



720140

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2014	.	
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Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 491 and 492

insert:

Section 10. Subsection (10) of section 320.08056, Florida
Statutes, is amended to read:

320.08056 Specialty license plates.—

(10) A specialty license plate annual use fee collected and
distributed under this chapter, or any interest earned from
those fees, may not be used for commercial or for-profit



720140

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).

14 (a) As used in this section and s. 320.08058, the terms
15 "administrative costs" and "administrative expenses" mean those
16 expenditures which are considered as direct operating costs of
17 the organization. These costs include but are not limited to the
18 following:

19 1. Administrative salaries of employees and officers of the
20 organization who do not, or cannot prove, via detailed daily
21 time sheets, that they actively participate in program
22 activities;

23 2. Bookkeeping and support services of the organization;

24 3. Office supplies and equipment not directly utilized for
25 the specified program(s);

26 4. Travel time, per diem, mileage reimbursement, and
27 lodging expenses not directly associated with a specified
28 program purpose;

29 5. Paper, printing, envelopes, and postage not directly
30 associated with a specified program purpose; or

31 6. Miscellaneous expenses such as food, beverage,
32 entertainment, and conventions.

33 Section 11. Section 320.08062, Florida Statutes, is
34 amended to read:

35 320.08062 Audits and attestations required; annual use fees
36 of specialty license plates.-

37 (1)(a) All organizations that receive annual use fee
38 proceeds from the department are responsible for ensuring that
39 proceeds are used in accordance with ss. 320.08056 and



720140

40 320.08058.

41 (b) Any organization not subject to audit pursuant to s.
42 215.97 shall annually attest, under penalties of perjury, that
43 such proceeds were used in compliance with ss. 320.08056 and
44 320.08058. The attestation shall be made annually in a form and
45 format determined by the department.

46 (c) Any organization subject to audit pursuant to s. 215.97
47 shall submit an audit report in accordance with rules
48 promulgated by the Auditor General. The annual attestation shall
49 be submitted to the department for review within 9 months after
50 the end of the organization's fiscal year.

51 (2) ~~(a)~~ Within 120 ~~90~~ days after receiving an organization's
52 audit or attestation, the department shall determine which
53 recipients of revenues from specialty license plate annual use
54 fees have not complied with subsection (1). In determining
55 compliance, the department shall commission an independent
56 actuarial consultant, or an independent certified public
57 accountant, who has expertise in nonprofit and charitable
58 organizations.

59 (a) The department must discontinue the distribution of
60 revenues to an organization that fails to submit the
61 documentation required in subsection (1), but may resume
62 distribution of the revenues upon receipt of the required
63 documentation.

64 (b) If the department or its designee determines that an
65 organization has not complied or has failed to use the revenues
66 in accordance with ss. 320.08056 and 320.08058, the department
67 must discontinue the distribution of the revenues to the
68 organization. The department must notify the organization of its



720140

69 findings and direct the organization to make the changes
70 necessary in order to comply with this chapter. If the officers
71 of the organization sign under penalties of perjury that they
72 acknowledge the findings of the department and attest that they
73 have taken corrective action and attest that the organization
74 will submit to a follow-up review by the department, the
75 department may resume the distribution of revenues until the
76 department determines that the organization has complied.

77 (c) If an organization fails to comply with the
78 department's directive requiring corrective actions as outlined
79 in paragraph (b), the revenue distributions must be discontinued
80 until completion of the next regular session of the Legislature.
81 The department must notify the Legislature by the first day of
82 the regular session of an organization whose revenues have been
83 withheld pursuant to this paragraph. If the Legislature does not
84 provide direction to the organization and the department
85 regarding the status of the undistributed revenues, the
86 department shall discontinue the plate, and undistributed
87 revenues must within 12 months after the annual use fee proceeds
88 are withheld by the department, the proceeds shall be
89 immediately deposited into the Highway Safety Operating Trust
90 Fund to offset department costs related to the issuance of
91 specialty license plates.

92 (b) In lieu of discontinuing revenue disbursement pursuant
93 to this subsection, upon determining that a recipient has not
94 complied or has failed to use the revenues in accordance with
95 ss. 320.08056 and 320.08058, and with the approval of the
96 Legislative Budget Commission, the department is authorized to
97 redirect previously collected and future revenues to an



720140

98 ~~organization that is able to perform the same or similar~~
99 ~~purposes as the original recipient.~~

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

103 Section 12. Section 45. Except for a specialty license
104 plate proposal which has submitted a letter of intent to the
105 Department of Highway Safety and Motor Vehicles before ~~prior to~~
106 May 2, 2008, and which has submitted a valid survey, marketing
107 strategy, and application fee as required by s. 320.08053,
108 Florida Statutes, before October 1, 2008 ~~prior to the effective~~
109 ~~date of this act~~, or which was included in a bill filed during
110 the 2008 Legislative Session, the Department of Highway Safety
111 and Motor Vehicles may not issue any new specialty license
112 plates pursuant to ss. 320.08056 and 320.08058, Florida
113 Statutes, between July 1, 2008, and July 1, 2016 ~~2011~~.

114
115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:

117 Delete line 48

118 and insert:

119 plate may be issued; amending s. 320.08056, F.S.;

120 defining the terms "administrative costs" and

121 "administrative expenses" for purposes of the section

122 and s. 320.08058, F.S.; amending s. 320.08062, F.S.;

123 revising provisions relating to audit and attestation

124 requirements for annual use fee proceeds; requiring

125 the Department of Highway Safety and Motor Vehicles to

126 discontinue the distribution of revenues to an



720140

127 organization that does not meet specified
128 requirements; authorizing the department to resume the
129 distribution of revenue under certain conditions;
130 requiring a report to the Legislature; requiring the
131 discontinuance of a specialty plate under certain
132 circumstances; amending chapter 2008-176, Laws of
133 Florida, as amended; extending the prohibition on the
134 issuance of new specialty license plates; amending s.
135 320.083, F.S.;