, Inc., which may use a maximum
168	of 10 percent of the proceeds to offset marketing,
169	administration, and promotion, and which may use the balance of
170	the fees to address the needs of military service members and
171	their spouses and dependents; provide education in public and
172	private schools regarding the historical significance of
173	religion in American and Florida history; provide educational
174	grants in public and private schools; address the needs of
175	public safety employees and their spouses and dependents; and
176	foster self-reliance and stability in Florida's children and
177	families The license plate annual use fees shall be distributed

Page 6 of 30

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SB 7062

I	596-03040-16 20167062
178	to the In God We Trust Foundation, Inc., to fund educational
179	scholarships for the children of Florida residents who are
180	members of the United States Armed Forces, the National Guard,
181	and the United States Armed Forces Reserve and for the children
182	of public safety employees who have died in the line of duty who
183	are not covered by existing state law. Funds shall also be
184	distributed to other s. 501(c)(3) organizations that may apply
185	for grants and scholarships and to provide educational grants to
186	public and private schools to promote the historical and
187	religious significance of American and Florida history. The In
188	God We Trust Foundation, Inc., shall distribute the license
189	plate annual use fees in the following manner:
190	1. The In God We Trust Foundation, Inc., shall retain all
191	revenues from the sale of such plates until all startup costs
192	for developing and establishing the plate have been recovered.
193	2. Ten percent of the funds received by the In God We Trust
194	Foundation, Inc., shall be expended for administrative costs,
195	promotion, and marketing of the license plate directly
196	associated with the operations of the In God We Trust
197	Foundation, Inc.
198	3. All remaining funds shall be expended by the In God We
199	Trust Foundation, Inc., for programs.
200	(84) SUN SEA SMILES LICENSE PLATES
201	(a) The department shall develop a Sun Sea Smiles license
202	plate as provided in this section and s. 320.08053. The plate
203	must bear the colors and design approved by the department. The
204	word "Florida" must appear at the top of the plate, and the
205	words "Sun Sea Smiles" must appear at the bottom of the plate.
206	(b) The annual use fees from the sale of the plate shall be
I	

Page 7 of 30

	596-03040-16 20167062
207	distributed as follows:
208	1. Thirty-five percent shall be distributed to the Florida
209	Caribbean Charitable Foundation, Inc. Five percent shall be used
210	exclusively for marketing of the Sun Sea Smiles license plate.
211	Up to 5 percent of this amount may be used for administrative
212	expenses, and the remainder shall be used as follows:
213	a. Sixty percent shall be used for a college scholarship
214	program.
215	b. Fifteen percent shall be used to promote health and
216	wellness among Florida residents of Caribbean descent.
217	c. Twenty-five percent shall be used to promote awareness
218	of Caribbean culture within the state.
219	2. Twenty percent shall be distributed to the American
220	Friends of Jamaica, Inc., a charitable, nonprofit organization
221	under s. 501(c)(3) of the Internal Revenue Code registered with
222	the Department of Agriculture and Consumer Services and
223	incorporated in New York, for grants to promote social and
224	community development among Florida residents. Up to 5 percent
225	of this amount may be used for administrative and marketing
226	expenses.
227	3. Ten percent shall be distributed to Sant La Haitian
228	Neighborhood Center, Inc., to promote social and community
229	development. Up to 5 percent of this amount may be used for
230	administrative expenses.
231	4. Ten percent shall be distributed to Fanm Ayisyen nan
232	Miyami, Inc., to promote social and community development. Up to
233	5 percent of this amount may be used for administrative
234	expenses.
235	5. Twenty percent shall be distributed to Greater Caribbean
I	

Page 8 of 30

	596-03040-16 20167062
236	American Cultural Coalition, Inc., to promote awareness of
237	Caribbean culture within the state. Up to 5 percent of this
238	amount may be used for administrative expenses.
239	6. Five percent shall be distributed to Little Haiti
240	Optimist Foundation, Inc., to promote awareness of Caribbean
241	culture and youth development within the state. Up to 5 percent
242	of this amount may be used for administrative expenses.
243	(85) SUPPORT SPECIAL NEEDS KIDS LICENSE PLATES
244	(a) The department shall develop a Support Special Needs
245	Kids license plate as provided in this section and s. 320.08053.
246	The word "Florida" must appear at the top of the plate, and the
247	words "Support Special Needs Kids" must appear at the bottom of
248	the plate.
249	(b) The annual use fees from the sale of the plate shall be
250	distributed to the Dan Marino Foundation, Inc., which:
251	1. May use a maximum of 10 percent of the proceeds to
252	promote and market the Support Special Needs Kids license plate.
253	2. Shall invest and reinvest the remainder of the proceeds
254	and use the interest thereon to assist Floridians with
255	developmental and intellectual disabilities by funding
256	scholarships, assisting with job placement, and promoting
257	education, independence, and awareness.
258	(86) AMERICA THE BEAUTIFUL LICENSE PLATES
259	(a) The department shall develop an America the Beautiful
260	license plate as provided in this section and s. 320.08053. The
261	word "Florida" must appear at the top of the plate, and the
262	words "America the Beautiful" must appear at the bottom of the
263	plate.
264	(b) The annual use fees from the sale of the plate shall be

Page 9 of 30

	596-03040-16 20167062
265	distributed to the America the Beautiful Fund, which may use a
266	maximum of 10 percent of the proceeds to offset administrative
267	costs of the organization and to market and promote the plate,
268	and the remainder of the proceeds for programs in support of
269	military service members and their families and advancing self-
270	sufficiency in children and families; educational scholarships;
271	and land and wildlife conservation to ensure sustained and
272	equitable benefit to people, animals, and wildlife.
273	(87) TEAM HAMMY LICENSE PLATES.—
274	(a) The department shall develop a Team Hammy license plate
275	as provided in this section and s. 320.08053. Team Hammy license
276	plates must bear the colors and design approved by the
277	department. The word "Florida" must appear at the top of the
278	plate, and the words "Team Hammy" must appear at the bottom of
279	the plate.
280	(b) The license plate annual use fees shall be distributed
281	to Team Hammy, Inc., a Florida nonprofit corporation, which may
282	use up to 10 percent of such fees for administrative costs and
283	marketing of the plate. The balance of the fees shall be used by
284	Team Hammy, Inc., to grant wishes to families living with
285	amyotrophic lateral sclerosis (ALS), to provide continuing
286	education on ALS to caregivers and physicians, and to increase
287	awareness of ALS in the community.
288	(88) VISION FOR EXCELLENCE LICENSE PLATES
289	(a) The department shall develop a Vision For Excellence
290	license plate as provided in this section and s. 320.08053. The
291	plate must bear the colors and design approved by the
292	department. The word "Florida" must appear at the top of the
293	plate, and the words "Vision For Excellence" must appear at the

Page 10 of 30

	596-03040-16 20167062
294	bottom of the plate.
295	(b) The annual use fees from the sale of such plates shall
296	be distributed to Vision For Excellence, Inc., which shall
297	retain all such proceeds until all startup costs for developing
298	and establishing the plates have been recovered. Thereafter, the
299	proceeds shall be used by Vision For Excellence, Inc., for
300	direct support of programs, services, and activities provided to
301	children who participate in Vision For Excellence, Inc., youth
302	development programs. Up to 10 percent of the annual use fee
303	revenue may be used for promotion and marketing of the specialty
304	license plate, and up to 10 percent of the annual fee revenue
305	may be used for administrative costs directly associated with
306	the programs.
307	(89) GO BOATING LICENSE PLATES.—
308	(a) The department shall develop a Go Boating license plate
309	as provided in this section and s. 320.08053. The plate must
310	bear the colors and design approved by the department. The word
311	"Florida" must appear at the top of the plate, and the words "Go
312	Boating" must appear at the bottom of the plate.
313	(b) The annual use fees from the sale of the plate shall be
314	distributed to Eckerd College to fund the Eckerd College Search
315	and Rescue Team, which provides 24-hour assistance to the Tampa
316	Bay boating community. Up to 10 percent of the funds distributed
317	may be used by the Eckerd College Search and Rescue Team for
318	continuing promotion and marketing of the license plate. The
319	remainder of the funds must be used to acquire boats and other
320	equipment or for operational expenses not prohibited by s.
321	320.08056(10).
322	(90) PADDLE FLORIDA LICENSE PLATES.—

Page 11 of 30

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SB 7062

	596-03040-16 20167062
323	(a) The department shall develop a Paddle Florida license
324	plate as provided in this section and s. 320.08053. The word
325	"Florida" must appear at the top of the plate, and words that
326	are approved by the department must appear at the bottom of the
327	plate.
328	(b) The annual use fees from the sale of the plate shall be
329	distributed to Paddle Florida, Inc., which may use up to 10
330	percent of the proceeds for administrative costs and marketing
331	of the plate. The balance of the annual use fees shall be used
332	by the Florida Forever program to support activities that
333	further outdoor recreation and natural resource protection.
334	(91) I STAND WITH ISRAEL LICENSE PLATES.—
335	(a) The department shall develop an I Stand With Israel
336	license plate as provided in s. 320.08053 and this section. The
337	plate must bear the colors and design approved by the
338	department. The word "Florida" must appear at the top of the
339	plate, and the words "I Stand With Israel" must appear at the
340	bottom of the plate.
341	(b) Annual use fees from the sale of such plates shall be
342	distributed to I Stand with Israel, Inc., which shall retain all
343	such proceeds until all startup costs for developing and
344	establishing the plate have been recovered. Thereafter, I Stand
345	with Israel, Inc., may use up to 10 percent of the proceeds for
346	marketing and promotion of the plate and up to 10 percent of the
347	proceeds for administrative costs directly associated with its
348	programs. The remainder of the proceeds shall be used for the
349	direct support of the Israeli Youth Program to send Florida
350	university students between the ages of 18 and 26 of all
351	religions and the program chaperones to Israel.

Page 12 of 30

	596-03040-16 20167062
352	(92) SAVE OUR SHORES FLORIDA LICENSE PLATES
353	(a) The department shall develop a Save Our Shores Florida
354	license plate as provided in s. 320.08053 and this section. The
355	plate must bear the colors and design approved by the
356	department. The word "Florida" must appear at the top of the
357	plate, and the words "Save Our Shores" must appear at the bottom
358	of the plate.
359	(b) The annual use fees shall be distributed to Adore the
360	Shores, Inc., which may use the proceeds as follows:
361	1. A maximum of 15 percent may be used for administrative
362	costs of the organization.
363	2. A maximum of 10 percent may be used for promotion and
364	the marketing costs of the license plate program.
365	3. The remainder shall be used to fund activities,
366	programs, and projects that provide for cleanup activities on
367	the beaches of this state following natural or manmade
368	occurrences that threaten the pristine nature of the beaches of
369	this state and for any other legal purpose as allowed by the
370	Internal Revenue Code.
371	(93) FURRY FRIENDS LICENSE PLATES
372	(a) The department shall develop a Furry Friends license
373	plate as provided in s. 320.08053 and this section upon
374	application by Furry Friends of Florida, Inc. The word "Florida"
375	must appear at the top of the plate, and words approved by the
376	department must appear at the bottom of the plate.
377	(b) The annual use fees shall be distributed monthly to
378	Furry Friends of Florida, Inc., which may use up to 15 percent
379	of such revenue for administrative, handling, and disbursement
380	expenses and up to 10 percent for promotion, advertising, and

Page 13 of 30

	596-03040-16 20167062
381	marketing costs. The balance of the fees shall be used by Furry
382	Friends of Florida, Inc., for activities, programs, and
383	projects, including, but not limited to, pet rescue, animal
384	shelters, pet vaccinations, veterinary services, and service
385	animals.
386	(94) ORLANDO CITY SOCCER CLUB LICENSE PLATESThe
387	department shall develop an Orlando City Soccer Club license
388	plate as provided in subsection (9).
389	(95) SUPPORT OUR CONSTITUTION LICENSE PLATES
390	(a) The department shall develop a Support Our Constitution
391	license plate as provided in this section and s. 320.08053.
392	Support Our Constitution license plates must bear the colors and
393	design approved by the department. The word "Florida" must
394	appear at the top of the plate, and the words "Support Our
395	Constitution" must appear at the bottom of the plate.
396	(b) The annual use fees shall be distributed to The
397	Constitution Foundation, Inc., which may retain all proceeds
398	from the annual use fees until the startup costs for developing
399	and issuing the license plates have been recovered. Thereafter,
400	The Constitution Foundation, Inc., shall use the proceeds as
401	follows:
402	1. A maximum of 15 percent may be used for administrative
403	costs of the organization.
404	2. A maximum of 10 percent may be used for promotion and
405	the marketing costs of the license plate.
406	3. The remainder shall be used to fund the activities,
407	programs, projects, and mission of The Constitution Foundation,
408	Inc., to increase awareness and understanding of the United
409	States Constitution in Florida's public schools, recruit and

Page 14 of 30

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SB 7062

	596-03040-16 20167062
410	train school leaders to make presentations in each school
411	district, and provide to each student, at no charge, learning
412	materials and a pocket Constitution.
413	(96) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES
414	(a) The department shall develop an Alpha Phi Alpha
415	Fraternity license plate as provided in this section and s.
416	320.08053. The plates must bear the colors and design approved
417	by the department. The word "Florida" must appear at the top of
418	the plate, and the name of the fraternity must appear at the
419	bottom of the plate.
420	(b) The annual use fees from the sale of the plate shall be
421	distributed as follows:
422	1. Ten percent shall be distributed to the Florida
423	Federation of Alpha Chapters and used solely for marketing of
424	the Alpha Phi Alpha Fraternity, Inc., license plate.
425	2. Eighty-five percent shall be distributed to the Florida
426	Federation of Alpha Chapters and used to promote community
427	awareness and action through educational, economic, and cultural
428	service activities.
429	3. Five percent shall be distributed to the United Negro
430	College Fund to be used for college scholarships for Florida
431	residents attending historically black colleges and
432	universities.
433	(97) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—
434	(a) The department shall develop an Omega Psi Phi
435	Fraternity license plate as provided in this section and s.
436	$\underline{320.08053}$. The plates must bear the colors and design approved
437	by the department. The word "Florida" must appear at the top of
438	the plate, and the name of the fraternity must appear at the

Page 15 of 30

	596-03040-16 20167062
439	bottom of the plate.
440	(b) The annual use fees from the sale of the plate shall be
441	distributed as follows:
442	1. Ten percent shall be distributed to the State of Florida
443	Omega Friendship Foundation, Inc., and used solely for marketing
444	of the Omega Psi Phi Fraternity, Inc., license plate.
445	2. Eighty-five percent shall be distributed to the State of
446	Florida Omega Friendship Foundation, Inc., and used to promote
447	community awareness and action through educational, economic,
448	and cultural service activities.
449	3. Five percent shall be distributed to the United Negro
450	College Fund to be used for college scholarships for Florida
451	residents attending historically black colleges and
452	universities.
453	(98) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES
454	(a) The department shall develop a Kappa Alpha Psi
455	Fraternity license plate as provided in this section and s.
456	320.08053. The plates must bear the colors and design approved
457	by the department. The word "Florida" must appear at the top of
458	the plate, and the name of the fraternity must appear at the
459	bottom of the plate.
460	(b) The annual use fees from the sale of the plate shall be
461	distributed as follows:
462	1. Ten percent shall be distributed to the Southern
463	Province of Kappa Alpha Psi Foundation, Inc., and used solely
464	for marketing of the Kappa Alpha Psi Fraternity, Inc., license
465	plate.
466	2. Eighty-five percent shall be distributed to the Southern
467	Province of Kappa Alpha Psi Foundation, Inc., and used to
1	

Page 16 of 30

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SB 7062

	596-03040-16 20167062
468	promote community awareness and action through educational,
469	economic, and cultural service activities.
470	3. Five percent shall be distributed to the United Negro
471	College Fund to be used for college scholarships for Florida
472	residents attending historically black colleges and
473	universities.
474	(99) PHI BETA SIGMA FRATERNITY LICENSE PLATES
475	(a) The department shall develop a Phi Beta Sigma
476	Fraternity license plate as provided in this section and s.
477	320.08053. The plates must bear the colors and design approved
478	by the department. The word "Florida" must appear at the top of
479	the plate, and the name of the fraternity must appear at the
480	bottom of the plate.
481	(b) The annual use fees from the sale of the plate shall be
482	distributed as follows:
483	1. Ten percent shall be distributed to TMB Charitable
484	Foundation, Inc., and used solely for marketing of the Phi Beta
485	Sigma Fraternity, Inc., license plate.
486	2. Eighty-five percent shall be distributed to TMB
487	Charitable Foundation, Inc., and used to promote community
488	awareness and action through educational, economic, and cultural
489	service activities.
490	3. Five percent shall be distributed to the United Negro
491	College Fund to be used for college scholarships for Florida
492	residents attending historically black colleges and
493	universities.
494	(100) ZETA PHI BETA SORORITY LICENSE PLATES
495	(a) The department shall develop a Zeta Phi Beta Sorority
496	license plate as provided in this section and s. 320.08053. The
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Page 17 of 30

	596-03040-16 20167062
497	plates must bear the colors and design approved by the
498	department. The word "Florida" must appear at the top of the
499	plate, and the name of the sorority must appear at the bottom of
500	the plate.
501	(b) The annual use fees from the sale of the plate shall be
502	distributed as follows:
503	1. Ten percent shall be distributed to Florida Pearls,
504	Inc., and used solely for marketing of the Zeta Phi Beta
505	Sorority, Inc., license plate.
506	2. Eighty-five percent shall be distributed to Florida
507	Pearls, Inc., and used to promote community awareness and action
508	through educational, economic, and cultural service activities.
509	3. Five percent shall be distributed to the United Negro
510	College Fund to be used for college scholarships for Florida
511	residents attending historically black colleges and
512	universities.
513	(101) DELTA SIGMA THETA SORORITY LICENSE PLATES
514	(a) The department shall develop a Delta Sigma Theta
515	Sorority license plate as provided in this section and s.
516	320.08053. The plates must bear the colors and design approved
517	by the department. The word "Florida" must appear at the top of
518	the plate, and the name of the sorority must appear at the
519	bottom of the plate.
520	(b) The annual use fees from the sale of the plate shall be
521	distributed as follows:
522	1. Ten percent shall be distributed to the Delta Research
523	and Educational Foundation and used solely for marketing of the
524	Delta Sigma Theta Sorority, Inc., license plate.
525	2. Eighty-five percent shall be distributed to the Delta

Page 18 of 30

	596-03040-16 20167062
526	Research and Educational Foundation and used to promote
527	community awareness and action through educational, economic,
528	and cultural service activities.
529	3. Five percent shall be distributed to the United Negro
530	College Fund to be used for college scholarships for Florida
531	residents attending historically black colleges and
532	universities.
533	(102) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES
534	(a) The department shall develop an Alpha Kappa Alpha
535	Sorority license plate as provided in this section and s.
536	320.08053. The plates must bear the colors and design approved
537	by the department. The word "Florida" must appear at the top of
538	the plate, and the name of the sorority must appear at the
539	bottom of the plate.
540	(b) The annual use fees from the sale of the plate shall be
541	distributed as follows:
542	1. Ten percent shall be distributed to the Alpha Kappa
543	Alpha Educational Advancement Foundation, Inc., and used solely
544	for marketing of the Alpha Kappa Alpha Sorority, Inc., license
545	plate.
546	2. Eighty-five percent shall be distributed to the Alpha
547	Kappa Alpha Educational Advancement Foundation, Inc., and used
548	to promote community awareness and action through educational,
549	economic, and cultural service activities.
550	3. Five percent shall be distributed to the United Negro
551	College Fund to be used for college scholarships for Florida
552	residents attending historically black colleges and
553	universities.
554	(103) SIGMA GAMMA RHO SORORITY LICENSE PLATES

Page 19 of 30

1	596-03040-16 20167062
555	(a) The department shall develop a Sigma Gamma Rho Sorority
556	license plate as provided in this section and s. 320.08053. The
557	plates must bear the colors and design approved by the
558	department. The word "Florida" must appear at the top of the
559	plate, and the name of the sorority must appear at the bottom of
560	the plate.
561	(b) The annual use fees from the sale of the plate shall be
562	distributed as follows:
563	1. Ten percent shall be distributed to the Sigma Gamma Rho
564	Sorority National Education Fund, Inc., and used solely for
565	marketing of the Sigma Gamma Rho Sorority, Inc., license plate.
566	2. Eighty-five percent shall be distributed to the Sigma
567	Gamma Rho Sorority National Education Fund, Inc., and used to
568	promote community awareness and action through educational,
569	economic, and cultural service activities.
570	3. Five percent shall be distributed to the United Negro
571	College Fund to be used for college scholarships for Florida
572	residents attending historically black colleges and
573	universities.
574	(104) TAMPA BAY ROWDIES LICENSE PLATESThe department
575	shall develop a Tampa Bay Rowdies license plate as provided in
576	subsection (9).
577	(105) SAFE AND FREE FLORIDA LICENSE PLATES.—
578	(a) The department shall develop a Safe and Free Florida
579	license plate as provided in this section and s. 320.08053. Safe
580	and Free Florida license plates must bear the colors and design
581	approved by the department. The word "Florida" must appear at
582	the top of the plate, and the words "End Human Trafficking" must
583	appear at the bottom of the plate.
I	

Page 20 of 30

	596-03040-16 20167062
584	(b) The annual use fees from the sale of the plates shall
585	be distributed to the Department of Legal Affairs, which:
586	1. May use up to 15 percent of the proceeds to promote and
587	market the license plate.
588	2. Shall establish a program to award grants to
589	nongovernmental organizations that shall use the awarded funds:
590	a. To provide for the material needs of sexually abused,
591	exploited, or trafficked victims, including, but not limited to,
592	clothing, housing, medical care, food, utilities, and
593	transportation.
594	b. For detoxification services.
595	c. For prenatal and postnatal care and to provide services
596	for infants awaiting placement with adoptive parents.
597	d. To purchase or lease real estate to facilitate a safe
598	house or a transitional care or recovery care center.
599	e. For counseling, training, awareness, and prevention
600	programs for sexually abused, exploited, or trafficked victims.
601	f. To provide emergency legal advocacy to sexually abused
602	or trafficked victims at a rate established by the Department of
603	Legal Affairs.
604	(c) The Department of Legal Affairs may not distribute
605	funds under paragraph (b) to any nongovernmental organization
606	that charges victims for services received through this funding.
607	An organization that receives the funds may not use the funds
608	for administrative or capital expenditures. Each organization
609	that receives funds must submit an annual attestation as
610	provided in s. 320.08062 to the Department of Legal Affairs no
611	later than December 31. The Department of Legal Affairs shall
612	adopt and enforce rules to implement this subsection.

Page 21 of 30

	596-03040-16 20167062
613	(106) BONEFISH AND TARPON TRUST LICENSE PLATES
614	(a) The department shall develop a Bonefish and Tarpon
615	Trust license plate as provided in this section and s.
616	320.08053. The word "Florida" must appear at the top of the
617	plate, and the words "Bonefish and Tarpon Trust" must appear at
618	the bottom of the plate.
619	(b) The annual use fees from the sale of the plate shall be
620	distributed to the Bonefish and Tarpon Trust, which:
621	1. May use a maximum of 10 percent of the proceeds to
622	promote and market the Bonefish and Tarpon Trust license plate.
623	2. Shall invest and reinvest the remainder of the proceeds
624	and use the interest thereon to conserve and enhance Florida
625	bonefish and tarpon fisheries and their respective environments
626	through stewardship, research, education, and advocacy.
627	(107) JACKSONVILLE ARMADA FOOTBALL CLUB LICENSE PLATESThe
628	department shall develop a Jacksonville Armada Football Club
629	license plate as provided in subsection (9).
630	(108) RONALD REAGAN LICENSE PLATES.—
631	(a) The department shall develop a Ronald Reagan license
632	plate as provided in this section and s. 320.08053. The plate
633	must bear the colors and design approved by the department. The
634	word "Florida" must appear at the top of the plate, and the
635	words "President Ronald Reagan" must appear at the bottom of the
636	plate.
637	(b) The annual use fees from the sale of the plate shall be
638	distributed to Florida Ronald Reagan Centennial, Inc., to be
639	used as follows:
640	1. Up to 15 percent of the proceeds may be used for
641	administrative costs of the organization.
I	

Page 22 of 30

	596-03040-16 20167062
642	2. Up to 10 percent of the proceeds may be used for
643	promotion and marketing of the plate.
644	3. Up to 10 percent of the proceeds shall be donated to the
645	Florida National Guard Foundation.
646	4. The remainder of the proceeds shall be used to fund
647	activities, programs, and projects that educate Florida's
648	students and citizens about the contributions of the nation's
649	40th President to the state and the United States and to support
650	ongoing research of Alzheimer's disease for the benefit of
651	Florida citizens and their families who suffer from the disease.
652	(109) FLORIDA BAY FOREVER LICENSE PLATES
653	(a) The department shall develop a Florida Bay Forever
654	license plate as provided in this section and s. 320.08053. The
655	word "Florida" must appear at the top of the plate and the words
656	"Florida Bay Forever" must appear at the bottom of the plate.
657	(b) The annual use fees shall be distributed to the Florida
658	National Park Association, Inc., which may use up to 10 percent
659	of such fees for administrative costs and marketing of the
660	plate. The balance of the fees shall be used to supplement the
661	Everglades National Park service's budgets and to support
662	educational, interpretive, historical, and scientific research
663	relating to the Everglades National Park.
664	(110) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES
665	(a) The department shall develop a Medical Professionals
666	Who Care license plate as provided in this section and s.
667	320.08053. The plate must bear the colors and design approved by
668	the department. The word "Florida" must appear at the top of the
669	plate, and the words "Medical Professionals Who Care" must
670	appear at the bottom of the plate.

Page 23 of 30

	596-03040-16 20167062
671	
672	distributed to Florida Benevolent Group, Inc., a Florida
673	nonprofit corporation, which may use up to 10 percent of such
674	fees for administrative costs and marketing of the plate. The
675	balance of the fees shall be used by Florida Benevolent Group,
676	Inc., to assist low-income individuals in obtaining a medical
677	education and career through scholarships, support, and
678	guidance.
679	(111) FLORIDA NATIVE LICENSE PLATES.—
680	(a) The department shall develop a Florida Native license
681	plate as provided in s. 320.08053 and this section. The word
682	"Florida" must appear at the top of the plate, and the word
683	"Native" must appear at the bottom of the plate. The plate must
684	contain a camouflage background including leaves, flowers, or
685	fronds of a minimum of 12 different Florida native plants.
686	(b) The annual use fees from the sale of the plate shall be
687	distributed to Florida Native Plant Society, a nonprofit
688	corporation, which may use a maximum of 10 percent of such fees
689	for administrative costs and a maximum of 10 percent to market
690	and promote the plate. The balance of the fees shall be used by
691	Florida Native Plant Society to fulfill its mission, with a
692	minimum of 25 percent dedicated to maintaining, improving, and
693	restoring public hunting and fishing habitats and 25 percent
694	used to promote the cultivation of Florida's agricultural
695	products through the preservation of native noncrop plants to
696	provide habitat for pollinators and natural enemies to plant
697	pests, and to provide pollen and nectar and undisturbed habitat
698	for bee nesting throughout the growing season.
699	(112) PROTECT POLLINATORS LICENSE PLATES

Page 24 of 30

	596-03040-16 20167062
700	(a) The department shall develop a Protect Pollinators
701	license plate as provided in s. 320.08053 and this section. The
702	word "Florida" must appear at the top of the plate, and the
703	words "Protect Pollinators" must appear at the bottom of the
704	plate.
705	(b) The annual use fees from the sale of the plate shall be
706	distributed to the Florida Wildflower Foundation, Inc., which:
707	1. May use a maximum of 10 percent of the proceeds to
708	promote and market the Protect Pollinators license plate.
709	2. Shall invest and reinvest the remainder of the proceeds
710	and use the interest thereon to establish pollinator wildflower
711	habitats and pollinator education and research programs that
712	promote awareness of pollinators and their importance to Florida
713	agricultural success and global food supply and security.
714	(113) NATIONAL WILD TURKEY FEDERATION LICENSE PLATES
715	(a) The department shall develop a National Wild Turkey
716	Federation license plate as provided in this section and s.
717	320.08053. The plate must bear the colors and design approved by
718	the department. The word "Florida" must appear at the top of the
719	plate, and the words "National Wild Turkey Federation" must
720	appear at bottom of the plate.
721	(b) The annual use fees from the sale of the plate shall be
722	distributed to the Florida State Chapter of the National Wild
723	Turkey Federation to be used as follows:
724	1. Up to 25 percent of the funds may be used for marketing
725	of the license plate, for promotion and education regarding this
726	state's hunting heritage, and for administrative costs directly
727	associated with operation of the chapter.
728	2. At least 75 percent of the funds must be used to fund

Page 25 of 30

	596-03040-16 20167062
729	programs and projects within the state which promote
730	conservation or which improve or increase turkey wildlife
731	habitat. To the extent feasible, turkey wildlife habitat
732	projects shall be coordinated with the Florida Fish and Wildlife
733	Conservation Commission.
734	(114) DUCKS UNLIMITED LICENSE PLATES
735	(a) The department shall develop a Ducks Unlimited license
736	plate as provided in this section and s. 320.08053. Ducks
737	Unlimited license plates must bear the colors and design
738	approved by the department. The word "Florida" must appear at
739	the top of the plate, and the words "Conserving Florida
740	Wetlands" must appear at the bottom of the plate.
741	(b) The annual use fees from the sale of the plate shall be
742	distributed to Ducks Unlimited, Inc., a nonprofit corporation
743	under s. 501(c)(3) of the Internal Revenue Code, to be used as
744	follows:
745	1. Up to 5 percent may be used for administrative costs and
746	marketing of the plate.
747	2. A minimum of 95 percent shall be used to support the
748	mission and efforts of Ducks Unlimited, Inc., for the
749	conservation, restoration, and management of Florida wetlands
750	and associated habitats for the benefit of waterfowl, other
751	wildlife, and people.
752	(115) DOGS MAKING A DIFFERENCE LICENSE PLATES
753	(a) The department shall develop a Dogs Making a Difference
754	license plate as provided in this section and s. 320.08053. The
755	plate must bear the colors and design approved by the
756	department. The word "Florida" must appear at the top of the
757	plate, and the words "Dogs Making a Difference" must appear at

Page 26 of 30

	596-03040-16 20167062
758	the bottom of the plate.
759	(b) The annual use fees from the sale of the plate shall be
760	distributed to Southeastern Guide Dogs, Inc., which may use up
761	to 10 percent of the proceeds for administrative costs and
762	marketing of the plate. The remainder of the fees shall be used
763	by Southeastern Guide Dogs, Inc., for the training and promotion
764	of dogs for use by veterans and citizens who are blind.
765	(116) EDUCATE ENGAGE EMPOWER LICENSE PLATES
766	(a) The department shall develop an Educate Engage Empower
767	license plate as provided in this section and s. 320.08053. The
768	plate must bear the colors and design approved by the
769	department. The word "Florida" must appear at the top of the
770	plate, and the words "Educate Engage Empower" must appear at the
771	bottom of the plate.
772	(b) The annual use fees from the sale of the plate shall be
773	distributed to Circuelle Foundation, Inc., which shall retain
774	all such proceeds until all startup costs for developing and
775	establishing the plate have been recovered. Thereafter,
776	Circuelle Foundation, Inc.:
777	1. May use up to 10 percent of the proceeds for marketing
778	and promotion of the plate.
779	2. May use up to 10 percent of the proceeds for
780	administrative costs directly associated with its programs.
781	3. Shall use 20 percent of the proceeds to support breast
782	cancer research.
783	4. Shall use the remainder of the proceeds for its
784	programs, services, and activities to educate women, in
785	particular young women, about the risk factors of breast cancer
786	and the importance of breast health awareness.

Page 27 of 30

	596-03040-16 20167062
787	(117) DIABETES AWARENESS LICENSE PLATES
788	(a) The department shall develop a Diabetes Awareness
789	license plate as provided in this section and s. 320.08053. The
790	plate must bear the colors and design approved by the
791	department. The word "Florida" must appear at the top of the
792	plate, and the words "Diabetes Awareness" must appear at the
793	bottom of the plate.
794	(b) The annual use fees from the sale of the plate shall be
795	remitted to the Department of Health for distribution as
796	follows:
797	1. Thirty-five percent shall be retained by the Department
798	of Health and used for diabetes-specific health services for
799	state residents. Of this amount, up to 10 percent may be used
800	for administrative and marketing expenses.
801	2. Thirty-five percent shall be distributed to the Florida
802	American Diabetes Association, Inc., which may use up to 5
803	percent of this amount for administrative expenses and the
804	remainder allocated for scholarships in the health fields,
805	promote health and wellness among minority populations and
806	diabetes awareness based on identified needs.
807	3. Thirty percent shall be distributed to LIFT Health
808	Organization, Inc., a charitable, not-for-profit organization
809	under s. 501(c)(3) of the Internal Revenue Code and sponsor of
810	the Arthur Green Jr. Memorial Foundation, to be used for grants
811	to promote community engagement; education, scholarships, and
812	research; and the public policy impact in the state, and to
813	provide medical identification bracelets to persons with
814	diabetes. Of this amount, up to 5 percent may be used for
815	administrative and marketing expenses.
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Page 28 of 30

	596-03040-16 20167062
816	(118) ROTARY LICENSE PLATES.—
817	(a) The department shall develop a Rotary license plate as
818	provided in this section and s. 320.08053. The plate must bear
819	the colors and design approved by the department. The word
820	"Florida" must appear at the top of the plate, and the word
821	"Rotary" must appear on the bottom of the plate. The license
822	plate shall bear the Rotary International wheel emblem.
823	(b) The annual use fees shall be distributed to the
824	Community Foundation of Tampa Bay, Inc., to distribute as
825	follows:
826	1. Up to 10 percent for administrative costs and for
827	marketing of the plate.
828	2. Ten percent to Rotary's Camp Florida for direct support
829	to all programs and services provided to special needs children
830	who attend the camp.
831	3. The remainder shall be distributed, proportionally based
832	on sales, to each Rotary district in the state in support of
833	Rotary youth programs in Florida.
834	(119) MARGARITAVILLE LICENSE PLATES.—
835	(a) The department shall develop a Margaritaville license
836	plate as provided in s. 320.08053 and this section.
837	Margaritaville license plates must bear the colors and design
838	approved by the department. The word "Florida" must appear at
839	the top of the plate, and the words "Margaritaville" must appear
840	at the bottom of the plate.
841	(b) The license plate annual use fees shall be distributed
842	to the Singing for Change Foundation to fund its activities,
843	programs, and projects in Florida. The Singing for Change
844	Foundation shall retain all revenue from the annual use fees

Page 29 of 30

	596-03040-16 20167062
845	until all startup costs for developing and establishing the
846	plate have been recovered. Thereafter, up to 10 percent of the
847	annual use fee revenue may be used for promotion and marketing
848	of the specialty license plate and the rest of the funds may be
849	used to fund the organization's programs that focus on
850	developing creative and sustainable communities through
851	educational, economic, and cultural projects that will improve
852	the quality of life in Florida.
853	Section 3. This act shall take effect October 1, 2016, if
854	SB 1390 or similar legislation is adopted in the same
855	legislative session or an extension thereof and becomes a law.

Page 30 of 30

CourtSmart Tag Report

Room: SB 301 Case: Type: Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development Judge: Started: 2/24/2016 1:30:15 PM Ends: 2/24/2016 2:53:02 PM Length: 01:22:48 1:30:19 PM Meeting called to order 1:30:24 PM Sen. Latvala (Chair) 1:31:16 PM S 1260 1:31:23 PM Rachel Rogers, Legislative Assistant to Sen. Simpson - introduces bill 1:31:52 PM Sen. Latvala - asks for more explanation 1:31:55 PM R. Rogers Sen. Latvala - waits for quorum 1:33:11 PM 1:33:13 PM R. Rogers Michael Cantens, City of Miami (waives in support) 1:33:38 PM 1:33:49 PM Michael Peteler, Retired 1:36:53 PM Sen. Latvala -temporarily postpone this bill 1:37:03 PM S 1570 Sen. Simmons - introduces bill 1:37:21 PM 1:37:52 PM Sen. Clemens - asks about cameras 1:38:02 PM Sen. Simmons - responds 1:38:24 PM Sen. Latvala - asks if he wants to put the camera part back in the bill 1:38:27 PM Sen. Simmons - responds 1:38:29 PM Sen. Clemens - asks if he will want to put the camera part back in the bill Sen. Gibson - asks if there is an amendment 1:38:54 PM 1:38:56 PM Sen. Simmons - responds 1:40:14 PM S 14 1:40:28 PM Devon West, Legislative Assistant to Sen. Altman - explains bill 1:41:34 PM S 556 1:41:54 PM Am. 566780 1:41:55 PM D. West - introduces amendment 1:43:00 PM Sen. Gibson - asks why the commission would be under the Dept. of Economic Opportunity 1:43:11 PM D. West - refers to Tim Center 1:43:50 PM Tim Center, Chief Executive Officer, Capital Area Community Action Agency - responds 1:44:40 PM S 566 (cont.) S 696 1:45:29 PM 1:45:34 PM D. West - introduces bill 1:46:23 PM Sen. Detert - asks if it is included in the Governor's tax cut package 1:46:28 PM D. West - responds Sen. Detert 1:46:32 PM 1:46:35 PM D. West Sen. Latvala - comments on law-making process 1:46:43 PM 1:46:58 PM Sen. Detert 1:47:05 PM Sen. Latvala 1:47:27 PM Sen. Gibson - asks how this relates to S 556 1:47:59 PM D. West - responds 1:48:21 PM Eric Prutsman, Florida Aviation Business Association (waives in support) 1:48:28 PM Heather Turnbull, Partner, Embraer/National Business Aviation Association (waives in support) 1:48:35 PM Sen. Clemens - discusses income tax 1:50:10 PM Sen. Thompson - comments on eliminating sales tax on aircrafts versus giving state workers raises and cutting taxes that would affect lower income constituents 1:52:35 PM Sen. Latvala 1:52:47 PM Sen. Gibson - moves to reconsider 1:53:03 PM S 32 1:53:20 PM Will McRea, Legislative Assistant to Sen. Flores - introduces bill 1:54:19 PM Lance Block, Attorney (waives in support)

- 1:55:04 PM S 1216
- 1:55:27 PM Chad Davis, Legislative Assistant to Sen. Stargel introduces bill

1:56:32 PM	Darrick McGhee, Florida Chamber of Commerce (waives in support)
1:56:36 PM	Bill Wilson, Director of Legislative Affairs, Dept. of Economic Opportunity (waives in support)
1:56:53 PM	Sen. Detert - comments the main focus for the dept. should be paying the benefits promptly
1:58:42 PM	Combined PCS for CS/SB 1390 and SB 7062
1:58:50 PM	Sen. Brandes - introduces bill
1:59:53 PM 2:00:01 PM	Sen. Detert - asks about exemptions Sen. Brandes - responds
2:00:54 PM	Sen. Latvala - asks about the wildlife license plate changes
2:01:17 PM	Sen. Diaz de la Portilla - asks Sen. Latvala's view
2:01:22 PM	Sen. Latvala - responds
2:02:46 PM	Sen. Diaz de la Portilla
2:02:51 PM	Sen. Latvala
2:03:08 PM 2:03:11 PM	Sen. Detert - asks how the money is spent regarding bears Sen. Latvala - responds
2:03:34 PM	Sen. Detert - asks about Florida panther license plate
2:03:42 PM	Sen. Latvala - asks if Panther plate is included in this committee substitute
2:03:52 PM	Sen. Hukill - asks about the Ronald Reagan plate
2:03:58 PM	Sen. Brandes - responds
2:04:18 PM	Sen. Hukill
2:04:26 PM	Sen. Brandes
2:04:38 PM 2:04:42 PM	Sen. Latvala Sen. Sachs - clarifies process of removing certain license plates and asks how bill will affect Florida Fish
	undation funding
2:05:39 PM	Sen. Brandes - responds
2:05:59 PM	Sen. Sachs - asks how the minimum sales standard was decided
2:06:07 PM	Sen. Brandes - responds
2:06:49 PM	Sen. Sachs - comments how collegiate plates are exempted from minimum standard
2:06:57 PM 2:07:17 PM	Sen. Brandes - responds Sen. Sachs - asks if it can be determined how many plates need to be sold to be fiscally responsible
2:07:56 PM	Sen. Brandes - responds
2:08:31 PM	Sen. Sachs
2:08:39 PM	Sen. Brandes
2:09:22 PM	Sen. Gibson - asks if the new plates would be discontinued if they don't meet the minimum sales by the
proposed dead 2:09:27 PM	lline Sen. Brandes - responds
2:09:38 PM	Sen. Gibson - follow-up question
2:09:56 PM	Sen. Brandes - responds
2:10:29 PM	Sen. Gibson - asks why we have specialty plates at all
2:10:41 PM	Sen. Brandes - responds
2:10:51 PM	Sen. Latvala
2:11:26 PM 2:11:34 PM	Am. 608532 Sen. Clemens - introduces amendment
2:13:05 PM	Sen. Sachs - asks if this creates an exemption to Sen. Brandes's bill
2:13:10 PM	Sen. Clemens - responds
2:13:14 PM	Sen. Sachs - asks to clarify the amendment
2:13:21 PM	Sen. Brandes - explains amendment further
2:13:46 PM 2:14:06 PM	Am. 451156 Sen. Latvala - introduces amendment
2:14:37 PM	Combined PCS for CS/SB 1390 and SB 7062 (cont.)
2:14:38 PM	Becky Afonso, Director, Florida Bicycle Association (waives in support)
2:14:52 PM	Jeff Sharkey, President, Margaritaville (waives in support)
2:14:58 PM	Sen. Gibson - comments on reducing the proposed minimum sales for specialty license plates
2:16:06 PM	Sen. Hukill - comments on her proposed specialty license plates
2:16:53 PM 2:18:24 PM	Sen. Sachs - comments on the proposed minimum number Sen. Brandes - closes on bill
2:18:24 PM 2:19:28 PM	Sen. Brandes - closes on bill Sen. Brandes - motion to allow staff to make any technical and conforming changes
2:19:43 PM	Sen. Clemens - motion to be recorded voting favorably on Combined PCS for CS/SB 1390 and SB 7062
2:19:57 PM	Sen. Clemens (Chair)
2:20:00 PM	S 64
2:20:12 PM	Sen. Negron - introduces bill
2:21:10 PM 2:21:55 PM	S 1260 Sen. Diaz de la Portilla - motion to be recorded voting favorably on S 1570, S 14, S 556
2.21.JJ FIVI	Sen. Diaz de la Fortilia - motion to de recorded voting lavorably on S 1570 , S 14 , S 550