

SB 788 by **Sobel**; (Identical to CS/H 0471) Disabled Parking

509782 A S WD TR, Brandes Delete L.27 - 36: 03/26 11:30 AM

SB 908 by **Altman**; (Similar to CS/CS/H 0231) Transportation

616598 D S RCS TR, Grimsley Delete everything after 03/26 11:30 AM

SB 1048 by **Garcia**; (Compare to CS/H 0921) Motor Vehicle Manufacturer Licenses

337212 D S RCS TR, Evers Delete everything after 03/26 11:30 AM

975510 AA S RCS TR, Evers Delete L.41: 03/26 11:30 AM

SPB 7072 by **TR**; Specialty License Plates

848322 A S RCS TR, Thompson btw L.373 - 374: 03/26 11:30 AM

471746 A S RCS TR, Bullard Delete L.374 - 712: 03/26 11:30 AM

702050 A S RCS TR, Bullard Delete L.374 - 712: 03/26 11:30 AM

913368 AA S RCS TR, Bullard Delete L.354 - 355: 03/26 11:30 AM

191060 A S RCS TR, Brandes Delete L.374 - 712: 03/26 11:30 AM

838468 A S RCS TR, Evers Delete L.374 - 712: 03/26 11:30 AM

795372 A S RCS TR, Thompson btw L.712 - 713: 03/26 11:30 AM

420352 A S L WD TR, Evers Delete L.374 - 712: 03/26 11:30 AM

796594 A S L WD TR, Evers Delete L.374 - 712: 03/26 11:30 AM

248336 A S L RCS TR, Evers btw L.174 - 175: 03/26 11:30 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Bullard, Vice Chair

MEETING DATE: Thursday, March 26, 2015
TIME: 9:00 —11:00 a.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 788 Sobel (Identical CS/H 471)	Disabled Parking; Revising provisions that allow counties and municipalities to charge fees for vehicles displaying a disabled parking permit at certain timed parking facilities; excluding vehicles displaying a DV license plate from payment of such fees, etc. TR 03/26/2015 Favorable CA FP	Favorable Yeas 7 Nays 0
2	SB 908 Altman (Similar CS/CS/H 231)	Transportation; Revising provisions relating to the passing of a vehicle; prohibiting passing and turning in front of a vulnerable user in an unsafe manner; prohibiting harassing, taunting, or throwing an object at a person riding a bicycle; providing criminal penalties; requiring traffic law and substance abuse education courses to include instruction on traffic laws relating to rights and safety of vulnerable users, etc. TR 03/26/2015 Fav/CS CJ FP	Fav/CS Yeas 7 Nays 0
3	SB 1048 Garcia (Compare CS/H 921)	Motor Vehicle Manufacturer Licenses; Providing that a motor vehicle dealer who received approval of a facility from an applicant or licensee within a specified timeframe is deemed to be in full compliance with facility-related requirements; revising provisions relating to when an applicant or licensee has undertaken or engaged in an audit of service-related payments or incentive payments; limiting the timeframe for the performance of such audits, etc. TR 03/26/2015 Fav/CS ATD RC	Fav/CS Yeas 6 Nays 1

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 26, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SPB 7072	Specialty License Plates; Amending provisions relating to requirements for requests to establish a specialty license plate; deleting application requirements; revising the minimum requirements to continue issuance of certain specialty plates; directing the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates, etc.	Submitted as Committee Bill Yeas 7 Nays 0

Other Related Meeting Materials

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 Committee on Transportation

BILL: SB 788

INTRODUCER: Senator Sobel

SUBJECT: Disabled Parking

DATE: March 26, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Favorable
2.			CA	
3.			FP	

I. Summary:

SB 788 prohibits a city or county from charging the operator of any vehicle displaying a certain disabled veteran license plate for parking in a facility that provides timed parking spaces.

II. Present Situation:

Section 316.1964, F.S., prohibits any state agency, county, or municipality from charging any fee for parking on public streets or highways or in any *metered*¹ parking space any vehicle that displays a disabled parking permit or certain license plates, if the vehicle is transporting the person who has a disability and to whom the permit or plate was issued. Generally, the prohibition applies if a vehicle displays one of the following:

- Out of state vehicles displaying a special license plate or parking permit issued by any other state or district subject to United States law, or by a foreign county that issues permits displaying the international symbol of accessibility, under certain conditions;²
- A permanent or temporary disabled parking permit;³
- A disabled veteran license plate;⁴
- A wheelchair-bound disabled veteran license plate;⁵
- A long-term mobility-impaired license plate;⁶ or
- A Paralyzed Veterans of America license plate.⁷

¹ Emphasis added.

² Section 316.1958, F.S.

³ Section 320.0848, F.S.

⁴ Section 320.084, F.S.

⁵ Section 320.0842, F.S.

⁶ Section 320.0843, F.S.

⁷ Section 320.0845, F.S.

Notwithstanding the prohibition, a county or city may charge for parking in a facility that provides *timed*⁸ parking spaces any vehicle that displays a disabled parking permit. However, no charge may be assessed for any vehicle displaying such a permit and having specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability; or for any vehicle displaying the Florida Toll Exemption permit.⁹

III. Effect of Proposed Changes:

Section 1 amends s. 316.1945(8), F.S., to include a vehicle displaying a disabled veteran license plate issued under s. 320.084, F.S., in the prohibition against a county or city charging for parking in a facility that provides timed parking spaces.

Section 2 provides the bill takes effect July 1, 2015.

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 qualifying for the exemption from parking fees will experience an indeterminate positive fiscal impact.

C. Government Sector Impact:

Cities and counties prohibited from charging the parking fees will experience an indeterminate negative fiscal impact.

⁸ But, presumably, not *metered*. A distinction appears to exist between a *metered* parking space, which is obviously timed, and a *timed* parking space, which is also timed but not necessarily metered. See 316.1964(8), F.S.

⁹ See s. 338.155(3), F.S., authorizing exemption from toll payment for any handicapped person with a valid driver license operating a vehicle specially equipped for use by a handicapped person who is certified as being severely physically disabled and having permanent upper limb mobility or dexterity impairments which substantially impair the persons' ability to deposit coins in toll baskets.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.1964 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.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 27 - 36

and insert:

(7) An airport that owns, operates, or leases parking facilities, or any other parking facilities that are used for the purpose of air travel, may charge for parking vehicles that display a disabled parking permit or license tag issued under s. 316.1958, s. 320.084, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848. However, the governing body of each publicly owned



509782

11 or publicly operated airport must grant free parking to any
12 vehicle with specialized equipment, such as ramps, lifts, or
13 foot or hand controls, ~~or~~ for utilization by a person who has a
14 disability or whose vehicle is displaying the Florida Toll
15 Exemption permit. The Department of Transportation shall notify
16 the appropriate House and Senate committee chairs upon
17 completion of conversion from collection of tolls by means of
18 automated coin machines to all-electronic toll collection. On
19 the date of such notice, all existing Florida Toll Exemption
20 permits are terminated, and the department may not issue any
21 further Florida Toll Exemption permits.

22 (8) Notwithstanding subsection (1), a county, municipality,
23 or any agency thereof may charge for parking in a facility or
24 lot that provides timed parking spaces any vehicle that displays
25 a disabled parking permit, except that any vehicle with
26 specialized equipment, such as ramps, lifts, or foot or hand
27 controls, for use by a person who has a disability, or any
28 vehicle that is displaying the "DV" license plate issued under
29 s. 320.084 the Florida Toll Exemption permit, is exempt from any
30 parking fees.

31 Section 2. This act shall take effect July 1, 2015.

32
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete line 6

36 and insert:

37 certain timed parking facilities; requiring the
38 Department of Transportation to provide a certain
39 notice relating to completion of conversion to all-



509782

40 electronic toll collection; terminating all existing
41 Florida Toll Exemption permits on the date of such
42 notice; prohibiting the department from issuing
43 further permits on the date of such notice; excluding
44 vehicles

By Senator Sobel

33-00768A-15

2015788__

1 A bill to be entitled
 2 An act relating to disabled parking; amending s.
 3 316.1964, F.S.; revising provisions that allow
 4 counties and municipalities to charge fees for
 5 vehicles displaying a disabled parking permit at
 6 certain timed parking facilities; excluding vehicles
 7 displaying a DV license plate from payment of such
 8 fees; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (1) of section 316.1964, Florida
 13 Statutes, is republished, and subsection (8) of that section is
 14 amended, to read:

15 316.1964 Exemption of vehicles transporting certain persons
 16 who have disabilities from payment of parking fees and
 17 penalties.—

18 (1) A state agency, county, municipality, or any agency
 19 thereof, may not exact any fee for parking on the public streets
 20 or highways or in any metered parking space from the driver of a
 21 vehicle that displays a disabled parking permit or a license
 22 plate issued under s. 316.1958 or s. 320.0848 or a license plate
 23 issued under s. 320.084, s. 320.0842, s. 320.0843, or s.
 24 320.0845 if the vehicle is transporting the person who has a
 25 disability and to whom the disabled parking permit or license
 26 plate was issued.

27 (8) Notwithstanding subsection (1), a county, municipality,
 28 or any agency thereof may charge for parking in a facility or
 29 lot that provides timed parking spaces any vehicle that displays

Page 1 of 2

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

33-00768A-15

2015788__

30 a disabled parking permit, except that any vehicle with
 31 specialized equipment, such as ramps, lifts, or foot or hand
 32 controls, for use by a person who has a disability, or any
 33 vehicle that is displaying the "DV" license plate issued under
 34 s. 320.084 or the Florida Toll Exemption permit, is exempt from
 35 any parking fees.

36 Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Children, Families, and Elder Affairs, *Chair*
Health Policy, *Vice Chair*
Agriculture
Education Pre-K-12
Appropriations Subcommittee on Health
and Human Services

SENATOR ELEANOR SOBEL

33rd District

March 26, 2015

Senator Jeff Brandes
Chair of Committee on Transportation
318 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Chair Brandes:

This letter is to inform you that my Legislative Aide Yale Olenick will be presenting on my behalf for SB 788 in the Transportation committee this morning. I have to start my committee at the same time. Thank you for your consideration of this request.

Respectfully,



Eleanor Sobel
State Senator, 33rd District

Cc: Kurt Eichin, Marilyn Hudson

REPLY TO:

- The "Old" Library, First Floor, 2600 Hollywood Blvd., Hollywood, Florida 33020 (954) 924-3693 FAX: (954) 924-3695
- 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 Committee on Transportation

BILL: CS/SB 908

INTRODUCER: Senator Altman

SUBJECT: Traffic Safety

DATE: March 27, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			CJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 908 seeks to increase the safety of “vulnerable users of a public roadway.” The bill:

- Revises and creates various statutory provisions and penalties relating to traffic control laws and vulnerable users, such as pedestrians and bicyclists;
- Clarifies provisions relating to overtaking and passing vulnerable users, particularly with respect to maintaining required distance between a passing vehicle and a vulnerable user;
- Sets out requirements for making turns at certain locations when passing a vulnerable user;
- Allow drivers to cross the centerline in an identified no-passing zone when passing a vulnerable user;
- Prohibits harassing, taunting, or throwing an object at a person riding a bicycle;
- Provides additional penalties for certain violations contributing to the bodily injury of a vulnerable user;
- Requires appearance at a mandatory hearing for certain violations contributing to the bodily injury of a vulnerable user;
- Requires mandatory revocation of the driver license of any person convicted of a second violation, within five years of the first, that causes serious bodily injury or death to a person;
- Requires law enforcement officers issuing certain citations to note if the violation contributed to the bodily injury of a vulnerable user; and
- Revises cross-references to conform definitions.

II. Present Situation:

Definitions

Current law defines certain relevant terms for purposes of chapter 316, F.S., relating to traffic control laws, as follows:

- “Vehicle” means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.¹
- “Bicycle” means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.²
- “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.³

The term “bodily injury,” is defined identically in various sections of Florida Statutes^{4,5,6} to mean:

- A cut, abrasion, bruise, burn, or disfigurement;
- Physical pain;
- Illness;
- Impairment of the function of a bodily member, organ, or mental faculty; or
- Any other injury to the body, no matter how temporary.

The term “vulnerable road user,” as used in provisions relating to crashes involving death or personal injuries, is defined to mean:

- A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;
- A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
- A person riding an animal; or
- A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway;
- A farm tractor or similar vehicle designed primarily for farm use;

¹ Section 316.003(75), F.S.

² Section 316.003(2), F.S.

³ Section 316.003(42), F.S.

⁴ Section 501.001(1)(c), F.S.

⁵ Section 831.03(1), F.S.

⁶ Section 914.21, F.S.

- A skateboard, roller skates, or in-line skates;
- A horse-drawn carriage;
- An electric personal assistive mobility device; or
- A wheelchair.⁷

Driving on Right Side of Roadway

Vehicles must generally be driven up the right half of the roadway, with certain exceptions, such as when overtaking and passing another vehicle proceeding in the same direction and when an obstruction exists making it necessary to drive to the left of the center of the highway.⁸ Additionally, any vehicle traveling at less than the normal speed of traffic under existing conditions must be driven in the right-hand lane or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.⁹ A violation is a noncriminal traffic infraction, punishable as a moving violation, the penalty for which is \$60.^{10, 11}

Similarly, any person operating a bicycle upon a roadway at less than normal speed of traffic under existing conditions must be ridden in the lane marked for bicycle use or, if no marked lane exists, as close as practicable to the right-hand curb or edge of the roadway except when:

- Overtaking and passing another bicycle or vehicle traveling in the same direction;
- Preparing for a left turn at an intersection or into a private road or driveway; or when
- Reasonably necessary to avoid any condition or potential conflict, including without limitation a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.¹²

“Substandard-width lane” is defined to mean a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.¹³

Overtaking and Passing

Section 316.083, F.S., sets out requirements relating to overtaking and passing vehicles proceeding in the same direction. The driver of a vehicle overtaking another proceeding in the same direction must give an appropriate signal,¹⁴ pass to the left at a safe distance, and not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When

⁷ Section 316.027, F.S.

⁸ Section 316.081(1), F.S.

⁹ Section 316.081(2), F.S.

¹⁰ Sections 316.081(5) and 318.18(3), F.S.

¹¹ A person convicted of a noncriminal violation may not be sentenced to a term of imprisonment or to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county. Section 775.082(5), F.S.

¹² Section 316.2065(5)(a), F.S.

¹³ Section 316.2065(5)(a)3., F.S. See also s. 316.208, F.S., reflecting almost identical requirements and providing the same definition of “substandard-width lane” relating to mopeds.

¹⁴ Generally, by means of the hand and arm or by signal lamps. See ss. 316.155, 316.156, and 316.157, F.S.

overtaking a bicycle or other nonmotorized vehicle, the driver of the overtaking vehicle must pass at a safe distance not less than three feet between the overtaking vehicle and the bicycle.¹⁵

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle must give way to the right in favor of the overtaking vehicle, on audible signal or upon visible flashing of the headlamps of the overtaking vehicle if at nighttime. The driver of the overtaken vehicle is prohibited from increasing speed until completely passed by the overtaking vehicle.¹⁶ A violation is a noncriminal traffic infraction, punishable as a moving violation, the penalty for which is \$60.¹⁷

Right Turns on Red

Generally, a vehicle facing a steady red signal must stop before entering a crosswalk on the near side of an intersection or, if none, then before entering the intersection, and remain stopped until a green indication is shown. Right turns on red are authorized, but a driver must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. Cities and counties may prohibit right-turns-on-red at any intersection with notice of the prohibition erected in a location visible to traffic approaching the intersection.^{18, 19}

No-Passing Zones

A driver is prohibited from driving on the left side of a roadway if signs or markings are in place to define a no-passing zone, or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.²⁰ The prohibition does not apply when an obstruction exists making it necessary to drive to the left of the center of the highway, or to the driver of a vehicle turning left into or from an alley, private road, or driveway.²¹ A no-passing zone violation is a noncriminal traffic infraction, punishable as a moving violation, the penalty for which is \$60.²²

Infractions Requiring Mandatory Hearing

Current law requires appearance at a mandatory hearing for any person cited for the following:

- Any infraction resulting in a crash that causes the death of another;
- Any infraction resulting in a crash that causes “serious bodily injury” of another as defined in s. 316.1933(1);

¹⁵ Section 316.083(2), F.S.

¹⁶ Section 316.083(2), F.S.

¹⁷ Sections 316.083(3) and 318.18(3), F.S.

¹⁸ Section 316.074(1), F.S., and s. 316.075(1)(c), F.S.

¹⁹ A notice of violation or a traffic citation for a red light violation detected by a traffic infraction detector, or a “red light camera,” may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at intersections where right-hand turns are permissible. Section 316.0083, F.S.

²⁰ Section 316.0875(2), F.S. Section 316.0875(1), F.S., authorizes the Florida Department of Transportation and local authorities to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be hazardous and, by appropriate signs or markings on the roadway, to indicate the beginning and end of such zones.

²¹ Section 316.0875(3), F.S.

²² Sections 316.0875(4) and 318.18(3), F.S.

- Any infraction for passing a school bus displaying a stop signal, when passing on the side that children enter or exit;
- Any infraction for failure to secure the load being hauled on a vehicle;
- Any infraction for exceeding certain speed limits by 30 miles per hour or more.²³

Convictions Requiring Mandatory Driver License Revocation

The DHSMV is currently directed to revoke the driver license or driving privilege of any person upon receiving a record of the persons's conviction for a range of offenses, including, but not limited to, manslaughter or DUI manslaughter, failure to stop and render aid in the event of a crash resulting in the death or personal injury of another, and perjury. A court may also order revocation when the court feels that the seriousness of the offense and the circumstances surrounding the conviction warrant the revocation.²⁴

III. Effect of Proposed Changes:

Section 1 amends s. 316.003, F.S., to define the term “bodily injury” identically as that term is already defined in existing law. The bill also defines the term “vulnerable user of a public roadway” or “vulnerable user” identically to the definition of “vulnerable road user” in current s. 316.027, F.S., except that the phrase “or roadway” is inserted after the word “highway” with regard to pedestrians; and passengers on a bicycle, motorcycle, scooter, or moped lawfully on the roadway are included in the definition. The new definition is broader for general purposes of ch. 316, F.S., than the existing definition in s. 316.027, F.S., relating to crashes involving death or personal injuries, as the existing definition does not include passengers.

Section 2 amends. 316.027(1)(b), F.S., to delete the current definition of “vulnerable road user,” strike “road” from the term, and redefine “vulnerable user” by cross-referencing the broader definition in s. 316.003, F.S.

Section 3 creates s. 316.0275, F.S., to require reclassification of a second noncriminal traffic infraction causing *serious* bodily injury or death to another person, within five years after a first violation causing the same, to a first-degree misdemeanor. This subjects an offender to a fine not exceeding \$1,000 and a definite term of imprisonment not exceeding one year.²⁵ Additionally, the person's driver license must be revoked. “Serious bodily injury” is defined for purposes of that section to mean an injury to a person, excluding the at-fault driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 4 revises s. 316.083, F.S., relating to overtaking and passing a vehicle, to:

- Clarify that subsection (2) is applicable to the driver of a *motor* vehicle overtaking *a person operating* a bicycle or other *vulnerable user of a public roadway*;

²³ Section 318.19, F.S. Section 316.1933(1)(b), F.S., defines “serious bodily injury” to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

²⁴ Section 322.26, F.S.

²⁵ Sections 775.082 and 775.083, F.S.

- Require such driver to pass the person operating the bicycle or the vulnerable user at a safe distance of no less than three feet *as measured from anything extending from the motor vehicle and trailer or other item towed by the motor vehicle*; and
- Require that a law enforcement officer issuing a citation for a violation note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public right-of-way.

Section 5 creates s. 316.0833, F.S., to prohibit a person operating a vehicle while overtaking and passing a vulnerable user of a public roadway traveling in the same direction from making a right or left turn at an intersection or into a private road or driveway unless the turn can be made at a safe distance from the vulnerable user with reasonable safety and will not impede the travel of the vulnerable user. A violation is a noncriminal traffic infraction, punishable as a moving violation, the penalty for which is \$60. A law enforcement officer issuing a citation for a violation must note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public right-of-way.

Section 6 amends s. 316.0875(3), F.S., to add an additional exclusion from the provisions relating to no-passing zones. If the driver of a motor vehicle is required to cross pavement striping indicating a no-passing zone when passing a vulnerable user of a public right-of-way in order to provide at least three feet between the motor vehicle and the vulnerable user, the driver is *not* prohibited from crossing the centerline or driving on the left side of a roadway.

Section 7 creates s. 316.1921, F.S., making it unlawful to harass, taunt, or maliciously throw an object at or in the direction of a person riding a bicycle. A violation of this section is a first-degree misdemeanor punishable by a fine of at least \$250 or by imprisonment of not more than 30 days, or both.

Section 8 amends s. 316.1925, relating to careless driving, to require a law enforcement officer issuing a citation for a violation to note on the citation if the violation contributed to the bodily injury of a vulnerable user of a public right-of-way.

Section 9 creates s. 318.142, F.S., to require the designated official to impose a fine of not more than \$2,000 for any violation that contributes to the bodily injury of a vulnerable user of a public roadway, in addition to any other penalties imposed under ss. 316.083 (overtaking and passing), 316.0833 (right or left turns at intersections or into private driveways), or 316.1925 (careless driving), F.S..

Section 10 amends s. 318.19, F.S., to require appearance at a mandatory hearing for any infraction of s. 316.083, s. 316.0833, or s. 316.1925, F.S., which contributes to the bodily injury of a vulnerable user of a public right-of-way.

Section 11 amends s. 322.0261(2), F.S., to revise a cross-reference to the relocated and revised definition of “vulnerable user.”

Section 12 amends s. 322.26, F.S., to require mandatory revocation of a person’s driver license or privilege for a violation of the newly created s. 316.0275, F.S.

Section 13 provides the bill takes effect on October 1, 2015.

A number of editorial and grammatical revisions are also made in the bill.

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:

Offenders will be subject to the described penalties. A decrease in personal injury and death for vulnerable users may be experienced, as well as a reduction in costs associated with litigating claims for such injury or death.

C. Government Sector Impact:

According to the DHSMV, the bill's revisions to penalties associated with the rights and safety of vulnerable users of public roadways, for the harassing or taunting of bicycle riders, and for violations contributing to bodily injuries may result in positive fiscal impacts to local government. The number of additional citations and resulting positive fiscal impact, as well as any negative fiscal impact due to the need for reprogramming local e-citation systems, is indeterminate at this time.

Similarly, the department suggests, the bill's revisions to penalties associated with the rights and safety of vulnerable users of public roadways, for the harassing or taunting of bicycle riders, and for violations contributing to bodily injuries may result in positive fiscal impacts to state government. The number of additional citations and resulting revenues is indeterminate at this time. The DHSMV further notes:

The adoption of the bill will require state government to update and modify their programming systems. The fiscal impact to the Department is estimated at \$41,400 for 540 programming hours. Of the 540 programming hours, 210 hours at a \$40 hourly rate will be accomplished with full

time equivalent personnel, and 330 hours at a \$100 hourly rate will be accomplished with contracted resources.²⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.027, 316.083, 316.0875, 316.1925, 318.19, 322.0261, and 322.26.

This bill creates the following sections of the Florida Statutes: 316.0275, 316.0833, 316.1921, and 318.142.

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 Transportation on March 26, 2015:

The CS modifies the bill by:

- Revising the term, “vulnerable user of a public right-of-way,” to “vulnerable user of a public roadway,” but keeping the same definition.
- Revising the term, “vulnerable road user” to “vulnerable user” in s. 316.027, F.S., and referencing the broader definition inserted into s. 316.003, F.S.,
- Requiring reclassification of a second noncriminal traffic infraction causing serious bodily injury or death to another person, within five years after a first violation causing the same, to a first-degree misdemeanor; subjecting an offender to certain penalties and driver license revocation; and defining “serious bodily injury.”
- Applying the requirements for making a right turn, when overtaking and passing a vulnerable user at certain locations, to left turns.
- Removing from the bill revisions to the definition of “substandard-width lane.”
- Revising the penalty provisions that may be imposed in addition to any others for violations related to overtaking and passing a vulnerable user, making turns at intersections or into private driveways when passing a vulnerable user, and careless driving.
- Removing provisions requiring the curriculum for certain driver education and examinations to provide instruction on traffic laws and test the applicant’s knowledge of such laws relating to the rights and safety of vulnerable users of public rights-of-way.

²⁶ See the DHSMV’s 2015 Agency Legislative Bill Analysis for companion HB 231. On file in the Senate Transportation Committee.

B. Amendments:

None.

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



616598

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (94) and (95) are added to section
316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when
used in this chapter, shall have the meanings respectively
ascribed to them in this section, except where the context
otherwise requires:



616598

11 (94) BODILY INJURY.—
12 (a) A cut, abrasion, bruise, burn, or disfigurement;
13 (b) Physical pain;
14 (c) Illness;
15 (d) Impairment of the function of a bodily member, organ,
16 or mental faculty; or
17 (e) Any other injury to the body, no matter how temporary.
18 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE
19 USER.—
20 (a) A pedestrian, including a person actually engaged in
21 work upon a highway, work upon utility facilities along a
22 highway, or the provision of emergency services within the
23 right-of-way;
24 (b) A person operating, or who is a passenger on, a
25 bicycle, motorcycle, scooter, or moped lawfully on the roadway;
26 (c) A person riding an animal; or
27 (d) A person lawfully operating on a public roadway,
28 crosswalk, or shoulder of the roadway:
29 1. A farm tractor or similar vehicle designed primarily for
30 farm use;
31 2. A horse-drawn carriage;
32 3. An electric personal assistive mobility device; or
33 4. A wheelchair.
34 Section 2. Paragraph (b) of subsection (1) of section
35 316.027, Florida Statutes, is amended to read:
36 316.027 Crash involving death or personal injuries.—
37 (1) As used in this section, the term:
38 (b) "Vulnerable ~~road~~ user" has the same meaning as in s.
39 316.003 means:



616598

40 ~~1. A pedestrian, including a person actually engaged in~~
41 ~~work upon a highway, or in work upon utility facilities along a~~
42 ~~highway, or engaged in the provision of emergency services~~
43 ~~within the right-of-way;~~

44 ~~2. A person operating a bicycle, motorcycle, scooter, or~~
45 ~~moped lawfully on the roadway;~~

46 ~~3. A person riding an animal; or~~

47 ~~4. A person lawfully operating on a public right-of-way,~~
48 ~~crosswalk, or shoulder of the roadway;~~

49 ~~a. A farm tractor or similar vehicle designed primarily for~~
50 ~~farm use;~~

51 ~~b. A skateboard, roller skates, or in-line skates;~~

52 ~~c. A horse-drawn carriage;~~

53 ~~d. An electric personal assistive mobility device; or~~

54 ~~e. A wheelchair.~~

55 Section 3. Section 316.0275, Florida Statutes, is created
56 to read:

57 316.0275 Noncriminal traffic infractions leading to serious
58 bodily injury or death; reclassification.-

59 (1) Notwithstanding any other provision of law, if an
60 individual commits a noncriminal traffic infraction under this
61 chapter which causes serious bodily injury or death to a person
62 and, within 5 years after that violation, commits another
63 noncriminal traffic infraction under this chapter which causes
64 serious bodily injury or death to a person, the second such
65 violation shall be reclassified as a misdemeanor of the first
66 degree, punishable as provided in s. 775.082 or s. 775.083, and
67 the individual will have his or her license revoked under s.
68 322.26(10).



616598

69 (2) As used in this section, the term "serious bodily
70 injury" means an injury to a person, excluding the at-fault
71 driver, which consists of a physical condition that creates a
72 substantial risk of death, serious personal disfigurement, or
73 protracted loss or impairment of the function of any bodily
74 member or organ.

75 Section 4. Section 316.083, Florida Statutes, is amended to
76 read:

77 316.083 Overtaking and passing a vehicle.—The following
78 provisions ~~rules shall~~ govern the overtaking and passing of
79 vehicles proceeding in the same direction, ~~subject to those~~
80 ~~limitations, exceptions, and special rules hereinafter stated:~~

81 (1) The driver of a vehicle overtaking another vehicle
82 proceeding in the same direction shall give an appropriate
83 signal as provided for in s. 316.156, shall pass to the left
84 thereof at a safe distance, and shall not again drive to the
85 right side of the roadway until safely clear of the overtaken
86 vehicle.

87 (2) The driver of a motor vehicle overtaking a person
88 operating a bicycle or other vulnerable user of a public roadway
89 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
90 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
91 of not less than 3 feet between any part of or attachment to the
92 motor vehicle, any thing extending from the motor vehicle, any
93 trailer or other thing being towed by the motor vehicle and the
94 bicycle, the person operating the bicycle, or other vulnerable
95 user ~~nonmotorized vehicle~~.

96 (3) ~~(2)~~ Except when overtaking and passing on the right is
97 permitted, the driver of an overtaken vehicle shall give way to



616598

98 the right in favor of the overtaking vehicle, on audible signal
99 or upon the visible blinking of the headlamps of the overtaking
100 vehicle if such overtaking is being attempted at nighttime, and
101 shall not increase the speed of his or her vehicle until
102 completely passed by the overtaking vehicle.

103 (4) ~~(3)~~ A violation of this section is a noncriminal traffic
104 infraction, punishable as a moving violation as provided in
105 chapter 318. If a violation of this section contributed to the
106 bodily injury of a vulnerable user of a public roadway, the law
107 enforcement officer issuing the citation for the violation shall
108 note such information on the citation.

109 Section 5. Section 316.0833, Florida Statutes, is created
110 to read:

111 316.0833 Turning when passing vulnerable user.-

112 (1) A person operating a vehicle who overtakes and passes a
113 vulnerable user of a public roadway proceeding in the same
114 direction may not make a right or left turn at an intersection
115 or into a private road or driveway unless the turn can be made
116 at a safe distance from the vulnerable user with reasonable
117 safety and will not impede the travel of the vulnerable user.

118 (2) A violation of subsection (1) is a noncriminal traffic
119 infraction, punishable as a moving violation as provided in
120 chapter 318. If a violation of subsection (1) contributed to the
121 bodily injury of a vulnerable user of a public roadway, the law
122 enforcement officer issuing the citation for the violation shall
123 note such information on the citation.

124 Section 6. Subsection (3) of section 316.0875, Florida
125 Statutes, is amended to read:

126 316.0875 No-passing zones.-



616598

127 (3) This section does not apply:

128 (a) When an obstruction exists making it necessary to drive
129 to the left of the center of the highway; ~~nor~~

130 (b) To the driver of a vehicle turning left into or from an
131 alley, private road, or driveway; or

132 (c) When the driver of a motor vehicle is required to cross
133 pavement striping indicating a no-passing zone when passing a
134 vulnerable user of a public roadway in order to provide at least
135 3 feet between the motor vehicle and the vulnerable user.

136 Section 7. Section 316.1921, Florida Statutes, is created
137 to read:

138 316.1921 Harassing, taunting, or throwing object at person
139 riding a bicycle.—It is unlawful to harass, taunt, or
140 maliciously throw an object at or in the direction of a person
141 riding a bicycle. A person who violates this section commits a
142 misdemeanor of the first degree, punishable by a fine of at
143 least \$250 or by imprisonment of not more than 30 days, or both.

144 Section 8. Section 316.1925, Florida Statutes, is amended
145 to read:

146 316.1925 Careless driving.—

147 (1) A ~~Any~~ person operating a vehicle upon the streets or
148 highways within the state shall drive the same in a careful and
149 prudent manner, having regard for the width, grade, curves,
150 corners, traffic, and all other attendant circumstances, so as
151 not to endanger the life, limb, or property of any person. A
152 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
153 ~~constitute~~ careless driving and ~~a violation of this section.~~

154 ~~(2) Any person who violates this section shall be cited for~~
155 ~~a moving violation, punishable as provided in chapter 318.~~



616598

156 (2) If a violation under this section contributed to the
157 bodily injury of a vulnerable user of a public roadway, the law
158 enforcement officer issuing the citation for the violation shall
159 note such information on the citation.

160 Section 9. Section 318.142, Florida Statutes, is created to
161 read:

162 318.142 Infractions contributing to bodily injury of a
163 vulnerable user of a public roadway.—In addition to any other
164 penalty imposed for a violation under s. 316.083, s. 316.0833,
165 or s. 316.1925, if the violation contributed to the bodily
166 injury of a vulnerable user of a public roadway as defined in s.
167 316.003, the designated official shall impose a fine of not more
168 than \$2,000.

169 Section 10. Section 318.19, Florida Statutes, is amended to
170 read:

171 318.19 Infractions requiring a mandatory hearing.—Any
172 person cited for the infractions listed in this section shall
173 not have the provisions of s. 318.14(2), (4), and (9) available
174 to him or her but must appear before the designated official at
175 the time and location of the scheduled hearing:

176 (1) Any infraction which results in a crash that causes the
177 death of another;

178 (2) Any infraction which results in a crash that causes
179 “serious bodily injury” of another as defined in s. 316.1933(1);

180 (3) Any infraction of s. 316.172(1)(b);

181 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

182 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
183 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

184 (6) Any infraction of s. 316.083, s. 316.0833, or s.



616598

185 316.1925 which contributes to bodily injury of a vulnerable user
186 of a public roadway as defined in s. 316.003.

187 Section 11. Subsection (2) of section 322.0261, Florida
188 Statutes, is amended to read:

189 322.0261 Driver improvement course; requirement to maintain
190 driving privileges; failure to complete; department approval of
191 course.—

192 (2) With respect to an operator convicted of, or who
193 pleaded nolo contendere to, a traffic offense giving rise to a
194 crash identified in paragraph (1)(a) or paragraph (1)(b), the
195 department shall require that the operator, in addition to other
196 applicable penalties, attend a department-approved driver
197 improvement course in order to maintain his or her driving
198 privileges. The department shall include in the course
199 curriculum instruction specifically addressing the rights of
200 vulnerable ~~road~~ users as defined in s. 316.003 ~~s. 316.027~~
201 relative to vehicles on the roadway. If the operator fails to
202 complete the course within 90 days after receiving notice from
203 the department, the operator's driver license shall be canceled
204 by the department until the course is successfully completed.

205 Section 12. Subsection (10) is added to section 322.26,
206 Florida Statutes, to read:

207 322.26 Mandatory revocation of license by department.—The
208 department shall forthwith revoke the license or driving
209 privilege of any person upon receiving a record of such person's
210 conviction of any of the following offenses:

211 (10) A violation of s. 316.0275.

212 Section 13. This act shall take effect October 1, 2015.

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616598

214 ===== T I T L E A M E N D M E N T =====

215 And the title is amended as follows:

216 Delete everything before the enacting clause

217 and insert:

218 A bill to be entitled

219 An act relating to traffic safety; amending s.

220 316.003, F.S.; providing definitions; amending s.

221 316.027, F.S.; redefining the term "vulnerable user";

222 deleting obsolete provisions; creating s. 316.0275,

223 F.S.; providing criminal penalties for certain

224 noncriminal traffic infractions that cause serious

225 bodily injury or death to a person; defining the term

226 "serious bodily injury"; amending s. 316.083, F.S.;

227 revising provisions relating to the passing of a

228 vehicle; creating s. 316.0833, F.S.; prohibiting

229 passing and turning in front of a vulnerable user in

230 an unsafe manner; providing penalties; amending s.

231 316.0875, F.S.; revising exceptions to provisions for

232 designated no-passing zones; creating s. 316.1921,

233 F.S.; prohibiting harassing, taunting, or throwing an

234 object at a person riding a bicycle; providing fines

235 and penalties; amending s. 316.1925, F.S.; revising

236 provisions relating to careless driving; creating s.

237 318.142, F.S.; providing fines and penalties for

238 specified infractions contributing to bodily injury of

239 a vulnerable user; amending s. 318.19, F.S.; requiring

240 a hearing for specified offenses; amending s.

241 322.0261, F.S.; conforming a cross-reference; amending

242 s. 322.26, F.S.; providing mandatory revocation of



616598

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license for a specified conviction; providing an
effective date.

By Senator Altman

16-01208-15

2015908__

1 A bill to be entitled
 2 An act relating to transportation; amending s.
 3 316.003, F.S.; providing definitions; amending s.
 4 316.083, F.S.; revising provisions relating to the
 5 passing of a vehicle; creating s. 316.0833, F.S.;
 6 prohibiting passing and turning in front of a
 7 vulnerable user in an unsafe manner; providing
 8 penalties; amending s. 316.0875, F.S.; revising
 9 exceptions to provisions for designated no-passing
 10 zones; creating s. 316.1921, F.S.; prohibiting
 11 harassing, taunting, or throwing an object at a person
 12 riding a bicycle; providing criminal penalties;
 13 amending s. 316.1925, F.S.; revising provisions
 14 relating to careless driving; amending s. 316.2065,
 15 F.S.; revising the definition of the term
 16 "substandard-width lane"; creating s. 318.142, F.S.;
 17 providing penalties for specified infractions
 18 contributing to bodily injury of a vulnerable user;
 19 amending s. 318.19, F.S.; requiring a hearing for
 20 specified offenses; amending s. 322.095, F.S.;
 21 requiring traffic law and substance abuse education
 22 courses to include instruction on traffic laws
 23 relating to rights and safety of vulnerable users;
 24 amending s. 322.12, F.S.; requiring driver license
 25 examinations to include a test of the applicant's
 26 knowledge of traffic laws relating to rights and
 27 safety of vulnerable users; amending s. 1003.48, F.S.;
 28 requiring driver education courses offered by a school
 29 district to include certain instruction; providing

Page 1 of 12

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16-01208-15

2015908__

30 severability; providing an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Subsections (94) and (95) are added to section
 35 316.003, Florida Statutes, to read:
 36 316.003 Definitions.—The following words and phrases, when
 37 used in this chapter, shall have the meanings respectively
 38 ascribed to them in this section, except where the context
 39 otherwise requires:
 40 (94) BODILY INJURY.—
 41 (a) A cut, abrasion, bruise, burn, or disfigurement;
 42 (b) Physical pain;
 43 (c) Illness;
 44 (d) Impairment of the function of a bodily member, organ,
 45 or mental faculty; or
 46 (e) Any other injury to the body, no matter how temporary.
 47 (95) VULNERABLE USER OF A PUBLIC RIGHT-OF-WAY OR VULNERABLE
 48 USER.—
 49 (a) A pedestrian, including a person actually engaged in
 50 work upon a highway or roadway, work upon utility facilities
 51 along a highway or roadway, or the provision of emergency
 52 services within the right-of-way;
 53 (b) A person operating, or who is a passenger on, a
 54 bicycle, motorcycle, scooter, or moped lawfully on the roadway;
 55 (c) A person riding an animal; or
 56 (d) A person lawfully operating on a public right-of-way,
 57 crosswalk, or shoulder of the roadway:
 58 1. A farm tractor or similar vehicle designed primarily for

Page 2 of 12

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16-01208-15

2015908__

59 farm use;

60 2. A skateboard, roller skates, or in-line skates;

61 3. A horse-drawn carriage;

62 4. An electric personal assistive mobility device; or

63 5. A wheelchair.

64 Section 2. Section 316.083, Florida Statutes, is amended to
65 read:

66 316.083 Overtaking and passing a vehicle.—The following
67 provisions ~~rules~~ shall govern the overtaking and passing of
68 vehicles proceeding in the same direction, ~~subject to these~~
69 ~~limitations, exceptions, and special rules hereinafter stated:~~

70 (1) The driver of a vehicle overtaking another vehicle
71 proceeding in the same direction shall give an appropriate
72 signal as provided for in s. 316.156, shall pass to the left
73 thereof at a safe distance, and shall not again drive to the
74 right side of the roadway until safely clear of the overtaken
75 vehicle.

76 (2) The driver of a motor vehicle overtaking a person
77 operating a bicycle or other vulnerable user of a public right-
78 of-way ~~nonmotorized vehicle~~ must pass the person operating the
79 bicycle or other vulnerable user ~~nonmotorized vehicle~~ at a safe
80 distance of not less than 3 feet between any part of or
81 attachment to the motor vehicle, anything extending from the
82 motor vehicle, and any trailer or other item being towed by the
83 motor vehicle and the bicycle, the person operating the bicycle,
84 or other vulnerable user ~~nonmotorized vehicle~~.

85 ~~(3)(2)~~ Except when overtaking and passing on the right is
86 permitted, the driver of an overtaken vehicle shall give way to
87 the right in favor of the overtaking vehicle, on audible signal

Page 3 of 12

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16-01208-15

2015908__

88 or upon the visible blinking of the headlamps of the overtaking
89 vehicle if such overtaking is being attempted at nighttime, and
90 shall not increase the speed of his or her vehicle until
91 completely passed by the overtaking vehicle.

92 ~~(4)(3)~~ A violation of this section is a noncriminal traffic
93 infraction, punishable as a moving violation as provided in
94 chapter 318. If a violation of this section contributed to the
95 bodily injury of a vulnerable user of a public right-of-way, the
96 law enforcement officer issuing the citation for the violation
97 shall note such information on the citation.

98 Section 3. Section 316.0833, Florida Statutes, is created
99 to read:

100 316.0833 Right turn when passing vulnerable user.—

101 (1) A person operating a vehicle who overtakes and passes a
102 vulnerable user of a public right-of-way proceeding in the same
103 direction may not make a right turn at an intersection or into a
104 private road or driveway unless the turn can be made at a safe
105 distance from the vulnerable user with reasonable safety and
106 will not impede the travel of the vulnerable user.

107 (2) A violation of subsection (1) is a noncriminal traffic
108 infraction, punishable as a moving violation as provided in
109 chapter 318. If a violation of subsection (1) contributed to the
110 bodily injury of a vulnerable user of a public right-of-way, the
111 law enforcement officer issuing the citation for the violation
112 shall note such information on the citation.

113 Section 4. Subsection (3) of section 316.0875, Florida
114 Statutes, is amended to read:

115 316.0875 No-passing zones.—

116 (3) This section does not apply;

Page 4 of 12

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16-01208-15

2015908__

117 (a) When an obstruction exists making it necessary to drive
 118 to the left of the center of the highway; ~~nor~~

119 (b) To the driver of a vehicle turning left into or from an
 120 alley, private road, or driveway; or

121 (c) When the driver of a motor vehicle is required to cross
 122 pavement striping indicating a no-passing zone when passing a
 123 vulnerable user of a public right-of-way in order to provide at
 124 least 3 feet between the motor vehicle and the vulnerable user.

125 Section 5. Section 316.1921, Florida Statutes, is created
 126 to read:

127 316.1921 Harassing, taunting, or throwing an object at a
 128 person riding a bicycle.—It is unlawful to harass, taunt, or
 129 maliciously throw an object at or in the direction of a person
 130 riding a bicycle. A person who violates this section commits a
 131 misdemeanor of the first degree, punishable by a fine of at
 132 least \$250 or by imprisonment of not more than 30 days, or both.

133 Section 6. Section 316.1925, Florida Statutes, is amended
 134 to read:

135 316.1925 Careless driving.—

136 (1) A ~~Any~~ person operating a vehicle upon the streets or
 137 highways within the state shall drive the same in a careful and
 138 prudent manner, having regard for the width, grade, curves,
 139 corners, traffic, and all other attendant circumstances, so as
 140 not to endanger the life, limb, or property of any person. A
 141 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
 142 constitute ~~constitute~~ careless driving and ~~a violation of this section.~~

143 ~~(2) Any person who violates this section shall be cited for~~
 144 ~~a moving violation, punishable as provided in chapter 318.~~

145 (2) If a violation under this section contributed to the

16-01208-15

2015908__

146 bodily injury of a vulnerable user of a public right-of-way, the
 147 law enforcement officer issuing the citation for the violation
 148 shall note such information on the citation.

149 Section 7. Paragraph (a) of subsection (5) of section
 150 316.2065, Florida Statutes, is amended to read:

151 316.2065 Bicycle regulations.—

152 (5) (a) Any person operating a bicycle upon a roadway at
 153 less than the normal speed of traffic at the time and place and
 154 under the conditions then existing shall ride in the lane marked
 155 for bicycle use or, if no lane is marked for bicycle use, as
 156 close as practicable to the right-hand curb or edge of the
 157 roadway except under any of the following situations:

158 1. When overtaking and passing another bicycle or vehicle
 159 proceeding in the same direction.

160 2. When preparing for a left turn at an intersection or
 161 into a private road or driveway.

162 3. When reasonably necessary to avoid any condition or
 163 potential conflict, including, but not limited to, a fixed or
 164 moving object, parked or moving vehicle, bicycle, pedestrian,
 165 animal, surface hazard, turn lane, or substandard-width lane,
 166 which makes it unsafe to continue along the right-hand curb or
 167 edge or within a bicycle lane. For the purposes of this
 168 subsection, a "substandard-width lane" is a lane that is less
 169 than 14 feet wide which is not adjacent to a bicycle lane that
 170 is at least 5 feet wide ~~too narrow for a bicycle and another~~
 171 ~~vehicle to travel safely side by side within the lane.~~

172 Section 8. Section 318.142, Florida Statutes, is created to
 173 read:

174 318.142 Infractions contributing to bodily injury of a

16-01208-15 2015908__

175 vulnerable user of a public right-of-way.

176 (1) (a) In addition to any other penalty imposed for a
 177 violation under s. 316.083, s. 316.0833, or s. 316.1925, if the
 178 violation contributed to the bodily injury of a vulnerable user
 179 of a public right-of-way as defined in s. 316.003, the
 180 designated official shall impose a fine of not more than \$2,000
 181 and the department shall suspend the offender's driving
 182 privileges for 6 months.

183 (b) Imposition of the penalties under paragraph (a) shall
 184 be delayed upon the condition that, within 1 year after the date
 185 of sentencing, the offender complete a traffic safety course
 186 approved by the department and perform at least 100 but not more
 187 than 200 hours of community service, which must include
 188 activities related to driver improvement and public education on
 189 traffic safety. The designated official may grant an extension
 190 of the 1-year period for good cause shown.

191 (2) (a) If the offender successfully completes the
 192 requirements under paragraph (1) (b) within the time allowed, the
 193 penalties under paragraph (1) (a) shall be vacated.

194 (b) If the offender does not successfully complete the
 195 requirements under paragraph (1) (b) within the time allowed, the
 196 penalties under paragraph (1) (a) shall be imposed.

197 Section 9. Section 318.19, Florida Statutes, is amended to
 198 read:

199 318.19 Infractions requiring a mandatory hearing.—Any
 200 person cited for the infractions listed in this section shall
 201 not have the provisions of s. 318.14(2), (4), and (9) available
 202 to him or her but must appear before the designated official at
 203 the time and location of the scheduled hearing:

Page 7 of 12

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16-01208-15 2015908__

204 (1) Any infraction which results in a crash that causes the
 205 death of another;

206 (2) Any infraction which results in a crash that causes
 207 "serious bodily injury" of another as defined in s. 316.1933(1);

208 (3) Any infraction of s. 316.172(1)(b);

209 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

210 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 211 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

212 (6) Any infraction of s. 316.083, s. 316.0833, or s.
 213 316.1925 which contributes to the bodily injury of a vulnerable
 214 user of a public right-of-way as defined in s. 316.003.

215 Section 10. Paragraph (b) of subsection (2) of section
 216 322.095, Florida Statutes, is amended to read:

217 322.095 Traffic law and substance abuse education program
 218 for driver license applicants.—

219 (2) The Department of Highway Safety and Motor Vehicles
 220 must approve traffic law and substance abuse education courses,
 221 including courses that use communications technology as the
 222 delivery method.

223 (b) Each course provider seeking approval of a traffic law
 224 and substance abuse education course must submit:

225 1. Proof of ownership, copyright, or written permission
 226 from the course owner to use the course in the state.

227 2. The curriculum for the courses which must promote
 228 motorcyclist, bicyclist, and pedestrian safety and provide
 229 instruction on traffic laws relating to the rights and safety of
 230 vulnerable users of public rights-of-way as defined in s.
 231 316.003; the physiological and psychological consequences of the
 232 abuse of alcohol and other drugs; the societal and economic

Page 8 of 12

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

16-01208-15 2015908__
 233 costs of alcohol and drug abuse; the effects of alcohol and drug
 234 abuse on the driver of a motor vehicle; the laws of this state
 235 relating to the operation of a motor vehicle; the risk factors
 236 involved in driver attitude and irresponsible driver behaviors,
 237 such as speeding, reckless driving, and running red lights and
 238 stop signs; and the results of the use of electronic devices
 239 while driving.

240 Section 11. Subsections (3) and (4) of section 322.12,
 241 Florida Statutes, are amended to read:

242 322.12 Examination of applicants.—

243 (3) For an applicant for a Class E driver license, such
 244 examination shall include a test of the applicant's eyesight
 245 given by the driver license examiner designated by the
 246 department or by a licensed ophthalmologist, optometrist, or
 247 physician and a test of the applicant's hearing given by a
 248 driver license examiner or a licensed physician. The examination
 249 shall also include a test of the applicant's ability to read and
 250 understand highway signs regulating, warning, and directing
 251 traffic; his or her knowledge of the traffic laws of this state,
 252 including laws regulating driving under the influence of alcohol
 253 or controlled substances, driving with an unlawful blood-alcohol
 254 level, and driving while intoxicated; and his or her knowledge
 255 of the effects of alcohol and controlled substances upon persons
 256 and the dangers of driving a motor vehicle while under the
 257 influence of alcohol or controlled substances and shall include
 258 an actual demonstration of ability to exercise ordinary and
 259 reasonable control in the operation of a motor vehicle.
 260 Examination under this subsection testing the applicant's
 261 knowledge of traffic laws must include laws relating to the

16-01208-15 2015908__
 262 rights and safety of vulnerable users of public rights-of-way as
 263 defined in s. 316.003.

264 (4) The examination for an applicant for a commercial
 265 driver license shall include a test of the applicant's eyesight
 266 given by a driver license examiner designated by the department
 267 or by a licensed ophthalmologist, optometrist, or physician and
 268 a test of the applicant's hearing given by a driver license
 269 examiner or a licensed physician. The examination shall also
 270 include a test of the applicant's ability to read and understand
 271 highway signs regulating, warning, and directing traffic; his or
 272 her knowledge of the traffic laws of this state pertaining to
 273 the class of motor vehicle which he or she is applying to be
 274 licensed to operate, including laws regulating driving under the
 275 influence of alcohol or controlled substances, driving with an
 276 unlawful blood-alcohol level, and driving while intoxicated; his
 277 or her knowledge of the effects of alcohol and controlled
 278 substances and the dangers of driving a motor vehicle after
 279 having consumed alcohol or controlled substances; and his or her
 280 knowledge of any special skills, requirements, or precautions
 281 necessary for the safe operation of the class of vehicle which
 282 he or she is applying to be licensed to operate. In addition,
 283 the examination shall include an actual demonstration of the
 284 applicant's ability to exercise ordinary and reasonable control
 285 in the safe operation of a motor vehicle or combination of
 286 vehicles of the type covered by the license classification which
 287 the applicant is seeking, including an examination of the
 288 applicant's ability to perform an inspection of his or her
 289 vehicle.

290 (a) The portion of the examination which tests an

16-01208-15 2015908__

291 applicant's safe driving ability shall be administered by the
 292 department or by an entity authorized by the department to
 293 administer such examination, pursuant to s. 322.56. Such
 294 examination shall be administered at a location approved by the
 295 department.

296 (b) A person who seeks to retain a hazardous-materials
 297 endorsement must, upon renewal, pass the test for such
 298 endorsement as specified in s. 322.57(1)(e), if the person has
 299 not taken and passed the hazardous-materials test within 2 years
 300 preceding his or her application for a commercial driver license
 301 in this state.

302 (c) Examination under this subsection testing the
 303 applicant's knowledge of traffic laws must include laws relating
 304 to the rights and safety of vulnerable users of public rights-
 305 of-way as defined in s. 316.003.

306 Section 12. Subsection (6) is added to section 1003.48,
 307 Florida Statutes, to read:

308 1003.48 Instruction in operation of motor vehicles.—

309 (6) In addition to the lawful and safe operation of a motor
 310 vehicle, a course offered under this section shall include
 311 instruction on traffic laws relating to the rights and safety of
 312 vulnerable users of public rights-of-way as defined in s.
 313 316.003.

314 Section 13. If any provision of this act or its application
 315 to any person or circumstance is held invalid, the invalidity
 316 does not affect other provisions or applications of this act
 317 which can be given effect without the invalid provision or
 318 application, and, to this end, the provisions of this act are
 319 severable.

Page 11 of 12

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16-01208-15 2015908__

320 Section 14. This act shall take effect October 1, 2015.

Page 12 of 12

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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)

3/26/15
Meeting Date

SB 908
Bill Number (if applicable)

Topic Road users

Amendment Barcode (if applicable)

Name James D. "Doc" Reichenbacher

Job Title State President

Address PO Box 712

Phone 352-362-2150

Street Silver Springs, FL 34489
City State Zip

Email ~~abate@att.net~~
abate@att.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ABATE of Florida, Inc.

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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/25

Meeting Date

908

Bill Number (if applicable)

Topic SB 908

Amendment Barcode (if applicable)

Name KEVIN F. SWEENEY

Job Title

Address Street

Phone

City State Zip

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing FLORIDA JUSTICE ASSOCIATION

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/27/15
Meeting Date

908
Bill Number (if applicable)

Topic TRANSPORTATION

Amendment Barcode (if applicable)

Name JEFF SHARKEY

Job Title PRESIDENT CAB

Address 100 E COURTNEY AVE
Street

Phone 850 224 1660

Tallahassee FL 32301
City State Zip

Email JEFF@SHARKEYCAB.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SPACE X

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/15

Meeting Date

908

Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Laura Cantwell

Job Title Associate State Director

Address 400 Canilon Pkwy, Suite 100

Phone 850-570-2110

St. Pete
City

FL
State

33716
Zip

Email lcantwell@aarpa.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AARP

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.

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 Committee on Transportation

BILL: CS/SB 1048

INTRODUCER: Transportation Committee and Senator Garcia

SUBJECT: Motor Vehicle Manufacturer Licenses

DATE: March 26, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.			ATD	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1048 addresses numerous issues related to contractual agreements between motor vehicle licensees and motor vehicle dealers. The bill provides additional grounds to deny, suspend, or revoke a license held by a manufacturer, factory branch, distributor, or importer. It also prohibits manufacturers from taking certain actions against dealers, and requires certain procedures be followed by the manufacturer when dealing with dealers.

This act applies to all franchise agreements entered into, renewed, or amended after October 1, 1988, unless such application impairs valid contractual agreements in violation of the Florida Constitution or United States Constitution.

II. Present Situation:

Florida has substantially regulated the relationship between motor vehicle manufacturers and motor vehicle dealers since 1970. Manufacturers, distributors, and importers (collectively referred to as licensees) enter into contractual agreements with dealers to sell particular vehicles that the licensee manufactures, distributes, or imports. Chapter 320, F.S., provides, in part, for the regulation of the relationship between manufacturers and dealers. Existing law requires the licensing of manufacturers, and regulates numerous aspects of the contracts between manufacturers and dealers.

A manufacturer, factory branch, distributor, or importer must be licensed under ss. 320.60-320.70, F.S., to engage in business in this state.¹ A person desiring to be licensed under ss. 320.60-320.70, F.S., must submit an application to the DHSMV along with required documents to determine the fitness of the applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed.² The DHSMV may prescribe an abbreviated application for renewal of a license if the licensee has previously filed an initial application, and shall include necessary information to bring current the information required in the initial application.³

The requirements regulating the contractual business relationship between a dealer and a manufacturer are primarily found in ss. 320.60-320.071, F.S., (the Florida Automobile Dealers Act).⁴ These sections of law specify, in part:

- The conditions and situations under which the DHSMV may grant, deny, suspend, or revoke a license;
- The process, timing, and notice requirements for manufacturers to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a change;
- The procedures a manufacturer must follow if it wants to add a dealership in an area already served by a dealer, the protest process, and the DHSMV's role in these circumstances;
- The amounts of damages that can be assessed against a manufacturer in violation of Florida statutes; and
- The DHSMV's authority to adopt rules to implement these sections of law.

In 2009, the DHSMV held, in an administrative proceeding, amendments to the Florida Automobile Dealers Act do not apply to dealers having franchise agreements which were signed prior to the effective date of the amendment.⁵

Currently, s. 320.64, F.S., provides 38 grounds for the DHSMV's denial, suspension, or revocation of the license of a manufacturer. A violation of any of these provisions entitles a dealer to rights and remedies contained within the Florida Automobile Dealers Act.

¹ Section 320.61(1), F.S.

² Section 320.63, F.S.

³ Section 320.61(2), F.S.

⁴Walter E. Forehand and John W. Forehand, *Motor Vehicle Dealer and Motor Vehicle Manufacturers: Florida Reacts to Pressures in the Marketplace*, 29 Fla. St. Univ. Law Rev. 1058 (2002) (No section of the statute provides a short title; however, many courts have referred to the provisions as such.), <http://www.law.fsu.edu/journals/lawreview/downloads/293/Forehand.pdf>.

⁵ See *Motorsports of Delray, LLC v. Yamaha Motor Corp., U.S.A.*, Case No. 09-0935 (Fla. DOAH Dec. 9, 2009). In this holding, the DHSMV ruled that a 2006 amendment to the Florida Automobile Dealers Act, does not apply to a dealer terminated in 2008 because the dealer's franchise agreement was entered into prior to the effective date of the amendment. This Final Order was initially appealed but was later voluntarily dismissed. See also, *In re Am. Suzuki Motor Corp.*, 494 B.R. 466, 480 (Bankr. C.D. Cal. 2013) (The DHSMV has indicated it will be applying this holding to every amendment to the Florida Automobile Dealers Act. That means dealers have different protections under the law depending on when they signed their franchise agreement.).

III. Effect of Proposed Changes:

The bill addresses several issues related to the contractual agreements between motor vehicle licensees and dealers.

Section 1 of the bill amends s. 320.64, F.S., to modify and add acts an applicant or licensee (further referred to as the licensee) is prohibited from committing. A license of a licensee may be denied, suspended, or revoked if a licensee:

- Takes adverse action against a dealer because a motor vehicle sold, leased, or delivered to a customer was resold or exported more than 120 days after it was delivered to the customer;
- Terminates, cancels, discontinues, or does not renew a dealer's franchise agreement on the basis of any act related to a customer's exporting or reselling of a motor vehicle, *unless* the licensee proves by clear and convincing evidence before a trier of fact that the majority owner or dealer-principal had actual knowledge at the time the vehicle was being sold that the customer intended to export or resell the vehicle;
- Fails to make any payment due to a dealer for temporary replacement vehicles loaned, rented, or provided by the dealer to or for its service or repair customers, provided the dealer complied with the terms of the franchise agreement or other contract with the licensee, even if the motor vehicle has been leased, rented, titled, or registered to an entity owned or controlled by the dealer;
- Requires or coerces, or attempts to require or coerce, a dealer to purchase goods from a vendor selected, identified, or designated by the licensee or one of its parents, subsidiaries, divisions, or affiliates, without making available to the dealer the option to obtain like kind, design, and quality goods or services from a vendor chosen by the dealer.
- Requires a dealer to participate in, contribute to, affiliate with, or join, or preclude a portion of its dealers in a designated market from establishing, a dealer advertising or marketing entity;
- Require a dealer, directly or indirectly, to advance, pay for, or reimburse the licensee for any costs related to advertisement for a motor vehicle, but may offer advertising or promotional materials to a dealer for a fee as long as the use of such materials is voluntary to the dealer; and
- Takes or threatens to take adverse action against a dealer that refuses to participate in a dealer advertising or marketing entity.

It is also added that:

- A dealer who received approval of its facility from the licensee within ten years prior to an incentive program offered by the licensee premised, wholly or in part, on dealer facility improvements is deemed to be in full compliance with facility-related requirements under the offer for the duration of the ten-year period;
- A dealer who, during the ten-year period, has completed a prior approved facility incentive program, standard, or policy but does not comply with the provisions related to facility, sign, or image under a new incentive program still remains entitled to the benefits under the older program plus any increase in benefits between the old and new programs for the remainder of the ten-year period;

- An audit of service-related payments, and incentive payments can be performed by a licensee only during the 12-month period immediately following the date the claim or incentive was paid;
- An “incentive” is defined as including any bonus, incentive, or other monetary or nonmonetary thing of value;
- A dealer who desires to use like kind, design, and quality goods or services from a chosen vendor must provide written notice to the licensee along with samples or clear descriptions of the goods or services. The licensee has up to 30 days to respond and may not unreasonably withhold consent. If the dealer receives no response within 30 days, consent to use the alternative goods or services is deemed granted;
- The term “goods or services” used in this bill refers to goods and services used to construct or renovate dealership facilities, and does not include:
 - Intellectual property of the licensee related to signage incorporating the licensee’s trademark or copyright;
 - Any special tool or training required by the licensee;
 - Any part to be used in repairs under warranty obligations of a licensee;
 - Any good or service paid for entirely by the licensee; or
 - Any licensee’s design or architectural review service; and
- A licensee may deny a service-related claim or incentive claim, or subject a dealer to a charge-back *only* for the portion of a claim proven to be false or fraudulent by the licensee.

Section 2 provides that this act applies to all franchise agreements entered into, renewed, or amended after October 1, 1988, unless such application impairs valid contractual agreements in violation of the Florida Constitution or the United States Constitution.

Section 3 provides that this act takes effect upon becoming law.

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:

The Federal Contracts Clause provides that no state shall pass any law impairing the obligation of contracts.⁶ However, the Contracts Clause prohibition must be weighed against the State’s inherent power to safeguard its people’s interests. Three factors are

⁶ U.S. CONST. art. I, s. 10.

considered when evaluating a claim that the Contracts Clause has been violated:

(1) whether the law substantially impairs a contractual relationship; (2) whether there is a significant and legitimate public purpose for the law; and (3) whether the adjustments of rights and responsibilities of the contracting parties are based upon reasonable conditions and are of an appropriate nature.⁷

Some state laws regulating contracts between automobile manufacturers and dealers have been found to have violated the constitution while other laws have been upheld as constitutional.⁸

The bill provides an exception to the act if such application violates the Florida Constitution or United States Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent the agreements between dealers and manufacturers, distributors, and importers change due to compliance with existing laws, the parties could be positively or negatively impacted. Dealers may experience increased revenue from new limitations and procedures governing the incentives, bonuses, and other benefit programs.

C. Government Sector Impact:

The DHSMV may experience an increase in the number of administrative hearings as a result of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.64 of the Florida Statutes.

⁷ *Vesta Fire Ins. Corp. v. State of Fla.*, 141 F.3d 1427, 1433 (11th Cir. 1998).

⁸ See *Alliance of Auto. Mfrs., Inc. v. Currey*, 984 F. Supp. 2d 32 (D. Conn. 2013) (Upholding state law that revised statutory method for calculating reasonable compensation for vehicle warranty work and prohibited manufacturers from recovering any additional cost of the new method from the dealers.); *Arapahoe Motors, Inc. v. Gen. Motors Corp.*, No. CIV.A. 99 N 1985, 2001 WL 36400171, at *13 (D. Colo. Mar. 28, 2001) (the retroactive application of state law would be unconstitutional as it would create a new obligation or impose a new duty upon General Motors.).

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 Transportation on March 26, 2015:**

The CS added:

- A licensee may not refuse to pay a dealer who participated in an incentive program related to facility improvements or signs “any increase in benefits” between the older program and new program offered within a ten-year period;
- A dealer has the option to obtain like kind, design, and quality goods or services from a vendor chosen by the dealer, and includes the process for obtaining approval by the licensee, defines “good and services,” and provides exceptions; and
- A licensee may not require a dealer, directly or indirectly, to advance, pay for, or reimburse the licensee for any costs related to advertisement for a motor vehicle

The CS removed:

- The amendments to ss. 320.641, 320.642, and 320.643, F.S., which added that a dealer could file a protest or petition against a manufacturer with a “court of competent jurisdiction”;
- The language to be used to determine if a complainant dealer has substantially prevailed when petitioning a notice of intent to discontinue, cancel, not renew, or replace a franchise agreement;
- The creation of an alternative cause of civil action procedure for a dealer directly and adversely affected by the action or conduct of the licensee; and
- The provision that required a manufacture to provide a written statement or notice disclosing whether the manufacturer has an ownership interest in a prescribed vendor.

The CS changed the timeframe a licensee can audit incentive payments from six months to 12 months. Additionally, a licensee may not take adverse action against a dealer because a motor vehicle sold, leased, or delivered to a customer was resold or exported more than 120 days after it was delivered to the customer, instead of 90 days.

B. Amendments:

None.



337212

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraph (h) of subsection (10) of section 320.64, Florida Statutes, is redesignated as paragraph (i), a new paragraph (h) is added to that subsection, present paragraph (h) of subsection (10) and subsections (25) and (26) of that section are amended, and subsections (39) through (41) are added to that section, to read:



337212

11 320.64 Denial, suspension, or revocation of license;
12 grounds.—A license of a licensee under s. 320.61 may be denied,
13 suspended, or revoked within the entire state or at any specific
14 location or locations within the state at which the applicant or
15 licensee engages or proposes to engage in business, upon proof
16 that the section was violated with sufficient frequency to
17 establish a pattern of wrongdoing, and a licensee or applicant
18 shall be liable for claims and remedies provided in ss. 320.695
19 and 320.697 for any violation of any of the following
20 provisions. A licensee is prohibited from committing the
21 following acts:

22 (10)

23 (h) If the applicant or licensee offers any bonus,
24 incentive, rebate, or other program, standard, or policy that is
25 available to a motor vehicle dealer in this state and that is
26 premised, wholly or in part, on dealer facility improvements,
27 renovations, expansion, remodeling, alterations, or installation
28 of signs or other image elements, and if the motor vehicle
29 dealer completes an approved facility in reliance upon such
30 offer, the motor vehicle dealer shall be deemed to be in full
31 compliance with all of the applicant's or licensee's
32 requirements related to facility, sign, and image for the
33 duration of a 10-year period following such completion. If,
34 during the 10-year period, the applicant or licensee establishes
35 a program, standard, or policy that offers a new bonus,
36 incentive, rebate, or other benefit, and if a motor vehicle
37 dealer has completed an approved facility in reliance upon the
38 prior program, standard, or policy but does not comply with the
39 provisions related to facility, sign, or image under the new



337212

40 program, standard, or policy, except as hereinafter provided,
41 the motor vehicle dealer is eligible for benefits under the
42 provisions related to facility, sign, or image of the new
43 program, standard, or policy, but shall remain entitled to all
44 the benefits under the older program, standard, or policy, plus
45 any increase in the benefits between the old and new programs,
46 standards, or policies during the remainder of the 10-year
47 period. Nothing contained in this subsection shall in any way
48 obviate, affect, or alter the provisions of subsection (38).

49 (i)(h) A violation of paragraphs (b)-(h) ~~(b) through (g)~~ is
50 not a violation of s. 320.70 and does not subject any licensee
51 to any criminal penalty under s. 320.70.

52 (25) The applicant or licensee has undertaken or engaged in
53 an audit of warranty, maintenance, and other service-related
54 payments or incentive payments, including payments to a motor
55 vehicle dealer under any licensee-issued program, policy, or
56 other benefit, which previously have been paid to a motor
57 vehicle dealer in violation of this section or has failed to
58 comply with any of its obligations under s. 320.696. An
59 applicant or licensee may reasonably and periodically audit a
60 motor vehicle dealer to determine the validity of paid claims as
61 provided in s. 320.696. Audits of warranty, maintenance, and
62 other service-related payments shall be performed by an
63 applicant or licensee only during the 12-month ~~1-year~~ period
64 immediately following the date the claim was paid. Audits ~~Audit~~
65 of incentive payments shall ~~only~~ be performed only during the
66 12-month ~~for an 18-month~~ period immediately following the date
67 the incentive was paid. As used in this section, the term
68 "incentive" includes any bonus, incentive, or other monetary or



337212

69 nonmonetary thing of value. After such time periods have
70 elapsed, all warranty, maintenance, and other service-related
71 payments and incentive payments shall be deemed final and
72 incontrovertible for any reason notwithstanding any otherwise
73 applicable law, and the motor vehicle dealer shall not be
74 subject to any charge-back or repayment. An applicant or
75 licensee may deny a claim or, as a result of a timely conducted
76 audit, impose a charge-back against a motor vehicle dealer for
77 warranty, maintenance, or other service-related payments or
78 incentive payments only if the applicant or licensee can show
79 that the warranty, maintenance, or other service-related claim
80 or incentive claim was false or fraudulent or that the motor
81 vehicle dealer failed to substantially comply with the
82 reasonable written and uniformly applied procedures of the
83 applicant or licensee for such repairs or incentives, but only
84 for that portion of the claim so shown. Notwithstanding the
85 terms of any franchise agreement, guideline, program, policy, or
86 procedure, an applicant or licensee may deny or charge back only
87 that portion of a warranty, maintenance, or other service-
88 related claim or incentive claim which the applicant or licensee
89 has proven to be false or fraudulent or for which the dealer
90 failed to substantially comply with the reasonable, written, and
91 uniformly applied procedures of the applicant or licensee for
92 such repairs or incentives, as set forth in this subsection. An
93 applicant or licensee may not charge back a motor vehicle dealer
94 ~~back~~ subsequent to the payment of a warranty, maintenance, or
95 service-related claim or incentive claim unless, within 30 days
96 after a timely conducted audit, a representative of the
97 applicant or licensee first meets in person, by telephone, or by



337212

98 video teleconference with an officer or employee of the dealer
99 designated by the motor vehicle dealer. At such meeting the
100 applicant or licensee must provide a detailed explanation, with
101 supporting documentation, as to the basis for each of the claims
102 for which the applicant or licensee proposed a charge-back to
103 the dealer and a written statement containing the basis upon
104 which the motor vehicle dealer was selected for audit or review.
105 Thereafter, the applicant or licensee must provide the motor
106 vehicle dealer's representative a reasonable period after the
107 meeting within which to respond to the proposed charge-backs,
108 with such period to be commensurate with the volume of claims
109 under consideration, but in no case less than 45 days after the
110 meeting. The applicant or licensee is prohibited from changing
111 or altering the basis for each of the proposed charge-backs as
112 presented to the motor vehicle dealer's representative following
113 the conclusion of the audit unless the applicant or licensee
114 receives new information affecting the basis for one or more
115 charge-backs and that new information is received within 30 days
116 after the conclusion of the timely conducted audit. If the
117 applicant or licensee claims the existence of new information,
118 the dealer must be given the same right to a meeting and right
119 to respond as when the charge-back was originally presented.
120 After all internal dispute resolution processes provided through
121 the applicant or licensee have been completed, the applicant or
122 licensee shall give written notice to the motor vehicle dealer
123 of the final amount of its proposed charge-back. If the dealer
124 disputes that amount, the dealer may file a protest with the
125 department within 30 days after receipt of the notice. If a
126 protest is timely filed, the department shall notify the



337212

127 applicant or licensee of the filing of the protest, and the
128 applicant or licensee may not take any action to recover the
129 amount of the proposed charge-back until the department renders
130 a final determination, which is not subject to further appeal,
131 that the charge-back is in compliance with the provisions of
132 this section. In any hearing pursuant to this subsection, the
133 applicant or licensee has the burden of proof that its audit and
134 resulting charge-back are in compliance with this subsection.

135 (26) Notwithstanding the terms of any franchise agreement,
136 including any licensee's program, policy, or procedure, the
137 applicant or licensee has refused to allocate, sell, or deliver
138 motor vehicles; charged back or withheld payments or other
139 things of value for which the dealer is otherwise eligible under
140 a sales promotion, program, or contest; prevented a motor
141 vehicle dealer from participating in any promotion, program, or
142 contest; or has taken or threatened to take any adverse action
143 against a dealer, including charge-backs, reducing vehicle
144 allocations, or terminating or threatening to terminate a
145 franchise because the dealer sold or leased a motor vehicle to a
146 customer who exported the vehicle to a foreign country or who
147 resold the vehicle, unless the licensee proves that the dealer
148 knew or reasonably should have known that the customer intended
149 to export or resell the motor vehicle. There is a rebuttable
150 presumption that the dealer neither knew nor reasonably should
151 have known of its customer's intent to export or resell the
152 vehicle if the vehicle is titled or registered in any state in
153 this country. A licensee may not take any action against a motor
154 vehicle dealer, including reducing its allocations or supply of
155 motor vehicles to the dealer, or charging back a dealer for an



337212

156 incentive payment previously paid, unless the licensee first
157 meets in person, by telephone, or video conference with an
158 officer or other designated employee of the dealer. At such
159 meeting, the licensee must provide a detailed explanation, with
160 supporting documentation, as to the basis for its claim that the
161 dealer knew or reasonably should have known of the customer's
162 intent to export or resell the motor vehicle. Thereafter, the
163 motor vehicle dealer shall have a reasonable period,
164 commensurate with the number of motor vehicles at issue, but not
165 less than 15 days, to respond to the licensee's claims. If,
166 following the dealer's response and completion of all internal
167 dispute resolution processes provided through the applicant or
168 licensee, the dispute remains unresolved, the dealer may file a
169 protest with the department within 30 days after receipt of a
170 written notice from the licensee that it still intends to take
171 adverse action against the dealer with respect to the motor
172 vehicles still at issue. If a protest is timely filed, the
173 department shall notify the applicant or licensee of the filing
174 of the protest, and the applicant or licensee may not take any
175 action adverse to the dealer until the department renders a
176 final determination, which is not subject to further appeal,
177 that the licensee's proposed action is in compliance with the
178 provisions of this subsection. In any hearing pursuant to this
179 subsection, the applicant or licensee has the burden of proof on
180 all issues raised by this subsection. In addition to the
181 requirements, protections, and procedures set forth in this
182 subsection, an applicant or licensee, by agreement, program,
183 rule, policy, standard, or otherwise, may not take adverse
184 action against a motor vehicle dealer, including, but not



337212

185 limited to, reducing allocations, product deliveries, or
186 planning volumes, or imposing any penalty or charge-back,
187 because a motor vehicle that was sold, leased, or delivered to a
188 customer was resold or exported more than 120 days after it was
189 delivered to the customer. If the applicant or licensee does not
190 provide written notification to the motor vehicle dealer of such
191 resale or export within 12 months after the date of the motor
192 vehicle dealer's delivery of the vehicle to the customer, the
193 motor vehicle dealer may not be subject to any adverse action.
194 Notwithstanding the provisions of any franchise agreement,
195 program, policy, or procedure, a motor vehicle dealer's
196 franchise agreement may not be terminated, canceled,
197 discontinued, or nonrenewed by an applicant or licensee on the
198 basis of any act related to a customer's exporting or reselling
199 of a motor vehicle, unless the applicant or licensee proves by
200 clear and convincing evidence before a trier of fact that the
201 motor vehicle dealer knowingly engaged in a pattern of conduct
202 of selling to known exporters and that the majority owner, or if
203 there is no majority owner, the person designated as the dealer-
204 principal in the franchise agreement, had actual knowledge, at
205 the time the motor vehicle was sold, leased, or delivered, that
206 the customer intended to export or resell the motor vehicle.
207 However, nothing herein shall prohibit a licensee from
208 terminating or nonrenewing a motor vehicle dealer's franchise
209 agreement for a pattern of conduct that includes fraud, or
210 intentionally making false statements or documentation in
211 connection with retail sales of motor vehicles that are
212 exported.

213 (39) Notwithstanding the terms of any agreement, program,



337212

214 incentive, bonus, policy, or rule, the applicant or licensee
215 fails to make any payment pursuant to any of the foregoing for
216 any temporary replacement motor vehicle loaned, rented, or
217 provided by a motor vehicle dealer to or for its service or
218 repair customers, even if the temporary replacement motor
219 vehicle has been leased, rented, titled, or registered to the
220 motor vehicle dealer's rental or leasing division or an entity
221 that is owned or controlled by the motor vehicle dealer,
222 provided that the motor vehicle dealer or its rental or leasing
223 division or entity complies with the written and uniformly
224 enforced vehicle eligibility and use requirements specified by
225 the applicant or licensee in its agreement, program, policy,
226 bonus, incentive or rule relating to loaner vehicles.

227 (40) Notwithstanding the terms of any franchise agreement,
228 the applicant or licensee has required or coerced, or attempted
229 to require or coerce, a motor vehicle dealer to purchase goods
230 or services from a vendor selected, identified, or designated by
231 the applicant or licensee, or one of its parents, subsidiaries,
232 divisions, or affiliates, by agreement, standard, policy,
233 program, incentive provision, or otherwise, without making
234 available to the motor vehicle dealer the option to obtain the
235 goods or services of like kind, design, and quality from a
236 vendor chosen by the motor vehicle dealer. If the motor vehicle
237 dealer exercises such option, the dealer must provide written
238 notice of its desire to use the alternative goods or services to
239 the applicant or licensee, along with samples or clear
240 descriptions of the alternative goods or services that the
241 dealer desires to use. The licensee or applicant shall have the
242 opportunity to evaluate the alternative good or service for up



337212

243 to 30 days and to provide its written consent to use said good
244 or service; such consent may not be unreasonably withheld by the
245 applicant or licensee. If the motor vehicle dealer does not
246 receive a response from the applicant or licensee within 30
247 days, consent to use the alternative goods or services shall be
248 deemed granted. If a dealer using alternative goods or services
249 complies with the terms of this subsection, the dealer shall
250 qualify and be eligible for all benefits described in the
251 agreement, standard, policy, program, incentive provision, or
252 otherwise. As used in this subsection, the term "goods or
253 services" are limited to such goods and services used to
254 construct or renovate dealership facilities, or furniture and
255 fixtures at the dealership facilities. The term does not
256 include:

257 (a) Any intellectual property of the applicant or licensee
258 relating to signage incorporating the applicant's or licensee's
259 trademark or copyright, any facility or building materials
260 bearing the applicant's or licensee's trademark;

261 (b) Any special tool and training as required by the
262 licensee or applicant;

263 (c) Any part to be used in repairs under warranty
264 obligations of an applicant or licensee;

265 (d) Any good or service paid for entirely by the applicant
266 or licensee; or

267 (e) Any applicant's or licensee's design or architectural
268 review service.

269 (41) (a) The applicant or licensee, by agreement, policy,
270 program, standard, or otherwise, requires a motor vehicle
271 dealer, directly or indirectly, to advance or pay for, or to



337212

272 reimburse the applicant or licensee for, any costs related to
273 the creation, development, showing, or publication in any media
274 of any advertisement for a motor vehicle; requires a motor
275 vehicle dealer to participate in, contribute to, affiliate with,
276 or join a dealer advertising or marketing group, fund, pool,
277 association, or other entity; or takes or threatens to take any
278 adverse action against a motor vehicle dealer that refuses to
279 join or participate in such group, fund, pool, association, or
280 other entity. As used in this subsection, the term "adverse
281 action" includes, but is not limited to, reduction of
282 allocations, charging fees for a licensee's or dealer's
283 advertising or a marketing group's advertising or marketing,
284 termination of or threatening to terminate the motor vehicle
285 dealer's franchise, reducing any incentive for which the motor
286 vehicle dealer is eligible.

287 (b) An applicant or licensee requires a dealer to
288 participate in, or precludes a number of its motor vehicle
289 dealers in a designated market area from establishing, a
290 voluntary motor vehicle dealer advertising or marketing group,
291 fund, pool, association, or other entity. Except as provided in
292 an agreement, if a motor vehicle dealers chooses to form an
293 independent advertising or marketing group, the applicant or
294 licensee is not required to fund such group.

295 (c) This subsection may not prohibit an applicant or
296 licensee from offering advertising or promotional materials to a
297 motor vehicle dealer for a fee or charge, as long as the use of
298 such advertising or promotional materials is voluntary for the
299 motor vehicle dealer.

300



337212

301 A motor vehicle dealer who can demonstrate that a violation of,
302 or failure to comply with, any of the preceding provisions by an
303 applicant or licensee will or can adversely and pecuniarily
304 affect the complaining dealer, shall be entitled to pursue all
305 of the remedies, procedures, and rights of recovery available
306 under ss. 320.695 and 320.697.

307 Section 2. This act applies to all franchise agreements
308 entered into, renewed, or amended after October 1, 1988, except
309 and to the extent that such application impairs valid
310 contractual agreements in violation of the Florida Constitution
311 or the United States Constitution.

312 Section 3. This act shall take effect upon becoming a law.

313
314 ===== T I T L E A M E N D M E N T =====

315 And the title is amended as follows:

316 Delete everything before the enacting clause
317 and insert:

318 A bill to be entitled
319 An act relating to motor vehicle manufacturer
320 licenses; amending s. 320.64, F.S.; providing that a
321 motor vehicle dealer who receives approval of a
322 facility from an applicant or licensee within a
323 specified timeframe is deemed to be in full compliance
324 with facility-related requirements; providing that
325 such motor vehicle dealer are entitled to certain
326 benefits under certain circumstances; providing
327 applicability; conforming a cross-reference; revising
328 provisions related to an applicant or licensee who has
329 undertaken or engaged in an audit of service-related



337212

330 payments or incentive payments; limiting the timeframe
331 for the performance of such audits; defining the term
332 "incentive"; providing that an applicant or licensee
333 may deny or charge back only the portion of a service-
334 related claim or incentive claim which the applicant
335 or licensee has proven to be false or fraudulent or
336 for which the dealer failed to substantially comply
337 with certain procedures; prohibiting an applicant or
338 licensee from taking adverse action against a motor
339 vehicle dealer under certain circumstances;
340 prohibiting an applicant or licensee from failing to
341 make any payment due a motor vehicle dealer that
342 substantially complies with the terms of a certain
343 contract between the two parties regarding
344 reimbursement for temporary replacement vehicles under
345 certain circumstances; authorizing a motor vehicle
346 dealer to purchase goods or services from a vendor
347 chosen by the motor vehicle dealer, subject to certain
348 requirements; defining the term "goods or services";
349 prohibiting an applicant or licensee from requiring a
350 motor vehicle dealer to pay for certain advertising or
351 marketing, or to participate in or affiliate with a
352 dealer advertising or marketing entity; providing that
353 an applicant or licensee may not take or threaten to
354 take any adverse action against a motor vehicle dealer
355 who refuses to join or participate in such entity;
356 defining the term "adverse action"; providing that an
357 applicant or licensee may not require a dealer to
358 participate in, or may not preclude only a number of



337212

359 its motor vehicle dealers in a designated market area
360 from establishing, a voluntary motor vehicle dealer
361 advertising or marketing entity; providing that an
362 applicant or licensee is required to fund such an
363 entity under certain circumstances; providing for
364 retroactive applicability; providing an effective
365 date.



975510

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment to Amendment (337212)

Delete line 41

and insert:

the motor vehicle dealer may not be eligible for benefits under the

By Senator Garcia

38-00969-15

20151048__

1 A bill to be entitled
 2 An act relating to motor vehicle manufacturer
 3 licenses; amending s. 320.64, F.S.; providing that a
 4 motor vehicle dealer who received approval of a
 5 facility from an applicant or licensee within a
 6 specified timeframe is deemed to be in full compliance
 7 with facility-related requirements; revising
 8 provisions relating to when an applicant or licensee
 9 has undertaken or engaged in an audit of service-
 10 related payments or incentive payments; limiting the
 11 timeframe for the performance of such audits; defining
 12 the term "incentive"; providing that an applicant or
 13 licensee may only deny or charge back that portion of
 14 a service-related claim or incentive claim which the
 15 applicant or licensee has proven to be false or
 16 fraudulent or for which the dealer failed to
 17 substantially comply with certain procedures;
 18 prohibiting an applicant or licensee from taking
 19 adverse action against a motor vehicle dealer because
 20 a motor vehicle sold, leased, or delivered to a
 21 customer was resold or exported within a specified
 22 period after delivery to the customer, subject to
 23 certain requirements and restrictions; prohibiting an
 24 applicant or licensee from failing to make any payment
 25 due a motor vehicle dealer that substantially complies
 26 with the terms of a certain contract between the two
 27 parties regarding reimbursement for temporary
 28 replacement vehicles under certain circumstances;
 29 prohibiting the applicant or licensee from requiring

Page 1 of 22

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38-00969-15

20151048__

30 or coercing a motor vehicle dealer to purchase goods
 31 or services from a vendor under certain circumstances;
 32 defining the term "goods"; prohibiting the applicant
 33 or licensee from failing to provide written notice to
 34 a motor vehicle dealer of the motor vehicle dealer's
 35 rights relating to the purchase of goods or services
 36 from a vendor; prohibiting the applicant or licensee
 37 from failing to provide a motor vehicle dealer a
 38 written statement disclosing the identity of a vendor
 39 under certain circumstances and subject to certain
 40 requirements; prohibiting the applicant or licensee
 41 from failing to provide a motor vehicle dealer the
 42 right to purchase signs or other image elements from a
 43 vendor selected by the motor vehicle dealer under
 44 certain circumstances and subject to certain
 45 requirements; prohibiting an applicant or licensee
 46 from requiring a motor vehicle dealer to participate
 47 in or affiliate with a dealer advertising or marketing
 48 entity; providing that an applicant or licensee may
 49 not take or threaten to take any adverse action
 50 against a motor vehicle dealer who refuses to join or
 51 participate in such entity; defining the term "adverse
 52 action"; providing that an applicant or licensee may
 53 not require a dealer to participate in, and may not
 54 preclude only some of its motor vehicle dealers in a
 55 designated market area from establishing, a voluntary
 56 motor vehicle dealer advertising or marketing entity;
 57 prohibiting the applicant or licensee from failing to
 58 act in good faith or deal fairly with a motor vehicle

Page 2 of 22

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38-00969-15

20151048__

59 dealer regarding the terms or provisions of any
 60 agreement; requiring the Department of Highway Safety
 61 and Motor Vehicles or a court to consider certain
 62 factors in determining whether an applicant or
 63 licensee has failed to act in good faith or deal
 64 fairly with a motor vehicle dealer regarding the terms
 65 or provisions of any agreement; conforming a cross-
 66 reference; amending s. 320.641, F.S.; providing that
 67 any motor vehicle dealer may file a petition or
 68 complaint with the department or a court for a
 69 determination as to whether specified notices of
 70 intent are unfair or prohibited, under certain
 71 circumstances; specifying the circumstances under
 72 which a complainant motor vehicle dealer substantially
 73 prevails in a certain cause of action; amending s.
 74 320.642, F.S.; providing that a franchised motor
 75 vehicle dealer with standing to protest the proposed
 76 addition or relocation of a motor vehicle dealer may
 77 file a protest with the department or a court;
 78 directing the department not to issue a license for
 79 the proposed additional or relocated motor vehicle
 80 dealer until a certain final decision not subject to
 81 further appeal is rendered; amending s. 320.643, F.S.;
 82 providing that a motor vehicle dealer whose proposed
 83 sale is rejected may file with a court a certain
 84 complaint; providing that any person whose proposed
 85 sale of stock is rejected may file with a court a
 86 certain complaint; creating s. 320.69913, F.S.;
 87 providing alternative civil causes of action and

38-00969-15

20151048__

88 procedures for a motor vehicle dealer directly and
 89 adversely affected by the action or conduct of an
 90 applicant or licensee which is alleged to be in
 91 violation of any provision of ss. 320.60-320.70, F.S.;
 92 providing an effective date.

93
 94 WHEREAS, the Legislature finds that motor vehicle
 95 manufacturers control nearly every aspect of a motor vehicle
 96 dealer's operations, and

97 WHEREAS, at the beginning of the relationship and at
 98 renewal periods, which are determined entirely by the
 99 manufacturer, a dealer must sign a contract of adhesion drafted
 100 by the manufacturer and must do so generally without any
 101 negotiation, and

102 WHEREAS, due to the unequal bargaining power wielded by
 103 manufacturers, which has been recognized by state and federal
 104 courts, state legislatures, and the Congress over the last 40
 105 years, licensees or franchisors operating under ss. 320.60-
 106 320.70, Florida Statutes, have been able to demand that motor
 107 vehicle dealers, at the time of their appointment, provide
 108 dealership facilities that meet size, configuration, and
 109 appearance requirements imposed by the manufacturer, and

110 WHEREAS, such facilities require dealer investments of tens
 111 of millions of dollars which benefit the public by their
 112 location and appearance and improve the working conditions of
 113 the dealership's employees, and

114 WHEREAS, without regard to such investments, manufacturers
 115 often establish new facility standards or offer so-called
 116 "voluntary" incentive programs for additional renovations or

38-00969-15 20151048__

117 alterations, or both, before the dealer has had time to
118 sufficiently depreciate and recover its original facility
119 investment, and

120 WHEREAS, such programs, in effect, economically coerce a
121 dealer to comply with the demands of the manufacturer or risk
122 not benefitting from the incentive program and being placed at
123 an unfair competitive disadvantage, and

124 WHEREAS, the foregoing negatively affects Florida consumers
125 by reducing competition and increasing consumer costs and
126 requiring potential customers to travel farther to transact
127 business with a motor vehicle dealer, among other things, and

128 WHEREAS, the Legislature intends to allow motor vehicle
129 dealers in this state to have the use and benefit of dealership
130 facility investments for at least 10 years before the dealers
131 may be required by the manufacturers to make additional
132 improvements as a condition of participation in bonus or
133 incentive programs, NOW, THEREFORE,

134

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

136

137 Section 1. Present paragraph (h) of subsection (10) of
138 section 320.64, Florida Statutes, is redesignated as paragraph
139 (i) and amended, a new paragraph (h) is added to that
140 subsection, subsections (25) and (26) of that section are
141 amended, and subsections (39) through (42) are added to that
142 section, to read:

143 320.64 Denial, suspension, or revocation of license;
144 grounds.—A license of a licensee under s. 320.61 may be denied,
145 suspended, or revoked within the entire state or at any specific

38-00969-15 20151048__

146 location or locations within the state at which the applicant or
147 licensee engages or proposes to engage in business, upon proof
148 that the section was violated with sufficient frequency to
149 establish a pattern of wrongdoing, and a licensee or applicant
150 shall be liable for claims and remedies provided in ss. 320.695
151 and 320.697 for any violation of any of the following
152 provisions. A licensee is prohibited from committing the
153 following acts:

154 (10)

155 (h) If an applicant or licensee offers any bonus,
156 incentive, rebate, or other program that is available to a motor
157 vehicle dealer in this state which is premised, wholly or in
158 part, on dealer facility improvements, renovations, expansion,
159 remodeling, alterations, or installation of signs or other image
160 elements, a motor vehicle dealer who received approval of its
161 facility from the applicant or licensee within 10 years prior to
162 the offer shall be deemed to be in full compliance with
163 facility-related requirements under the offer for the duration
164 of that 10-year period.

165 (i) ~~(h)~~ A violation of paragraphs (b) through (h) ~~(g)~~ is not
166 a violation of s. 320.70 and does not subject any licensee to
167 any criminal penalty under s. 320.70.

168 (25) The applicant or licensee has undertaken or engaged in
169 an audit of warranty, maintenance, and other service-related
170 payments or incentive payments, including payments to a motor
171 vehicle dealer under any licensee-issued program, policy, or
172 other benefit, which previously have been paid to a motor
173 vehicle dealer in violation of this section or has failed to
174 comply with any of its obligations under s. 320.696. An

38-00969-15

20151048__

175 applicant or licensee may reasonably and periodically audit a
 176 motor vehicle dealer to determine the validity of paid claims as
 177 provided in s. 320.696. Audits of warranty, maintenance, and
 178 other service-related payments shall be performed by an
 179 applicant or licensee only during the 6-month ~~1-year~~ period
 180 immediately following the date the claim was paid. ~~Audits~~ Audit
 181 of incentive payments shall ~~only~~ be performed only during the 6-
 182 month for an 18-month period immediately following the date the
 183 incentive was paid. As used in this section, the term
 184 "incentive" includes any bonus, incentive, or other monetary or
 185 nonmonetary thing of value. After such time periods have
 186 elapsed, all warranty, maintenance, and other service-related
 187 payments and incentive payments shall be deemed final and
 188 incontrovertible for any reason notwithstanding any otherwise
 189 applicable law, and the motor vehicle dealer shall not be
 190 subject to any charge-back or repayment. An applicant or
 191 licensee may deny a claim or, as a result of a timely conducted
 192 audit, impose a charge-back against a motor vehicle dealer for
 193 warranty, maintenance, or other service-related payments or
 194 incentive payments only if the applicant or licensee can show
 195 that the warranty, maintenance, or other service-related claim
 196 or incentive claim was false or fraudulent or that the motor
 197 vehicle dealer failed to substantially comply with the
 198 reasonable written and uniformly applied procedures of the
 199 applicant or licensee for such repairs or incentives, but only
 200 for that portion of the claim shown to be false or fraudulent.
 201 Notwithstanding the terms of any franchise agreement, guideline,
 202 program, policy, or procedure, an applicant or licensee may only
 203 deny or charge back that portion of a warranty, maintenance, or

Page 7 of 22

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38-00969-15

20151048__

204 other service-related claim or incentive claim which the
 205 applicant or licensee has proven to be false or fraudulent or
 206 for which the dealer failed to substantially comply with the
 207 reasonable, written, and uniformly applied procedures of the
 208 applicant or licensee for such repairs or incentives, as set
 209 forth in this subsection. An applicant or licensee may not
 210 charge ~~back~~ a motor vehicle dealer ~~back~~ subsequent to the
 211 payment of a warranty, maintenance, or service-related claim or
 212 incentive claim unless, within 30 days after a timely conducted
 213 audit, a representative of the applicant or licensee first meets
 214 in person, by telephone, or by video teleconference with an
 215 officer or employee of the dealer designated by the motor
 216 vehicle dealer. At such meeting the applicant or licensee must
 217 provide a detailed explanation, with supporting documentation,
 218 as to the basis for each of the claims for which the applicant
 219 or licensee proposed a charge-back to the dealer and a written
 220 statement containing the basis upon which the motor vehicle
 221 dealer was selected for audit or review. Thereafter, the
 222 applicant or licensee must provide the motor vehicle dealer's
 223 representative a reasonable period after the meeting within
 224 which to respond to the proposed charge-backs, with such period
 225 to be commensurate with the volume of claims under
 226 consideration, but in no case less than 45 days after the
 227 meeting. The applicant or licensee is prohibited from changing
 228 or altering the basis for each of the proposed charge-backs as
 229 presented to the motor vehicle dealer's representative following
 230 the conclusion of the audit unless the applicant or licensee
 231 receives new information affecting the basis for one or more
 232 charge-backs and that new information is received within 30 days

Page 8 of 22

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38-00969-15 20151048__

233 after the conclusion of the timely conducted audit. If the
 234 applicant or licensee claims the existence of new information,
 235 the dealer must be given the same right to a meeting and right
 236 to respond as when the charge-back was originally presented.
 237 After all internal dispute resolution processes provided through
 238 the applicant or licensee have been completed, the applicant or
 239 licensee shall give written notice to the motor vehicle dealer
 240 of the final amount of its proposed charge-back. If the dealer
 241 disputes that amount, the dealer may file a protest with the
 242 department within 30 days after receipt of the notice. If a
 243 protest is timely filed, the department shall notify the
 244 applicant or licensee of the filing of the protest, and the
 245 applicant or licensee may not take any action to recover the
 246 amount of the proposed charge-back until the department renders
 247 a final determination, which is not subject to further appeal,
 248 that the charge-back is in compliance with the provisions of
 249 this section. In any hearing pursuant to this subsection, the
 250 applicant or licensee has the burden of proof that its audit and
 251 resulting charge-back are in compliance with this subsection.

252 (26) Notwithstanding the terms of any franchise agreement,
 253 including any licensee's program, policy, or procedure, the
 254 applicant or licensee has refused to allocate, sell, or deliver
 255 motor vehicles; charged back or withheld payments or other
 256 things of value for which the dealer is otherwise eligible under
 257 a sales promotion, program, or contest; prevented a motor
 258 vehicle dealer from participating in any promotion, program, or
 259 contest; or has taken or threatened to take any adverse action
 260 against a dealer, including charge-backs, reducing vehicle
 261 allocations, or terminating or threatening to terminate a

38-00969-15 20151048__

262 franchise because the dealer sold or leased a motor vehicle to a
 263 customer who exported the vehicle to a foreign country or who
 264 resold the vehicle, unless the licensee proves that the dealer
 265 knew or reasonably should have known that the customer intended
 266 to export or resell the motor vehicle. There is a rebuttable
 267 presumption that the dealer neither knew nor reasonably should
 268 have known of its customer's intent to export or resell the
 269 vehicle if the vehicle is titled or registered in any state in
 270 this country. A licensee may not take any action against a motor
 271 vehicle dealer, including reducing its allocations or supply of
 272 motor vehicles to the dealer, or charging back a dealer for an
 273 incentive payment previously paid, unless the licensee first
 274 meets in person, by telephone, or video conference with an
 275 officer or other designated employee of the dealer. At such
 276 meeting, the licensee must provide a detailed explanation, with
 277 supporting documentation, as to the basis for its claim that the
 278 dealer knew or reasonably should have known of the customer's
 279 intent to export or resell the motor vehicle. Thereafter, the
 280 motor vehicle dealer shall have a reasonable period,
 281 commensurate with the number of motor vehicles at issue, but not
 282 less than 15 days, to respond to the licensee's claims. If,
 283 following the dealer's response and completion of all internal
 284 dispute resolution processes provided through the applicant or
 285 licensee, the dispute remains unresolved, the dealer may file a
 286 protest with the department within 30 days after receipt of a
 287 written notice from the licensee that it still intends to take
 288 adverse action against the dealer with respect to the motor
 289 vehicles still at issue. If a protest is timely filed, the
 290 department shall notify the applicant or licensee of the filing

38-00969-15

20151048__

291 of the protest, and the applicant or licensee may not take any
 292 action adverse to the dealer until the department renders a
 293 final determination, which is not subject to further appeal,
 294 that the licensee's proposed action is in compliance with the
 295 provisions of this subsection. In any hearing pursuant to this
 296 subsection, the applicant or licensee has the burden of proof on
 297 all issues raised by this subsection. In addition to the
 298 requirements, protections, and procedures set forth in this
 299 subsection, an applicant or licensee, by agreement, program,
 300 rule, policy, standard, or otherwise, may not take adverse
 301 action against a motor vehicle dealer, including, without
 302 limitation, reducing allocations, product deliveries, or
 303 planning volumes, or imposing any penalty or charge-back,
 304 because a motor vehicle sold, leased, or delivered to a customer
 305 was resold or exported more than 90 days after it was delivered
 306 to the customer. If the applicant or licensee does not provide
 307 written notification to the motor vehicle dealer of such resale
 308 or export within 6 months of the date of the motor vehicle
 309 dealer's delivery of the vehicle to the customer, the motor
 310 vehicle dealer is not subject to any adverse action.
 311 Notwithstanding the provisions of any franchise agreement,
 312 program, policy, or procedure, a motor vehicle dealer's
 313 franchise agreement may not be terminated, canceled,
 314 discontinued, or nonrenewed by an applicant or licensee on the
 315 basis of any act related to a customer's exporting or reselling
 316 of a motor vehicle, unless the applicant or licensee proves by
 317 clear and convincing evidence before a trier of fact that the
 318 majority owner, or if there is no majority owner, the person
 319 designated as the dealer-principal or a person similarly

Page 11 of 22

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38-00969-15

20151048__

320 designated in the franchise agreement, had actual knowledge that
 321 the customer intended to export or resell the motor vehicle.
 322 (39) Regarding reimbursement for temporary replacement
 323 vehicles loaned, rented, or provided by a motor vehicle dealer
 324 to or for its service or repair customers, the applicant or
 325 licensee has failed to make a payment due a motor vehicle dealer
 326 who substantially complied with the terms of the franchise
 327 agreement or other contract with the applicant or licensee,
 328 notwithstanding that the temporary replacement motor vehicle has
 329 been titled or registered to the motor vehicle dealer's rental
 330 or leasing division or an entity that is owned or controlled by
 331 the motor vehicle dealer.
 332 (40) Notwithstanding the terms of any franchise agreement,
 333 the applicant or licensee has done any of the following:
 334 (a) Required or coerced, or attempted to require or coerce,
 335 a motor vehicle dealer to purchase goods or services from a
 336 vendor selected, identified, or designated by an applicant or
 337 licensee, or one of its parents, subsidiaries, divisions, or
 338 affiliates, by agreement, standard, policy, program, incentive
 339 provision, or otherwise, without providing the motor vehicle
 340 dealer with the option of obtaining substantially similar goods
 341 or services of a like kind and quality from a vendor chosen by
 342 the motor vehicle dealer while remaining eligible for all
 343 benefits described in such agreement, standard, policy, program,
 344 or incentive. For purposes of this subsection, the term "goods"
 345 does not include, except for items in paragraph (d), the
 346 intellectual property rights of, or special tools and training
 347 required by, the applicant or licensee, or replacement parts to
 348 be used in repairs under the warranty obligations of an

Page 12 of 22

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38-00969-15

20151048__

349 applicant or licensee.

350 (b) Failed to provide written notice to a motor vehicle
 351 dealer of the motor vehicle dealer's rights pursuant to
 352 paragraph (a) when requiring the dealer to purchase goods or
 353 services from a vendor selected, identified, or designated by
 354 the applicant or licensee.

355 (c) Failed to provide to a motor vehicle dealer, when the
 356 applicant or licensee claims that a vendor chosen by the motor
 357 vehicle dealer cannot supply substantially similar goods and
 358 services of like kind and quality pursuant to paragraph (a), a
 359 written statement disclosing the identity of the vendor
 360 selected, identified, or designated by the applicant or licensee
 361 and stating all of the following:

362 1. Whether the applicant or licensee, or any officer,
 363 director, or employee of the same, has an equitable or
 364 beneficial ownership interest in the vendor and, if so, the
 365 percentage of the ownership interest.

366 2. Whether the applicant or licensee has an agreement or
 367 arrangement by which the vendor pays to the applicant or
 368 licensee, or one of its affiliates or common entities, or any
 369 officer, director, or employee of the affiliate or common
 370 entity, any compensation and, if so, the basis and amount of the
 371 compensation to be paid resulting from such purchases by the
 372 motor vehicle dealer or any motor vehicle dealer in the state
 373 which has made similar purchases.

374 3. Whether the compensation is to be paid by direct payment
 375 by the vendor or by credit from the vendor for the benefit of
 376 the recipient.

377 (d) Failed to provide to a motor vehicle dealer, if the

38-00969-15

20151048__

378 goods and services to be supplied to the dealer by a vendor
 379 selected, identified, or designated by the applicant or licensee
 380 are signs or other image elements to be leased to the motor
 381 vehicle dealer, the right to purchase the signs or other image
 382 elements of like kind and quality from a vendor selected by the
 383 motor vehicle dealer. If the vendor selected by the applicant or
 384 licensee is the only available vendor, the motor vehicle dealer
 385 must be given the opportunity to purchase, at the time of
 386 installation, the signs or other image elements at a price
 387 substantially similar to the costs to the applicant or licensee
 388 therefor. This paragraph may not be construed as allowing a
 389 motor vehicle dealer to erect or maintain signs or registered
 390 logos that do not conform to the intellectual property usage
 391 guidelines of the applicant or licensee.

392 (41) (a) An applicant or licensee may not, by agreement,
 393 policy, program, standard, or otherwise, require a motor vehicle
 394 dealer to participate in, contribute to, affiliate with, or join
 395 a dealer advertising or marketing group, fund, pool,
 396 association, or other entity and may not take or threaten to
 397 take any adverse action against a motor vehicle dealer that
 398 refuses to join or participate in such group, fund, pool,
 399 association, or other entity. For purposes of this subsection,
 400 the term "adverse action" includes, without limitation,
 401 reduction of allocations, charging fees for a licensee's or
 402 dealer's advertising or a marketing group's advertising or
 403 marketing, termination of or threatening to terminate the motor
 404 vehicle dealer's franchise, reducing any incentive for which the
 405 motor vehicle dealer is eligible, or any action that fails to
 406 take into account the interests of the motor vehicle dealer.

38-00969-15

20151048__

407 (b) An applicant or licensee may not require a dealer to
 408 participate in, and may not preclude only a portion of its motor
 409 vehicle dealers in a designated market area from establishing, a
 410 voluntary motor vehicle dealer advertising or marketing group,
 411 fund, pool, association, or other entity.

412 (42) The applicant or licensee has failed to act in good
 413 faith or deal fairly with one of its motor vehicle dealers in
 414 performing, complying with, or enforcing an agreement. An
 415 applicant or licensee may have failed to act in good faith or
 416 deal fairly with a motor vehicle dealer even in the absence of
 417 any act or threat of coercion or intimidation made by the
 418 applicant or licensee toward the motor vehicle dealer. An
 419 applicant or licensee may have failed to act in good faith or
 420 deal fairly with a motor vehicle dealer even in the absence of
 421 an allegation by the motor vehicle dealer that an express term
 422 or provision of a franchise agreement has been breached or
 423 violated by the applicant or licensee. In any cause of action
 424 brought under this subsection, the department, or a court of
 425 competent jurisdiction, shall consider at least one of the
 426 following factors in determining whether an applicant or
 427 licensee has failed to act in good faith or deal fairly with a
 428 motor vehicle dealer in performing, complying with, or enforcing
 429 any of the terms or provisions of any agreement:

430 (a) Whether the applicant or licensee has fairly taken into
 431 account the motor vehicle dealer's investment in its facilities,
 432 product or service promotions, staffing, and general operations.

433 (b) Whether the applicant or licensee has fairly taken into
 434 account the motor vehicle dealer's independence in operating the
 435 dealership.

38-00969-15

20151048__

436 (c) Whether the applicant or licensee has altered the
 437 rights of the motor vehicle dealer, impaired the sales or
 438 service obligations of the motor vehicle dealer, or impaired the
 439 investment or potential financial return of the motor vehicle
 440 dealer.

441 (d) Whether the applicant or licensee has fairly taken into
 442 account the equities and interests of the motor vehicle dealer.

443
 444 A motor vehicle dealer who can demonstrate that a violation of,
 445 or failure to comply with, any of the preceding provisions by an
 446 applicant or licensee will or can adversely and pecuniarily
 447 affect the complaining dealer, shall be entitled to pursue all
 448 of the remedies, procedures, and rights of recovery available
 449 under ss. 320.695 and 320.697.

450 Section 2. Subsections (3) and (6) of section 320.641,
 451 Florida Statutes, are amended to read:

452 320.641 Discontinuations, cancellations, nonrenewals,
 453 modifications, and replacement of franchise agreements.—

454 (3) Any motor vehicle dealer who receives a notice of
 455 intent to discontinue, cancel, not renew, modify, or replace
 456 may, within the 90-day notice period, file a petition or
 457 complaint with the department or, in the alternative, a court of
 458 competent jurisdiction, for a determination of whether such
 459 action is an unfair or prohibited discontinuation, cancellation,
 460 nonrenewal, modification, or replacement. Agreements and
 461 certificates of appointment shall continue in effect until final
 462 determination of the issues raised in such petition or complaint
 463 by the motor vehicle dealer. A discontinuation, cancellation, or
 464 nonrenewal of a franchise agreement is unfair if it is not

38-00969-15

20151048__

465 clearly permitted by the franchise agreement; is not undertaken
 466 in good faith; is not undertaken for good cause; or is based on
 467 an alleged breach of the franchise agreement which is not in
 468 fact a material and substantial breach; or, if the grounds
 469 relied upon for termination, cancellation, or nonrenewal have
 470 not been applied in a uniform and consistent manner by the
 471 licensee. If the notice of discontinuation, cancellation, or
 472 nonrenewal relates to an alleged failure of the new motor
 473 vehicle dealer's sales or service performance obligations under
 474 the franchise agreement, the new motor vehicle dealer must first
 475 be provided with at least 180 days to correct the alleged
 476 failure before a licensee may send the notice of
 477 discontinuation, cancellation, or nonrenewal. A modification or
 478 replacement is unfair if it is not clearly permitted by the
 479 franchise agreement; is not undertaken in good faith; or is not
 480 undertaken for good cause. The applicant or licensee shall have
 481 the burden of proof that such action is fair and not prohibited.

482 (6) If the complainant motor vehicle dealer substantially
 483 prevails, the motor vehicle dealer has he or she shall have a
 484 cause of action against the licensee under s. 320.697 and shall
 485 be awarded for reasonable attorney attorneys' fees and costs
 486 incurred by the motor vehicle dealer him or her in such
 487 proceeding, and he or she shall have a cause of action under s.
 488 320.697. For purposes of this subsection, a complainant motor
 489 vehicle dealer has substantially prevailed if:

490 (a) An administrative or judicial order, declaration, or
 491 adjudication of its rights, an enforceable written agreement, or
 492 court-approved or administratively approved settlement or
 493 consent decree has been issued in its favor; or

Page 17 of 22

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38-00969-15

20151048__

494 (b) The complainant's claim is substantial and an applicant
 495 or licensee has voluntarily or unilaterally changed its
 496 position, regardless of whether such change is accomplished by a
 497 withdrawal of a notice of termination or a proposed modification
 498 of an agreement; modification of any notice of discontinuation,
 499 cancellation, nonrenewal, or replacement agreement; or any
 500 change of pleading.

501 Section 3. Subsection (4) of section 320.642, Florida
 502 Statutes, is amended to read:

503 320.642 Dealer licenses in areas previously served;
 504 procedure.-

505 (4) An existing franchised motor vehicle dealer with
 506 standing to protest the proposed addition or relocation of a
 507 motor vehicle dealer pursuant to subsection (3) may file a
 508 protest with the department or, in the alternative, in any court
 509 of competent jurisdiction. A ~~The department's~~ decision to deny
 510 issuance of a license under this section shall remain in effect
 511 for a period of 12 months. The department shall not issue a
 512 license for the proposed additional or relocated motor vehicle
 513 dealer until a final decision not subject to further appeal by
 514 the department is rendered determining that the application for
 515 the motor vehicle dealer's license should be granted.

516 Section 4. Paragraph (b) of subsection (1), paragraph (a)
 517 of subsection (2), and subsection (4) of section 320.643,
 518 Florida Statutes, are amended to read:

519 320.643 Transfer, assignment, or sale of franchise
 520 agreements.-

521 (1)

522 (b) A motor vehicle dealer whose proposed sale is rejected

Page 18 of 22

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38-00969-15 20151048__

523 may, within 60 days following such receipt of such rejection,
 524 file with the department or, in the alternative, in any court of
 525 competent jurisdiction a complaint for a determination that the
 526 proposed transferee has been rejected in violation of this
 527 section. The licensee has the burden of proof with respect to
 528 all issues raised by the complaint. The department or court
 529 shall determine, and enter an order providing, that the proposed
 530 transferee is either qualified or is not and cannot be qualified
 531 for specified reasons, or the order may provide the conditions
 532 under which a proposed transferee would be qualified. If the
 533 licensee fails to file such a response to the motor vehicle
 534 dealer's complaint within 30 days after receipt of the
 535 complaint, unless the parties agree in writing to an extension,
 536 or if the department or court, after a hearing, renders a
 537 decision other than one disqualifying the proposed transferee,
 538 the franchise agreement between the motor vehicle dealer and the
 539 licensee is deemed amended to incorporate such transfer or
 540 amended in accordance with the determination and order rendered,
 541 effective upon compliance by the proposed transferee with any
 542 conditions set forth in the determination or order.

543 (2) (a) Notwithstanding the terms of any franchise
 544 agreement, a licensee shall not, by contract or otherwise, fail
 545 or refuse to give effect to, prevent, prohibit, or penalize, or
 546 attempt to refuse to give effect to, prevent, prohibit, or
 547 penalize, any motor vehicle dealer or any proprietor, partner,
 548 stockholder, owner, or other person who holds or otherwise owns
 549 an interest therein from selling, assigning, transferring,
 550 alienating, or otherwise disposing of, in whole or in part, the
 551 equity interest of any of them in such motor vehicle dealer to

38-00969-15 20151048__

552 any other person or persons, including a corporation established
 553 or existing for the purpose of owning or holding the stock or
 554 ownership interests of other entities, unless the licensee
 555 proves at a hearing pursuant to a complaint filed by a motor
 556 vehicle dealer under this section that the sale, transfer,
 557 alienation, or other disposition is to a person who is not, or
 558 whose controlling executive management is not, of good moral
 559 character. A motor vehicle dealer, or any proprietor, partner,
 560 stockholder, owner, or other person who holds or otherwise owns
 561 an interest in the motor vehicle dealer, who desires to sell,
 562 assign, transfer, alienate, or otherwise dispose of any interest
 563 in such motor vehicle dealer shall notify, or cause the proposed
 564 transferee to so notify, the licensee, in writing, of the
 565 identity and address of the proposed transferee. A licensee who
 566 receives such notice may, within 60 days following such receipt,
 567 notify the motor vehicle dealer in writing that the proposed
 568 transferee is not a person qualified to be a transferee under
 569 this section and setting forth the material reasons for such
 570 rejection. Failure of the licensee to notify the motor vehicle
 571 dealer within the 60-day period of such rejection shall be
 572 deemed an approval of the transfer. Any person whose proposed
 573 sale of stock is rejected may file within 60 days of receipt of
 574 such rejection a complaint with the department or, in the
 575 alternative, in any court of competent jurisdiction alleging
 576 that the rejection was in violation of the law or the franchise
 577 agreement. The licensee has the burden of proof with respect to
 578 all issues raised by such complaint. The department or court
 579 shall determine, and enter an order providing, that the proposed
 580 transferee either is qualified or is not and cannot be qualified

38-00969-15 20151048__

581 for specified reasons; or the order may provide the conditions
 582 under which a proposed transferee would be qualified. If the
 583 licensee fails to file a response to the motor vehicle dealer's
 584 complaint within 30 days of receipt of the complaint, unless the
 585 parties agree in writing to an extension, or if the department
 586 or court, after a hearing, renders a decision on the complaint
 587 other than one disqualifying the proposed transferee, the
 588 transfer shall be deemed approved in accordance with the
 589 determination and order rendered, effective upon compliance by
 590 the proposed transferee with any conditions set forth in the
 591 determination or order.

592 (4) During the pendency of any such hearing, the franchise
 593 agreement of the motor vehicle dealer shall continue in effect
 594 in accordance with its terms. The department or court shall
 595 expedite any determination requested under this section.

596 Section 5. Section 320.69913, Florida Statutes, is created
 597 to read:

598 320.69913 Alternative civil cause of action; procedure.—Any
 599 motor vehicle dealer that is directly and adversely affected by
 600 the action or conduct of an applicant or licensee, and which
 601 action or conduct is alleged to be in violation of any provision
 602 of ss. 320.60-320.70, in addition to any right, remedy, or
 603 procedure expressly provided in ss. 320.60-320.70, has a cause
 604 of action in any court of competent jurisdiction against the
 605 applicant or licensee for legal, equitable, or declaratory
 606 relief, or an adjudication of the motor vehicle dealer's rights
 607 with respect to the alleged action or conduct of the applicant
 608 or licensee, in which case the court shall hear and determine
 609 all matters arising under ss. 320.60-320.70.

Page 21 of 22

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38-00969-15 20151048__

610 Section 6. This act shall take effect upon becoming a law.

Page 22 of 22

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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)

3-26

Meeting Date

1048

Bill Number (if applicable)

Topic Franchise Law - Retail Auto

Amendment Barcode (if applicable)

Name TED SMITH

Job Title President

Address 400 N. MERIDIAN ST. Street

Phone 850 445 0435

TALLA FL 32301 City State Zip

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing FL Automobile Dealers Assoc

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] 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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/15

Meeting Date

SB 1048

Bill Number (if applicable)

Topic Motor Vehicle Manufacturer Licenses

Amendment Barcode (if applicable)

Name Tim Grecsek

Job Title Corporate Counsel

Address 2060 Biscayne Blvd.

Phone 305 576-1889

Street

Miami

FL

33137

City

State

Zip

Email timothy@bramanmanagement.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Braman Management Association

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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

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3/26/15

Meeting Date

SB 1048

Bill Number (if applicable)

Topic Motor Vehicle Manufacturer Licenses

Amendment Barcode (if applicable)

Name Stanley Krieger

Job Title General Counsel

Address 2060 Biscayne Blvd.

Phone 305 576-1889

Street

Miami FL 33137

City

State

Zip

Email stanleyk@bramanmanagement.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Braman Management Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

3/26/15

Meeting Date

SB 1048

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Ron Book

Job Title _____

Address 104 W. Jefferson

Phone 850 - 224-3404

Street

TLH

Email Ron@RCBookAK.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Autonation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

3-26

Meeting Date

SB 1048

Bill Number (if applicable)

Topic FRANCHISE

Amendment Barcode (if applicable)

Name Mist. L. Lee

Job Title SENIOR MANAGER STATE AFFAIRS

Address 1000 Chrysler Dr
Street

Phone _____

ARJEN HILLS
City State Zip

Email Mist. L. Lee @ FCA Group.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

3/26/15
Meeting Date

1048
Bill Number (if applicable)

Topic Domestic Franchise

Amendment Barcode (if applicable)

Name JEFF PERRY

Job Title REGIONAL DIRECTOR STATE GOVT RELATIONS

Address 300 RENAISSANCE DRIVE

Phone 313 667 0946

Street

DETROIT

City

MI

State

48265

Zip

Email JEFFREY.PERRY@GM.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing GENERAL MOTORS

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/2015

SB 1048

Meeting Date

Bill Number (if applicable)

Topic Motor Vehicle Manufacturer Licenses

Amendment Barcode (if applicable)

Name Greg Black

Job Title Attorney

Address 215 S. Monroe Street, Suite 505

Phone (850)205-9000

Street

Tallahassee

FL

32301

Email greg.black@metzlaw.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

WAIVE AGAINST

Representing Association of Global Automakers

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26
Meeting Date

9731048
Bill Number (if applicable)

Topic Dealer Franchise Bill

Amendment Barcode (if applicable)

Name Fred Baggett

Job Title _____

Address 101 E. College Ave.
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Ford Motor Co -

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

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

3/26/15 Meeting Date

SB 1048 Bill Number (if applicable)

Topic Motor Vehicle Manufacturer Licenses

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 W Adams

Phone 224-7173

Tallahassee FL 32301

Email bbevis@aificon

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Associated Industries of Florida

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

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

3/26/15
Meeting Date

SB 1048
Bill Number (if applicable)

Topic Franchise

Amendment Barcode (if applicable)

Name Laura Dooley

Job Title Director, State Affairs

Address 3830 9th St N; 204E

Phone 200-326-5543

Street

Arlington

City

VA

State

22203

Zip

Email lpdooley@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Alliance of Automobile Manufacturers

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.

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 Committee on Transportation

BILL: SPB 7072

INTRODUCER: Transportation Committee

SUBJECT: Specialty License Plates

DATE: March 27, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Jones	Eichin		TR Submitted as Committee Bill

I. Summary:

SPB 7072 makes revisions to the specialty license plate program. Specifically, it:

- Removes certain obsolete requirements for establishing a specialty license plate;
- Directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop 17 new specialty license plates;
- Provides established annual use fees and distribution of fees for each new specialty license plate;
- Raises the minimum pre-sale requirement for a new specialty license plate from 1,000 to 4,000 vouchers;
- Provides that, beginning July 1, 2020, the DHSMV must discontinue the issuance of a specialty license plate if the number of such specialty plate registrations falls below 4,000 for at least 12 consecutive months;
- Modifies the distribution and use of annual use fees for the “In God We Trust” specialty license plate;
- Adds Major League Soccer and the North American Soccer League to the Florida Professional Sports Team license plates;
- Removes three specialty license plates that have been discontinued by the DHSMV; and
- Provides conforming cross-references to reflect the changes made in this bill.

II. Present Situation:

Presently, there are over 120 specialty license plates available for purchase, and seven in the pre-sale 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.¹ The annual use fees are distributed to an organization in support of a particular cause or charity signified in the plate’s design and designated in statute.²

¹ Section 320.08056, F.S.

² Section 320.08058, F.S.

The specialty plate application process, as it existed in 2009, was found to be unconstitutional.³ That process included an application fee and a short and long-term marketing strategy. The pre-sale methodology, established in 2010⁴, replaced the application process. However, the application process including the fee and marketing strategy language still exists in statute.⁵

Currently, the recognized process for establishing a specialty license plate requires the plate to first be approved by law. Upon being approved by law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the 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 requirements have not been met, the department will de-authorize the specialty plate, discontinue development, and discontinue issuance of the pre-sale voucher.

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.⁶

Discontinuance of Specialty Plate

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 1,000 minimum plate requirement.⁷ 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.⁸

Organizations must adhere to certain accountability requirements, including an annual attestation document affirming that funds received have been spent in accordance with applicable statutes.⁹

³ Middle District Court of Florida (Orlando Division), Mar. 30, 2011, Case No. 6:09-cv-134-Orl-28KRS

⁴ Ch. 2010-223, s. 22, Laws of Fla.

⁵ See s. 320.08053(1), F.S.

⁶ Section 320.08056(7), F.S.

⁷ Section 320.08056(8)(a), F.S.

⁸ Section 320.08056(8)(b), F.S.

⁹ Section 320.08062, F.S.

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 which was included in a bill filed during the 2008 Legislative Session, the DHSMV may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, F.S., between July 1, 2008, and July 1, 2016.¹⁰ However, in recent years the Legislature has approved numerous new specialty license plates by notwithstanding the moratorium provisions.

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, and National Hockey 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.

Organizations

Bonefish and Tarpon Trust¹¹

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.

¹⁰ Section 45, ch. 2008-176, Laws of Fla., as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Fla.

¹¹ See Bonefish & Tarpon Trust website at <https://www.bonefishtarpontrust.org/> (last visited Mar. 20, 2015).

Rotary's Camp Florida¹²

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.

Olivia's Angels Foundation, Inc. (Support Down Syndrome)¹³

Olivia's Angels Foundation is a Florida non-profit organization focused on education, awareness, and support for the Down Syndrome community. Its stated mission is to bring awareness of challenges associated with Down Syndrome, faced by parents and caretakers, through the development of advocacy programs and funding support for self-sustenance educational programs.

Statewide Council on Human Trafficking (Safe and Free Florida)

The Statewide Council on Human Trafficking is a 15-member council chaired by Florida's Attorney General.¹⁴ The council was created by legislation passed in 2014, and is outlined in s. 16.617, F.S.¹⁵ 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.

Florida Caribbean, Haitian, and Jamaican Organizations (Sun Sea Smiles)

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

American Friends of Jamaica, Inc., is a non-profit organization "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."¹⁶

¹² See Rotary's Camp Florida website at <http://www.rotaryscampflorida.org/> (last visited Mar. 20, 2015).

¹³ See Olivia's Angels Foundation website at <http://www.oafl.org/> (last visited Mar. 20, 2015).

¹⁴ Office of the Attorney General, *Statewide Council on Human Trafficking*, <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72> (last visited Mar. 20, 2015).

¹⁵ Ch. 2014-161, s. 6, Laws of Fla.

¹⁶ See The American Friends of Jamaica website at: <http://www.theamericanfriendsofjamaica.org/> (last visited Mar. 21, 2015).

The mission of Haitian Neighborhood Center Sant La, Inc., is to “empower, strengthen, and stabilize South Florida’s Haitian community, through access for free services and resources, to ensure its successful integration.”¹⁷ This is accomplished through services such as citizenship assistance, college scholarships, community outreach, employment services, community partnerships, and educational services.¹⁸

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.¹⁹ The organization has provided counseling, outreach, education, and access to care and advocacy service to low and moderate-income families for the last 16 years.²⁰

The Greater Caribbean American Cultural Coalition, Inc., 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.”²¹ The coalition’s mission is to enrich the cultural environment by fostering multicultural understanding through an appreciation of Caribbean cultures.²²

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, established in 2010 to provide assistance, guidance, and programs to the youth of Little Haiti.²³ The mission of the foundation is “to make a difference in the lives of youth by providing education, mentorship, athletics, arts and cultural programming.”²⁴

Take Stock in Children, Inc.²⁵

Take Stock in Children, Inc., is a non-profit organization in Florida, established in 1995, that offers low-income students volunteer mentors and college scholarships. The organization works with low-income and at-risk students starting in middle school, through high school, and their transition into college, to provide support, motivation, and accountability. To date, Take Stock in Children has served over 24,000 children throughout Florida, has over 8,200 mentors, and is the largest non-profit purchaser of Florida Prepaid Foundation Scholarships.

Paddle Florida, Inc.²⁶

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

¹⁷ See Haitian Neighborhood Center Sant La website at <http://santla.org> (last visited Mar. 21, 2015).

¹⁸ *Id.*

¹⁹ See Fanm Ayisyen Miyami website at <http://www.fanm.org/> (last visited Mar. 21, 2015).

²⁰ *Id.*

²¹ See Greater Caribbean American Cultural Coalition website at <http://unifestlive.com/about-gcacc/> (last visited Mar. 21, 2015).

²² *Id.*

²³ See The Little Haiti Optimist Foundation website at <http://www.littlehaitioptimist.org/> (last visited Mar. 21, 2015).

²⁴ *Id.*

²⁵ See Take Stock in Children website at <http://www.takestockinchildren.org/index> (last visited Mar. 21, 2015).

²⁶ See Paddle Florida website at <http://www.paddleflorida.org/> (last visited Mar. 21, 2015).

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.

Orlando City Soccer Club²⁷

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.

Southeastern Guide Dogs, Inc.²⁸ (*Dogs Making a Difference*)

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.” Southeastern Guide Dogs has matched over 2,700 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.

Ducks Unlimited, Inc.²⁹

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. Ducks Unlimited is the world’s largest and most effective waterfowl and wetlands conservation organization. In the past fiscal year, 82 percent of the organization’s expenditures went to waterfowl and wetlands conservation and education. The organization currently has habitat projects in all 50 states, every Canadian province, and key areas of Mexico.

Team Hammy³⁰

Team Hammy is an organization created in the name of Hamilton Vance Paris, who was diagnosed with amyotrophic lateral sclerosis (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.

Florida National Park Association, Inc.³¹ (*Florida Bay Forever*)

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 dollars in aid to the National Park Service areas of south Florida.

²⁷ See Orlando City Soccer Club website at <http://www.orlandocitysc.com/> (last visited Mar. 21, 2015).

²⁸ See Southeastern Guide Dogs website at <http://www.guidedogs.org/> (last visited Mar. 21, 2015).

²⁹ See Ducks Unlimited website at <http://www.ducks.org/> (last visited Mar. 21, 2015).

³⁰ See Team Hammy website at <http://teamhammy.org/about-us/> (last visited Mar. 21, 2015).

³¹ See Florida National Parks Association, *Everglades Association* website at <http://www.evergladesassociation.org/index.html> (last visited Mar. 21, 2015).

Jacksonville Armada Football Club³²

The Jacksonville Armada Football Club is an American professional soccer team. The team is part of the NASL and based in Jacksonville, Florida. The team was established in 2013, and will be competing in the 2015 spring season.

Tampa Bay Rowdies³³

The Tampa Bay Rowdies is an American professional soccer team. The Rowdies are part of the North American Soccer League (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.

Alpha Kappa Alpha Sorority, Inc.³⁴

Alpha Kappa Alpha Sorority, Inc., was started at Howard University in 1908. It now has over 283,000 college-trained members. The sorority's mission is:

to cultivate and encourage high scholastic and ethical standards, to promote unity and friendship among college women, to study and help alleviate problems concerning girls and women in order to improve their social stature, to maintain a progressive interest in college life, and to be of "Service to All Mankind."

Alpha Kappa Alpha established the Alpha Kappa Alpha Educational Advancement Foundation, Inc., in 1980, which promotes lifelong learning by providing fellowships, scholarships, and grants.³⁵

Furry Friends of Florida, Inc.

At the time of publication, no information related to this organization was available to committee staff.

Adore the Shore, Inc.

At the time of publication, no information related to this organization was available to committee staff.

The Constitution Foundation, Inc.

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

³² See Jacksonville Armada Football Club website at <http://www.armadafc.com/page/slug/history#.VRMhwfnF91A> (last visited Mar. 26, 2015).

³³ See Tampa Bay Rowdies website at <http://www.rowdiessoccer.com/> (last visited Mar. 26, 2015).

³⁴ See Alpha Kappa Alpha Sorority website at <http://www.aka1908.com/about> (last visited Mar. 26, 2015).

³⁵ See Alpha Kappa Alpha Sorority Educational Advancement Foundation website at <http://www.akaeaf.org/default.htm> (last visited Mar. 26, 2015).

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

III. Effect of Proposed Changes:

The bill removes specialty license plate application requirements listed in s. 320.08053(1), F.S., which includes:

- A request from an organization to the DHSMV to establish a new specialty license plate;
- A marketing strategy outlining short and long-term marketing plans for the specialty plate;
- A financial analysis outlining the anticipating revenues and planned expenditures to be derived from the sale of the plate; and
- An application fee.

Three specialty license plates are removed from statute because they have been discontinued by the DHSMV for failure to maintain 1,000 active plates or not meeting pre-sale requirements.

Those plates are the:

- Corrections Foundation license plate;
- Children First license plate; and
- Veterans of Foreign Wars license plate.

The minimum pre-sale requirement for a new specialty license plate is changed from 1,000 plates to 4,000 plates. Beginning, July 1, 2020, the DHSMV must discontinue the issuance of an approved specialty plate if the number of valid specialty plate registrations falls below 4,000 plates for at least 12 consecutive months.

The distribution and use of annual use fees of the “In God We Trust” specialty license plate³⁶ are modified to allow a *maximum* of ten percent of annual use fees to be used to offset marketing, administration, and promotion of the specialty license plate. The bill removes provisions requiring the fees are 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 state law. Instead, the fees will go to address the needs of military service members and public safety employees, their spouses, and dependents, in addition to uses already in statute.

The bill adds Major League Soccer and the North American Soccer League to the Florida Professional Sports Team specialty license plates.

Additionally, the bill directs the DHSMV to establish 17 new specialty plates, each having an annual use fee of \$25.

Proposed Specialty Plates

Florida Professional Sports Team License Plates

The bill directs the DHSMV to create three new Florida Professional Sports Team specialty license plates for the:

- Orlando City Soccer Club;

³⁶ Section 320.08058(67), F.S.

- Jacksonville Armada Football Club; and
- Tampa Bay Rowdies

Annual use fees are to be distributed under the provisions of existing professional sports teams plates.

Bonefish and Tarpon Trust License Plate

Specialty plate annual use fees will be distributed to the Bonefish Tarpon Trust to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments.

Rotary's Camp Florida

Specialty plate annual use fees will be distributed to Rotary's Camp Florida to be used as grants for Florida Rotary Districts that provide camp services to children throughout Florida, and direct support to the programs and services provided to children who attend the camp.

Support Down Syndrome

Specialty plate annual use fees will be distributed to Olivia's Angels Foundation, Inc., to fund its activities, programs, and projects within the state.

Safe and Free Florida

Specialty plate annual use fees will be distributed to the Statewide Council on Human Trafficking, to distribute to nongovernmental, not-for-profit agencies within each Florida county which assists sexually abused, exploited, or trafficked victims. Funds may not be distributed to an agency that charges victims for services received. An agency receiving such funds must use them to provide material needs, detoxification services, prenatal and postnatal care, safe houses or recovery care centers, or counseling programs for victims.

Sun Sea Smiles

Specialty plate annual use fees will be distributed as follows:

- 5 percent to the Florida Caribbean Charitable Foundation, Inc., strictly for marketing the specialty license plate;
- 30 percent to the Florida Caribbean Charitable Foundation, Inc., to be used for a college scholarship program, promotion of health and wellness among Florida residents of Caribbean descent, and 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 Haitian Neighborhood Center Sant La, 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.

Take Stock in Children

Specialty plate annual use fees will be distributed to Take Stock in Children, Inc., to fund its activities, scholarship and mentoring programs, and projects.

Paddle Florida

Specialty plate annual use fees will be distributed to Paddle Florida, Inc., to be used by the Florida Forever grant program to support activities that further outdoor recreation and natural resource protection.

Dogs Making a Difference

Specialty plate annual use fees will be distributed to Southeastern Guide Dogs for the training and promotion of dogs for use by veterans and citizens who are blind.

Ducks Unlimited

Specialty 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.

Team Hammy

Specialty plate annual use fees will be distributed to Team Hammy, Inc., to grant wishes to families living with ALS, provide continuing education to caretakers and physicians, and create awareness of ALS in the community.

Florida Bay Forever

Specialty plate annual use fees will be 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.

Alpha Kappa Alpha Sorority

Special plate annual use fees will be distributed to the Alpha Kappa Alpha Sorority, Inc., who will use such fees to supplement the Alpha Kappa Alpha Educational Advancement Foundation, Inc., budgets and to promote lifelong learning by awarding scholarships, fellowships, and grants.

Furry Friends

Specialty plate annual use fees will be distributed to Furry Friends of Florida, Inc., who will use such fees for activities, programs, and projects, including pet rescue, animal shelters, pet vaccination, veterinary services, and service animals.

Save Our Shores Florida

Specialty plate annual use fees will be distributed to Adore the Shore, Inc. to be used to fund activities, programs, and projects that provide for clean-up activities on Florida's beaches following natural or man-made occurrences and any other legal purpose.

Support Our Constitution

Specialty plate annual use fees will be distributed to The Constitution Foundation, Inc., to fund the activities, programs, and projects of the foundation.

Except as otherwise expressly provided, this act takes effect July 1, 2015.

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 who choose to purchase a specialty license plate 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, will receive revenue from each purchase.

Proposed specialty plates must meet the new minimum pre-sale requirements. Furthermore, existing specialty plates that do not meet the new minimum sale requirements by July 1, 2020, will be discontinued by the DHSMV.

C. Government Sector Impact:

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.

The DHSMV will incur minimal, non-recurring programming costs to implement the bill.

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.)

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.



848322

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Thompson) recommended the following:

Senate Amendment (with directory amendment)

Between lines 373 and 374

insert:

(rrrr) Alpha Kappa Alpha Sorority license plate, \$25.

===== **D I R E C T O R Y C L A U S E A M E N D M E N T**=====

And the directory clause is amended as follows:

Delete line 357

and insert:



848322

11 through (rrrr) are added to subsection (4) of section 320.08056,
12



471746

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Bullard) recommended the following:

Senate Amendment (with directory amendment)

Delete lines 374 - 712

and insert:

(rrrr) Furry Friends license plate, \$25.

Section 5. Effective October 1, 2015, subsection (9) of section 320.08058, Florida Statutes, is amended, and subsections (84) through (96) are added to that section, to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—



471746

11 (a) The Department of Highway Safety and Motor Vehicles
12 shall develop a Florida Professional Sports Team license plate
13 as provided in this section for Major League Baseball, National
14 Basketball Association, National Football League, Arena Football
15 League Teams, ~~and~~ National Hockey League, and Major League
16 Soccer teams domiciled in this state. However, any Florida
17 Professional Sports Team license plate created or established
18 after January 1, 1997, must comply with the requirements of s.
19 320.08053 and be specifically authorized by an act of the
20 Legislature. Florida Professional Sports Team license plates
21 must bear the colors and design approved by the department and
22 must include the official league or team logo, or both, as
23 appropriate for each team. The word "Florida" must appear at the
24 top of the plate.

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

27 1. Fifty-five percent of the proceeds from the Florida
28 Professional Sports Team plate must be deposited into the
29 Professional Sports Development Trust Fund within the Department
30 of Economic Opportunity. These funds must be used solely to
31 attract and support major sports events in this state. As used
32 in this subparagraph, the term "major sports events" means, but
33 is not limited to, championship or all-star contests of Major
34 League Baseball, the National Basketball Association, the
35 National Football League, the National Hockey League, Major
36 League Soccer, the men's and women's National Collegiate
37 Athletic Association Final Four basketball championship, or a
38 horseracing or dogracing Breeders' Cup. All funds must be used
39 to support and promote major sporting events, and the uses must



471746

40 be approved by the Department of Economic Opportunity.

41 2. The remaining proceeds of the Florida Professional
42 Sports Team license plate must be allocated to Enterprise
43 Florida, Inc. These funds must be deposited into the
44 Professional Sports Development Trust Fund within the Department
45 of Economic Opportunity. These funds must be used by Enterprise
46 Florida, Inc., to promote the economic development of the sports
47 industry; to distribute licensing and royalty fees to
48 participating professional sports teams; to promote education
49 programs in Florida schools that provide an awareness of the
50 benefits of physical activity and nutrition standards; to
51 partner with the Department of Education and the Department of
52 Health to develop a program that recognizes schools whose
53 students demonstrate excellent physical fitness or fitness
54 improvement; to institute a grant program for communities
55 bidding on minor sporting events that create an economic impact
56 for the state; to distribute funds to Florida-based charities
57 designated by Enterprise Florida, Inc., and the participating
58 professional sports teams; and to fulfill the sports promotion
59 responsibilities of the Department of Economic Opportunity.

60 3. Enterprise Florida, Inc., shall provide an annual
61 financial audit in accordance with s. 215.981 of its financial
62 accounts and records by an independent certified public
63 accountant pursuant to the contract established by the
64 Department of Economic Opportunity. The auditor shall submit the
65 audit report to the Department of Economic Opportunity for
66 review and approval. If the audit report is approved, the
67 Department of Economic Opportunity shall certify the audit
68 report to the Auditor General for review.



471746

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

73 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

74 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
75 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
76 of Florida, the department shall develop a Bonefish and Tarpon
77 Trust license plate as provided in this section and s.
78 320.08053. The word "Florida" must appear at the top of the
79 plate, and the words "Bonefish and Tarpon Trust" must appear at
80 the bottom of the plate.

81 (b) The department shall retain all annual use fees from
82 the sale of such plates until all startup costs for developing
83 and issuing the plates have been recovered. Thereafter, the
84 annual use fees from the sale of the plate shall be distributed
85 to the Bonefish and Tarpon Trust, which:

86 1. May use a maximum of 10 percent of the proceeds to
87 promote and market the Bonefish and Tarpon Trust license plate.

88 2. Shall invest and reinvest the remainder of the proceeds
89 and use the interest thereon to conserve and enhance Florida
90 bonefish and tarpon fisheries and their respective environments
91 through stewardship, research, education, and advocacy.

92 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

93 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
94 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
95 of Florida, the department shall develop a Rotary's Camp Florida
96 license plate as provided in this section and s. 320.08053. The
97 plate must bear the colors and design approved by the



471746

98 department. The word "Florida" must appear at the top of the
99 plate, and the words "Rotary's Camp Florida" must appear at the
100 bottom of the plate.

101 (b) The license plate annual use fees shall be distributed
102 to Rotary's Camp Florida, which may use a maximum of 10 percent
103 of the proceeds for administrative costs and for marketing the
104 plate. Up to 23 percent shall be distributed as grants for
105 Florida Rotary Districts that provide camp services to children
106 in this state, and the balance of the proceeds shall be used by
107 Rotary's Camp Florida for direct support to the programs and
108 services provided to children who attend the camp.

109 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

110 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
111 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
112 of Florida, the department shall develop a Support Down Syndrome
113 license plate as provided in this section and s. 320.08053.
114 Support Down Syndrome license plates must bear the colors and
115 design approved by the department. The word "Florida" must
116 appear at the top of the plate, and the words "Support Down
117 Syndrome" must appear at the bottom of the plate.

118 (b) The license plate annual use fees shall be distributed
119 to Olivia's Angels Foundation, Inc., to fund its activities,
120 programs, and projects within this state. Olivia's Angels
121 Foundation, Inc., may retain all revenue from the annual use
122 fees until all startup costs for developing and establishing the
123 plate have been recovered. Thereafter, up to 10 percent of the
124 annual use fee revenue may be used for administrative costs and
125 promotion and marketing of the specialty license plate.

126 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-



471746

127 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
128 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
129 of Florida, the department shall develop a Safe and Free Florida
130 license plate as provided in this section and s. 320.08053. Safe
131 and Free Florida license plates must bear the colors and design
132 approved by the department. The word "Florida" must appear at
133 the bottom of the plate, and the words "End Human Trafficking"
134 must appear at the top of the plate.

135 (b) The license plate annual use fees shall be distributed
136 to the Statewide Council on Human Trafficking, with a report
137 that specifies the ratio that the annual use fees collected by
138 each county bear to the total fees collected for the plates
139 statewide. The council may retain all revenue from the annual
140 use fees until all startup costs for developing and establishing
141 the plate have been recovered. Thereafter, up to 15 percent of
142 the annual use fee revenue may be used for administrative costs
143 and for promotion and marketing of the specialty license plate.
144 The council shall distribute the remaining funds to
145 nongovernmental, not-for-profit agencies within each county in
146 this state which assist sexually abused, exploited, or
147 trafficked victims. Funds may not be distributed to an agency
148 that charges victims for services received.

- 149 1. An agency that receives the funds must use the funds:
150 a. To provide for the material needs of sexually abused,
151 exploited, or trafficked victims, including, but not limited to,
152 clothing, housing, medical care, food, utilities, and
153 transportation.
154 b. For detoxification services.
155 c. For prenatal and postnatal care and to provide services



471746

156 for infants awaiting placement with adoptive parents.

157 d. To purchase real estate to facilitate a safe house or a
158 transitional care or recovery care center.

159 e. For counseling, training, awareness, and prevention
160 programs and advertising.

161 2. An agency that receives the funds may not use the funds
162 for administrative or legal expenses, or for capital
163 expenditures other than those specified in sub-subparagraph 1.d.

164 3. Each year, any unused funds that exceed 10 percent of
165 the total amount received by an agency must be returned to the
166 Statewide Council on Human Trafficking to be redistributed by
167 the council to other qualified agencies.

168 4. Each agency that receives funds from the Statewide
169 Council on Human Trafficking must submit an annual attestation
170 to the council.

171 5. If no qualified agency applies to receive funds in a
172 county in any year, that county's share of the funds shall be
173 distributed pro rata to the qualified agencies that apply and
174 maintain a place of business within a 100-mile radius of the
175 county seat of that county. If no qualified agency within the
176 100-mile radius applies, the funds shall be distributed to other
177 qualified agencies within the state.

178 (88) SUN SEA SMILES LICENSE PLATES.—

179 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
180 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
181 of Florida, the department shall develop a Sun Sea Smiles
182 license plate as provided in this section and s. 320.08053. The
183 plate must bear the colors and design approved by the
184 department. The word "Florida" must appear at the top of the



471746

185 plate, and the words "Sun Sea Smiles" must appear at the bottom
186 of the plate.

187 (b) The department shall retain all annual use fees from
188 the sale of such plates until all startup costs for developing
189 and issuing the plates have been recovered. Thereafter, the
190 annual use fees from the sale of the plate shall be distributed
191 as follows:

192 1. Five percent shall be distributed to the Florida
193 Caribbean Charitable Foundation, Inc., for marketing of the Sun
194 Sea Smiles license plate.

195 2. Thirty percent shall be distributed to the Florida
196 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
197 percent may be used for administrative expenses, and the
198 remainder shall be used as follows:

199 a. Sixty percent shall be used for a college scholarship
200 program.

201 b. Fifteen percent shall be used to promote health and
202 wellness among Florida residents of Caribbean descent.

203 c. Twenty-five percent shall be used to promote awareness
204 of Caribbean culture within the state.

205 3. Twenty percent shall be distributed to the American
206 Friends of Jamaica, Inc., a charitable, not-for-profit
207 organization under s. 501(c) (3) of the Internal Revenue Code
208 registered with the Department of Agriculture and Consumer
209 Services and incorporated in New York, for use as grants to
210 promote social and community development among residents of this
211 state. Of this amount, up to 5 percent may be used for
212 administrative and marketing expenses.

213 4. Ten percent shall be distributed to Haitian Neighborhood



471746

214 Center Sant La, Inc., to promote social and community
215 development. Of this amount, up to 5 percent may be used for
216 administrative expenses.

217 5. Ten percent shall be distributed to Fanm Ayisyen Nan
218 Miyami, Inc., to promote social and community development. Of
219 this amount, up to 10 percent may be used for administrative
220 expenses.

221 6. Twenty percent shall be distributed to Greater Caribbean
222 American Cultural Coalition, Inc., to promote awareness of
223 Caribbean culture within this state. Of this amount, up to 5
224 percent may be used for administrative expenses.

225 7. Five percent shall be distributed to Little Haiti
226 Optimist Foundation, Inc., to promote awareness of Caribbean
227 culture and youth development within the state. Of this amount,
228 up to 5 percent may be used for administrative expenses.

229 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.—

230 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
231 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
232 of Florida, the department shall develop a Take Stock in
233 Children license plate as provided in this section and s.
234 320.08053. Take Stock in Children license plates must bear the
235 colors and design approved by the department. The word "Florida"
236 must appear at the top of the plate, and the words "Take Stock
237 in Children" must appear at the bottom of the plate.

238 (b) The license plate annual use fees shall be distributed
239 to Take Stock in Children, Inc., to fund its activities,
240 scholarship and mentoring programs, and projects. Take Stock in
241 Children, Inc., may retain all revenue from the annual use fees
242 until all startup costs for developing and establishing the



471746

243 plate have been recovered. Thereafter, up to 10 percent of the
244 annual use fee revenue may be used for administrative costs
245 directly associated with the corporation's programs and the
246 specialty license plate, and up to 15 percent may be used for
247 promotion and marketing of the specialty license plate.

248 (90) PADDLE FLORIDA LICENSE PLATES.—

249 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
250 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
251 of Florida, the department shall develop a Paddle Florida
252 license plate as provided in this section and s. 320.08053. The
253 word "Florida" must appear at the top of the plate, and words
254 approved by the department must appear at the bottom of the
255 plate.

256 (b) The department shall retain all annual use fees from
257 the sale of such plates until the startup costs for developing
258 and issuing the plates have been recovered. Thereafter, the
259 annual use fees shall be distributed to Paddle Florida, Inc.,
260 which may use up to 10 percent of the proceeds for
261 administrative costs and marketing of the plate. The balance of
262 the fees shall be used by the Florida Forever grant program to
263 support activities that further outdoor recreation and natural
264 resource protection.

265 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

266 Notwithstanding s. 45, ch. 2008-176, Laws of Florida, as amended
267 by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Florida,
268 the department shall develop an Orlando City Soccer Club license
269 plate as provided in subsection (9).

270 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

271 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,



471746

272 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
273 of Florida, the department shall develop a Dogs Making a
274 Difference license plate as provided in this section and s.
275 320.08053. The plate must bear the colors and design approved by
276 the department. The word "Florida" must appear at the top of the
277 plate, and the words "Dogs Making a Difference" must appear at
278 the bottom of the plate.

279 (b) The department may retain all annual use fees from the
280 sale of such plates until the startup costs for developing and
281 issuing the plates have been recovered. Thereafter, the annual
282 use fees shall be distributed to Southeastern Guide Dogs, Inc.,
283 which may use up to 10 percent of the proceeds for
284 administrative costs and marketing of the plate. The balance of
285 the fees shall be used by Southeastern Guide Dogs, Inc., for the
286 training and promotion of dogs for use by veterans and citizens
287 who are blind.

288 (93) DUCKS UNLIMITED LICENSE PLATES.-

289 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
290 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
291 of Florida, the department shall develop a Ducks Unlimited
292 license plate as provided in this section and s. 320.08053.
293 Ducks Unlimited license plates must bear the colors and design
294 approved by the department. The word "Florida" must appear at
295 the top of the plate, and the words "Conserving Florida's
296 Wetlands" must appear at the bottom of the plate.

297 (b) The license plate annual use fees shall be distributed
298 to Ducks Unlimited, Inc., a nonprofit corporation under s.
299 501(c)(3) of the Internal Revenue Code. The proceeds must be
300 used to support Ducks Unlimited's mission and conservation



471746

301 efforts in this state as follows:

302 1. Up to 5 percent may be used for administrative costs and
303 marketing of the plate.

304 2. A minimum of 95 percent shall be used to support Ducks
305 Unlimited's mission and efforts for the conservation,
306 restoration, and management of Florida wetlands and associated
307 habitats for the benefit of waterfowl, other wildlife, and
308 people.

309 (94) TEAM HAMMY LICENSE PLATES.—

310 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
311 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
312 of Florida, the department shall develop a Team Hammy license
313 plate as provided in this section and s. 320.08053. The word
314 "Florida" must appear at the top of the plate, and the words
315 "Team Hammy" must appear at the bottom of the plate.

316 (b) The department shall retain all annual use fees from
317 the sale of such plates until all startup costs for developing
318 and issuing the plates have been recovered. Thereafter, the
319 license plate annual use fees shall be distributed to Team
320 Hammy, Inc., a Florida nonprofit corporation, which may use up
321 to 10 percent of such fees for administrative costs and
322 marketing of the plate. The balance of the fees shall be used by
323 Team Hammy, Inc., to grant wishes to families living with
324 amyotrophic lateral sclerosis (ALS), provide continuing
325 education to caregivers and physicians, and create awareness of
326 ALS in the community.

327 (95) FLORIDA BAY FOREVER LICENSE PLATES.—

328 (a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida,
329 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws



471746

330 of Florida, the department shall develop a Florida Bay Forever
331 license plate as provided in s. 320.08053 and this section. The
332 word "Florida" must appear at the top of the plate, and the
333 words "Florida Bay Forever" must appear at the bottom of the
334 plate.

335 (b) The department shall retain all annual use fees from
336 the sale of such plates until all startup costs for developing
337 and issuing the plates have been recovered. Thereafter, the
338 annual use fees shall be distributed to the Florida National
339 Park Association, Inc., which may use up to 10 percent of such
340 fees for administrative costs and marketing of the plate. The
341 balance of the fees shall be used to supplement the Everglades
342 National Park service's budgets and to support educational,
343 interpretive, historical, and scientific research relating to
344 the Everglades National Park.

345 (96) FURRY FRIENDS LICENSE PLATES.—

346 (a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida,
347 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
348 of Florida, the department shall develop a Furry Friends license
349 plate as provided in s. 320.08053 and this section, upon
350 application by Furry Friends of Florida, Inc. The word "Florida"
351 must appear at the top of the plate, and words approved by the
352 department must appear at the bottom of the plate.

353 (b) The department shall retain all revenue from the sale
354 of such plates until the startup costs for developing and
355 issuing the plates have been recovered. Thereafter, the annual
356 use fees shall be distributed monthly to Furry Friends of
357 Florida, Inc., which may use up to 15 percent of such revenue
358 for administrative, handling, and disbursement contracts and



471746

359 expenses, and up to 10 percent for promotion, advertising, and
360 marketing contracts and costs. The balance of the fees shall be
361 used by Furry Friends of Florida, Inc., for activities,
362 programs, and projects, including, but not limited to, pet
363 rescue, animal shelters, pet vaccination, veterinary services,
364 and service animals.

365

366 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

367 And the directory clause is amended as follows:

368 Delete line 357

369 and insert:

370 through (rrrr) are added to subsection (4) of section
371 320.08056,

372



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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	.	
	.	

The Committee on Transportation (Bullard) recommended the following:

Senate Amendment (with directory amendment)

Delete lines 374 - 712

and insert:

(rrrr) Save Our Shores Florida license plate, \$25

Section 5. Effective October 1, 2015, subsection (9) of section 320.08058, Florida Statutes, is amended, and subsections (84) through (96) are added to that section, to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—



702050

11 (a) The Department of Highway Safety and Motor Vehicles
12 shall develop a Florida Professional Sports Team license plate
13 as provided in this section for Major League Baseball, National
14 Basketball Association, National Football League, Arena Football
15 League Teams, ~~and~~ National Hockey League, and Major League
16 Soccer teams domiciled in this state. However, any Florida
17 Professional Sports Team license plate created or established
18 after January 1, 1997, must comply with the requirements of s.
19 320.08053 and be specifically authorized by an act of the
20 Legislature. Florida Professional Sports Team license plates
21 must bear the colors and design approved by the department and
22 must include the official league or team logo, or both, as
23 appropriate for each team. The word "Florida" must appear at the
24 top of the plate.

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

27 1. Fifty-five percent of the proceeds from the Florida
28 Professional Sports Team plate must be deposited into the
29 Professional Sports Development Trust Fund within the Department
30 of Economic Opportunity. These funds must be used solely to
31 attract and support major sports events in this state. As used
32 in this subparagraph, the term "major sports events" means, but
33 is not limited to, championship or all-star contests of Major
34 League Baseball, the National Basketball Association, the
35 National Football League, the National Hockey League, Major
36 League Soccer, the men's and women's National Collegiate
37 Athletic Association Final Four basketball championship, or a
38 horseracing or dogracing Breeders' Cup. All funds must be used
39 to support and promote major sporting events, and the uses must



40 be approved by the Department of Economic Opportunity.

41 2. The remaining proceeds of the Florida Professional
42 Sports Team license plate must be allocated to Enterprise
43 Florida, Inc. These funds must be deposited into the
44 Professional Sports Development Trust Fund within the Department
45 of Economic Opportunity. These funds must be used by Enterprise
46 Florida, Inc., to promote the economic development of the sports
47 industry; to distribute licensing and royalty fees to
48 participating professional sports teams; to promote education
49 programs in Florida schools that provide an awareness of the
50 benefits of physical activity and nutrition standards; to
51 partner with the Department of Education and the Department of
52 Health to develop a program that recognizes schools whose
53 students demonstrate excellent physical fitness or fitness
54 improvement; to institute a grant program for communities
55 bidding on minor sporting events that create an economic impact
56 for the state; to distribute funds to Florida-based charities
57 designated by Enterprise Florida, Inc., and the participating
58 professional sports teams; and to fulfill the sports promotion
59 responsibilities of the Department of Economic Opportunity.

60 3. Enterprise Florida, Inc., shall provide an annual
61 financial audit in accordance with s. 215.981 of its financial
62 accounts and records by an independent certified public
63 accountant pursuant to the contract established by the
64 Department of Economic Opportunity. The auditor shall submit the
65 audit report to the Department of Economic Opportunity for
66 review and approval. If the audit report is approved, the
67 Department of Economic Opportunity shall certify the audit
68 report to the Auditor General for review.



702050

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

73 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

74 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
75 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
76 of Florida, the department shall develop a Bonefish and Tarpon
77 Trust license plate as provided in this section and s.
78 320.08053. The word "Florida" must appear at the top of the
79 plate, and the words "Bonefish and Tarpon Trust" must appear at
80 the bottom of the plate.

81 (b) The department shall retain all annual use fees from
82 the sale of such plates until all startup costs for developing
83 and issuing the plates have been recovered. Thereafter, the
84 annual use fees from the sale of the plate shall be distributed
85 to the Bonefish and Tarpon Trust, which:

86 1. May use a maximum of 10 percent of the proceeds to
87 promote and market the Bonefish and Tarpon Trust license plate.

88 2. Shall invest and reinvest the remainder of the proceeds
89 and use the interest thereon to conserve and enhance Florida
90 bonefish and tarpon fisheries and their respective environments
91 through stewardship, research, education, and advocacy.

92 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

93 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
94 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
95 of Florida, the department shall develop a Rotary's Camp Florida
96 license plate as provided in this section and s. 320.08053. The
97 plate must bear the colors and design approved by the



702050

98 department. The word "Florida" must appear at the top of the
99 plate, and the words "Rotary's Camp Florida" must appear at the
100 bottom of the plate.

101 (b) The license plate annual use fees shall be distributed
102 to Rotary's Camp Florida, which may use a maximum of 10 percent
103 of the proceeds for administrative costs and for marketing the
104 plate. Up to 23 percent shall be distributed as grants for
105 Florida Rotary Districts that provide camp services to children
106 in this state, and the balance of the proceeds shall be used by
107 Rotary's Camp Florida for direct support to the programs and
108 services provided to children who attend the camp.

109 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

110 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
111 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
112 of Florida, the department shall develop a Support Down Syndrome
113 license plate as provided in this section and s. 320.08053.
114 Support Down Syndrome license plates must bear the colors and
115 design approved by the department. The word "Florida" must
116 appear at the top of the plate, and the words "Support Down
117 Syndrome" must appear at the bottom of the plate.

118 (b) The license plate annual use fees shall be distributed
119 to Olivia's Angels Foundation, Inc., to fund its activities,
120 programs, and projects within this state. Olivia's Angels
121 Foundation, Inc., may retain all revenue from the annual use
122 fees until all startup costs for developing and establishing the
123 plate have been recovered. Thereafter, up to 10 percent of the
124 annual use fee revenue may be used for administrative costs and
125 promotion and marketing of the specialty license plate.

126 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-



702050

127 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
128 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
129 of Florida, the department shall develop a Safe and Free Florida
130 license plate as provided in this section and s. 320.08053. Safe
131 and Free Florida license plates must bear the colors and design
132 approved by the department. The word "Florida" must appear at
133 the bottom of the plate, and the words "End Human Trafficking"
134 must appear at the top of the plate.

135 (b) The license plate annual use fees shall be distributed
136 to the Statewide Council on Human Trafficking, with a report
137 that specifies the ratio that the annual use fees collected by
138 each county bear to the total fees collected for the plates
139 statewide. The council may retain all revenue from the annual
140 use fees until all startup costs for developing and establishing
141 the plate have been recovered. Thereafter, up to 15 percent of
142 the annual use fee revenue may be used for administrative costs
143 and for promotion and marketing of the specialty license plate.
144 The council shall distribute the remaining funds to
145 nongovernmental, not-for-profit agencies within each county in
146 this state which assist sexually abused, exploited, or
147 trafficked victims. Funds may not be distributed to an agency
148 that charges victims for services received.

- 149 1. An agency that receives the funds must use the funds:
150 a. To provide for the material needs of sexually abused,
151 exploited, or trafficked victims, including, but not limited to,
152 clothing, housing, medical care, food, utilities, and
153 transportation.
154 b. For detoxification services.
155 c. For prenatal and postnatal care and to provide services



702050

156 for infants awaiting placement with adoptive parents.
157 d. To purchase real estate to facilitate a safe house or a
158 transitional care or recovery care center.
159 e. For counseling, training, awareness, and prevention
160 programs and advertising.
161 2. An agency that receives the funds may not use the funds
162 for administrative or legal expenses, or for capital
163 expenditures other than those specified in sub-subparagraph 1.d.
164 3. Each year, any unused funds that exceed 10 percent of
165 the total amount received by an agency must be returned to the
166 Statewide Council on Human Trafficking to be redistributed by
167 the council to other qualified agencies.
168 4. Each agency that receives funds from the Statewide
169 Council on Human Trafficking must submit an annual attestation
170 to the council.
171 5. If no qualified agency applies to receive funds in a
172 county in any year, that county's share of the funds shall be
173 distributed pro rata to the qualified agencies that apply and
174 maintain a place of business within a 100-mile radius of the
175 county seat of that county. If no qualified agency within the
176 100-mile radius applies, the funds shall be distributed to other
177 qualified agencies within the state.
178 (88) SUN SEA SMILES LICENSE PLATES.—
179 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
180 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
181 of Florida, the department shall develop a Sun Sea Smiles
182 license plate as provided in this section and s. 320.08053. The
183 plate must bear the colors and design approved by the
184 department. The word "Florida" must appear at the top of the



702050

185 plate, and the words "Sun Sea Smiles" must appear at the bottom
186 of the plate.

187 (b) The department shall retain all annual use fees from
188 the sale of such plates until all startup costs for developing
189 and issuing the plates have been recovered. Thereafter, the
190 annual use fees from the sale of the plate shall be distributed
191 as follows:

192 1. Five percent shall be distributed to the Florida
193 Caribbean Charitable Foundation, Inc., for marketing of the Sun
194 Sea Smiles license plate.

195 2. Thirty percent shall be distributed to the Florida
196 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
197 percent may be used for administrative expenses, and the
198 remainder shall be used as follows:

199 a. Sixty percent shall be used for a college scholarship
200 program.

201 b. Fifteen percent shall be used to promote health and
202 wellness among Florida residents of Caribbean descent.

203 c. Twenty-five percent shall be used to promote awareness
204 of Caribbean culture within the state.

205 3. Twenty percent shall be distributed to the American
206 Friends of Jamaica, Inc., a charitable, not-for-profit
207 organization under s. 501(c) (3) of the Internal Revenue Code
208 registered with the Department of Agriculture and Consumer
209 Services and incorporated in New York, for use as grants to
210 promote social and community development among residents of this
211 state. Of this amount, up to 5 percent may be used for
212 administrative and marketing expenses.

213 4. Ten percent shall be distributed to Haitian Neighborhood



702050

214 Center Sant La, Inc., to promote social and community
215 development. Of this amount, up to 5 percent may be used for
216 administrative expenses.

217 5. Ten percent shall be distributed to Fanm Ayisyen Nan
218 Miyami, Inc., to promote social and community development. Of
219 this amount, up to 10 percent may be used for administrative
220 expenses.

221 6. Twenty percent shall be distributed to Greater Caribbean
222 American Cultural Coalition, Inc., to promote awareness of
223 Caribbean culture within this state. Of this amount, up to 5
224 percent may be used for administrative expenses.

225 7. Five percent shall be distributed to Little Haiti
226 Optimist Foundation, Inc., to promote awareness of Caribbean
227 culture and youth development within the state. Of this amount,
228 up to 5 percent may be used for administrative expenses.

229 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.—

230 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
231 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
232 of Florida, the department shall develop a Take Stock in
233 Children license plate as provided in this section and s.
234 320.08053. Take Stock in Children license plates must bear the
235 colors and design approved by the department. The word "Florida"
236 must appear at the top of the plate, and the words "Take Stock
237 in Children" must appear at the bottom of the plate.

238 (b) The license plate annual use fees shall be distributed
239 to Take Stock in Children, Inc., to fund its activities,
240 scholarship and mentoring programs, and projects. Take Stock in
241 Children, Inc., may retain all revenue from the annual use fees
242 until all startup costs for developing and establishing the



702050

243 plate have been recovered. Thereafter, up to 10 percent of the
244 annual use fee revenue may be used for administrative costs
245 directly associated with the corporation's programs and the
246 specialty license plate, and up to 15 percent may be used for
247 promotion and marketing of the specialty license plate.

248 (90) PADDLE FLORIDA LICENSE PLATES.—

249 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
250 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
251 of Florida, the department shall develop a Paddle Florida
252 license plate as provided in this section and s. 320.08053. The
253 word "Florida" must appear at the top of the plate, and words
254 approved by the department must appear at the bottom of the
255 plate.

256 (b) The department shall retain all annual use fees from
257 the sale of such plates until the startup costs for developing
258 and issuing the plates have been recovered. Thereafter, the
259 annual use fees shall be distributed to Paddle Florida, Inc.,
260 which may use up to 10 percent of the proceeds for
261 administrative costs and marketing of the plate. The balance of
262 the fees shall be used by the Florida Forever grant program to
263 support activities that further outdoor recreation and natural
264 resource protection.

265 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

266 Notwithstanding s. 45, ch. 2008-176, Laws of Florida, as amended
267 by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Florida,
268 the department shall develop an Orlando City Soccer Club license
269 plate as provided in subsection (9).

270 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

271 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,



702050

272 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
273 of Florida, the department shall develop a Dogs Making a
274 Difference license plate as provided in this section and s.
275 320.08053. The plate must bear the colors and design approved by
276 the department. The word "Florida" must appear at the top of the
277 plate, and the words "Dogs Making a Difference" must appear at
278 the bottom of the plate.

279 (b) The department may retain all annual use fees from the
280 sale of such plates until the startup costs for developing and
281 issuing the plates have been recovered. Thereafter, the annual
282 use fees shall be distributed to Southeastern Guide Dogs, Inc.,
283 which may use up to 10 percent of the proceeds for
284 administrative costs and marketing of the plate. The balance of
285 the fees shall be used by Southeastern Guide Dogs, Inc., for the
286 training and promotion of dogs for use by veterans and citizens
287 who are blind.

288 (93) DUCKS UNLIMITED LICENSE PLATES.-

289 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
290 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
291 of Florida, the department shall develop a Ducks Unlimited
292 license plate as provided in this section and s. 320.08053.
293 Ducks Unlimited license plates must bear the colors and design
294 approved by the department. The word "Florida" must appear at
295 the top of the plate, and the words "Conserving Florida's
296 Wetlands" must appear at the bottom of the plate.

297 (b) The license plate annual use fees shall be distributed
298 to Ducks Unlimited, Inc., a nonprofit corporation under s.
299 501(c)(3) of the Internal Revenue Code. The proceeds must be
300 used to support Ducks Unlimited's mission and conservation



702050

301 efforts in this state as follows:

302 1. Up to 5 percent may be used for administrative costs and
303 marketing of the plate.

304 2. A minimum of 95 percent shall be used to support Ducks
305 Unlimited's mission and efforts for the conservation,
306 restoration, and management of Florida wetlands and associated
307 habitats for the benefit of waterfowl, other wildlife, and
308 people.

309 (94) TEAM HAMMY LICENSE PLATES.—

310 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
311 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
312 of Florida, the department shall develop a Team Hammy license
313 plate as provided in this section and s. 320.08053. The word
314 "Florida" must appear at the top of the plate, and the words
315 "Team Hammy" must appear at the bottom of the plate.

316 (b) The department shall retain all annual use fees from
317 the sale of such plates until all startup costs for developing
318 and issuing the plates have been recovered. Thereafter, the
319 license plate annual use fees shall be distributed to Team
320 Hammy, Inc., a Florida nonprofit corporation, which may use up
321 to 10 percent of such fees for administrative costs and
322 marketing of the plate. The balance of the fees shall be used by
323 Team Hammy, Inc., to grant wishes to families living with
324 amyotrophic lateral sclerosis (ALS), provide continuing
325 education to caregivers and physicians, and create awareness of
326 ALS in the community.

327 (95) FLORIDA BAY FOREVER LICENSE PLATES.—

328 (a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida,
329 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws



702050

330 of Florida, the department shall develop a Florida Bay Forever
331 license plate as provided in s. 320.08053 and this section. The
332 word "Florida" must appear at the top of the plate, and the
333 words "Florida Bay Forever" must appear at the bottom of the
334 plate.

335 (b) The department shall retain all annual use fees from
336 the sale of such plates until all startup costs for developing
337 and issuing the plates have been recovered. Thereafter, the
338 annual use fees shall be distributed to the Florida National
339 Park Association, Inc., which may use up to 10 percent of such
340 fees for administrative costs and marketing of the plate. The
341 balance of the fees shall be used to supplement the Everglades
342 National Park service's budgets and to support educational,
343 interpretive, historical, and scientific research relating to
344 the Everglades National Park.

345 (96) SAVE OUR SHORES FLORIDA LICENSE PLATES.—
346 Notwithstanding s. 45, ch. 2008-176, Laws of Florida, as amended
347 by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Florida,
348 the department shall develop a Save Our Shores Florida license
349 plate as provided in this section.

350 (a) Save Our Shores Florida license plates must bear the
351 colors and design approved by the department. The word "Florida"
352 must appear at the top of the plate, and the words "Save Our
353 Shores" must appear at the bottom of the plate.

354 (b) The department shall retain the first \$60,000 of annual
355 use fees received from the sale of the plates. Thereafter, the
356 annual use fees shall be distributed to Adore the Shore, Inc.,
357 which may retain all of such revenue until the startup costs to
358 develop and establish the license plate program have been



702050

359 recovered. Thereafter, Adore the Shore, Inc., may use the
360 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 clean-up activities on
367 Florida's beaches following natural or man-made occurrences that
368 threaten the pristine nature of Florida's beaches and any other
369 legal purpose as allowed by the Internal Revenue Code.

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371

372 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

373 And the directory clause is amended as follows:

374 Delete line 357

375 and insert:

376 through (rrrr) are added to subsection (4) of section
377 320.08056,

378



913368

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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	.	

The Committee on Transportation (Bullard) recommended the following:

Senate Amendment to Amendment (702050)

Delete lines 354 - 355
and insert:

(b) The department shall retain all annual use fees from the sale of such plates until startup costs for developing and issuing the plates have been recovered. Thereafter, the



191060

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with directory amendment)

Delete lines 374 - 712

and insert:

(rrrr) Jacksonville Armada Football Club license plate, \$25.

(ssss) Tampa Bay Rowdies license plate, \$25.

Section 5. Effective October 1, 2015, subsection (9) of section 320.08058, Florida Statutes, is amended, and subsections (84) through (97) are added to that section, to read:



191060

11 320.08058 Specialty license plates.—

12 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

13 (a) The Department of Highway Safety and Motor Vehicles
14 shall develop a Florida Professional Sports Team license plate
15 as provided in this section for Major League Baseball, National
16 Basketball Association, National Football League, Arena Football
17 League Teams, and National Hockey League, Major League Soccer,
18 and North American Soccer League teams domiciled in this state.
19 However, any Florida Professional Sports Team license plate
20 created or established after January 1, 1997, must comply with
21 the requirements of s. 320.08053 and be specifically authorized
22 by an act of the Legislature. Florida Professional Sports Team
23 license plates must bear the colors and design approved by the
24 department and must include the official league or team logo, or
25 both, as appropriate for each team. The word "Florida" must
26 appear at the top of the plate.

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

29 1. Fifty-five percent of the proceeds from the Florida
30 Professional Sports Team plate must be deposited into the
31 Professional Sports Development Trust Fund within the Department
32 of Economic Opportunity. These funds must be used solely to
33 attract and support major sports events in this state. As used
34 in this subparagraph, the term "major sports events" means, but
35 is not limited to, championship or all-star contests of Major
36 League Baseball, the National Basketball Association, the
37 National Football League, the National Hockey League, Major
38 League Soccer, North American Soccer League, the men's and
39 women's National Collegiate Athletic Association Final Four



191060

40 basketball championship, or a horseracing or dogracing Breeders'
41 Cup. All funds must be used to support and promote major
42 sporting events, and the uses must be approved by the Department
43 of Economic Opportunity.

44 2. The remaining proceeds of the Florida Professional
45 Sports Team license plate must be allocated to Enterprise
46 Florida, Inc. These funds must be deposited into the
47 Professional Sports Development Trust Fund within the Department
48 of Economic Opportunity. These funds must be used by Enterprise
49 Florida, Inc., to promote the economic development of the sports
50 industry; to distribute licensing and royalty fees to
51 participating professional sports teams; to promote education
52 programs in Florida schools that provide an awareness of the
53 benefits of physical activity and nutrition standards; to
54 partner with the Department of Education and the Department of
55 Health to develop a program that recognizes schools whose
56 students demonstrate excellent physical fitness or fitness
57 improvement; to institute a grant program for communities
58 bidding on minor sporting events that create an economic impact
59 for the state; to distribute funds to Florida-based charities
60 designated by Enterprise Florida, Inc., and the participating
61 professional sports teams; and to fulfill the sports promotion
62 responsibilities of the Department of Economic Opportunity.

63 3. Enterprise Florida, Inc., shall provide an annual
64 financial audit in accordance with s. 215.981 of its financial
65 accounts and records by an independent certified public
66 accountant pursuant to the contract established by the
67 Department of Economic Opportunity. The auditor shall submit the
68 audit report to the Department of Economic Opportunity for



191060

69 review and approval. If the audit report is approved, the
70 Department of Economic Opportunity shall certify the audit
71 report to the Auditor General for review.

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

76 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.—

77 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
78 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
79 ch. 2014-216, Laws of Florida, the department shall develop a
80 Bonefish and Tarpon Trust license plate as provided in this
81 section and s. 320.08053. The word "Florida" must appear at the
82 top of the plate, and the words "Bonefish and Tarpon Trust" must
83 appear at the bottom of the plate.

84 (b) The department shall retain all annual use fees from
85 the sale of such plates until all startup costs for developing
86 and issuing the plates have been recovered. Thereafter, the
87 license plate annual use fees shall be distributed to the
88 Bonefish and Tarpon Trust, which:

89 1. May use a maximum of 10 percent of the proceeds to
90 promote and market the Bonefish and Tarpon Trust license plate.

91 2. Shall invest and reinvest the remainder of the proceeds
92 and use the interest earnings to conserve and enhance Florida
93 bonefish and tarpon fisheries and their respective environments
94 through stewardship, research, education, and advocacy.

95 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.—

96 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
97 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,



191060

98 ch. 2014-216, Laws of Florida, the department shall develop a
99 Rotary's Camp Florida license plate as provided in this section
100 and s. 320.08053. The plate must bear the colors and design
101 approved by the department. The word "Florida" must appear at
102 the top of the plate, and the words "Rotary's Camp Florida" must
103 appear at the bottom of the plate.

104 (b) The license plate annual use fees shall be distributed
105 to Rotary's Camp Florida, which may use a maximum of 10 percent
106 of the proceeds for administrative costs and for marketing the
107 plate. Up to 23 percent shall be distributed as grants for
108 Florida Rotary Districts that provide camp services to children
109 in this state, and the balance of the proceeds shall be used by
110 Rotary's Camp Florida for direct support to the programs and
111 services provided to children who attend the camp.

112 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

113 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
114 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
115 ch. 2014-216, Laws of Florida, the department shall develop a
116 Support Down Syndrome license plate as provided in this section
117 and s. 320.08053. Support Down Syndrome license plates must bear
118 the colors and design approved by the department. The word
119 "Florida" must appear at the top of the plate, and the words
120 "Support Down Syndrome" must appear at the bottom of the plate.

121 (b) The license plate annual use fees shall be distributed
122 to Olivia's Angels Foundation, Inc., to fund its activities,
123 programs, and projects within this state. Olivia's Angels
124 Foundation, Inc., may retain all revenues from the annual use
125 fees until all startup costs for developing and establishing the
126 plate have been recovered. Thereafter, up to 10 percent of the



191060

127 annual use fee revenues may be used for administrative costs and
128 promotion and marketing of the specialty license plate.

129 (87) SAFE AND FREE FLORIDA LICENSE PLATES.—

130 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
131 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
132 ch. 2014-216, Laws of Florida, the department shall develop a
133 Safe and Free Florida license plate as provided in this section
134 and s. 320.08053. Safe and Free Florida license plates must bear
135 the colors and design approved by the department. The word
136 “Florida” must appear at the bottom of the plate, and the words
137 “End Human Trafficking” must appear at the top of the plate.

138 (b) The license plate annual use fees shall be distributed
139 to the Statewide Council on Human Trafficking, with a report
140 that specifies the ratio that the annual use fees collected by
141 each county bear to the total fees collected for the plates
142 statewide. The council may retain all revenues from the annual
143 use fees until all startup costs for developing and establishing
144 the plate have been recovered. Thereafter, up to 15 percent of
145 the annual use fee revenues may be used for administrative costs
146 and for promotion and marketing of the specialty license plate.
147 The council shall distribute the remaining funds to
148 nongovernmental, not-for-profit agencies within each county in
149 this state which assist sexually abused, exploited, or
150 trafficked victims. Funds may not be distributed to an agency
151 that charges victims for services received.

152 1. An agency that receives the funds must use the funds
153 for:

154 a. The material needs of sexually abused, exploited, or
155 trafficked victims, including, but not limited to, clothing,



191060

156 housing, medical care, food, utilities, and transportation.
157 b. Detoxification services.
158 c. Prenatal and postnatal care and services for infants
159 awaiting placement with adoptive parents.
160 d. Real estate purchases to facilitate a safe house or a
161 transitional care or recovery care center.
162 e. Counseling, training, awareness, and prevention programs
163 and advertisement.
164 2. An agency that receives funds may not use the funds for
165 administrative or legal expenses, or for capital expenditures
166 other than those specified in sub-subparagraph 1.d.
167 3. Each year, any unused funds that exceed 10 percent of
168 the total amount received by an agency must be returned to the
169 Statewide Council on Human Trafficking to be redistributed by
170 the council to other qualified agencies.
171 4. Each agency that receives funds from the Statewide
172 Council on Human Trafficking must submit an annual attestation
173 to the council.
174 5. If no qualified agency applies to receive funds in a
175 county in any year, that county's share of the funds shall be
176 distributed pro rata to the qualified agencies that apply and
177 maintain a place of business within a 100-mile radius of the
178 county seat of that county. If no qualified agency within the
179 100-mile radius applies, the funds shall be distributed to other
180 qualified agencies within the state.
181 (88) SUN SEA SMILES LICENSE PLATES.—
182 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
183 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
184 ch. 2014-216, Laws of Florida, the department shall develop a



191060

185 Sun Sea Smiles license plate as provided in this section and s.
186 320.08053. The plate must bear the colors and design approved by
187 the department. The word "Florida" must appear at the top of the
188 plate, and the words "Sun Sea Smiles" must appear at the bottom
189 of the plate.

190 (b) The department shall retain all annual use fees from
191 the sale of such plates until all startup costs for developing
192 and issuing the plates have been recovered. Thereafter, the
193 license plate annual use fees shall be distributed as follows:

194 1. Five percent shall be distributed to the Florida
195 Caribbean Charitable Foundation, Inc., for marketing the Sun Sea
196 Smiles license plate.

197 2. Thirty percent shall be distributed to the Florida
198 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
199 percent may be used for administrative expenses, and the
200 remainder shall be used as follows:

201 a. Sixty percent shall be used for a college scholarship
202 program.

203 b. Fifteen percent shall be used to promote health and
204 wellness among Florida residents of Caribbean descent.

205 c. Twenty-five percent shall be used to promote awareness
206 of Caribbean culture within the state.

207 3. Twenty percent shall be distributed to the American
208 Friends of Jamaica, Inc., a charitable, not-for-profit
209 organization under s. 501(c) (3) of the Internal Revenue Code
210 registered with the Department of Agriculture and Consumer
211 Services and incorporated in New York, for use as grants to
212 promote social and community development among residents of this
213 state. Of this amount, up to 5 percent may be used for



191060

214 administrative and marketing expenses.

215 4. Ten percent shall be distributed to Haitian Neighborhood
216 Center Sant La, Inc., to promote social and community
217 development. Of this amount, up to 5 percent may be used for
218 administrative expenses.

219 5. Ten percent shall be distributed to Fanm Ayisyen nan
220 Miyami, Inc., to promote social and community development. Of
221 this amount, up to 10 percent may be used for administrative
222 expenses.

223 6. Twenty percent shall be distributed to Greater Caribbean
224 American Cultural Coalition, Inc., to promote awareness of
225 Caribbean culture within this state. Of this amount, up to 5
226 percent may be used for administrative expenses.

227 7. Five percent shall be distributed to Little Haiti
228 Optimist Foundation, Inc., to promote awareness of Caribbean
229 culture and youth development within this state. Of this amount,
230 up to 5 percent may be used for administrative expenses.

231 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.—

232 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
233 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
234 ch. 2014-216, Laws of Florida, the department shall develop a
235 Take Stock in Children license plate as provided in this section
236 and s. 320.08053. Take Stock in Children license plates must
237 bear the colors and design approved by the department. The word
238 “Florida” must appear at the top of the plate, and the words
239 “Take Stock in Children” must appear at the bottom of the plate.

240 (b) The license plate annual use fees shall be distributed
241 to Take Stock in Children, Inc., to fund its activities,
242 scholarship and mentoring programs, and projects. Take Stock in



191060

243 Children, Inc., may retain all revenues from the annual use fees
244 until all startup costs for developing and establishing the
245 plate have been recovered. Thereafter, up to 10 percent of the
246 annual use fee revenue may be used for administrative costs
247 directly associated with the corporation's programs and the
248 specialty license plate, and up to 15 percent may be used for
249 promotion and marketing of the specialty license plate.

250 (90) PADDLE FLORIDA LICENSE PLATES.—

251 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
252 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
253 ch. 2014-216, Laws of Florida, the department shall develop a
254 Paddle Florida license plate as provided in this section and s.
255 320.08053. The word "Florida" must appear at the top of the
256 plate, and words approved by the department must appear at the
257 bottom of the plate.

258 (b) The department shall retain all license plate annual
259 use fees until the startup costs for developing and issuing the
260 plates have been recovered. Thereafter, the annual use fees
261 shall be distributed to Paddle Florida, Inc., which may use up
262 to 10 percent of the proceeds for administrative costs and
263 marketing of the plate. The balance of the fees shall be used by
264 the Florida Forever grant program to support activities that
265 further outdoor recreation and natural resource protection.

266 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

267 Notwithstanding s. 45, ch. 2008-176, Laws of Florida, as amended
268 by s. 21, ch. 2010-223, Laws of Florida, and s. 45, ch. 2014-
269 216, Laws of Florida, the department shall develop an Orlando
270 City Soccer Club license plate as provided in subsection (9).

271 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—



191060

272 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
273 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
274 ch. 2014-216, Laws of Florida, the department shall develop a
275 Dogs Making a Difference license plate as provided in this
276 section and s. 320.08053. The plate must bear the colors and
277 design approved by the department. The word "Florida" must
278 appear at the top of the plate, and the words "Dogs Making a
279 Difference" must appear at the bottom of the plate.

280 (b) The department may retain all license plate annual use
281 fees until the startup costs for developing and issuing the
282 plates have been recovered. Thereafter, the annual use fees
283 shall be distributed to Southeastern Guide Dogs, Inc., which may
284 use up to 10 percent of the proceeds for administrative costs
285 and marketing of the plate. The balance of the fees shall be
286 used by Southeastern Guide Dogs, Inc., for the training and
287 promotion of dogs for use by veterans and citizens who are
288 blind.

289 (93) DUCKS UNLIMITED LICENSE PLATES.-

290 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
291 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
292 ch. 2014-216, Laws of Florida, the department shall develop a
293 Ducks Unlimited license plate as provided in this section and s.
294 320.08053. Ducks Unlimited license plates must bear the colors
295 and design approved by the department. The word "Florida" must
296 appear at the top of the plate, and the words "Conserving
297 Florida's Wetlands" must appear at the bottom of the plate.

298 (b) The license plate annual use fees shall be distributed
299 to Ducks Unlimited, Inc., a nonprofit corporation under s.
300 501(c)(3) of the Internal Revenue Code. The proceeds must be



191060

301 used to support Ducks Unlimited's mission and conservation
302 efforts in this state as follows:

303 1. Up to 5 percent may be used for administrative costs and
304 marketing of the plate.

305 2. A minimum of 95 percent shall be used to support Ducks
306 Unlimited's mission and efforts for the conservation,
307 restoration, and management of Florida wetlands and associated
308 habitats for the benefit of waterfowl, other wildlife, and
309 people.

310 (94) TEAM HAMMY LICENSE PLATES.—

311 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
312 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
313 ch. 2014-216, Laws of Florida, the department shall develop a
314 Team Hammy license plate as provided in this section and s.
315 320.08053. The word "Florida" must appear at the top of the
316 plate, and the words "Team Hammy" must appear at the bottom of
317 the plate.

318 (b) The department shall retain all license plate annual
319 use fees until all startup costs for developing and issuing the
320 plates have been recovered. Thereafter, the license plate annual
321 use fees shall be distributed to Team Hammy, Inc., a Florida
322 nonprofit corporation, which may use up to 10 percent of such
323 fees for administrative costs and marketing of the plate. The
324 balance of the fees shall be used by Team Hammy, Inc., to grant
325 wishes to families living with amyotrophic lateral sclerosis
326 (ALS), provide continuing education to caregivers and
327 physicians, and create awareness of ALS in the community.

328 (95) FLORIDA BAY FOREVER LICENSE PLATES.—

329 (a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida,



191060

330 as amended by s. 21, ch. 2010-223, Laws of Florida, and s. 45,
331 ch. 2014-216, Laws of Florida, the department shall develop a
332 Florida Bay Forever license plate as provided in this section
333 and s. 320.08053. The word "Florida" must appear at the top of
334 the plate, and the words "Florida Bay Forever" must appear at
335 the bottom of the plate.

336 (b) The department shall retain all license plate annual
337 use fees until all startup costs for developing and issuing the
338 plates have been recovered. Thereafter, the annual use fees
339 shall be distributed to the Florida National Park Association,
340 Inc., which may use up to 10 percent of such fees for
341 administrative costs and marketing of the plate. The balance of
342 the fees shall be used to supplement the Everglades National
343 Park service's budgets and to support educational, interpretive,
344 historical, and scientific research relating to the Everglades
345 National Park.

346 (96) JACKSONVILLE ARMADA FOOTBALL CLUB LICENSE PLATES.-
347 Notwithstanding s. 45, ch. 2008-176, Laws of Florida, as amended
348 by s. 21, ch. 2010-223, Laws of Florida, and s. 45, ch. 2014-
349 216, Laws of Florida, the department shall develop a
350 Jacksonville Armada Football Club license plate as provided in
351 subsection (9).

352 (97) TAMPA BAY ROWDIES LICENSE PLATES.-Notwithstanding s.
353 45, ch. 2008-176, Laws of Florida, as amended by s. 21, ch.
354 2010-223, Laws of Florida, and s. 45, ch. 2014-216, Laws of
355 Florida, the department shall develop a Tampa Bay Rowdies
356 license plate as provided in subsection (9).

357
358 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====



359 And the directory clause is amended as follows:
360 Delete line 357
361 and insert:
362 through (ssss) are added to subsection (4) of section
363 320.08056,



838468

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with directory amendment)

Delete lines 374 - 712

and insert:

(rrrr) Support Our Constitution license plate, \$25.

Section 5. Effective October 1, 2015, subsection (9) of section 320.08058, Florida Statutes, is amended, and subsections (84) through (96) are added to that section, to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—



838468

11 (a) The Department of Highway Safety and Motor Vehicles
12 shall develop a Florida Professional Sports Team license plate
13 as provided in this section for Major League Baseball, National
14 Basketball Association, National Football League, Arena Football
15 League Teams, ~~and~~ National Hockey League, and Major League
16 Soccer teams domiciled in this state. However, any Florida
17 Professional Sports Team license plate created or established
18 after January 1, 1997, must comply with the requirements of s.
19 320.08053 and be specifically authorized by an act of the
20 Legislature. Florida Professional Sports Team license plates
21 must bear the colors and design approved by the department and
22 must include the official league or team logo, or both, as
23 appropriate for each team. The word "Florida" must appear at the
24 top of the plate.

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

27 1. Fifty-five percent of the proceeds from the Florida
28 Professional Sports Team plate must be deposited into the
29 Professional Sports Development Trust Fund within the Department
30 of Economic Opportunity. These funds must be used solely to
31 attract and support major sports events in this state. As used
32 in this subparagraph, the term "major sports events" means, but
33 is not limited to, championship or all-star contests of Major
34 League Baseball, the National Basketball Association, the
35 National Football League, the National Hockey League, Major
36 League Soccer, the men's and women's National Collegiate
37 Athletic Association Final Four basketball championship, or a
38 horseracing or dogracing Breeders' Cup. All funds must be used
39 to support and promote major sporting events, and the uses must



838468

40 be approved by the Department of Economic Opportunity.

41 2. The remaining proceeds of the Florida Professional
42 Sports Team license plate must be allocated to Enterprise
43 Florida, Inc. These funds must be deposited into the
44 Professional Sports Development Trust Fund within the Department
45 of Economic Opportunity. These funds must be used by Enterprise
46 Florida, Inc., to promote the economic development of the sports
47 industry; to distribute licensing and royalty fees to
48 participating professional sports teams; to promote education
49 programs in Florida schools that provide an awareness of the
50 benefits of physical activity and nutrition standards; to
51 partner with the Department of Education and the Department of
52 Health to develop a program that recognizes schools whose
53 students demonstrate excellent physical fitness or fitness
54 improvement; to institute a grant program for communities
55 bidding on minor sporting events that create an economic impact
56 for the state; to distribute funds to Florida-based charities
57 designated by Enterprise Florida, Inc., and the participating
58 professional sports teams; and to fulfill the sports promotion
59 responsibilities of the Department of Economic Opportunity.

60 3. Enterprise Florida, Inc., shall provide an annual
61 financial audit in accordance with s. 215.981 of its financial
62 accounts and records by an independent certified public
63 accountant pursuant to the contract established by the
64 Department of Economic Opportunity. The auditor shall submit the
65 audit report to the Department of Economic Opportunity for
66 review and approval. If the audit report is approved, the
67 Department of Economic Opportunity shall certify the audit
68 report to the Auditor General for review.



838468

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

73 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

74 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
75 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
76 of Florida, the department shall develop a Bonefish and Tarpon
77 Trust license plate as provided in this section and s.
78 320.08053. The word "Florida" must appear at the top of the
79 plate, and the words "Bonefish and Tarpon Trust" must appear at
80 the bottom of the plate.

81 (b) The department shall retain all annual use fees from
82 the sale of such plates until all startup costs for developing
83 and issuing the plates have been recovered. Thereafter, the
84 annual use fees from the sale of the plate shall be distributed
85 to the Bonefish and Tarpon Trust, which:

86 1. May use a maximum of 10 percent of the proceeds to
87 promote and market the Bonefish and Tarpon Trust license plate.

88 2. Shall invest and reinvest the remainder of the proceeds
89 and use the interest thereon to conserve and enhance Florida
90 bonefish and tarpon fisheries and their respective environments
91 through stewardship, research, education, and advocacy.

92 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

93 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
94 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
95 of Florida, the department shall develop a Rotary's Camp Florida
96 license plate as provided in this section and s. 320.08053. The
97 plate must bear the colors and design approved by the



838468

98 department. The word "Florida" must appear at the top of the
99 plate, and the words "Rotary's Camp Florida" must appear at the
100 bottom of the plate.

101 (b) The license plate annual use fees shall be distributed
102 to Rotary's Camp Florida, which may use a maximum of 10 percent
103 of the proceeds for administrative costs and for marketing the
104 plate. Up to 23 percent shall be distributed as grants for
105 Florida Rotary Districts that provide camp services to children
106 in this state, and the balance of the proceeds shall be used by
107 Rotary's Camp Florida for direct support to the programs and
108 services provided to children who attend the camp.

109 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

110 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
111 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
112 of Florida, the department shall develop a Support Down Syndrome
113 license plate as provided in this section and s. 320.08053.
114 Support Down Syndrome license plates must bear the colors and
115 design approved by the department. The word "Florida" must
116 appear at the top of the plate, and the words "Support Down
117 Syndrome" must appear at the bottom of the plate.

118 (b) The license plate annual use fees shall be distributed
119 to Olivia's Angels Foundation, Inc., to fund its activities,
120 programs, and projects within this state. Olivia's Angels
121 Foundation, Inc., may retain all revenue from the annual use
122 fees until all startup costs for developing and establishing the
123 plate have been recovered. Thereafter, up to 10 percent of the
124 annual use fee revenue may be used for administrative costs and
125 promotion and marketing of the specialty license plate.

126 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-



838468

127 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
128 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
129 of Florida, the department shall develop a Safe and Free Florida
130 license plate as provided in this section and s. 320.08053. Safe
131 and Free Florida license plates must bear the colors and design
132 approved by the department. The word "Florida" must appear at
133 the bottom of the plate, and the words "End Human Trafficking"
134 must appear at the top of the plate.

135 (b) The license plate annual use fees shall be distributed
136 to the Statewide Council on Human Trafficking, with a report
137 that specifies the ratio that the annual use fees collected by
138 each county bear to the total fees collected for the plates
139 statewide. The council may retain all revenue from the annual
140 use fees until all startup costs for developing and establishing
141 the plate have been recovered. Thereafter, up to 15 percent of
142 the annual use fee revenue may be used for administrative costs
143 and for promotion and marketing of the specialty license plate.
144 The council shall distribute the remaining funds to
145 nongovernmental, not-for-profit agencies within each county in
146 this state which assist sexually abused, exploited, or
147 trafficked victims. Funds may not be distributed to an agency
148 that charges victims for services received.

- 149 1. An agency that receives the funds must use the funds:
150 a. To provide for the material needs of sexually abused,
151 exploited, or trafficked victims, including, but not limited to,
152 clothing, housing, medical care, food, utilities, and
153 transportation.
154 b. For detoxification services.
155 c. For prenatal and postnatal care and to provide services



838468

156 for infants awaiting placement with adoptive parents.
157 d. To purchase real estate to facilitate a safe house or a
158 transitional care or recovery care center.
159 e. For counseling, training, awareness, and prevention
160 programs and advertising.
161 2. An agency that receives the funds may not use the funds
162 for administrative or legal expenses, or for capital
163 expenditures other than those specified in sub-subparagraph 1.d.
164 3. Each year, any unused funds that exceed 10 percent of
165 the total amount received by an agency must be returned to the
166 Statewide Council on Human Trafficking to be redistributed by
167 the council to other qualified agencies.
168 4. Each agency that receives funds from the Statewide
169 Council on Human Trafficking must submit an annual attestation
170 to the council.
171 5. If no qualified agency applies to receive funds in a
172 county in any year, that county's share of the funds shall be
173 distributed pro rata to the qualified agencies that apply and
174 maintain a place of business within a 100-mile radius of the
175 county seat of that county. If no qualified agency within the
176 100-mile radius applies, the funds shall be distributed to other
177 qualified agencies within the state.
178 (88) SUN SEA SMILES LICENSE PLATES.—
179 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
180 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
181 of Florida, the department shall develop a Sun Sea Smiles
182 license plate as provided in this section and s. 320.08053. The
183 plate must bear the colors and design approved by the
184 department. The word "Florida" must appear at the top of the



838468

185 plate, and the words "Sun Sea Smiles" must appear at the bottom
186 of the plate.

187 (b) The department shall retain all annual use fees from
188 the sale of such plates until all startup costs for developing
189 and issuing the plates have been recovered. Thereafter, the
190 annual use fees from the sale of the plate shall be distributed
191 as follows:

192 1. Five percent shall be distributed to the Florida
193 Caribbean Charitable Foundation, Inc., for marketing of the Sun
194 Sea Smiles license plate.

195 2. Thirty percent shall be distributed to the Florida
196 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
197 percent may be used for administrative expenses, and the
198 remainder shall be used as follows:

199 a. Sixty percent shall be used for a college scholarship
200 program.

201 b. Fifteen percent shall be used to promote health and
202 wellness among Florida residents of Caribbean descent.

203 c. Twenty-five percent shall be used to promote awareness
204 of Caribbean culture within the state.

205 3. Twenty percent shall be distributed to the American
206 Friends of Jamaica, Inc., a charitable, not-for-profit
207 organization under s. 501(c) (3) of the Internal Revenue Code
208 registered with the Department of Agriculture and Consumer
209 Services and incorporated in New York, for use as grants to
210 promote social and community development among residents of this
211 state. Of this amount, up to 5 percent may be used for
212 administrative and marketing expenses.

213 4. Ten percent shall be distributed to Haitian Neighborhood



838468

214 Center Sant La, Inc., to promote social and community
215 development. Of this amount, up to 5 percent may be used for
216 administrative expenses.

217 5. Ten percent shall be distributed to Fanm Ayisyen Nan
218 Miyami, Inc., to promote social and community development. Of
219 this amount, up to 10 percent may be used for administrative
220 expenses.

221 6. Twenty percent shall be distributed to Greater Caribbean
222 American Cultural Coalition, Inc., to promote awareness of
223 Caribbean culture within this state. Of this amount, up to 5
224 percent may be used for administrative expenses.

225 7. Five percent shall be distributed to Little Haiti
226 Optimist Foundation, Inc., to promote awareness of Caribbean
227 culture and youth development within the state. Of this amount,
228 up to 5 percent may be used for administrative expenses.

229 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.-

230 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
231 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
232 of Florida, the department shall develop a Take Stock in
233 Children license plate as provided in this section and s.
234 320.08053. Take Stock in Children license plates must bear the
235 colors and design approved by the department. The word "Florida"
236 must appear at the top of the plate, and the words "Take Stock
237 in Children" must appear at the bottom of the plate.

238 (b) The license plate annual use fees shall be distributed
239 to Take Stock in Children, Inc., to fund its activities,
240 scholarship and mentoring programs, and projects. Take Stock in
241 Children, Inc., may retain all revenue from the annual use fees
242 until all startup costs for developing and establishing the



838468

243 plate have been recovered. Thereafter, up to 10 percent of the
244 annual use fee revenue may be used for administrative costs
245 directly associated with the corporation's programs and the
246 specialty license plate, and up to 15 percent may be used for
247 promotion and marketing of the specialty license plate.

248 (90) PADDLE FLORIDA LICENSE PLATES.—

249 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
250 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
251 of Florida, the department shall develop a Paddle Florida
252 license plate as provided in this section and s. 320.08053. The
253 word "Florida" must appear at the top of the plate, and words
254 approved by the department must appear at the bottom of the
255 plate.

256 (b) The department shall retain all annual use fees from
257 the sale of such plates until the startup costs for developing
258 and issuing the plates have been recovered. Thereafter, the
259 annual use fees shall be distributed to Paddle Florida, Inc.,
260 which may use up to 10 percent of the proceeds for
261 administrative costs and marketing of the plate. The balance of
262 the fees shall be used by the Florida Forever grant program to
263 support activities that further outdoor recreation and natural
264 resource protection.

265 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

266 Notwithstanding s. 45, ch. 2008-176, Laws of Florida, as amended
267 by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Florida,
268 the department shall develop an Orlando City Soccer Club license
269 plate as provided in subsection (9).

270 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

271 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,



838468

272 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
273 of Florida, the department shall develop a Dogs Making a
274 Difference license plate as provided in this section and s.
275 320.08053. The plate must bear the colors and design approved by
276 the department. The word "Florida" must appear at the top of the
277 plate, and the words "Dogs Making a Difference" must appear at
278 the bottom of the plate.

279 (b) The department may retain all annual use fees from the
280 sale of such plates until the startup costs for developing and
281 issuing the plates have been recovered. Thereafter, the annual
282 use fees shall be distributed to Southeastern Guide Dogs, Inc.,
283 which may use up to 10 percent of the proceeds for
284 administrative costs and marketing of the plate. The balance of
285 the fees shall be used by Southeastern Guide Dogs, Inc., for the
286 training and promotion of dogs for use by veterans and citizens
287 who are blind.

288 (93) DUCKS UNLIMITED LICENSE PLATES.-

289 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
290 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
291 of Florida, the department shall develop a Ducks Unlimited
292 license plate as provided in this section and s. 320.08053.
293 Ducks Unlimited license plates must bear the colors and design
294 approved by the department. The word "Florida" must appear at
295 the top of the plate, and the words "Conserving Florida's
296 Wetlands" must appear at the bottom of the plate.

297 (b) The license plate annual use fees shall be distributed
298 to Ducks Unlimited, Inc., a nonprofit corporation under s.
299 501(c)(3) of the Internal Revenue Code. The proceeds must be
300 used to support Ducks Unlimited's mission and conservation



838468

301 efforts in this state as follows:

302 1. Up to 5 percent may be used for administrative costs and
303 marketing of the plate.

304 2. A minimum of 95 percent shall be used to support Ducks
305 Unlimited's mission and efforts for the conservation,
306 restoration, and management of Florida wetlands and associated
307 habitats for the benefit of waterfowl, other wildlife, and
308 people.

309 (94) TEAM HAMMY LICENSE PLATES.—

310 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
311 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
312 of Florida, the department shall develop a Team Hammy license
313 plate as provided in this section and s. 320.08053. The word
314 "Florida" must appear at the top of the plate, and the words
315 "Team Hammy" must appear at the bottom of the plate.

316 (b) The department shall retain all annual use fees from
317 the sale of such plates until all startup costs for developing
318 and issuing the plates have been recovered. Thereafter, the
319 license plate annual use fees shall be distributed to Team
320 Hammy, Inc., a Florida nonprofit corporation, which may use up
321 to 10 percent of such fees for administrative costs and
322 marketing of the plate. The balance of the fees shall be used by
323 Team Hammy, Inc., to grant wishes to families living with
324 amyotrophic lateral sclerosis (ALS), provide continuing
325 education to caregivers and physicians, and create awareness of
326 ALS in the community.

327 (95) FLORIDA BAY FOREVER LICENSE PLATES.—

328 (a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida,
329 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws



838468

330 of Florida, the department shall develop a Florida Bay Forever
331 license plate as provided in s. 320.08053 and this section. The
332 word "Florida" must appear at the top of the plate, and the
333 words "Florida Bay Forever" must appear at the bottom of the
334 plate.

335 (b) The department shall retain all annual use fees from
336 the sale of such plates until all startup costs for developing
337 and issuing the plates have been recovered. Thereafter, the
338 annual use fees shall be distributed to the Florida National
339 Park Association, Inc., which may use up to 10 percent of such
340 fees for administrative costs and marketing of the plate. The
341 balance of the fees shall be used to supplement the Everglades
342 National Park service's budgets and to support educational,
343 interpretive, historical, and scientific research relating to
344 the Everglades National Park.

345 (96) SUPPORT OUR CONSTITUTION LICENSE PLATES.-

346 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
347 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
348 of Florida, the department shall develop a Support Our
349 Constitution license plate as provided in this section and s.
350 320.08053. Support Our Constitution license plates must bear the
351 colors and design approved by the department. The word "Florida"
352 must appear at the top of the plate, and the words "Support Our
353 Constitution" must appear at the bottom of the plate.

354 (b) The annual use fees shall be distributed to The
355 Constitution Foundation, Inc., which may retain all proceeds
356 from the annual use fees until the startup costs for developing
357 and issuing the license plates have been recovered. Thereafter,
358 The Constitution Foundation, Inc., may use the proceeds as



838468

359 follows:

360 1. A maximum of 15 percent may be used for administrative
361 costs of the organization.

362 2. A maximum of 10 percent may be used for promotion and
363 marketing costs of the license plate.

364 3. The remainder shall be used to fund the activities,
365 programs, and projects of The Constitution Foundation, Inc.

366

367

368 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

369 And the directory clause is amended as follows:

370 Delete line 357

371 and insert:

372 through (rrrr) are added to subsection (4) of section
373 320.08056,

374



795372

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Thompson) recommended the following:

Senate Amendment (with directory amendment)

Between lines 712 and 713
insert:

(96) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.-

(a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida, as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Florida, the department shall develop an Alpha Kappa Alpha Sorority license plate as provided in s. 320.08053 and this section. The word "Florida" must appear at the top of the plate,



795372

11 and the words "Alpha Kappa Alpha Sorority" must appear at the
12 bottom of the plate.

13 (b) The department shall retain all annual use fees from
14 the sale of such plates until all startup costs for developing
15 and issuing the plates have been recovered. Thereafter, the
16 annual use fees shall be distributed to Alpha Kappa Alpha
17 Sorority, Inc., which may use up to 10 percent of such fees for
18 administrative costs and marketing of the plate. The balance of
19 the fees shall be used to supplement the Alpha Kappa Alpha
20 Educational Advancement Foundation, Inc., budgets and to promote
21 lifelong learning by awarding scholarships, fellowships, and
22 grants.

23

24

25 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

26 And the directory clause is amended as follows:

27 Delete line 376

28 and insert:

29 (84) through (96) are added to that section, to read:

30



420352

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/26/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with directory amendment)

Delete lines 374 - 712

and insert:

(rrrr) Dan Marino Foundation license plate, \$25.

Section 5. Effective October 1, 2015, subsection (9) of section 320.08058, Florida Statutes, is amended, and subsections (84) through (96) are added to that section, to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—



420352

11 (a) The Department of Highway Safety and Motor Vehicles
12 shall develop a Florida Professional Sports Team license plate
13 as provided in this section for Major League Baseball, National
14 Basketball Association, National Football League, Arena Football
15 League Teams, ~~and~~ National Hockey League, and Major League
16 Soccer teams domiciled in this state. However, any Florida
17 Professional Sports Team license plate created or established
18 after January 1, 1997, must comply with the requirements of s.
19 320.08053 and be specifically authorized by an act of the
20 Legislature. Florida Professional Sports Team license plates
21 must bear the colors and design approved by the department and
22 must include the official league or team logo, or both, as
23 appropriate for each team. The word "Florida" must appear at the
24 top of the plate.

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

27 1. Fifty-five percent of the proceeds from the Florida
28 Professional Sports Team plate must be deposited into the
29 Professional Sports Development Trust Fund within the Department
30 of Economic Opportunity. These funds must be used solely to
31 attract and support major sports events in this state. As used
32 in this subparagraph, the term "major sports events" means, but
33 is not limited to, championship or all-star contests of Major
34 League Baseball, the National Basketball Association, the
35 National Football League, the National Hockey League, Major
36 League Soccer, the men's and women's National Collegiate
37 Athletic Association Final Four basketball championship, or a
38 horseracing or dogracing Breeders' Cup. All funds must be used
39 to support and promote major sporting events, and the uses must



40 be approved by the Department of Economic Opportunity.

41 2. The remaining proceeds of the Florida Professional
42 Sports Team license plate must be allocated to Enterprise
43 Florida, Inc. These funds must be deposited into the
44 Professional Sports Development Trust Fund within the Department
45 of Economic Opportunity. These funds must be used by Enterprise
46 Florida, Inc., to promote the economic development of the sports
47 industry; to distribute licensing and royalty fees to
48 participating professional sports teams; to promote education
49 programs in Florida schools that provide an awareness of the
50 benefits of physical activity and nutrition standards; to
51 partner with the Department of Education and the Department of
52 Health to develop a program that recognizes schools whose
53 students demonstrate excellent physical fitness or fitness
54 improvement; to institute a grant program for communities
55 bidding on minor sporting events that create an economic impact
56 for the state; to distribute funds to Florida-based charities
57 designated by Enterprise Florida, Inc., and the participating
58 professional sports teams; and to fulfill the sports promotion
59 responsibilities of the Department of Economic Opportunity.

60 3. Enterprise Florida, Inc., shall provide an annual
61 financial audit in accordance with s. 215.981 of its financial
62 accounts and records by an independent certified public
63 accountant pursuant to the contract established by the
64 Department of Economic Opportunity. The auditor shall submit the
65 audit report to the Department of Economic Opportunity for
66 review and approval. If the audit report is approved, the
67 Department of Economic Opportunity shall certify the audit
68 report to the Auditor General for review.



420352

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

73 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

74 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
75 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
76 and s. 45, chapter 2014-216, Laws of Florida, the department
77 shall develop a Bonefish and Tarpon Trust license plate as
78 provided in this section and s. 320.08053. The word "Florida"
79 must appear at the top of the plate, and the words "Bonefish and
80 Tarpon Trust" must appear at the bottom of the plate.

81 (b) The department shall retain all annual use fees from
82 the sale of such plates until all startup costs for developing
83 and issuing the plates have been recovered. Thereafter, the
84 annual use fees from the sale of the plate shall be distributed
85 to the Bonefish and Tarpon Trust, which:

86 1. May use a maximum of 10 percent of the proceeds to
87 promote and market the Bonefish and Tarpon Trust license plate.

88 2. Shall invest and reinvest the remainder of the proceeds
89 and use the interest thereon to conserve and enhance Florida
90 bonefish and tarpon fisheries and their respective environments
91 through stewardship, research, education, and advocacy.

92 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

93 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
94 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
95 and s. 45, chapter 2014-216, Laws of Florida, the department
96 shall develop a Rotary's Camp Florida license plate as provided
97 in this section and s. 320.08053. The plate must bear the colors



420352

98 and design approved by the department. The word "Florida" must
99 appear at the top of the plate, and the words "Rotary's Camp
100 Florida" must appear at the bottom of the plate.

101 (b) The license plate annual use fees shall be distributed
102 to Rotary's Camp Florida, which may use a maximum of 10 percent
103 of the proceeds for administrative costs and for marketing the
104 plate. Up to 23 percent shall be distributed as grants for
105 Florida Rotary Districts that provide camp services to children
106 in this state, and the balance of the proceeds shall be used by
107 Rotary's Camp Florida for direct support to the programs and
108 services provided to children who attend the camp.

109 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

110 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
111 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
112 and s. 45, chapter 2014-216, Laws of Florida, the department
113 shall develop a Support Down Syndrome license plate as provided
114 in this section and s. 320.08053. Support Down Syndrome license
115 plates must bear the colors and design approved by the
116 department. The word "Florida" must appear at the top of the
117 plate, and the words "Support Down Syndrome" must appear at the
118 bottom of the plate.

119 (b) The license plate annual use fees shall be distributed
120 to Olivia's Angels Foundation, Inc., to fund its activities,
121 programs, and projects within this state. Olivia's Angels
122 Foundation, Inc., may retain all revenue from the annual use
123 fees until all startup costs for developing and establishing the
124 plate have been recovered. Thereafter, up to 10 percent of the
125 annual use fee revenue may be used for administrative costs and
126 promotion and marketing of the specialty license plate.



420352

127 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-

128 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
129 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
130 and s. 45, chapter 2014-216, Laws of Florida, the department
131 shall develop a Safe and Free Florida license plate as provided
132 in this section and s. 320.08053. Safe and Free Florida license
133 plates must bear the colors and design approved by the
134 department. The word "Florida" must appear at the bottom of the
135 plate, and the words "End Human Trafficking" must appear at the
136 top of the plate.

137 (b) The license plate annual use fees shall be distributed
138 to the Statewide Council on Human Trafficking, with a report
139 that specifies the ratio that the annual use fees collected by
140 each county bear to the total fees collected for the plates
141 statewide. The council may retain all revenue from the annual
142 use fees until all startup costs for developing and establishing
143 the plate have been recovered. Thereafter, up to 15 percent of
144 the annual use fee revenue may be used for administrative costs
145 and for promotion and marketing of the specialty license plate.
146 The council shall distribute the remaining funds to
147 nongovernmental, not-for-profit agencies within each county in
148 this state which assist sexually abused, exploited, or
149 trafficked victims. Funds may not be distributed to an agency
150 that charges victims for services received.

151 1. An agency that receives the funds must use the funds:

152 a. To provide for the material needs of sexually abused,
153 exploited, or trafficked victims, including, but not limited to,
154 clothing, housing, medical care, food, utilities, and
155 transportation.



420352

156 b. For detoxification services.

157 c. For prenatal and postnatal care and to provide services
158 for infants awaiting placement with adoptive parents.

159 d. To purchase real estate to facilitate a safe house or a
160 transitional care or recovery care center.

161 e. For counseling, training, awareness, and prevention
162 programs and advertising.

163 2. An agency that receives the funds may not use the funds
164 for administrative or legal expenses, or for capital
165 expenditures other than those specified in sub-subparagraph 1.d.

166 3. Each year, any unused funds that exceed 10 percent of
167 the total amount received by an agency must be returned to the
168 Statewide Council on Human Trafficking to be redistributed by
169 the council to other qualified agencies.

170 4. Each agency that receives funds from the Statewide
171 Council on Human Trafficking must submit an annual attestation
172 to the council.

173 5. If no qualified agency applies to receive funds in a
174 county in any year, that county's share of the funds shall be
175 distributed pro rata to the qualified agencies that apply and
176 maintain a place of business within a 100-mile radius of the
177 county seat of that county. If no qualified agency within the
178 100-mile radius applies, the funds shall be distributed to other
179 qualified agencies within the state.

180 (88) SUN SEA SMILES LICENSE PLATES.-

181 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
182 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
183 and s. 45, chapter 2014-216, Laws of Florida, the department
184 shall develop a Sun Sea Smiles license plate as provided in this



420352

185 section and s. 320.08053. The plate must bear the colors and
186 design approved by the department. The word "Florida" must
187 appear at the top of the plate, and the words "Sun Sea Smiles"
188 must appear at the bottom of the plate.

189 (b) The department shall retain all annual use fees from
190 the sale of such plates until all startup costs for developing
191 and issuing the plates have been recovered. Thereafter, the
192 annual use fees from the sale of the plate shall be distributed
193 as follows:

194 1. Five percent shall be distributed to the Florida
195 Caribbean Charitable Foundation, Inc., for marketing of the Sun
196 Sea Smiles license plate.

197 2. Thirty percent shall be distributed to the Florida
198 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
199 percent may be used for administrative expenses, and the
200 remainder shall be used as follows:

201 a. Sixty percent shall be used for a college scholarship
202 program.

203 b. Fifteen percent shall be used to promote health and
204 wellness among Florida residents of Caribbean descent.

205 c. Twenty-five percent shall be used to promote awareness
206 of Caribbean culture within the state.

207 3. Twenty percent shall be distributed to the American
208 Friends of Jamaica, Inc., a charitable, not-for-profit
209 organization under s. 501(c) (3) of the Internal Revenue Code
210 registered with the Department of Agriculture and Consumer
211 Services and incorporated in New York, for use as grants to
212 promote social and community development among residents of this
213 state. Of this amount, up to 5 percent may be used for



420352

214 administrative and marketing expenses.

215 4. Ten percent shall be distributed to Haitian Neighborhood
216 Center Sant La, Inc., to promote social and community
217 development. Of this amount, up to 5 percent may be used for
218 administrative expenses.

219 5. Ten percent shall be distributed to Fanm Ayisyen Nan
220 Miyami, Inc., to promote social and community development. Of
221 this amount, up to 10 percent may be used for administrative
222 expenses.

223 6. Twenty percent shall be distributed to Greater Caribbean
224 American Cultural Coalition, Inc., to promote awareness of
225 Caribbean culture within this state. Of this amount, up to 5
226 percent may be used for administrative expenses.

227 7. Five percent shall be distributed to Little Haiti
228 Optimist Foundation, Inc., to promote awareness of Caribbean
229 culture and youth development within the state. Of this amount,
230 up to 5 percent may be used for administrative expenses.

231 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.—

232 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
233 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
234 and s. 45, chapter 2014-216, Laws of Florida, the department
235 shall develop a Take Stock in Children license plate as provided
236 in this section and s. 320.08053. Take Stock in Children license
237 plates must bear the colors and design approved by the
238 department. The word "Florida" must appear at the top of the
239 plate, and the words "Take Stock in Children" must appear at the
240 bottom of the plate.

241 (b) The license plate annual use fees shall be distributed
242 to Take Stock in Children, Inc., to fund its activities,



420352

243 scholarship and mentoring programs, and projects. Take Stock in
244 Children, Inc., may retain all revenue from the annual use fees
245 until all startup costs for developing and establishing the
246 plate have been recovered. Thereafter, up to 10 percent of the
247 annual use fee revenue may be used for administrative costs
248 directly associated with the corporation's programs and the
249 specialty license plate, and up to 15 percent may be used for
250 promotion and marketing of the specialty license plate.

251 (90) PADDLE FLORIDA LICENSE PLATES.—

252 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
253 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
254 and s. 45, chapter 2014-216, Laws of Florida, the department
255 shall develop a Paddle Florida license plate as provided in this
256 section and s. 320.08053. The word "Florida" must appear at the
257 top of the plate, and words approved by the department must
258 appear at the bottom of the plate.

259 (b) The department shall retain all annual use fees from
260 the sale of such plates until the startup costs for developing
261 and issuing the plates have been recovered. Thereafter, the
262 annual use fees shall be distributed to Paddle Florida, Inc.,
263 which may use up to 10 percent of the proceeds for
264 administrative costs and marketing of the plate. The balance of
265 the fees shall be used by the Florida Forever grant program to
266 support activities that further outdoor recreation and natural
267 resource protection.

268 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

269 Notwithstanding s. 45, chapter 2008-176, Laws of Florida, as
270 amended by s. 21, chapter 2010-223, Laws of Florida, and s. 45,
271 chapter 2014-216, Laws of Florida, the department shall develop



420352

272 an Orlando City Soccer Club license plate as provided in
273 subsection (9).

274 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

275 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
276 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
277 and s. 45, chapter 2014-216, Laws of Florida, the department
278 shall develop a Dogs Making a Difference license plate as
279 provided in this section and s. 320.08053. The plate must bear
280 the colors and design approved by the department. The word
281 “Florida” must appear at the top of the plate, and the words
282 “Dogs Making a Difference” must appear at the bottom of the
283 plate.

284 (b) The department may retain all annual use fees from the
285 sale of such plates until the startup costs for developing and
286 issuing the plates have been recovered. Thereafter, the annual
287 use fees shall be distributed to Southeastern Guide Dogs, Inc.,
288 which may use up to 10 percent of the proceeds for
289 administrative costs and marketing of the plate. The balance of
290 the fees shall be used by Southeastern Guide Dogs, Inc., for the
291 training and promotion of dogs for use by veterans and citizens
292 who are blind.

293 (93) DUCKS UNLIMITED LICENSE PLATES.—

294 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
295 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
296 and s. 45, chapter 2014-216, Laws of Florida, the department
297 shall develop a Ducks Unlimited license plate as provided in
298 this section and s. 320.08053. Ducks Unlimited license plates
299 must bear the colors and design approved by the department. The
300 word “Florida” must appear at the top of the plate, and the



420352

301 words "Conserving Florida's Wetlands" must appear at the bottom
302 of the plate.

303 (b) The license plate annual use fees shall be distributed
304 to Ducks Unlimited, Inc., a nonprofit corporation under s.
305 501(c)(3) of the Internal Revenue Code. The proceeds must be
306 used to support Ducks Unlimited's mission and conservation
307 efforts in this state as follows:

308 1. Up to 5 percent may be used for administrative costs and
309 marketing of the plate.

310 2. A minimum of 95 percent shall be used to support Ducks
311 Unlimited's mission and efforts for the conservation,
312 restoration, and management of Florida wetlands and associated
313 habitats for the benefit of waterfowl, other wildlife, and
314 people.

315 (94) TEAM HAMMY LICENSE PLATES.—

316 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
317 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
318 and s. 45, chapter 2014-216, Laws of Florida, the department
319 shall develop a Team Hammy license plate as provided in this
320 section and s. 320.08053. The word "Florida" must appear at the
321 top of the plate, and the words "Team Hammy" must appear at the
322 bottom of the plate.

323 (b) The department shall retain all annual use fees from
324 the sale of such plates until all startup costs for developing
325 and issuing the plates have been recovered. Thereafter, the
326 license plate annual use fees shall be distributed to Team
327 Hammy, Inc., a Florida nonprofit corporation, which may use up
328 to 10 percent of such fees for administrative costs and
329 marketing of the plate. The balance of the fees shall be used by



420352

330 Team Hammy, Inc., to grant wishes to families living with
331 amyotrophic lateral sclerosis (ALS), provide continuing
332 education to caregivers and physicians, and create awareness of
333 ALS in the community.

334 (95) FLORIDA BAY FOREVER LICENSE PLATES.-

335 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
336 Florida, as amended by s. 21, chapter 2010-223 , Laws of
337 Florida, and s. 45, chapter 2014-216, Laws of Florida, the
338 department shall develop a Florida Bay Forever license plate as
339 provided in this section and s. 320.08053. The word "Florida"
340 must appear at the top of the plate, and the words "Florida Bay
341 Forever" must appear at the bottom of the plate.

342 (b) The department shall retain all annual use fees from
343 the sale of such plates until all startup costs for developing
344 and issuing the plates have been recovered. Thereafter, the
345 annual use fees shall be distributed to the Florida National
346 Park Association, Inc., which may use up to 10 percent of such
347 fees for administrative costs and marketing of the plate. The
348 balance of the fees shall be used to supplement the Everglades
349 National Park service's budgets and to support educational,
350 interpretive, historical, and scientific research relating to
351 the Everglades National Park.

352 (96) DAN MARINO FOUNDATION LICENSE PLATES.-

353 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
354 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
355 and s. 45, chapter 2014-216, Laws of Florida, the department
356 shall develop a Dan Marino Foundation license plate as provided
357 in this section and s. 320.08053. The word "Florida" must appear
358 at the top of the plate, and the words "Support Special Needs



420352

359 Kids" must appear at the bottom of the plate.

360 (b) The department shall retain all annual use fees from
361 the sale of such plates until all startup costs for developing
362 and issuing the plates have been recovered. Thereafter, the
363 annual use fees from the sale of the plate shall be distributed
364 to the Dan Marino Foundation, which:

365 1. May use a maximum of 10 percent of the proceeds to
366 promote and market the Dan Marino Foundation license plate.

367 2. Shall invest and reinvest the remainder of the proceeds
368 and use the interest thereon to assist Floridians with
369 developmental and intellectual disabilities by funding
370 scholarships, job placement, and promoting education,
371 independence, and awareness.

373 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

374 And the directory clause is amended as follows:

375 Delete line 357

376 and insert:

377 through (rrrr) are added to subsection (4) of section 320.08056,



796594

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/26/2015	.	
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	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with directory amendment)

Delete lines 374 - 712

and insert:

(rrrr) In God We Trust license plate, \$25.

Section 5. Effective October 1, 2015, subsection (9) of section 320.08058, Florida Statutes, is amended, and subsections (84) through (96) are added to that section, to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—



796594

11 (a) The Department of Highway Safety and Motor Vehicles
12 shall develop a Florida Professional Sports Team license plate
13 as provided in this section for Major League Baseball, National
14 Basketball Association, National Football League, Arena Football
15 League Teams, ~~and~~ National Hockey League, and Major League
16 Soccer teams domiciled in this state. However, any Florida
17 Professional Sports Team license plate created or established
18 after January 1, 1997, must comply with the requirements of s.
19 320.08053 and be specifically authorized by an act of the
20 Legislature. Florida Professional Sports Team license plates
21 must bear the colors and design approved by the department and
22 must include the official league or team logo, or both, as
23 appropriate for each team. The word "Florida" must appear at the
24 top of the plate.

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

27 1. Fifty-five percent of the proceeds from the Florida
28 Professional Sports Team plate must be deposited into the
29 Professional Sports Development Trust Fund within the Department
30 of Economic Opportunity. These funds must be used solely to
31 attract and support major sports events in this state. As used
32 in this subparagraph, the term "major sports events" means, but
33 is not limited to, championship or all-star contests of Major
34 League Baseball, the National Basketball Association, the
35 National Football League, the National Hockey League, Major
36 League Soccer, the men's and women's National Collegiate
37 Athletic Association Final Four basketball championship, or a
38 horseracing or dogracing Breeders' Cup. All funds must be used
39 to support and promote major sporting events, and the uses must



40 be approved by the Department of Economic Opportunity.

41 2. The remaining proceeds of the Florida Professional
42 Sports Team license plate must be allocated to Enterprise
43 Florida, Inc. These funds must be deposited into the
44 Professional Sports Development Trust Fund within the Department
45 of Economic Opportunity. These funds must be used by Enterprise
46 Florida, Inc., to promote the economic development of the sports
47 industry; to distribute licensing and royalty fees to
48 participating professional sports teams; to promote education
49 programs in Florida schools that provide an awareness of the
50 benefits of physical activity and nutrition standards; to
51 partner with the Department of Education and the Department of
52 Health to develop a program that recognizes schools whose
53 students demonstrate excellent physical fitness or fitness
54 improvement; to institute a grant program for communities
55 bidding on minor sporting events that create an economic impact
56 for the state; to distribute funds to Florida-based charities
57 designated by Enterprise Florida, Inc., and the participating
58 professional sports teams; and to fulfill the sports promotion
59 responsibilities of the Department of Economic Opportunity.

60 3. Enterprise Florida, Inc., shall provide an annual
61 financial audit in accordance with s. 215.981 of its financial
62 accounts and records by an independent certified public
63 accountant pursuant to the contract established by the
64 Department of Economic Opportunity. The auditor shall submit the
65 audit report to the Department of Economic Opportunity for
66 review and approval. If the audit report is approved, the
67 Department of Economic Opportunity shall certify the audit
68 report to the Auditor General for review.



796594

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

73 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.-

74 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
75 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
76 of Florida, the department shall develop a Bonefish and Tarpon
77 Trust license plate as provided in this section and s.
78 320.08053. The word "Florida" must appear at the top of the
79 plate, and the words "Bonefish and Tarpon Trust" must appear at
80 the bottom of the plate.

81 (b) The department shall retain all annual use fees from
82 the sale of such plates until all startup costs for developing
83 and issuing the plates have been recovered. Thereafter, the
84 annual use fees from the sale of the plate shall be distributed
85 to the Bonefish and Tarpon Trust, which:

86 1. May use a maximum of 10 percent of the proceeds to
87 promote and market the Bonefish and Tarpon Trust license plate.

88 2. Shall invest and reinvest the remainder of the proceeds
89 and use the interest thereon to conserve and enhance Florida
90 bonefish and tarpon fisheries and their respective environments
91 through stewardship, research, education, and advocacy.

92 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.-

93 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
94 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
95 of Florida, the department shall develop a Rotary's Camp Florida
96 license plate as provided in this section and s. 320.08053. The
97 plate must bear the colors and design approved by the



796594

98 department. The word "Florida" must appear at the top of the
99 plate, and the words "Rotary's Camp Florida" must appear at the
100 bottom of the plate.

101 (b) The license plate annual use fees shall be distributed
102 to Rotary's Camp Florida, which may use a maximum of 10 percent
103 of the proceeds for administrative costs and for marketing the
104 plate. Up to 23 percent shall be distributed as grants for
105 Florida Rotary Districts that provide camp services to children
106 in this state, and the balance of the proceeds shall be used by
107 Rotary's Camp Florida for direct support to the programs and
108 services provided to children who attend the camp.

109 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

110 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
111 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
112 of Florida, the department shall develop a Support Down Syndrome
113 license plate as provided in this section and s. 320.08053.
114 Support Down Syndrome license plates must bear the colors and
115 design approved by the department. The word "Florida" must
116 appear at the top of the plate, and the words "Support Down
117 Syndrome" must appear at the bottom of the plate.

118 (b) The license plate annual use fees shall be distributed
119 to Olivia's Angels Foundation, Inc., to fund its activities,
120 programs, and projects within this state. Olivia's Angels
121 Foundation, Inc., may retain all revenue from the annual use
122 fees until all startup costs for developing and establishing the
123 plate have been recovered. Thereafter, up to 10 percent of the
124 annual use fee revenue may be used for administrative costs and
125 promotion and marketing of the specialty license plate.

126 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-



796594

127 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
128 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
129 of Florida, the department shall develop a Safe and Free Florida
130 license plate as provided in this section and s. 320.08053. Safe
131 and Free Florida license plates must bear the colors and design
132 approved by the department. The word "Florida" must appear at
133 the bottom of the plate, and the words "End Human Trafficking"
134 must appear at the top of the plate.

135 (b) The license plate annual use fees shall be distributed
136 to the Statewide Council on Human Trafficking, with a report
137 that specifies the ratio that the annual use fees collected by
138 each county bear to the total fees collected for the plates
139 statewide. The council may retain all revenue from the annual
140 use fees until all startup costs for developing and establishing
141 the plate have been recovered. Thereafter, up to 15 percent of
142 the annual use fee revenue may be used for administrative costs
143 and for promotion and marketing of the specialty license plate.
144 The council shall distribute the remaining funds to
145 nongovernmental, not-for-profit agencies within each county in
146 this state which assist sexually abused, exploited, or
147 trafficked victims. Funds may not be distributed to an agency
148 that charges victims for services received.

- 149 1. An agency that receives the funds must use the funds:
150 a. To provide for the material needs of sexually abused,
151 exploited, or trafficked victims, including, but not limited to,
152 clothing, housing, medical care, food, utilities, and
153 transportation.
154 b. For detoxification services.
155 c. For prenatal and postnatal care and to provide services



796594

156 for infants awaiting placement with adoptive parents.
157 d. To purchase real estate to facilitate a safe house or a
158 transitional care or recovery care center.
159 e. For counseling, training, awareness, and prevention
160 programs and advertising.
161 2. An agency that receives the funds may not use the funds
162 for administrative or legal expenses, or for capital
163 expenditures other than those specified in sub-subparagraph 1.d.
164 3. Each year, any unused funds that exceed 10 percent of
165 the total amount received by an agency must be returned to the
166 Statewide Council on Human Trafficking to be redistributed by
167 the council to other qualified agencies.
168 4. Each agency that receives funds from the Statewide
169 Council on Human Trafficking must submit an annual attestation
170 to the council.
171 5. If no qualified agency applies to receive funds in a
172 county in any year, that county's share of the funds shall be
173 distributed pro rata to the qualified agencies that apply and
174 maintain a place of business within a 100-mile radius of the
175 county seat of that county. If no qualified agency within the
176 100-mile radius applies, the funds shall be distributed to other
177 qualified agencies within the state.
178 (88) SUN SEA SMILES LICENSE PLATES.—
179 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
180 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
181 of Florida, the department shall develop a Sun Sea Smiles
182 license plate as provided in this section and s. 320.08053. The
183 plate must bear the colors and design approved by the
184 department. The word "Florida" must appear at the top of the



796594

185 plate, and the words "Sun Sea Smiles" must appear at the bottom
186 of the plate.

187 (b) The department shall retain all annual use fees from
188 the sale of such plates until all startup costs for developing
189 and issuing the plates have been recovered. Thereafter, the
190 annual use fees from the sale of the plate shall be distributed
191 as follows:

192 1. Five percent shall be distributed to the Florida
193 Caribbean Charitable Foundation, Inc., for marketing of the Sun
194 Sea Smiles license plate.

195 2. Thirty percent shall be distributed to the Florida
196 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
197 percent may be used for administrative expenses, and the
198 remainder shall be used as follows:

199 a. Sixty percent shall be used for a college scholarship
200 program.

201 b. Fifteen percent shall be used to promote health and
202 wellness among Florida residents of Caribbean descent.

203 c. Twenty-five percent shall be used to promote awareness
204 of Caribbean culture within the state.

205 3. Twenty percent shall be distributed to the American
206 Friends of Jamaica, Inc., a charitable, not-for-profit
207 organization under s. 501(c) (3) of the Internal Revenue Code
208 registered with the Department of Agriculture and Consumer
209 Services and incorporated in New York, for use as grants to
210 promote social and community development among residents of this
211 state. Of this amount, up to 5 percent may be used for
212 administrative and marketing expenses.

213 4. Ten percent shall be distributed to Haitian Neighborhood



796594

214 Center Sant La, Inc., to promote social and community
215 development. Of this amount, up to 5 percent may be used for
216 administrative expenses.

217 5. Ten percent shall be distributed to Fanm Ayisyen Nan
218 Miyami, Inc., to promote social and community development. Of
219 this amount, up to 10 percent may be used for administrative
220 expenses.

221 6. Twenty percent shall be distributed to Greater Caribbean
222 American Cultural Coalition, Inc., to promote awareness of
223 Caribbean culture within this state. Of this amount, up to 5
224 percent may be used for administrative expenses.

225 7. Five percent shall be distributed to Little Haiti
226 Optimist Foundation, Inc., to promote awareness of Caribbean
227 culture and youth development within the state. Of this amount,
228 up to 5 percent may be used for administrative expenses.

229 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.—

230 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
231 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
232 of Florida, the department shall develop a Take Stock in
233 Children license plate as provided in this section and s.
234 320.08053. Take Stock in Children license plates must bear the
235 colors and design approved by the department. The word "Florida"
236 must appear at the top of the plate, and the words "Take Stock
237 in Children" must appear at the bottom of the plate.

238 (b) The license plate annual use fees shall be distributed
239 to Take Stock in Children, Inc., to fund its activities,
240 scholarship and mentoring programs, and projects. Take Stock in
241 Children, Inc., may retain all revenue from the annual use fees
242 until all startup costs for developing and establishing the



796594

243 plate have been recovered. Thereafter, up to 10 percent of the
244 annual use fee revenue may be used for administrative costs
245 directly associated with the corporation's programs and the
246 specialty license plate, and up to 15 percent may be used for
247 promotion and marketing of the specialty license plate.

248 (90) PADDLE FLORIDA LICENSE PLATES.—

249 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
250 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
251 of Florida, the department shall develop a Paddle Florida
252 license plate as provided in this section and s. 320.08053. The
253 word "Florida" must appear at the top of the plate, and words
254 approved by the department must appear at the bottom of the
255 plate.

256 (b) The department shall retain all annual use fees from
257 the sale of such plates until the startup costs for developing
258 and issuing the plates have been recovered. Thereafter, the
259 annual use fees shall be distributed to Paddle Florida, Inc.,
260 which may use up to 10 percent of the proceeds for
261 administrative costs and marketing of the plate. The balance of
262 the fees shall be used by the Florida Forever grant program to
263 support activities that further outdoor recreation and natural
264 resource protection.

265 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

266 Notwithstanding s. 45, ch. 2008-176, Laws of Florida, as amended
267 by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Florida,
268 the department shall develop an Orlando City Soccer Club license
269 plate as provided in subsection (9).

270 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.—

271 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,



796594

272 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
273 of Florida, the department shall develop a Dogs Making a
274 Difference license plate as provided in this section and s.
275 320.08053. The plate must bear the colors and design approved by
276 the department. The word "Florida" must appear at the top of the
277 plate, and the words "Dogs Making a Difference" must appear at
278 the bottom of the plate.

279 (b) The department may retain all annual use fees from the
280 sale of such plates until the startup costs for developing and
281 issuing the plates have been recovered. Thereafter, the annual
282 use fees shall be distributed to Southeastern Guide Dogs, Inc.,
283 which may use up to 10 percent of the proceeds for
284 administrative costs and marketing of the plate. The balance of
285 the fees shall be used by Southeastern Guide Dogs, Inc., for the
286 training and promotion of dogs for use by veterans and citizens
287 who are blind.

288 (93) DUCKS UNLIMITED LICENSE PLATES.-

289 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
290 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
291 of Florida, the department shall develop a Ducks Unlimited
292 license plate as provided in this section and s. 320.08053.
293 Ducks Unlimited license plates must bear the colors and design
294 approved by the department. The word "Florida" must appear at
295 the top of the plate, and the words "Conserving Florida's
296 Wetlands" must appear at the bottom of the plate.

297 (b) The license plate annual use fees shall be distributed
298 to Ducks Unlimited, Inc., a nonprofit corporation under s.
299 501(c)(3) of the Internal Revenue Code. The proceeds must be
300 used to support Ducks Unlimited's mission and conservation



796594

301 efforts in this state as follows:

302 1. Up to 5 percent may be used for administrative costs and
303 marketing of the plate.

304 2. A minimum of 95 percent shall be used to support Ducks
305 Unlimited's mission and efforts for the conservation,
306 restoration, and management of Florida wetlands and associated
307 habitats for the benefit of waterfowl, other wildlife, and
308 people.

309 (94) TEAM HAMMY LICENSE PLATES.—

310 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
311 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
312 of Florida, the department shall develop a Team Hammy license
313 plate as provided in this section and s. 320.08053. The word
314 "Florida" must appear at the top of the plate, and the words
315 "Team Hammy" must appear at the bottom of the plate.

316 (b) The department shall retain all annual use fees from
317 the sale of such plates until all startup costs for developing
318 and issuing the plates have been recovered. Thereafter, the
319 license plate annual use fees shall be distributed to Team
320 Hammy, Inc., a Florida nonprofit corporation, which may use up
321 to 10 percent of such fees for administrative costs and
322 marketing of the plate. The balance of the fees shall be used by
323 Team Hammy, Inc., to grant wishes to families living with
324 amyotrophic lateral sclerosis (ALS), provide continuing
325 education to caregivers and physicians, and create awareness of
326 ALS in the community.

327 (95) FLORIDA BAY FOREVER LICENSE PLATES.—

328 (a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida,
329 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws



796594

330 of Florida, the department shall develop a Florida Bay Forever
331 license plate as provided in s. 320.08053 and this section. The
332 word "Florida" must appear at the top of the plate, and the
333 words "Florida Bay Forever" must appear at the bottom of the
334 plate.

335 (b) The department shall retain all annual use fees from
336 the sale of such plates until all startup costs for developing
337 and issuing the plates have been recovered. Thereafter, the
338 annual use fees shall be distributed to the Florida National
339 Park Association, Inc., which may use up to 10 percent of such
340 fees for administrative costs and marketing of the plate. The
341 balance of the fees shall be used to supplement the Everglades
342 National Park service's budgets and to support educational,
343 interpretive, historical, and scientific research relating to
344 the Everglades National Park.

345 (96) IN GOD WE TRUST LICENSE PLATES.-

346 (a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida,
347 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
348 of Florida, the department shall develop an In God We Trust
349 license plate as provided in s. 320.08053 and this section. In
350 God We Trust license plates must bear the colors and design
351 approved by the department. The word "Florida" must appear at
352 the top of the plate, and the words "In God We Trust" must
353 appear in the body of the plate.

354 (b) The annual use fees from the plate shall be distributed
355 as a charitable donation to the In God We Trust Foundation,
356 Inc., which may use a maximum of 10 percent to offset marketing,
357 administration, and promotion, and which may use the balance of
358 the fees to address the needs of military service members and



796594

359 their spouses and dependents; provide education in public and
360 private schools regarding the historical significance of
361 religion in American and Florida history; provide educational
362 grants in public and private schools; address the needs of
363 public safety employees and their spouses and dependents; and
364 foster self-reliance and stability in Florida's children and
365 families.

366

367

368 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

369 And the directory clause is amended as follows:

370 Delete line 357

371 and insert:

372 through (rrrr) are added to subsection (4) of section 320.08056,

373



248336

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2015	.	
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	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with directory amendment)

Between lines 174 and 175

insert:

(66)~~(67)~~ IN GOD WE TRUST LICENSE PLATES.—

(b) The annual use fees from the plate shall be distributed as a charitable donation to the In God We Trust Foundation, Inc., which may use a maximum of 10 percent to offset marketing, administration, and promotion, and which may use the balance of the fees to address the needs of military service members and



248336

11 their spouses and dependents; provide education in public and
12 private schools regarding the historical significance of
13 religion in American and Florida history; provide educational
14 grants in public and private schools; address the needs of
15 public safety employees and their spouses and dependents; and
16 foster self-reliance and stability in Florida's children and
17 families.

18
19

20 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

21 And the directory clause is amended as follows:

22 Delete line 152

23 and insert:

24 Section 3. Subsection (61), paragraph (b) of present
25 subsection (67), paragraph (b) of present

26

FOR CONSIDERATION By the Committee on Transportation

596-02637-15

20157072pb

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08053, F.S., relating to requirements for requests to establish a specialty license plate; deleting application requirements; revising presale requirements; amending s. 320.08056, F.S.; revising the minimum requirements to continue issuance of certain specialty plates; conforming a cross-reference; amending s. 320.08058, F.S.; conforming cross-references; amending ss. 320.08056 and 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; establishing an annual use fee for the plates; providing for distribution and use of fees collected from the sale of the plates; providing effective dates.

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

Section 1. Section 320.08053, Florida Statutes, is amended to read:

320.08053 Establishment of Requirements for requests to establish specialty license plates.-

~~(1) An organization that seeks authorization to establish a new specialty license plate for which an annual use fee is to be charged must submit to the department:~~

~~(a) A request for the particular specialty license plate being sought, describing the proposed specialty license plate in specific terms, including a sample plate that conforms to the~~

Page 1 of 25

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

596-02637-15

20157072pb

~~specifications set by the department and this chapter, and that is in substantially final form.~~

~~(b) An application fee, not to exceed \$60,000, to defray the department's cost for reviewing the application and developing the specialty license plate, if authorized. State funds may not be used to pay the application fee, except for collegiate specialty license plates authorized in s. 320.08058(3) and (13). All applications requested on or after the effective date of this act must meet the requirements of this act.~~

~~(c) A marketing strategy outlining short-term and long-term marketing plans for the requested specialty license plate and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the sale of the requested specialty license plates.~~

~~The information required under this subsection must be submitted to the department at least 90 days before the convening of the next regular session of the Legislature.~~

(1)(2) If a the specialty license plate requested by an the 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. ~~If the specialty license plate requested by the organization is not approved by the Legislature or does not meet the presale requirements in subsection (3), the application fee shall be refunded to the requesting organization.~~

Page 2 of 25

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

596-02637-15

20157072pb

59 (2)~~(3)~~(a) Within 120 days following the specialty license
60 plate becoming law, the department shall establish a method to
61 issue a specialty license plate voucher to allow for the presale
62 of the specialty license plate. The processing fee as prescribed
63 in s. 320.08056, the service charge and branch fee as prescribed
64 in s. 320.04, and the annual use fee as prescribed in s.
65 320.08056 shall be charged for the voucher. All other applicable
66 fees shall be charged at the time of issuance of the license
67 plates.

68 (b) Within 24 months after the presale specialty license
69 plate voucher is established, the approved specialty license
70 plate organization must record with the department a minimum of
71 4,000 ~~1,000~~ voucher sales before manufacture of the license
72 plate may commence. If, at the conclusion of the 24-month
73 presale period, the minimum sales requirements have not been
74 met, the specialty plate is deauthorized and the department
75 shall discontinue development of the plate and discontinue
76 issuance of the presale vouchers. Upon deauthorization of the
77 license plate, a purchaser of the license plate voucher may use
78 the annual use fee collected as a credit towards any other
79 specialty license plate or apply for a refund on a form
80 prescribed by the department.

81 ~~(c) An organization that meets the requirements of this~~
82 ~~subsection shall be deemed to have submitted a valid survey for~~
83 ~~purposes of s. 45, chapter 2008-176, Laws of Florida, as~~
84 ~~amended.~~

85 Section 2. Subsection (3), paragraphs (iii), (ttt), and
86 (uuu) of subsection (4), subsection (8), and paragraph (a) of
87 subsection (10) of section 320.08056, Florida Statutes, are

Page 3 of 25

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596-02637-15

20157072pb

88 amended to read:

89 320.08056 Specialty license plates.—

90 (3) Each request must be made annually to the department or
91 an authorized agent serving on behalf of the department,
92 accompanied by the following tax and fees:

93 (a) The license tax required for the vehicle as set forth
94 in s. 320.08.

95 (b) A processing fee of \$5, to be deposited into the
96 Highway Safety Operating Trust Fund.

97 (c) A license plate fee as required by s. 320.06(1)(b).

98 (d) A license plate annual use fee as required in
99 subsection (4).

100
101 A request may be made any time during a registration period. If
102 a request is made for a specialty license plate to replace a
103 current valid license plate, the specialty license plate must be
104 issued with appropriate decals attached at no tax for the plate,
105 but all fees and service charges must be paid. If a request is
106 made for a specialty license plate at the beginning of the
107 registration period, the tax, together with all applicable fees
108 and service charges, must be paid.

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

111 ~~(iii) Corrections Foundation license plate, \$25.~~

112 ~~(ttt) Children First license plate, \$25.~~

113 ~~(uuu) Veterans of Foreign Wars license plate, \$25.~~

114 (8) (a) The department must discontinue the issuance of an
115 approved specialty license plate if the number of valid
116 specialty plate registrations falls below 1,000 plates for at

Page 4 of 25

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596-02637-15

20157072pb

117 least 12 consecutive months. A warning letter shall be mailed to
 118 the sponsoring organization following the first month in which
 119 the total number of valid specialty plate registrations is below
 120 1,000 plates. Beginning July 1, 2020, the department shall
 121 discontinue the issuance of an approved specialty license plate
 122 if the number of valid specialty plate registrations falls below
 123 4,000 for at least 12 consecutive months. A warning letter shall
 124 be mailed to the sponsoring organization following the first
 125 month in which the total number of valid specialty plate
 126 registrations is below 4,000 plates. This paragraph does not
 127 apply to collegiate license plates established under s.
 128 320.08058(3).

129 (b) The department is authorized to discontinue the
 130 issuance of a specialty license plate and distribution of
 131 associated annual use fee proceeds if the organization no longer
 132 exists, if the organization has stopped providing services that
 133 are authorized to be funded from the annual use fee proceeds, if
 134 the organization does not meet the presale requirements as
 135 prescribed in s. 320.08053(2) ~~s. 320.08053(3)~~, or pursuant to an
 136 organizational recipient's request. Organizations shall notify
 137 the department immediately to stop all warrants for plate sales
 138 if any of the conditions in this section exist and must meet the
 139 requirements of s. 320.08062 for any period of operation during
 140 a fiscal year.

141 (10)(a) A specialty license plate annual use fee collected
 142 and distributed under this chapter, or any interest earned from
 143 those fees, may not be used for commercial or for-profit
 144 activities nor for general or administrative expenses, except as
 145 authorized by s. 320.08058 or to pay the cost of the audit or

Page 5 of 25

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596-02637-15

20157072pb

146 report required by s. 320.08062(1). The fees and any interest
 147 earned from the fees may be expended only for use in this state
 148 unless the annual use fee is derived from the sale of United
 149 States Armed Forces and veterans-related specialty license
 150 plates pursuant to paragraphs (4)(d), (bb), (ll), (kkk), and
 151 (yyy) ~~(lll)~~, ~~(uuu)~~, and ~~(bbb)~~ and s. 320.0891.

152 Section 3. Subsection (61), paragraph (b) of present
 153 subsection (70), paragraph (d) of present subsection (71),
 154 present subsections (72) and (73), paragraph (a) of present
 155 subsection (79), paragraph (a) of present subsection (80),
 156 paragraph (a) of present subsection (81), paragraph (a) of
 157 present subsection (82), paragraph (a) of present subsection
 158 (83), paragraph (a) of present subsection (84), paragraph (a) of
 159 present subsection (85), and paragraph (a) of present subsection
 160 (86) of section 320.08058, Florida Statutes, are amended to
 161 read:

162 320.08058 Specialty license plates.—

163 ~~(61) CORRECTIONS FOUNDATION LICENSE PLATES.—~~

164 ~~(a) The department shall develop a Corrections Foundation~~
 165 ~~license plate as provided in this section. The word "Florida"~~
 166 ~~must appear at the top of the plate, the words "Corrections~~
 167 ~~Foundation" must appear at the bottom of the plate, and the~~
 168 ~~Corrections Foundation logo must appear to the left of the~~
 169 ~~numerals.—~~

170 ~~(b) The annual use fees shall be distributed to Corrections~~
 171 ~~Foundation, Inc., a direct support organization created pursuant~~
 172 ~~to s. 944.802, and shall be used to continue and expand the~~
 173 ~~charitable work of the foundation, as provided in s. 944.802 and~~
 174 ~~the articles of incorporation of the foundation.—~~

Page 6 of 25

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596-02637-15

20157072pb

175 (69)~~(70)~~ ST. JOHNS RIVER LICENSE PLATES.-

176 (b) The requirements of s. 320.08053 must be met prior to
177 the issuance of the plate. Thereafter, the license plate annual
178 use fees shall be distributed to the St. Johns River Alliance,
179 Inc., a s. 501(c)(3) nonprofit organization, which shall
180 administer the fees as follows:

181 1. The St. Johns River Alliance, Inc., shall retain the
182 first \$60,000 of the annual use fees as direct reimbursement for
183 administrative costs, startup costs, and costs incurred in the
184 development and approval process. Thereafter, up to 10 percent
185 of the annual use fee revenue may be used for administrative
186 costs directly associated with education programs, conservation,
187 research, and grant administration of the organization, and up
188 to 10 percent may be used for promotion and marketing of the
189 specialty license plate.

190 2. At least 30 percent of the fees shall be available for
191 competitive grants for targeted community-based or county-based
192 research or projects for which state funding is limited or not
193 currently available. The remaining 50 percent shall be directed
194 toward community outreach and access programs. The competitive
195 grants shall be administered and approved by the board of
196 directors of the St. Johns River Alliance, Inc. A grant advisory
197 committee shall be composed of six members chosen by the St.
198 Johns River Alliance board members.

199 3. Any remaining funds shall be distributed with the
200 approval of and accountability to the board of directors of the
201 St. Johns River Alliance, Inc., and shall be used to support
202 activities contributing to education, outreach, and springs
203 conservation.

Page 7 of 25

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596-02637-15

20157072pb

204 4. Effective July 1, 2014, the St. Johns River license
205 plate will shift into the presale voucher phase, as provided in
206 s. 320.08053(2)(b) ~~s. 320.08053(3)(b)~~. The St. Johns River
207 Alliance, Inc., shall have 24 months to record a minimum of
208 1,000 sales of the license plates. Sales include existing active
209 plates and vouchers sold subsequent to July 1, 2014. During the
210 voucher period, new plates may not be issued, but existing
211 plates may be renewed. If, at the conclusion of the 24-month
212 presale period, the requirement of a minimum of 1,000 sales has
213 been met, the department shall resume normal distribution of the
214 St. Johns River specialty plate. If, after 24 months, the
215 minimum of 1,000 sales has not been met, the department shall
216 discontinue the development and issuance of the plate. This
217 subparagraph is repealed June 30, 2016.

218 (70)~~(71)~~ HISPANIC ACHIEVERS LICENSE PLATES.-

219 (d) Effective July 1, 2014, the Hispanic Achievers license
220 plate will shift into the presale voucher phase, as provided in
221 s. 320.08053(2)(b) ~~s. 320.08053(3)(b)~~. National Hispanic
222 Corporate Achievers, Inc., shall have 24 months to record a
223 minimum of 1,000 sales. Sales include existing active plates and
224 vouchers sold subsequent to July 1, 2014. During the voucher
225 period, new plates may not be issued, but existing plates may be
226 renewed. If, at the conclusion of the 24-month presale period,
227 the requirement of a minimum of 1,000 sales has been met, the
228 department shall resume normal distribution of the Hispanic
229 Achievers license plate. If, after 24 months, the minimum of
230 1,000 sales has not been met, the department shall discontinue
231 the Hispanic Achievers license plate. This subsection is
232 repealed June 30, 2016.

Page 8 of 25

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596-02637-15

20157072pb

233 ~~(72) CHILDREN FIRST LICENSE PLATES.-~~

234 ~~(a) Upon Children First Florida, Inc., meeting the~~
 235 ~~requirements of s. 320.08053, the department shall develop a~~
 236 ~~Children First license plate as provided in this section. The~~
 237 ~~plate must bear the colors and design approved by the~~
 238 ~~department. The word "Florida" must appear at the top of the~~
 239 ~~plate, and the words "Children First" must appear at the bottom~~
 240 ~~of the plate.~~

241 ~~(b) The proceeds from the license plate annual use fee~~
 242 ~~shall be distributed to Children First Florida, Inc., which~~
 243 ~~shall retain all proceeds until the startup costs to develop and~~
 244 ~~establish the plates have been recovered. Thereafter, the~~
 245 ~~proceeds shall be used as follows:~~

246 ~~1. A maximum of 10 percent of the proceeds may be used to~~
 247 ~~administer the license plate program, for direct administrative~~
 248 ~~costs associated with the operations of Children First Florida,~~
 249 ~~Inc., and to promote and market the license plates.~~

250 ~~2. The remaining fees shall be used by Children First~~
 251 ~~Florida, Inc., to fund public schools in this state, including~~
 252 ~~teacher salaries.~~

253 ~~(73) VETERANS OF FOREIGN WARS LICENSE PLATES.-~~

254 ~~(a) Upon Veterans of Foreign Wars, Department of Florida,~~
 255 ~~meeting the requirements of s. 320.08053, the department shall~~
 256 ~~develop a Veterans of Foreign Wars license plate as provided in~~
 257 ~~this section. The plates must bear the colors and design~~
 258 ~~approved by the department and must incorporate the Great Seal~~
 259 ~~of the Veterans of Foreign Wars of the United States as~~
 260 ~~described in Art. VIII, s. 801 of the Congressional Charter and~~
 261 ~~By-Laws of the Veterans of Foreign Wars of the United States.~~

Page 9 of 25

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596-02637-15

20157072pb

262 ~~The word "Florida" must appear at the top of the plate, and the~~
 263 ~~words "Veterans of Foreign Wars" must appear at the bottom of~~
 264 ~~the plate.~~

265 ~~(b) The Veterans of Foreign Wars, Department of Florida~~
 266 ~~shall retain all revenues from the sale of such plates until all~~
 267 ~~startup costs for developing and issuing the plates have been~~
 268 ~~recovered. Thereafter, 60 percent of the annual revenues shall~~
 269 ~~be distributed to the Veterans of Foreign Wars, Department of~~
 270 ~~Florida to support the Voice of Democracy and Patriots' Pen~~
 271 ~~Scholarship programs, to support high school and college ROTC~~
 272 ~~programs, and for administration and marketing the plate; 20~~
 273 ~~percent of the annual revenues shall be distributed to the~~
 274 ~~direct support organization created under s. 292.055 under the~~
 275 ~~Florida Department of Veterans' Affairs; and 20 percent of the~~
 276 ~~annual revenues shall be distributed to the direct support~~
 277 ~~organization created under s. 250.115 under the Department of~~
 278 ~~Military Affairs. From the funds distributed to the Veterans of~~
 279 ~~Foreign Wars, Department of Florida, an amount not to exceed 10~~
 280 ~~percent of the annual revenues received from the sale of the~~
 281 ~~plate may be used for administration and marketing the plate.~~

282 ~~(76)-(79) FREEMASONRY LICENSE PLATES.-~~

283 ~~(a) Notwithstanding s. 45, chapter 2008-176, Laws of~~
 284 ~~Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,~~
 285 ~~and s. 320.08053(1), the department shall develop a Freemasonry~~
 286 ~~license plate as provided in this section and s. 320.08053 ~~s.~~~~
 287 ~~320.08053(2) and (3). The word "Florida" must appear at the top~~
 288 ~~of the plate, and the words "In God We Trust" must appear at the~~
 289 ~~bottom of the plate.~~

290 ~~(77)-(80) AMERICAN LEGION LICENSE PLATES.-~~

Page 10 of 25

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596-02637-15

20157072pb

291 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 292 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 293 223, Laws of Florida, the department shall develop an American
 294 Legion license plate as provided in s. 320.08053 ~~s. 320.08053(2)~~
 295 ~~and (3)~~ and this section. The plate must bear the colors and
 296 design approved by the department. The word "Florida" must
 297 appear at the top of the plate, and the words "American Legion"
 298 must appear at the bottom of the plate.

299 (78) ~~(81)~~ LAUREN'S KIDS LICENSE PLATES.—

300 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 301 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 302 223, Laws of Florida, the department shall develop a Lauren's
 303 Kids, Prevent Child Sexual Abuse license plate as provided in s.
 304 320.08053 ~~s. 320.08053(2) and (3)~~, and this section. The plate
 305 must bear the colors and design approved by the department. The
 306 word "Florida" must appear at the top of the plate, and the
 307 words "Lauren's Kids" must appear at the bottom of the plate.

308 (79) ~~(82)~~ BIG BROTHERS BIG SISTERS LICENSE PLATES.—

309 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 310 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 311 223, Laws of Florida, the department shall develop a Big
 312 Brothers Big Sisters license plate as provided in s. 320.08053
 313 ~~s. 320.08053(2) and (3)~~, and this section. The plate must bear
 314 the colors and design approved by the department. The word
 315 "Florida" must appear at the top of the plate, and the words
 316 "Big Brothers Big Sisters" must appear at the bottom of the
 317 plate.

318 (80) ~~(83)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

319 (a) Notwithstanding s. 45, chapter 2008-176, Laws of

596-02637-15

20157072pb

320 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 321 ~~and s. 320.08053(1)~~, the department shall develop a Fallen Law
 322 Enforcement Officers license plate as provided in s. 320.08053
 323 ~~s. 320.08053(2) and (3)~~ and this section. The plate must bear
 324 the colors and design approved by the department. The word
 325 "Florida" must appear at the top of the plate, and the words "A
 326 Hero Remembered Never Dies" must appear at the bottom of the
 327 plate.

328 (81) ~~(84)~~ FLORIDA SHERIFFS ASSOCIATION LICENSE PLATES.—

329 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 330 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 331 ~~and s. 320.08053(1)~~, the department shall develop a Florida
 332 Sheriffs Association license plate as provided in s. 320.08053
 333 ~~s. 320.08053(2) and (3)~~ and this section. The plate must bear
 334 the colors and design approved by the department. A sheriff's
 335 star must appear on the left side of the plate, the word
 336 "Florida" must appear at the top of the plate, and the words
 337 "Florida Sheriffs Association" must appear at the bottom of the
 338 plate.

339 (82) ~~(85)~~ KEISER UNIVERSITY LICENSE PLATES.—

340 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 341 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 342 ~~and s. 320.08053(1)~~, the department shall develop a Keiser
 343 University license plate as provided in s. 320.08053 ~~s.~~
 344 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 345 colors and design approved by the department. The word "Florida"
 346 must appear at the top of the plate, and the words "Keiser
 347 University" must appear at the bottom of the plate.

348 (83) ~~(86)~~ MOFFITT CANCER CENTER LICENSE PLATES.—

596-02637-15

20157072pb

349 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 350 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 351 and ~~s. 320.08053(1)~~, the department shall develop a Moffitt
 352 Cancer Center license plate as provided in s. 320.08053 ~~or~~
 353 ~~320.08053(2) and (3)~~ and this section. The word "Florida" must
 354 appear at the top of the plate, and the words "Moffitt Cancer
 355 Center" must appear at the bottom of the plate.

356 Section 4. Effective October 1, 2015, paragraphs (ffff)
 357 through (qqqq) are added to subsection (4) of section 320.08056,
 358 Florida Statutes, to read:

359 320.08056 Specialty license plates.—

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

362 (ffff) Bonefish and Tarpon Trust license plate, \$25.

363 (gggg) Rotary's Camp Florida license plate, \$25.

364 (hhhh) Support Down Syndrome license plate, \$25.

365 (iiii) Safe and Free Florida license plate, \$25.

366 (jjjj) Sun Sea Smiles license plate, \$25.

367 (kkkk) Take Stock in Children license plate, \$25.

368 (llll) Paddle Florida license plate, \$25.

369 (mmmm) Orlando City Soccer Club license plate, \$25.

370 (nnnn) Dogs Making a Difference license plate, \$25.

371 (oooo) Ducks Unlimited license plate, \$25.

372 (pppp) Team Hammy license plate, \$25.

373 (qqqq) Florida Bay Forever license plate, \$25.

374 Section 5. Effective October 1, 2015, subsection (9) of
 375 section 320.08058, Florida Statutes, is amended, and subsections
 376 (84) through (95) are added to that section, to read:

377 320.08058 Specialty license plates.—

Page 13 of 25

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596-02637-15

20157072pb

378 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

379 (a) The Department of Highway Safety and Motor Vehicles
 380 shall develop a Florida Professional Sports Team license plate
 381 as provided in this section for Major League Baseball, National
 382 Basketball Association, National Football League, Arena Football
 383 League Teams, ~~and~~ National Hockey League, and Major League
 384 Soccer teams domiciled in this state. However, any Florida
 385 Professional Sports Team license plate created or established
 386 after January 1, 1997, must comply with the requirements of s.
 387 320.08053 and be specifically authorized by an act of the
 388 Legislature. Florida Professional Sports Team license plates
 389 must bear the colors and design approved by the department and
 390 must include the official league or team logo, or both, as
 391 appropriate for each team. The word "Florida" must appear at the
 392 top of the plate.

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

395 1. Fifty-five percent of the proceeds from the Florida
 396 Professional Sports Team plate must be deposited into the
 397 Professional Sports Development Trust Fund within the Department
 398 of Economic Opportunity. These funds must be used solely to
 399 attract and support major sports events in this state. As used
 400 in this subparagraph, the term "major sports events" means, but
 401 is not limited to, championship or all-star contests of Major
 402 League Baseball, the National Basketball Association, the
 403 National Football League, the National Hockey League, Major
 404 League Soccer, the men's and women's National Collegiate
 405 Athletic Association Final Four basketball championship, or a
 406 horseracing or dogracing Breeders' Cup. All funds must be used

Page 14 of 25

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596-02637-15

20157072pb

407 to support and promote major sporting events, and the uses must
 408 be approved by the Department of Economic Opportunity.

409 2. The remaining proceeds of the Florida Professional
 410 Sports Team license plate must be allocated to Enterprise
 411 Florida, Inc. These funds must be deposited into the
 412 Professional Sports Development Trust Fund within the Department
 413 of Economic Opportunity. These funds must be used by Enterprise
 414 Florida, Inc., to promote the economic development of the sports
 415 industry; to distribute licensing and royalty fees to
 416 participating professional sports teams; to promote education
 417 programs in Florida schools that provide an awareness of the
 418 benefits of physical activity and nutrition standards; to
 419 partner with the Department of Education and the Department of
 420 Health to develop a program that recognizes schools whose
 421 students demonstrate excellent physical fitness or fitness
 422 improvement; to institute a grant program for communities
 423 bidding on minor sporting events that create an economic impact
 424 for the state; to distribute funds to Florida-based charities
 425 designated by Enterprise Florida, Inc., and the participating
 426 professional sports teams; and to fulfill the sports promotion
 427 responsibilities of the Department of Economic Opportunity.

428 3. Enterprise Florida, Inc., shall provide an annual
 429 financial audit in accordance with s. 215.981 of its financial
 430 accounts and records by an independent certified public
 431 accountant pursuant to the contract established by the
 432 Department of Economic Opportunity. The auditor shall submit the
 433 audit report to the Department of Economic Opportunity for
 434 review and approval. If the audit report is approved, the
 435 Department of Economic Opportunity shall certify the audit

Page 15 of 25

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596-02637-15

20157072pb

436 report to the Auditor General for review.

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

441 (84) BONEFISH AND TARPON TRUST LICENSE PLATES.—

442 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 443 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 444 of Florida, the department shall develop a Bonefish and Tarpon
 445 Trust license plate as provided in this section and s.
 446 320.08053. The word "Florida" must appear at the top of the
 447 plate, and the words "Bonefish and Tarpon Trust" must appear at
 448 the bottom of the plate.

449 (b) The department shall retain all annual use fees from
 450 the sale of such plates until all startup costs for developing
 451 and issuing the plates have been recovered. Thereafter, the
 452 annual use fees from the sale of the plate shall be distributed
 453 to the Bonefish and Tarpon Trust, which:

454 1. May use a maximum of 10 percent of the proceeds to
 455 promote and market the Bonefish and Tarpon Trust license plate.

456 2. Shall invest and reinvest the remainder of the proceeds
 457 and use the interest thereon to conserve and enhance Florida
 458 bonefish and tarpon fisheries and their respective environments
 459 through stewardship, research, education, and advocacy.

460 (85) ROTARY'S CAMP FLORIDA LICENSE PLATES.—

461 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 462 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 463 of Florida, the department shall develop a Rotary's Camp Florida
 464 license plate as provided in this section and s. 320.08053. The

Page 16 of 25

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596-02637-15

20157072pb

465 plate must bear the colors and design approved by the
 466 department. The word "Florida" must appear at the top of the
 467 plate, and the words "Rotary's Camp Florida" must appear at the
 468 bottom of the plate.

469 (b) The license plate annual use fees shall be distributed
 470 to Rotary's Camp Florida, which may use a maximum of 10 percent
 471 of the proceeds for administrative costs and for marketing the
 472 plate. Up to 23 percent shall be distributed as grants for
 473 Florida Rotary Districts that provide camp services to children
 474 in this state, and the balance of the proceeds shall be used by
 475 Rotary's Camp Florida for direct support to the programs and
 476 services provided to children who attend the camp.

477 (86) SUPPORT DOWN SYNDROME LICENSE PLATES.-

478 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 479 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 480 of Florida, the department shall develop a Support Down Syndrome
 481 license plate as provided in this section and s. 320.08053.
 482 Support Down Syndrome license plates must bear the colors and
 483 design approved by the department. The word "Florida" must
 484 appear at the top of the plate, and the words "Support Down
 485 Syndrome" must appear at the bottom of the plate.

486 (b) The license plate annual use fees shall be distributed
 487 to Olivia's Angels Foundation, Inc., to fund its activities,
 488 programs, and projects within this state. Olivia's Angels
 489 Foundation, Inc., may retain all revenue from the annual use
 490 fees until all startup costs for developing and establishing the
 491 plate have been recovered. Thereafter, up to 10 percent of the
 492 annual use fee revenue may be used for administrative costs and
 493 promotion and marketing of the specialty license plate.

Page 17 of 25

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596-02637-15

20157072pb

494 (87) SAFE AND FREE FLORIDA LICENSE PLATES.-

495 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 496 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 497 of Florida, the department shall develop a Safe and Free Florida
 498 license plate as provided in this section and s. 320.08053. Safe
 499 and Free Florida license plates must bear the colors and design
 500 approved by the department. The word "Florida" must appear at
 501 the bottom of the plate, and the words "End Human Trafficking"
 502 must appear at the top of the plate.

503 (b) The license plate annual use fees shall be distributed
 504 to the Statewide Council on Human Trafficking, with a report
 505 that specifies the ratio that the annual use fees collected by
 506 each county bear to the total fees collected for the plates
 507 statewide. The council may retain all revenue from the annual
 508 use fees until all startup costs for developing and establishing
 509 the plate have been recovered. Thereafter, up to 15 percent of
 510 the annual use fee revenue may be used for administrative costs
 511 and for promotion and marketing of the specialty license plate.
 512 The council shall distribute the remaining funds to
 513 nongovernmental, not-for-profit agencies within each county in
 514 this state which assist sexually abused, exploited, or
 515 trafficked victims. Funds may not be distributed to an agency
 516 that charges victims for services received.

517 1. An agency that receives the funds must use the funds:

518 a. To provide for the material needs of sexually abused,
 519 exploited, or trafficked victims, including, but not limited to,
 520 clothing, housing, medical care, food, utilities, and
 521 transportation.

522 b. For detoxification services.

Page 18 of 25

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596-02637-15

20157072pb

523 c. For prenatal and postnatal care and to provide services
 524 for infants awaiting placement with adoptive parents.
 525 d. To purchase real estate to facilitate a safe house or a
 526 transitional care or recovery care center.
 527 e. For counseling, training, awareness, and prevention
 528 programs and advertising.
 529 2. An agency that receives the funds may not use the funds
 530 for administrative or legal expenses, or for capital
 531 expenditures other than those specified in sub-subparagraph 1.d.
 532 3. Each year, any unused funds that exceed 10 percent of
 533 the total amount received by an agency must be returned to the
 534 Statewide Council on Human Trafficking to be redistributed by
 535 the council to other qualified agencies.
 536 4. Each agency that receives funds from the Statewide
 537 Council on Human Trafficking must submit an annual attestation
 538 to the council.
 539 5. If no qualified agency applies to receive funds in a
 540 county in any year, that county's share of the funds shall be
 541 distributed pro rata to the qualified agencies that apply and
 542 maintain a place of business within a 100-mile radius of the
 543 county seat of that county. If no qualified agency within the
 544 100-mile radius applies, the funds shall be distributed to other
 545 qualified agencies within the state.
 546 (88) SUN SEA SMILES LICENSE PLATES.-
 547 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 548 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 549 of Florida, the department shall develop a Sun Sea Smiles
 550 license plate as provided in this section and s. 320.08053. The
 551 plate must bear the colors and design approved by the

Page 19 of 25

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

596-02637-15

20157072pb

552 department. The word "Florida" must appear at the top of the
 553 plate, and the words "Sun Sea Smiles" must appear at the bottom
 554 of the plate.
 555 (b) The department shall retain all annual use fees from
 556 the sale of such plates until all startup costs for developing
 557 and issuing the plates have been recovered. Thereafter, the
 558 annual use fees from the sale of the plate shall be distributed
 559 as follows:
 560 1. Five percent shall be distributed to the Florida
 561 Caribbean Charitable Foundation, Inc., for marketing of the Sun
 562 Sea Smiles license plate.
 563 2. Thirty percent shall be distributed to the Florida
 564 Caribbean Charitable Foundation, Inc. Of this amount, up to 5
 565 percent may be used for administrative expenses, and the
 566 remainder shall be used as follows:
 567 a. Sixty percent shall be used for a college scholarship
 568 program.
 569 b. Fifteen percent shall be used to promote health and
 570 wellness among Florida residents of Caribbean descent.
 571 c. Twenty-five percent shall be used to promote awareness
 572 of Caribbean culture within the state.
 573 3. Twenty percent shall be distributed to the American
 574 Friends of Jamaica, Inc., a charitable, not-for-profit
 575 organization under s. 501(c)(3) of the Internal Revenue Code
 576 registered with the Department of Agriculture and Consumer
 577 Services and incorporated in New York, for use as grants to
 578 promote social and community development among residents of this
 579 state. Of this amount, up to 5 percent may be used for
 580 administrative and marketing expenses.

Page 20 of 25

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596-02637-15

20157072pb

581 4. Ten percent shall be distributed to Haitian Neighborhood
 582 Center Sant La, Inc., to promote social and community
 583 development. Of this amount, up to 5 percent may be used for
 584 administrative expenses.

585 5. Ten percent shall be distributed to Fanm Ayisyen Nan
 586 Miyami, Inc., to promote social and community development. Of
 587 this amount, up to 10 percent may be used for administrative
 588 expenses.

589 6. Twenty percent shall be distributed to Greater Caribbean
 590 American Cultural Coalition, Inc., to promote awareness of
 591 Caribbean culture within this state. Of this amount, up to 5
 592 percent may be used for administrative expenses.

593 7. Five percent shall be distributed to Little Haiti
 594 Optimist Foundation, Inc., to promote awareness of Caribbean
 595 culture and youth development within the state. Of this amount,
 596 up to 5 percent may be used for administrative expenses.

597 (89) TAKE STOCK IN CHILDREN LICENSE PLATES.-

598 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 599 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 600 of Florida, the department shall develop a Take Stock in
 601 Children license plate as provided in this section and s.
 602 320.08053. Take Stock in Children license plates must bear the
 603 colors and design approved by the department. The word "Florida"
 604 must appear at the top of the plate, and the words "Take Stock
 605 in Children" must appear at the bottom of the plate.

606 (b) The license plate annual use fees shall be distributed
 607 to Take Stock in Children, Inc., to fund its activities,
 608 scholarship and mentoring programs, and projects. Take Stock in
 609 Children, Inc., may retain all revenue from the annual use fees

596-02637-15

20157072pb

610 until all startup costs for developing and establishing the
 611 plate have been recovered. Thereafter, up to 10 percent of the
 612 annual use fee revenue may be used for administrative costs
 613 directly associated with the corporation's programs and the
 614 specialty license plate, and up to 15 percent may be used for
 615 promotion and marketing of the specialty license plate.

616 (90) PADDLE FLORIDA LICENSE PLATES.-

617 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 618 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 619 of Florida, the department shall develop a Paddle Florida
 620 license plate as provided in this section and s. 320.08053. The
 621 word "Florida" must appear at the top of the plate, and words
 622 approved by the department must appear at the bottom of the
 623 plate.

624 (b) The department shall retain all annual use fees from
 625 the sale of such plates until the startup costs for developing
 626 and issuing the plates have been recovered. Thereafter, the
 627 annual use fees shall be distributed to Paddle Florida, Inc.,
 628 which may use up to 10 percent of the proceeds for
 629 administrative costs and marketing of the plate. The balance of
 630 the fees shall be used by the Florida Forever grant program to
 631 support activities that further outdoor recreation and natural
 632 resource protection.

633 (91) ORLANDO CITY SOCCER CLUB LICENSE PLATES.-

634 Notwithstanding s. 45, ch. 2008-176, Laws of Florida, as amended
 635 by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws of Florida,
 636 the department shall develop an Orlando City Soccer Club license
 637 plate as provided in subsection (9).

638 (92) DOGS MAKING A DIFFERENCE LICENSE PLATES.-

596-02637-15

20157072pb

639 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 640 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 641 of Florida, the department shall develop a Dogs Making a
 642 Difference license plate as provided in this section and s.
 643 320.08053. The plate must bear the colors and design approved by
 644 the department. The word "Florida" must appear at the top of the
 645 plate, and the words "Dogs Making a Difference" must appear at
 646 the bottom of the plate.

647 (b) The department may retain all annual use fees from the
 648 sale of such plates until the startup costs for developing and
 649 issuing the plates have been recovered. Thereafter, the annual
 650 use fees shall be distributed to Southeastern Guide Dogs, Inc.,
 651 which may use up to 10 percent of the proceeds for
 652 administrative costs and marketing of the plate. The balance of
 653 the fees shall be used by Southeastern Guide Dogs, Inc., for the
 654 training and promotion of dogs for use by veterans and citizens
 655 who are blind.

656 (93) DUCKS UNLIMITED LICENSE PLATES.-

657 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 658 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 659 of Florida, the department shall develop a Ducks Unlimited
 660 license plate as provided in this section and s. 320.08053.
 661 Ducks Unlimited license plates must bear the colors and design
 662 approved by the department. The word "Florida" must appear at
 663 the top of the plate, and the words "Conserving Florida's
 664 Wetlands" must appear at the bottom of the plate.

665 (b) The license plate annual use fees shall be distributed
 666 to Ducks Unlimited, Inc., a nonprofit corporation under s.
 667 501(c)(3) of the Internal Revenue Code. The proceeds must be

596-02637-15

20157072pb

668 used to support Ducks Unlimited's mission and conservation
 669 efforts in this state as follows:

670 1. Up to 5 percent may be used for administrative costs and
 671 marketing of the plate.

672 2. A minimum of 95 percent shall be used to support Ducks
 673 Unlimited's mission and efforts for the conservation,
 674 restoration, and management of Florida wetlands and associated
 675 habitats for the benefit of waterfowl, other wildlife, and
 676 people.

677 (94) TEAM HAMMY LICENSE PLATES.-

678 (a) Notwithstanding s. 45, ch. 2008-176, Laws of Florida,
 679 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
 680 of Florida, the department shall develop a Team Hammy license
 681 plate as provided in this section and s. 320.08053. The word
 682 "Florida" must appear at the top of the plate, and the words
 683 "Team Hammy" must appear at the bottom of the plate.

684 (b) The department shall retain all annual use fees from
 685 the sale of such plates until all startup costs for developing
 686 and issuing the plates have been recovered. Thereafter, the
 687 license plate annual use fees shall be distributed to Team
 688 Hammy, Inc., a Florida nonprofit corporation, which may use up
 689 to 10 percent of such fees for administrative costs and
 690 marketing of the plate. The balance of the fees shall be used by
 691 Team Hammy, Inc., to grant wishes to families living with
 692 amyotrophic lateral sclerosis (ALS), provide continuing
 693 education to caregivers and physicians, and create awareness of
 694 ALS in the community.

695 (95) FLORIDA BAY FOREVER LICENSE PLATES.-

696 (a) Notwithstanding s. 45 of ch. 2008-176, Laws of Florida,

596-02637-15

20157072pb

697 as amended by s. 21, ch. 2010-223 and s. 45, ch. 2014-216, Laws
698 of Florida, the department shall develop a Florida Bay Forever
699 license plate as provided in s. 320.08053 and this section. The
700 word "Florida" must appear at the top of the plate, and the
701 words "Florida Bay Forever" must appear at the bottom of the
702 plate.

703 (b) The department shall retain all annual use fees from
704 the sale of such plates until all startup costs for developing
705 and issuing the plates have been recovered. Thereafter, the
706 annual use fees shall be distributed to the Florida National
707 Park Association, Inc., which may use up to 10 percent of such
708 fees for administrative costs and marketing of the plate. The
709 balance of the fees shall be used to supplement the Everglades
710 National Park service's budgets and to support educational,
711 interpretive, historical, and scientific research relating to
712 the Everglades National Park.

713 Section 6. Except as otherwise expressly provided in this
714 act, this act shall take effect July 1, 2015.

715

THE FLORIDA SENATE
APPEARANCE RECORD

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

248336
7072
7022

Meeting Date

Bill Number (if applicable)

Topic IN God We trust Amendment

~~420352~~

Amendment Barcode (if applicable)

Name Susan Goldstein

796594

Job Title

Address 3158 Inverness

Phone skgoldsteinwe@hotmail

Street

Weston FL 33332

Email 954 830 6300

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Specialty License Plate Assoc.

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

7072
7022

Bill Number (if applicable)

~~796594~~

Amendment Barcode (if applicable)

420352

W/D

Meeting Date

Topic Dan Marino Amendment

Name Susan Goldstein

Job Title _____

Address 3158 Inderness

Street

Weston, FL 33332

City

State

Zip

Phone 954 830 6300

Email sgoldstein

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Dan Marino Foundation

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/27/15
Meeting Date

SB 7072
Bill Number (if applicable)

Topic SPECIALTY LICENSE PLATES

Amendment Barcode (if applicable)

Name JEFF SHARKEY

Job Title CEO, PRECIDENT

Address 106 E COLLEGE AVE
Street

Phone 800 224 1000

TAH FL 32301
City State Zip

Email JEFF@SHARKEY.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing TAKE STOCK IN CHILDREN

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.

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case:
Judge:

Type:

Started: 3/26/2015 9:04:32 AM

Ends: 3/26/2015 9:29:57 AM

Length: 00:25:26

9:04:34 AM Meeting called to order by Chair Brandes
9:05:04 AM Roll call by Administrative Assistant, Marilyn Hudson
9:05:16 AM Quorum present
9:05:28 AM Comments from Chair Brandes
9:05:45 AM Tab 1, SB 788 introduced by Chair Brandes
9:06:15 AM Explanation of SB 788, Disabled Parking by Yale Olenick, Legislative Assistant to Senator Sobel
9:06:46 AM Question from Chair Brandes
9:07:01 AM Response from Yale Olenick
9:07:13 AM Additional question from Chair Brandes
9:07:21 AM Response from Yale Olenick
9:07:29 AM Amendment #509782 by Senator Brandes is withdrawn
9:07:39 AM Comments from Chair Brandes
9:07:45 AM Closing on bill by Yale Olenick
9:07:54 AM Roll call on SB 788 by Administrative Assistant, Marilyn Hudson
9:08:06 AM SB 788 reported favorably
9:08:12 AM Introduction of Tab 2 - SB 988, by Chair Brandes
9:08:19 AM Explanation of SB 908, Transportation by Rick Kendust, Legislative Assistant to Senator Altman
9:09:16 AM Comments from Chair Brandes
9:09:27 AM Amendment #616598 by Senator Grimsley introduced by Chair Brandes
9:09:48 AM Speaker James Reichenbach II, State President, ABATE of Florida, Inc.
9:11:17 AM Kevin F. Sweeny, Florida Justice Association waives in support
9:11:23 AM Jeff Sharkey, President, CAG, SpaceX waives in support
9:11:31 AM Laura Cantwell, Associate State Director, AARP waives in support
9:11:36 AM Comments from Chair Brandes
9:11:38 AM Roll call on CS/SB 908 by Administrative Assistant, Marilyn Hudson
9:11:50 AM CS/SB908 will be reported favorably
9:12:00 AM Tab 3 - SB 1048 introduced by Chair Brandes
9:12:07 AM Explanation of SB 1048, Motor Vehicle Manufacturer Licenses by Senator Garcia
9:12:25 AM Explanation of Strike-all Amendment #337212 by Senator Evers
9:14:06 AM Amendment #975510 introduced by Chair Brandes
9:14:18 AM Comments from Senator Garcia
9:14:22 AM Amendment #975510 Adopted
9:14:31 AM Comments from Chair Brandes regarding strike-all Amendment #337212
9:14:48 AM Strike-all Amendment #337212 adopted
9:14:59 AM Speaker Ted Smith, President, Florida Automobile Dealers Association
9:16:32 AM Question from Senator Braynon
9:16:50 AM Response from Mr. Smith
9:17:44 AM Tim Grecsek, Corporate Counsel, Braman Management Association waives in support
9:17:48 AM Stanley Krieger, General Counsel, Braman Management Association waives in support
9:18:01 AM Ron Book AutoNation waives in support
9:18:11 AM Misti Rice, Senior Manager State Affairs waives in opposition
9:18:14 AM Jeff Perry, Regional Director State Government Relations, General Motors waives in opposition
9:18:17 AM Greg Black, Attorney, Association of Global Automakers waives in opposition
9:18:22 AM Fred Baggett, Ford Motor Company waives in opposition
9:18:27 AM Brewster Bevis, Senior Vice President, Associated Industries of Florida waives in opposition
9:18:33 AM Laura Dooley, Director, State Affairs, Alliance of Automobile Manufacturers waives in opposition
9:18:43 AM Comments from Chair Brandes regarding debate on the bill
9:18:53 AM Senator Garcia closing on the bill
9:19:19 AM Roll call on CS/SB 1048 by Administrative Assistant, Marilyn Hudson
9:19:35 AM CS/SB 1048 will be reported favorably
9:19:45 AM Tab 4 - SBP 7072 introduced by Chair Brandes
9:21:04 AM Explanation of SPB 7072, Specialty License Plates by Chair Brandes

9:21:13 AM Amendment #848322 introduced by Chair Brandes
9:21:20 AM Explanation of Amendment #848322 by Senator Thompson
9:21:47 AM Comments from Chair Brandes
9:21:52 AM Amendment #848322 adopted
9:21:57 AM Amendment #471746 introduced by Chair Brandes
9:22:03 AM Explanation of Amendment #471746 by Senator Bullard
9:22:46 AM Comments from Chair Brandes
9:22:50 AM Amendment #471746 adopted
9:22:53 AM Amendment #702050 introduced by Chair Brandes
9:22:58 AM Explanation of Amendment #702050 by Senator Bullard
9:23:13 AM Comments from Chair Brandes
9:23:16 AM Amendment #702050 adopted
9:23:25 AM Amendment #913368 introduced by Chair Brandes
9:23:37 AM Amendment to Amendment #913368 adopted
9:23:42 AM Amendment adopted
9:23:48 AM Amendment #191060 introduced and explained by Chair Brandes
9:24:03 AM Amendment #191060 adopted
9:24:15 AM Amendment #838468 introduced by Chair Brandes
9:24:31 AM Explanation of Amendment #838468 by Senator Evers
9:25:03 AM Comments from Chair Brandes
9:25:08 AM Amendment #838468 adopted
9:25:13 AM Amendment #795372 introduced by Chair Brandes
9:25:21 AM Explanation of Amendment #795372 by Senator Thompson
9:25:36 AM Comments from Chair Brandes
9:25:39 AM Amendment #795372 adopted
9:25:46 AM Late-filed Amendment #420352 introduced by Chair Brandes
9:25:56 AM Explanation of late-filed Amendment #420352 by Senator Evers
9:26:30 AM Comments from Chair Brandes
9:27:16 AM Amendment #420352 withdrawn
9:27:29 AM Amendment #796594 introduced by Chair Brandes
9:27:38 AM Amendment #796594 withdrawn
9:27:43 AM Late-filed handwritten Amendment #248336 introduced by Chair Brandes
9:27:57 AM Explanation of late-filed handwritten Amendment #248336 by Senator Evers
9:28:19 AM Comments from Chair Brandes
9:28:26 AM Susan Goldstein, Florida Specialty License Plate Association waives in support
9:28:32 AM Late-filed handwritten Amendment #248336 adopted
9:28:37 AM Comments from Chair Brandes
9:28:56 AM Senator Simpson moves to have SPB 7072 submitted as committee bill
9:29:10 AM Roll call on SPB 7072 by Administrative Assistant, Marilyn Hudson
9:29:19 AM SPB 7072 reported favorably
9:29:25 AM Comments from Senator Evers
9:29:42 AM Senator Braynon moves to rise

ALEXANDER.KEATON

From: ALEXANDER.KEATON
Sent: Thursday, March 26, 2015 8:54 AM
To: EICHIN.KURT
Subject: Transportation for 3/26/15

Senator Simpson will be tardy to Transportation today. He is presenting a bill in Fiscal Policy.

Thanks,

Ms. Keaton Alexander

Assistant to Senator Wilton Simpson, 18th District
850.487.5018
322 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399