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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2014	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 17 - 65

and insert:

(10) (a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may be used in this state only for purposes authorized by this chapter and may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the



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11 cost of the audit or report required by s. 320.08062(1).

12 (b) As used in this subsection, the term "administrative
13 expenses" means those expenditures that are considered direct
14 operating costs of the organization. These expenses include, but
15 are not limited to, the following:

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

20 2. Bookkeeping and support services of the organization;

21 3. Office supplies and equipment not directly used for the
22 specified program;

23 4. Travel time, per diem, mileage reimbursement, and
24 lodging expenses not directly associated with a specified
25 program purpose;

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

28 6. Miscellaneous expenses such as food, beverage,
29 entertainment, and conventions.

30 Section 2. Subsection (83) is added to section 320.08058,
31 Florida Statutes, to read:

32 320.08058 Specialty license plates.—

33 (83) SUN, SEA, AND SMILES LICENSE PLATES.—

34 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
35 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
36 and s. 320.08053(1), the department shall develop a Sun, Sea,
37 and Smiles license plate as provided in this section. Sun, Sea,
38 and Smiles license plates must bear the colors and design
39 approved by the department. The word "Florida" must appear at



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40 the top of the plate, and the words "Sun-Sea-Smiles" must appear
41 at the bottom of the plate.

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

46 1. Five percent shall be distributed to Florida Caribbean
47 Charitable Foundation, Inc., for the sole purpose of marketing
48 the Sun, Sea, and Smiles license plate.

49 2. Thirty percent shall be distributed to Florida Caribbean
50 Charitable Foundation, Inc. Of this amount, up to 5 percent may
51 be used for administrative expenses, and the remainder shall be
52 used as follows:

53 a. Sixty percent shall be used for a college scholarship
54 program.

55 b. Fifteen percent shall be used to promote health and
56 wellness among residents of this state of Caribbean descent.

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

59 3. Twenty percent shall be distributed to the American
60 Friends of Jamaica, Inc., a New York-based charitable, not-for-
61 profit organization under s. 501(c)(3) of the Internal Revenue
62 Code, to be used solely to fund grants to promote social and
63 community development among residents of this state. Of this
64 amount, up to 5 percent may be used for administrative and
65 marketing expenses.

66 4. Ten percent shall be distributed to the Sant La Haitian
67 Neighborhood Center to promote social and community development.
68 Of this amount, up to 5 percent may be used for administrative



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69 expenses.

70 5. Ten percent shall be distributed to Fanm Ayisyen Nan
71 Miyami, Inc., to promote social and community development. Of
72 this amount, up to 5 percent may be used for administrative
73 expenses.

74 6. Twenty percent shall be distributed to Greater Caribbean
75 American Cultural Coalition, Inc., to promote awareness of
76 Caribbean culture within the state. Of this amount, up to 5
77 percent may be used for administrative expenses.

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

82 Section 3. Section 320.08062, Florida Statutes, is amended
83 to read:

84 320.08062 Audits and attestations required; annual use fees
85 of specialty license plates.-

86 (1)(a) All organizations that receive annual use fee
87 proceeds from the department are responsible for ensuring that
88 proceeds are used in accordance with ss. 320.08056 and
89 320.08058.

90 (b) Any organization not subject to audit pursuant to s.
91 215.97 shall annually attest, under penalties of perjury, that
92 such proceeds were used in compliance with ss. 320.08056 and
93 320.08058. The attestation shall be made annually in a form and
94 format determined by the department.

95 (c) Any organization subject to audit pursuant to s. 215.97
96 shall submit an audit report in accordance with rules
97 promulgated by the Auditor General. The annual attestation shall



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98 be submitted to the department for review within 9 months after
99 the end of the organization's fiscal year.

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

108 (a) The department must discontinue the distribution of
109 revenues to an organization that fails to submit the
110 documentation required in subsection (1), but may resume
111 distribution of the revenues upon receipt of the required
112 documentation.

113 (b) If the department or its designee determines that an
114 organization has not complied or has failed to use the revenues
115 in accordance with ss. 320.08056 and 320.08058, the department
116 must discontinue the distribution of the revenues to the
117 organization. The department must notify the organization of its
118 findings and direct the organization to make the changes
119 necessary in order to comply with this chapter. If the officers
120 of the organization sign under penalties of perjury that they
121 acknowledge the findings of the department and attest that they
122 have taken corrective action and attest that the organization
123 will submit to a follow-up review by the department, the
124 department may resume the distribution of revenues until the
125 department determines that the organization has complied.

126 (c) If an organization fails to comply with the



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127 department's directive requiring corrective actions as outlined
128 in paragraph (b), the revenue distributions must be discontinued
129 until completion of the next regular session of the Legislature.
130 The department must notify the Legislature by the first day of
131 the regular session of an organization whose revenues have been
132 withheld pursuant to this paragraph. If the Legislature does not
133 provide direction to the organization and the department
134 regarding the status of the undistributed revenues, the
135 department shall discontinue the plate, and undistributed
136 revenues must within 12 months after the annual use fee proceeds
137 are withheld by the department, the proceeds shall be
138 immediately deposited into the Highway Safety Operating Trust
139 Fund to offset department costs related to the issuance of
140 specialty license plates.

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

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

152 Section 4. Section 45 of chapter 2008-176, Laws of Florida,
153 as amended by section 21 of chapter 2010-223, Laws of Florida,
154 is amended to read:

155 Section 45. Except for a specialty license plate proposal



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156 which has submitted a letter of intent to the Department of
157 Highway Safety and Motor Vehicles before ~~prior to~~ May 2, 2008,
158 and which has submitted a valid survey, marketing strategy, and
159 application fee as required by s. 320.08053, Florida Statutes,
160 before October 1, 2008 ~~prior to the effective date of this act,~~
161 or which was included in a bill filed during the 2008
162 Legislative Session, the Department of Highway Safety and Motor
163 Vehicles may not issue any new specialty license plates pursuant
164 to ss. 320.08056 and 320.08058, Florida Statutes, between July
165 1, 2008, and July 1, 2016 ~~2011~~.

166
167 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

168 And the directory clause is amended as follows:
169 Delete line 12
170 and insert:
171 section 320.08056, Florida Statutes, and subsection (10) of that
172 section is amended, to read:

173
174 ===== T I T L E A M E N D M E N T =====

175 And the title is amended as follows:
176 Delete lines 3 - 6
177 and insert:
178 amending s. 320.08056, F.S.; authorizing the
179 collection of annual use fees for the Sun, Sea, and
180 Smiles license plate; limiting the authorized uses of
181 collected annual use fees; defining a term; amending
182 s. 320.08058, F.S.; creating a Sun, Sea, and Smiles
183 license plate; providing for the distribution of use
184 fees received from the sale of such plates; amending



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185 s. 320.08062, F.S.; revising provisions relating to
186 audit and attestation requirements for annual use fee
187 proceeds; requiring the Department of Highway Safety
188 and Motor Vehicles to discontinue the distribution of
189 revenues to an organization that does not meet
190 specified requirements; authorizing the department to
191 resume the distribution of revenue under certain
192 conditions; requiring a report to the Legislature;
193 requiring the discontinuance of a specialty plate
194 under certain circumstances; amending chapter 2008-
195 176, Laws of Florida, as amended; extending the
196 prohibition on the issuance of new specialty license
197 plates;