

By the Committees on Rules; and Transportation; and Senator
Braynon

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1 A bill to be entitled
2 An act relating to specialty license plates; amending
3 s. 320.08056, F.S.; authorizing the collection of
4 annual use fees for the Sun, Sea, and Smiles, the Team
5 Hammy, and the Play Ball license plates; limiting the
6 authorized uses of collected annual use fees; defining
7 a term; amending s. 320.08058, F.S.; creating the Sun,
8 Sea, and Smiles, the Team Hammy, and the Play Ball
9 license plates; providing for the distribution of use
10 fees received from the sale of such plates; amending
11 s. 320.08062, F.S.; revising provisions relating to
12 audit and attestation requirements for annual use fee
13 proceeds; requiring the Department of Highway Safety
14 and Motor Vehicles to discontinue the distribution of
15 revenues to an organization that does not meet
16 specified requirements; authorizing the department to
17 resume the distribution of revenue under certain
18 conditions; requiring a report to the Legislature;
19 requiring the discontinuance of a specialty plate
20 under certain circumstances; amending chapter 2008-
21 176, Laws of Florida, as amended; extending the
22 prohibition on the issuance of new specialty license
23 plates; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraphs (eeee), (ffff), and (gggg) are added
28 to subsection (4) of section 320.08056, Florida Statutes, and
29 subsection (10) of that section is amended, to read:

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30 320.08056 Specialty license plates.-

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

33 (eeee) Sun, Sea, and Smiles license plate, \$25.

34 (ffff) Team Hammy license plate, \$25.

35 (gggg) Play Ball license plate, \$25.

36 (10) (a) A specialty license plate annual use fee collected
37 and distributed under this chapter, or any interest earned from
38 those fees, may be used in this state only for purposes
39 authorized by this chapter and may not be used for commercial or
40 for-profit activities nor for general or administrative
41 expenses, except as authorized by s. 320.08058 or to pay the
42 cost of the audit or report required by s. 320.08062(1).

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

47 1. Administrative salaries of employees and officers of the
48 organization who do not, or cannot prove, via detailed daily
49 time sheets, that they actively participate in program
50 activities;

51 2. Bookkeeping and support services of the organization;

52 3. Office supplies and equipment not directly used for the
53 specified program;

54 4. Travel time, per diem, mileage reimbursement, and
55 lodging expenses not directly associated with a specified
56 program purpose;

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

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59 6. Miscellaneous expenses such as food, beverage,
60 entertainment, and conventions.

61 Section 2. Subsections (83), (84), and (85) are added to
62 section 320.08058, Florida Statutes, to read:

63 320.08058 Specialty license plates.—

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

65 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
66 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
67 and s. 320.08053(1), the department shall develop a Sun, Sea,
68 and Smiles license plate as provided in this section. Sun, Sea,
69 and Smiles license plates must bear the colors and design
70 approved by the department. The word "Florida" must appear at
71 the top of the plate, and the words "Sun-Sea-Smiles" must appear
72 at the bottom of the plate.

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

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

80 2. Thirty percent shall be distributed to Florida Caribbean
81 Charitable Foundation, Inc. Of this amount, up to 5 percent may
82 be used for administrative expenses, and the remainder shall be
83 used as follows:

84 a. Sixty percent shall be used for a college scholarship
85 program.

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

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

90 3. Twenty percent shall be distributed to the American
91 Friends of Jamaica, Inc., a New York-based charitable, not-for-
92 profit organization under s. 501(c)(3) of the Internal Revenue
93 Code, to be used solely to fund grants to promote social and
94 community development among residents of this state. Of this
95 amount, up to 5 percent may be used for administrative and
96 marketing expenses.

97 4. Ten percent shall be distributed to the Sant La Haitian
98 Neighborhood Center to promote social and community development.
99 Of this amount, up to 5 percent may be used for administrative
100 expenses.

101 5. Ten percent shall be distributed to Fanm Ayisyen Nan
102 Miyami, Inc., to promote social and community development. Of
103 this amount, up to 5 percent may be used for administrative
104 expenses.

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

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

113 (84) TEAM HAMMY LICENSE PLATES.-

114 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
115 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
116 and s. 320.08053(1), the department shall develop a Team Hammy

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117 license plate as provided in this section. The word "Florida"
118 must appear at the top of the plate, and the words "Team Hammy"
119 must appear at the bottom of the plate.

120 (b) The department shall retain all annual use fees from
121 the sale of such plates until all startup costs for developing
122 and issuing the plates have been recovered. Thereafter, the
123 license plate annual use fees shall be distributed to Team
124 Hammy, Inc., a Florida nonprofit corporation, which may use up
125 to 10 percent of such fees for administrative costs and
126 marketing of the plate. The balance of the fees shall be used by
127 Team Hammy, Inc., to grant wishes to families living with
128 amyotrophic lateral sclerosis (ALS), provide continuing
129 education to caretakers and physicians, and create awareness of
130 ALS in the community.

131 (85) PLAY BALL LICENSE PLATES.—

132 (a) Notwithstanding s. 45 of chapter 2008-176, Laws of
133 Florida, as amended by s. 21 of chapter 2010-223, Laws of
134 Florida, and s. 320.08053(1), the department shall develop a
135 Play Ball license plate as provided in this section. The word
136 "Florida" must appear at the top of the plate, and the words
137 "Play Ball" must appear at the bottom of the plate.

138 (b) The annual use fees shall be distributed to American
139 Dream Baseball, Inc., which shall retain all proceeds until the
140 startup costs for developing and issuing the plates have been
141 recovered. Thereafter, the annual use fees shall be used as
142 follows:

143 1. A maximum of 10 percent of the proceeds may be used for
144 the promotion and marketing of the plate.

145 2. A maximum of 10 percent of the proceeds may be used for

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146 the administrative costs directly associated with the plate and
147 with American Dream Baseball, Inc., programs.

148 3. The balance of the proceeds shall be used by American
149 Dream Baseball, Inc., to fund its activities, programs, and
150 projects.

151 Section 3. Section 320.08062, Florida Statutes, is amended
152 to read:

153 320.08062 Audits and attestations required; annual use fees
154 of specialty license plates.—

155 (1) (a) All organizations that receive annual use fee
156 proceeds from the department are responsible for ensuring that
157 proceeds are used in accordance with ss. 320.08056 and
158 320.08058.

159 (b) Any organization not subject to audit pursuant to s.
160 215.97 shall annually attest, under penalties of perjury, that
161 such proceeds were used in compliance with ss. 320.08056 and
162 320.08058. The attestation shall be made annually in a form and
163 format determined by the department.

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

169 (2) ~~(a)~~ Within 120 ~~90~~ days after receiving an organization's
170 audit or attestation, the department shall determine which
171 recipients of revenues from specialty license plate annual use
172 fees have not complied with subsection (1). In determining
173 compliance, the department shall commission an independent
174 actuarial consultant, or an independent certified public

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175 accountant, who has expertise in nonprofit and charitable
176 organizations.

177 (a) The department must discontinue the distribution of
178 revenues to an organization that fails to submit the
179 documentation required in subsection (1), but may resume
180 distribution of the revenues upon receipt of the required
181 documentation.

182 (b) If the department or its designee determines that an
183 organization has not complied or has failed to use the revenues
184 in accordance with ss. 320.08056 and 320.08058, the department
185 must discontinue the distribution of the revenues to the
186 organization. The department must notify the organization of its
187 findings and direct the organization to make the changes
188 necessary in order to comply with this chapter. If the officers
189 of the organization sign under penalties of perjury that they
190 acknowledge the findings of the department and attest that they
191 have taken corrective action and attest that the organization
192 will submit to a follow-up review by the department, the
193 department may resume the distribution of revenues ~~until the~~
194 department determines that the organization has complied.

195 (c) If an organization fails to comply with the
196 department's directive requiring corrective actions as outlined
197 in paragraph (b), the revenue distributions must be discontinued
198 until completion of the next regular session of the Legislature.
199 The department must notify the Legislature by the first day of
200 the regular session of an organization whose revenues have been
201 withheld pursuant to this paragraph. If the Legislature does not
202 provide direction to the organization and the department
203 regarding the status of the undistributed revenues, the

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204 department shall discontinue the plate, and undistributed
205 revenues must ~~within 12 months after the annual use fee proceeds~~
206 ~~are withheld by the department, the proceeds shall be~~
207 immediately deposited into the Highway Safety Operating Trust
208 Fund ~~to offset department costs related to the issuance of~~
209 ~~specialty license plates.~~

210 ~~(b) In lieu of discontinuing revenue disbursement pursuant~~
211 ~~to this subsection, upon determining that a recipient has not~~
212 ~~complied or has failed to use the revenues in accordance with~~
213 ~~ss. 320.08056 and 320.08058, and with the approval of the~~
214 ~~Legislative Budget Commission, the department is authorized to~~
215 ~~redirect previously collected and future revenues to an~~
216 ~~organization that is able to perform the same or similar~~
217 ~~purposes as the original recipient.~~

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

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

224 Section 45. Except for a specialty license plate proposal
225 which has submitted a letter of intent to the Department of
226 Highway Safety and Motor Vehicles before ~~prior to~~ May 2, 2008,
227 and which has submitted a valid survey, marketing strategy, and
228 application fee as required by s. 320.08053, Florida Statutes,
229 before October 1, 2008 ~~prior to the effective date of this act,~~
230 or which was included in a bill filed during the 2008
231 Legislative Session, the Department of Highway Safety and Motor
232 Vehicles may not issue any new specialty license plates pursuant

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233 to ss. 320.08056 and 320.08058, Florida Statutes, between July
234 1, 2008, and July 1, 2016 ~~2011~~.

235 Section 5. This act shall take effect July 1, 2014.