

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Patronis offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 194-195 and insert:

5 Section 3. Effective July 1, 2014, subsection (10) of
6 section 320.08056, Florida Statutes, is amended to read:

7 320.08056 Specialty license plates.—

8 (10) (a) A specialty license plate annual use fee collected
9 and distributed under this chapter, or any interest earned from
10 those fees, may not be used for commercial or for-profit
11 activities nor for general or administrative expenses, except as
12 authorized by s. 320.08058 or to pay the cost of the audit or
13 report required by s. 320.08062(1). The fees and any interest
14 earned from the fees may be expended only for use in this state

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15 unless the annual use fee is derived from the sale of United
16 States Armed Forces and veterans-related specialty license
17 plates pursuant to paragraphs (4) (d), (bb), (ll), (lll), (uuu),
18 and (bbbb) and s. 320.0891.

19 (b) As used in this subsection, the term "administrative
20 expenses" means those expenditures which are considered as
21 direct operating costs of the organization. Such costs include,
22 but are not limited to, the following:

23 1. Administrative salaries of employees and officers of
24 the organization who do not or cannot prove, via detailed daily
25 time sheets, that they actively participate in program
26 activities.

27 2. Bookkeeping and support services of the organization.

28 3. Office supplies and equipment not directly used for the
29 specified program.

30 4. Travel time, per diem, mileage reimbursement, and
31 lodging expenses not directly associated with a specified
32 program purpose.

33 5. Paper, printing, envelopes, and postage not directly
34 associated with a specified program purpose.

35 6. Miscellaneous expenses such as food, beverages,
36 entertainment, and conventions.

37 Section 4. Effective July 1, 2014, paragraph (a) of
38 subsection (1) of section 320.089, Florida Statutes, is amended
39 to read:

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40 320.089 Veterans of the United States Armed Forces;
41 members of National Guard and active United States Armed Forces
42 reservists; former prisoners of war; survivors of Pearl Harbor;
43 Purple Heart medal recipients; Operation Desert Storm Veterans:
44 Operation Desert Shield Veterans; Operation Iraqi Freedom and
45 Operation Enduring Freedom Veterans; Combat Infantry Badge or
46 Combat Action Badge recipients; Vietnam War Veterans; Korean
47 Conflict Veterans; special license plates; fee.—

48 (1) (a) Each owner or lessee of an automobile or truck for
49 private use or recreational vehicle as specified in s.
50 320.08(9) (c) or (d), which is not used for hire or commercial
51 use, who is a resident of the state and a veteran of the United
52 States Armed Forces, an active or retired member of the Florida
53 National Guard, a survivor of the attack on Pearl Harbor, a
54 recipient of the Purple Heart medal, an active or retired member
55 of any branch of the United States Armed Forces Reserve, or a
56 recipient of the Combat Infantry Badge or Combat Action Badge
57 shall, upon application to the department, accompanied by proof
58 of release or discharge from any branch of the United States
59 Armed Forces, proof of active membership or retired status in
60 the Florida National Guard, proof of membership in the Pearl
61 Harbor Survivors Association or proof of active military duty in
62 Pearl Harbor on December 7, 1941, proof of being a Purple Heart
63 medal recipient, proof of active or retired membership in any
64 branch of the Armed Forces Reserve, or proof of membership in
65 the Combat Infantrymen's Association, Inc., or other proof of

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66 being a recipient of the Combat Infantry Badge or Combat Action
67 Badge, and upon payment of the license tax for the vehicle as
68 provided in s. 320.08, be issued a license plate as provided by
69 s. 320.06, upon which, in lieu of the serial numbers prescribed
70 by s. 320.06, shall be stamped the words "Veteran," "National
71 Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S.
72 Reserve," "Combat Infantry Badge," or "Combat Action Badge" as
73 appropriate, followed by the serial number of the license plate.
74 Additionally, the Purple Heart plate may have the words "Purple
75 Heart" stamped on the plate and the likeness of the Purple Heart
76 medal appearing on the plate.

77 Section 5. Effective July 1, 2014, section 320.08062,
78 Florida Statutes, is amended to read:

79 320.08062 Audits and attestations required; annual use
80 fees of specialty license plates.—

81 (1) (a) All organizations that receive annual use fee
82 proceeds from the department are responsible for ensuring that
83 proceeds are used in accordance with ss. 320.08056 and
84 320.08058.

85 (b) Any organization not subject to audit pursuant to s.
86 215.97 shall annually attest, under penalties of perjury, that
87 such proceeds were used in compliance with ss. 320.08056 and
88 320.08058. The attestation shall be made annually in a form and
89 format determined by the department.

90 (c) Any organization subject to audit pursuant to s.
91 215.97 shall submit an audit report in accordance with rules

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92 promulgated by the Auditor General. The annual attestation shall
93 be submitted to the department for review within 9 months after
94 the end of the organization's fiscal year.

95 (2) (a) Within 120 ~~90~~ days after receiving an
96 organization's audit or attestation, the department shall
97 determine which recipients of revenues from specialty license
98 plate annual use fees have not complied with subsection (1). In
99 determining compliance, the department may commission an
100 independent actuarial consultant, or an independent certified
101 public accountant, who has expertise in nonprofit and charitable
102 organizations.

103 (b) The department must discontinue the distribution of
104 revenues to any organization failing to submit the required
105 documentation as required in subsection (1) but may resume
106 distribution of the revenues upon receipt of the required
107 information.

108 (c) If the department or its designee determines that an
109 organization has not complied or has failed to use the revenues
110 in accordance with ss. 320.08056 and 320.08058, the department
111 must discontinue the distribution of the revenues to the
112 organization. The department shall notify the organization of
113 its findings and direct the organization to make the changes
114 necessary in order to comply with this chapter. If the officers
115 of the organization sign an affidavit under penalties of perjury
116 stating that they acknowledge the findings of the department and
117 attest that they have taken corrective action and that the

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118 organization will submit to a followup review by the department,
119 the department may resume the distribution of revenues until the
120 department determines that the organization has complied.

121 (d) If an organization fails to comply with the
122 department's recommendations and corrective actions as outlined
123 in paragraph (c), the revenue distributions shall be
124 discontinued until completion of the next regular session of the
125 Legislature. The department shall notify the President of the
126 Senate and the Speaker of the House of Representatives by the
127 first day of the next regular session of any organization the
128 revenues of which have been withheld under this paragraph. If
129 the Legislature does not provide direction to the organization
130 and the department regarding the status of the undistributed
131 revenues, the department shall deauthorize the plate and the
132 undistributed revenues shall within 12 months after the annual
133 use fee proceeds are withheld by the department, the proceeds
134 shall be immediately deposited into the Highway Safety Operating
135 Trust Fund to offset department costs related to the issuance of
136 specialty license plates.

137 (b) In lieu of discontinuing revenue disbursement pursuant
138 to this subsection, upon determining that a recipient has not
139 complied or has failed to use the revenues in accordance with
140 ss. 320.08056 and 320.08058, and with the approval of the
141 Legislative Budget Commission, the department is authorized to
142 redirect previously collected and future revenues to an
143 organization that is able to perform the same or similar

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144 ~~purposes as the original recipient.~~

145 (3) The department or its designee has the authority to
146 examine all records pertaining to the use of funds from the sale
147 of specialty license plates.

148 Section 6. (1) Effective July 1, 2014, section 45 of
149 chapter 2008-176, Laws of Florida, as amended by section 21 of
150 chapter 2010-223, Laws of Florida, is amended to read:

151 Section 45. Except for a specialty license plate proposal
152 which has submitted a letter of intent to the Department of
153 Highway Safety and Motor Vehicles before ~~prior to~~ May 2, 2008,
154 and which has submitted a valid survey, marketing strategy, and
155 application fee as required by s. 320.08053, Florida Statutes,
156 before ~~prior to~~ October 1, 2008, or which was included in a bill
157 filed during the 2008 Legislative Session, the Department of
158 Highway Safety and Motor Vehicles may not issue any new
159 specialty license plates pursuant to ss. 320.08056 and
160 320.08058, Florida Statutes, between July 1, 2008, and July 1,
161 2016 ~~2014~~.

162 (2) Section 45 of chapter 2008-176, Laws of Florida, as
163 amended by this section, does not apply to any specialty license
164 plate created by this act.

165 Section 7. Except as otherwise expressly provided in this
166 act and except for this section, which shall take effect upon
167 this act becoming a law, this act shall take effect October 1,
168 2014.

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170 -----
171 **T I T L E A M E N D M E N T**
172 Remove line 24 and insert:
173 such plates; amending s. 320.08056, F.S.; revising
174 requirements for the use of specialty license plate
175 annual use fees; defining the term "administrative
176 expenses"; amending s. 320.089, F.S.; providing for a
177 special license plate to be issued to veterans of the
178 United States Armed Forces; providing for content of
179 the plate; providing application requirements;
180 amending s. 320.08062, F.S.; revising audit and
181 attestation requirements for specialty license plate
182 organizations and the department; revising procedures
183 for discontinuance of revenue payments and
184 deauthorization of a plate; directing the department
185 to notify the Legislature within a certain timeframe
186 if an organization has failed to use revenue in
187 accordance with specified provisions; amending chapter
188 2008-176, Laws of Florida, as amended; extending the
189 prohibition of the issuance of new specialty license
190 plates; providing applicability; providing effective
191 dates.

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