

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 Appropriations

BILL: PCS/CS/SB 56 (215764)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Transportation Committee; and Senator Bean and others

SUBJECT: Specialty License Plates

DATE: April 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.	Wells	Pitts	ATD	Recommend: Fav/CS
3.	Pitts	Hansen	AP	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 56 makes numerous changes concerning special military license plates and specialty license plates. The bill:

- Increases the minimum presale requirement for specialty license plates to be produced, from 1,000 to 3,000 presale vouchers;
- Directs the DHSMV to develop 15 new specialty license plates;
- Provides that recipients of a discontinued specialty license plate may keep such plate for the remainder of the 10-year license plate replacement period without payment of the specialty plate annual use fees;
- Requires the DHSMV to distribute annual use fees to the recipient organization of a discontinued specialty plate within 180 days after the plate is discontinued, or to distribute such fees to the Highway Safety Operating Trust Fund if the organization no longer exists;
- Amends the required appearance of the Special Olympics Florida specialty license plate and the distribution of the Fallen Law Enforcement Officers license plate annual use fees;
- Effective October 1, 2020, increases the minimum sales requirement on specialty license plates, from 1,000 to 3,000 valid annual registrations;
- Effective October 1, 2020, provides exemptions from minimum registration requirements for certain specialty plates;
- Requires the DHSMV to audit, every 2 years, specialty plate organizations not subject to annual audits;

- Creates a Purple Heart license plate with the international symbol of accessibility, which is available to specified disabled veterans who are also Purple Heart recipients;
- Creates a Bronze Star license plate and plate with the “V” device emblem, which is available to recipients of the Bronze Star medal or Bronze Star medal with the “V” designation;
- Includes that the Ex-POW license plate may include the likeness of the Prisoner of War medal; and
- Makes technical changes in s 320.089, F.S., to provide clarity.

Depending on the number of plates that will be discontinued starting in October 1, 2021, the DHSMV may incur minimal programming costs associated with discontinuing specialty plates.

The DHSMV will incur costs to design and manufacture specialty plates, as well as programming costs to develop all new specialty license plates. DHSMV will also incur costs for biennial audits of specialty license plate organizations not currently required to submit annual audits. 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.¹

The DHSMV will also incur costs to create the Bronze Star plates and the Purple Heart Disabled Veteran plate. However, the DHSMV estimates such costs will have a negative, but insignificant, fiscal impact on the department.

Except as otherwise specified, the bill takes effect on October 1, 2017.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.² 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.³ The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate’s design and designated in statute.⁴

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming 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.

¹ Section 320.08056(7), F.S.

² A list of Florida’s specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Feb. 14, 2017).

³ Section 320.08056, F.S.

⁴ Section 320.08058, F.S.

If, at the end of the 24-month presale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the presale voucher. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁵

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁶ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁷ Specifically, s. 215.97, F.S., requires annual audits of nonstate entities that expend at least \$750,000 of state financial assistance in any fiscal year.

DHSMV Costs Defrayed

The DHSMV retains sufficient annual use fees, from the sale of the specialty 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.⁸

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid plate registrations falls below 1,000 registrations 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 registrations is below 1,000. Collegiate plates are exempt from the minimum plate requirement.⁹ 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.¹⁰

Special Olympics Florida Specialty License Plate

Section 320.08058(7), F.S., provides that the Special Olympics Florida license plate must have the word "Florida" at the bottom of the plate and the words "Everyone Wins" at the top of the plate. An organization may not redesign its specialty license plate until its current inventory is depleted. However, it may purchase the remaining inventory of the plate at cost from the DHSMV.¹¹ According to the DHSMV, there are currently 5,529 Special Olympics Florida plates in inventory. The organization could pay approximately \$15,591 to the DHSMV to deplete such inventory.¹²

⁵ Section 320.08053(2)(b), F.S.

⁶ Section 320.08056(10)(a), F.S.

⁷ Section 320.08062, F.S.

⁸ Section 320.08056(7), F.S.

⁹ Section 320.08056(8)(a), F.S.

¹⁰ Section 320.08056(8)(b), F.S.

¹¹ Section 320.08056(9), F.S.

¹² Email from the DHSMV (April 13, 2017) (on file with Senate Committee on Transportation).

Fallen Law Enforcement Officers Specialty License Plate

The Fallen Law Enforcement Officers specialty license plate was created by law in 2014¹³ with an annual fee of \$25. As of February 1, 2017, the plate had 4,689 active registrations.¹⁴ Currently, proceeds from sale of the plate are distributed to the Police and Kids Foundation, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate, and the remaining proceeds are invested and reinvested. The foundation is authorized to use the interest earnings from such investments for the operation of the foundation.¹⁵

Special Military License Plates

Currently, there are 21 special military license plates authorized in s. 320.089, F.S., available to military service members or veterans.¹⁶ Special military license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special plate issued. For example, a special plate issued to a current or former member of the Florida National Guard is stamped with the words “National Guard.” Additionally, a likeness of the related campaign medal, ribbon, or badge appears on the plate.¹⁷

Applicants for special military license plates under s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.¹⁸ With the exception of Woman Veteran plates, the first \$100,000 of revenue generated annually from the sale of special military plates is deposited into the Grants and Donations Trust Fund under the Veterans’ Nursing Homes of Florida Act, as described in s. 296.38(2), F.S. Additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.¹⁹

Bronze Star Medal

The Bronze Star Medal was established on February 4, 1944, to recognize those who served after December 6, 1941, in any capacity in or with the Armed Forces of the United States or a friendly foreign nation. The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent

¹³ Chapter 2014-168, Laws of Florida

¹⁴ DHSMV website, *Monthly Active Specialty Plates* (February 2017), available at <https://services.flhsmv.gov/specialtyplates/ActivePlates.aspx> (last visited Feb. 21, 2017).

¹⁵ Section 320.08058(80), F.S.

¹⁶ The 21 military special plates currently offered in s. 320.089, F.S., include plates available for the following types of service: Veteran or Woman Veteran of the U.S. Armed Forces, World War II, Korean War, or Vietnam War Veteran, Navy Submariner, Active or retired National Guard member or U.S. Reservists, Pearl Harbor survivor, recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, or Purple Heart, former Prisoner of War, and service members or veterans of Operation Desert Shield, Desert Storm, Enduring Freedom, and Iraqi Freedom.

¹⁷ For plate samples, see Department of Highway Safety and Motor Vehicles, *Military License Plates*, available at <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited March 16, 2017).

¹⁸ Section 320.089(1)(c) and (2)(a), F.S.

¹⁹ Section 320.089(1)(b), F.S.

party. Recipients of the Bronze Star Medal must be receiving imminent danger pay while serving in a geographic area authorized for special pay.²⁰ When the Bronze Star Medal is awarded for valor, the “V” device²¹ is authorized.

Since its inception, the Bronze Star Medal has been awarded to over 1.3 million recipients.²² Of those recipients, more than 176,000 were awarded the Bronze Star Medal with a “V” device for valor.²³

Disabled Veteran License Plates

A disabled veteran is eligible for one free disabled veteran license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-connected 100 percent disability rating for compensation; or
- Has been determined to have a service-connected disability rating of 100 percent and receives disability retirement pay from any branch of the United States Armed Forces.²⁴

Additionally, s. 320.0842, F.S., provides that a disabled veteran is eligible for a free disabled veteran license plate stamped with the international symbol of accessibility if he or she is eligible for both the disabled veteran license plate and proves that due to a service-connected disability he or she permanently uses a wheelchair or otherwise qualifies for a disabled parking permit.

Section 316.1964, F.S., prohibits a state agency, county, municipality, or any agency thereof from charging a person with a Disabled Veteran license plate issued under s. 320.0842, F.S., from parking fees on public streets or in metered parking if the vehicle is transporting the person to whom the plate was issued.

III. Effect of Proposed Changes:

Minimum Specialty License Plate Sale Requirements (Sections 1 and 3)

The bill increases the minimum sales requirement for specialty license plates from 1,000 to 3,000 plates. Specialty license plates that enter the 24-month presale period as of October 1, 2017, are required to sell at least 3,000 presale vouchers in order to be manufactured. Effective October 1,

²⁰ Department of the Army, *Military Awards*, Army Regulation 600-8-22 (June 25, 2015), available at http://www.apd.army.mil/epubs/DR_pubs/DR_a/pdf/web/r600_8_22.pdf at p. 50 (last visited April 12, 2017).

²¹ The “V” device is a bronze block letter worn to denote participation in acts of heroism involving conflict with an armed enemy. See *Id* at p. 74.

²² U.S Army Human Resources Command, *Awards and Decorations Statistics by Conflict* (Dec. 31, 2016), available at <https://www.hrc.army.mil/content/Awards%20and%20Decorations%20Statistics%20by%20Conflict> (last visited April 12, 2017).

²³ *Id.*

²⁴ Section 320.084(1), F.S.

2020, any existing specialty plate that falls below 3,000 valid registrations for at least 12 consecutive months will be discontinued.

The bill provides an exemption from the minimum sales requirement for established specialty plates of institutions in and entities of the State University System, specialty plates that have statutory eligibility limitations²⁵, and Florida Professional Sports Team license plates established under s. 320.08058(9), F.S.

As of March 1, 2017, 12 active specialty plates (excluding collegiate plates) were below 3,000 valid registrations. Of those, nine of the plates are required to maintain minimum sales under this bill. If the plates remain under 3,000 valid registrations for 12 consecutive months following October 1, 2020, they will be discontinued. Those plates are:

Specialty License Plates Below 3,000 Valid Registrations and Current Registrations			
Florida Sheriff's Association	2,778	Parents Make a Difference	1,605
Boy Scouts of America	2,421	Florida Agricultural	1,596
Big Brothers Big Sisters	2,384	American Legion	1,510
A State of Vision	2,324	Kids Deserve Justice	1,428
Family Values	2,071		

Discontinued Specialty License Plates (Section 2)

The bill allows the recipient of a specialty license plate to keep the plate for the remainder of the 10-year license plate replacement period without payment of the specialty plate annual use fees if the specialty license plate is discontinued by the DHSMV.

Additionally, if a specialty plate is discontinued, the DHSMV must distribute the annual use fees for the discontinued plate within 180 days after the plate is discontinued, less an amount sufficient to defray departmental costs incurred by the DHSMV associated with discontinuing the plate. The DHSMV is directed to deposit annual use fees into the Highway Safety Operating Trust Fund if the recipient organization for the discontinued plate no longer exists.

Proposed Specialty Plates (Sections 2 and 4)

The bill directs the DHSMV to develop 15 new specialty license plates. All of the proposed specialty license plates have an annual use fee of \$25. Each proposed plate is required to sell 3,000 presale vouchers within 24 months after the voucher is established for the plate to be produced by the DHSMV, otherwise the plate is discontinued.

Organizations receiving money from the sale of proposed specialty license plates are described below under their corresponding plate.

²⁵ For example, s 320.08058(72), F.S., requires a registrant to be a good-standing member or related to a member of the Fraternal Order of Police in order to purchase the Fraternal Order of Police specialty license plate. This appears to be the only plate exempted by this particular change.

Ducks Unlimited License Plate

The words “Conserving Florida Wetlands” must appear at the bottom of the plate, and annual use fees are distributed to Ducks Unlimited, Inc. The organization may use up to 5 percent of the fees for administrative costs and marketing of the plate, and at least 95 percent of fees must be used in Florida 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.

Ducks Unlimited, Inc.²⁶

Ducks Unlimited, Inc. is a non-profit, volunteer-based organization whose mission is to conserve, restore, and manage wetlands and associated habitats for North America’s waterfowl. The organization was created in 1937, and currently has habitat projects in all 50 states, every Canadian province, and key areas of Mexico and Latin America. In Fiscal Year 2016, the organization reported receiving revenues and support of over \$221 million, with 84 percent going to wetlands and waterfowl conservation and education.²⁷

Sun Sea Smiles License Plate

The words “Sun Sea Smiles” must appear at the bottom of the plate, and annual use fees from sale of the plate are distributed as follows:

- 35 percent to the Florida Caribbean Charitable Foundation, Inc. Of the funds received, 5 percent is for marketing the plate. From the remaining funds:
 - 60 percent is for a college scholarship program;
 - 15 percent is to promote health and wellness among Florida residents of Caribbean descent; and
 - 25 percent is to promote awareness of Caribbean culture within the state.
- 20 percent to the American Friends of Jamaica, Inc. Of which:
 - Up to 5 percent may be used for administrative and marketing expenses; and
 - The remaining funds are for grants to promote social and community development among Florida residents;
- 10 percent to Haitian Neighborhood Center Sant La, Inc. Of which:
 - Up to 5 percent may be used for administrative expenses; and
 - The remaining funds are used to promote social and community development;
- 10 percent to Fanm Ayisyen nan Miyami, Inc. Of which:
 - Up to 10 percent may be used for administrative expenses; and
 - The remaining funds are used to promote social and community development;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc. Of which:
 - Up to 5 percent may be used for administrative expenses; and
 - The remaining funds are used to promote awareness of Caribbean culture within the state; and
- 5 percent to Little Haiti Optimist Foundation, Inc. Of which:
 - Up to 5 percent may be used for administrative expenses; and

²⁶ See Ducks Unlimited website, <http://www.ducks.org/> (last visited Feb. 13, 2017).

²⁷ Ducks Unlimited website, *2016 Annual Report*, <http://www.ducks.org/about-ducks-unlimited/ducks-unlimited-financial-information/du-2016-annual-report> (last visited Feb. 13, 2017).

- The remaining funds are used to promote awareness of Caribbean culture and youth development within the state.

Florida Caribbean Charitable Foundation, Inc.²⁸

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

American Friends of Jamaica, Inc.²⁹

The organization is a non-profit established in 1982, that is “dedicated to supporting Jamaican charitable organizations and social initiatives working to improve the lives of Jamaicans through systemic development in the areas of education, healthcare and economic development.”

Haitian Neighborhood Center Sant La, Inc.³⁰

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

Fanm Ayisyen nan Miyami, Inc.³¹

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. The organization provides counseling, outreach, education, access to care, and advocacy services to low and moderate-income families.

Greater Caribbean American Cultural Coalition, Inc.³²

The Coalition 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.” The coalition’s mission is to enrich the cultural environment by fostering multicultural understanding through an appreciation of Caribbean cultures.

Little Haiti Optimist Foundation, Inc.³³

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, and established in 2010 to provide assistance, guidance, and programs to the youth of Little Haiti.

²⁸ Florida Department of State - Division of Corporations, *Florida Caribbean Charitable Foundation, Inc.*, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDACARIBBEANCHARITABLEFOUN%20N070000070260&aggregateId=domnp-n07000007026-231a2bc8-5eb0-42f9-8fa3-f6660756ccc1&searchTerm=florida%20caribbean%20charitable%20foundation&listNameOrder=FLORIDACARIBBEANCHARITABLEFOUN%20N070000070260> (last visited Feb. 10, 2017).

²⁹ The American Friends of Jamaica website, *About Us*, <https://theafj.org/about-us/> (last visited Feb. 10, 2017).

³⁰ See Haitian Neighborhood Center Sant La website, <http://santla.org> (visited April 12, 2017).

³¹ See Fanm Ayisyen nan Miyami website, <http://www.fanm.org/> (last visited Feb. 10, 2017).

³² Greater Caribbean American Cultural Coalition website, *About Us*, <http://www.gcaccoalition.com/> (last visited Feb. 10, 2016).

³³ See The Little Haiti Optimist Club website at <http://www.littlehaitioptimist.org/> (last visited Feb. 10, 2017).

The organization is affiliated with the International Optimist association, a network of over 3,000 Optimist Clubs around the world dedicated to “Bringing Out the Best in Kids.”

Alpha Phi Alpha Fraternity License Plate

The name of the fraternity must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the United Negro College Fund (UNCF) to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Florida Federation of Alpha Chapters to market the plate; and
- 85 percent to the Florida Federation of Alpha Chapters to promote community awareness and action through educational, economic, and cultural service activities.

United Negro College Fund (UNCF)³⁴

In 1944, the UNCF was founded to help more African American students attend and graduate from college. The UNCF accomplishes this goal by awarding scholarships, providing financial support to 37 historically black colleges and universities, and by advocating for the importance of minority education and community engagement.

Florida Federation of Alpha Chapters³⁵

Alpha Phi Alpha “develops leaders, promotes brotherhood and academic excellence, while providing service and advocacy for our communities.” The Fraternity’s programs and projects include community outreach mentoring initiatives.

According to corporate filings with the Department of State, The Florida Federation of Alpha Chapters, Inc., voluntarily dissolved its Florida corporation in 2012.³⁶

Omega Psi Phi Fraternity License Plate

The name of the fraternity must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to State of Florida Omega Friendship Foundation, Inc. to market the plate; and
- 85 percent to State of Florida Omega Friendship Foundation, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

³⁴ See United Negro College Fund website, <https://www.uncf.org/> (last visited Feb. 24, 2017).

³⁵ See Florida Federation of Alpha Chapters website, <http://flfederation.org/about-us/> (last visited Feb. 24, 2017).

³⁶ See Department of State – Division of Corporations, *The Florida Federation of Alpha Chapters, Inc.* <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDAFEDERATIONALPHACHAPTERS%207667210&aggregateId=domnp-766721-dab6eb78-11a9-47b0-b1ec-1eeea3ac1b98&searchTerm=florida%20federation%20of%20alpha%20chapters&listNameOrder=FLORIDAFEDERATIONALPHACHAPTERS%207667210> (last visited Mar. 7, 2017).

State of Florida Omega Friendship Foundation, Inc.

Omega Psi Phi Fraternity, Inc. was the first international fraternal organization to be founded on the campus of a historically black college. Founded in 1911, at Howard University, “Manhood, Scholarship, Perseverance and Uplift” were adopted as cardinal principles of the organization.³⁷

According to corporate filings with the Department of State, the corporation was organized to work and uplift humanity, mentor youth, sponsor blood drives, raise money for scholarships and charitable causes, and encourage members to make a difference in the lives of Black people.³⁸

Kappa Alpha Psi Fraternity License Plate

The name of the fraternity must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc., to market the plate; and
- 85 percent to Southern Province of Kappa Alpha Psi Fraternity, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

Southern Province of Kappa Alpha Psi Fraternity, Inc.³⁹

Kappa Alpha Psi was founded in 1911, on the campus of Indiana University at Bloomington, Indiana. The objectives of this fraternity are to:

- Unite men of culture, patriotism, and honor in a bond of fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of colleges and universities; and
- Inspire service in the public interest.

According to corporate filings with the Department of State, the Southern Province of Kappa Alpha Psi Foundation, Inc. was organized to support the charitable and educational activities of the Kappa Alpha Psi fraternal organization.⁴⁰

Phi Beta Sigma Fraternity License Plate

The name of the fraternity must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the TMB Charitable Foundation, Inc., to market the plate; and

³⁷ See Omega Friendship Foundation, Inc. website, http://oppf.org/about_omega.asp (last visited Jan. 29, 2016).

³⁸ See Department of State – Division of Corporations, *The State of Florida Omega Friendship Foundation, Inc.* (Dec. 2008) <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2008%5C1212%5C38662819.Tif&documentNumber=N08000011146> (last visited Feb. 24, 2017).

³⁹ See Southern Province Kappa Alpha Psi Fraternity, Inc. website, <http://southernprovince.org/> (last visited Feb. 27, 2017).

⁴⁰ See Department of State – Division of Corporations, *Southern Province of Kappa Alpha Psi Foundation, Inc.* (July 2002), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2002%5C0723%5C50481755.tif&documentNumber=N02000005456> (last visited Feb. 24, 2017).

- 85 percent to the TMB Charitable Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities.

TMB Charitable Foundation, Inc.⁴¹

According to corporate filings with the Department of State, the Foundation's principal address is in Tallahassee, Florida. The Foundation is a not-for-profit corporation "operated exclusively for charitable purposes, including, without limitation, acting as an instrument to which youth are encouraged and inspired to achieve academic success through mentoring."

Zeta Phi Beta Sorority License Plate

The name of the sorority must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Florida Pearls, Inc. to market the plate; and
- 85 percent to the Florida Pearls, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

The Florida Pearls, Inc.⁴²

The Florida Pearls, Inc. is a not-for-profit corporation established to provide Florida communities with scholarships, health initiative programs, cultural and humanities program, youth programs, and feeding the hungry programs.

According to corporate filings with the Department of State, the corporation was organized "to provide Scholarships, Educational, Cultural, Community Workshops, and Training Programs in the State of Florida."⁴³

Delta Sigma Theta Sorority License Plate

The name of the sorority must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Delta Research and Educational Foundation to market the plate; and
- 85 percent to the Delta Research and Educational Foundation to promote community awareness and action through educational, economic, and cultural service activities.

⁴¹ See Department of State – Division of Corporations, *TMB Charitable Foundation, Inc.* (April 2014), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2014%5C0411%5C58641349.Tif&documentNumber=N14000003486> (last visited Feb. 27, 2017).

⁴² The Florida Pearls, Incorporated, brochure, available at: <http://www.zphibfl.org/Forms/Brochure-%20The%20Florida%20Pearls,%20Inc..pdf> (last visited Feb. 27, 2017).

⁴³ See Department of State – Division of Corporations, *The Florida Pearls, Incorporated* (Dec. 2009), <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2009%5C1229%5C63408512.Tif&documentNumber=N09000012079> (last visited Feb. 27, 2017).

Delta Research and Educational Foundation⁴⁴

The Delta Research and Educational Foundation is a charitable, not-for-profit organization. Delta Sigma Theta Sorority established the Foundation in 1967. The Foundation's mission is to promote "research which identifies and fashions solutions to issues affecting African American women and their families, nationally and globally through funding and support of programs of the sorority and collaborative organizations."

Alpha Kappa Alpha Sorority License Plate

The name of the sorority must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc. to market the plate; and
- 85 percent to the Alpha Kappa Alpha Educational Advancement Foundation, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

Alpha Kappa Alpha Educational Advancement Foundation, Inc.

The Alpha Kappa Alpha Educational Advancement Foundation, Inc. is a charitable, not-for-profit organization. Alpha Kappa Alpha Sorority, Inc. created the Foundation in 1980 with a mission "to promote lifelong learning. This is accomplished by securing charitable contributions, gifts and endowed funds to award scholarships, fellowships and grants."⁴⁵

Sigma Gamma Rho Sorority License Plate

The name of the sorority must appear at the bottom of the plate, and annual use fees are distributed as follows:

- 5 percent for the UNCF to be used for scholarships for Florida residents attending historically black colleges and universities;
- 10 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc. to market the plate; and
- 85 percent to the Sigma Gamma Rho Sorority National Education Fund, Inc. to promote community awareness and action through educational, economic, and cultural service activities.

Sigma Gamma Rho Sorority National Education Fund, Inc.⁴⁶

The Sigma Gamma Rho Sorority National Education Fund, Inc. is a charitable, not-for-profit organization. Sigma Gamma Rho Sorority developed the Fund with a mission to provide scholarship aid to needy students and to conduct educational programs, workshops, symposiums, and forums to enhance the quality of life.

⁴⁴ See Delta Sigma Theta Sorority website, *Delta Research and Education Foundation*, http://www.deltasigmatheta.org/programs_delta_foundation.html (last visited Feb. 27, 2017).

⁴⁵ Alpha Kappa Alpha Educational Advancement Foundation website, <http://www.akaef.org/> (last visited Feb. 27, 2017).

⁴⁶ See Sigma Gamma Rho Sorority, *National Education Fund*, <http://sgrho1922.celect.org/nef> (last visited Feb. 27, 2017).

Dan Marino Foundation License Plate

The words “Marino Campus” must appear at the bottom of the plate, and annual use fees from the sale of the plate are distributed to the Dan Marino Foundation, Inc., a Florida nonprofit corporation. The Foundation may use up to ten percent of such fees for administrative costs and marketing of the plate. The remainder of the proceeds shall be used by the Foundation to assist Floridians with developmental disabilities to become employed, independent, and productive, and to promote and fund educational scholarships and awareness of these services.

The Dan Marino Foundation⁴⁷

The Dan Marino Foundation is a nonprofit organization dedicated to improving the lives of persons with autism or other developmental disabilities. The Foundation was founded in 1992, and provides numerous programs and services, including:

- Marino Campus, “an intensive 10-month post-secondary educational program to help young adults with autism and other developmental disabilities bridge the gap between high school and employment”;
- ViTA DMF, virtual reality software and curriculum designed to help young adults with autism practice job interviewing skills;
- The Marino Autism Research Institute, which funded the science behind the ViTA DMF and funds the Marino Scholars Program at Vanderbilt University; and
- The Nicklaus Children’s Dan Marino Outpatient Center.

Florida State Beekeepers Association License Plate

The words “Save the Bees” must appear at the bottom of the plate, and annual use fees are distributed to the Florida State Beekeepers Association, which may use up to 18 percent of the annual fees to reimburse administrative costs, startup costs, and costs incurred in the development and approval process of the plate, and promotion and marketing costs. Vendors associated with the administrative costs must be selected by competitive bid.

The remaining funds are used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The bill provides that the Association’s board of managers must approve and is accountable for all such expenditures.

Florida State Beekeepers Association⁴⁸

The Florida State Beekeepers Association, Inc. is a Florida nonprofit⁴⁹ with a mission to provide resources for the improvement of beekeeping, to promote the development of practical

⁴⁷ See The Dan Marino Foundation website, <https://danmarinofoundation.org/> (last visited Feb. 27, 2017).

⁴⁸ See Florida State Beekeepers Association website, <http://www.floridabeekeepers.org/> (last visited Mar. 11, 2017).

⁴⁹ According to corporate filings with the Department of State, Sunbiz.org, The Association has been incorporated with the state since 1971. Available at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDASTATEBEEKEEPERSASSOCIAT%207212370&aggregateId=domnp-721237-2d1c24d7-c677-4df4-aedf-> (last visited Mar. 15, 2017).

beekeeping methods in Florida, and to act in the interest of Florida beekeepers in state and national beekeeping affairs.

Orlando United License Plate

The words “Orlando United” must appear at the bottom of the plate, and annual use fees are distributed as follows:

- Thirty-eight percent to the Mental Health Association of Central Florida, Inc.;
- Thirty-one percent to the Hispanic Federation, Inc. to be used through the Proyecto Somos Orlando campaign; and
- Thirty-one percent to Two Spirit Health Services, Inc.

Each organization may use up to 5 percent for administrative expenses. The Mental Health Association of Central Florida, Inc. is to use 7 percent of the proceeds for marketing of the plate. The remainder of the proceeds must be used to offer free personalized counseling to any person affected by the shooting at the Pulse Nightclub in Orlando, Florida, on June 12, 2016.

The Mental Health Association of Central Florida, Inc.⁵⁰

The mission of The Mental Health Association of Central Florida, Inc. is “to provide mental health services, support and information to the members of our Central Florida community.” The organization does this by offering a free Mental Health Connections program for individuals; providing a Guardian Advocate Training program; overseeing Reflections, a peer-driven recovery community; taking part in community outreach; running an anti-suicide campaign; and partnering with Orange County Government and Florida Hospital to treat uninsured individuals with anxiety or depression, and accompanying medical conditions at the Outlook Clinic.

The Hispanic Federation, Inc.⁵¹

The Hispanic Federation, Inc. is a nonprofit organization founded in 1990, which “seeks to support Hispanic families and strengthen Latino institutions through work in the areas of education, health, immigration, civic engagement, economic empowerment, and the environment.” The organization offers membership and advocacy services, as well as community assistance programs. Following the Orlando shooting at Pulse Nightclub, the Hispanic Federation joined forces with Latino-led institutions to create Proyecto Somos Orlando to address long-term needs for mental health services that are culturally competent and bilingual. The campaign provides case management, crisis intervention, and mental health services.

Two Spirit Health Services, Inc.⁵²

Two Spirit Health Services is a non-profit organization incorporated in 2011, which provides mental health, behavioral, substance abuse, primary care, transgender health and related services to individuals in the Lesbian, Gay, Bisexual, and Transgender (LGBT) community in the Central Florida area. The organization’s mission to create a “one-stop shop” health organization for LGBT people, regardless of ability to pay, to get healthcare and wellness services “in an

⁵⁰ See Mental Health Association of Central Florida website, <https://www.mhacf.org/> (last visited Mar. 11, 2017).

⁵¹ See Hispanic Federation website, <http://hispanicfederation.org/> (last visited Mar. 11, 2017).

⁵² See Two Spirit Health Services, Inc. website, <http://twospirthealth.org/> (last visited Mar. 11, 2017).

environment that is culturally competent and delivered by a diverse staff that is comprised of the LGBT community.”

Ethical Ecotourism License Plate

Proceeds from the sale of the plate are distributed equally between the Florida Society for Ethical Ecotourism (Florida SEE) and Paddle Florida, Inc. Florida SEE must use its share of the proceeds to provide environmental education and awareness that encourages behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources. Paddle Florida, Inc. must use its share of the proceeds to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state. Each organization may use up to 10 percent of the proceeds for administrative costs and to market the plate.

Florida Society for Ethical Ecotourism (Florida SEE)

Florida SEE was created in 1998 to establish and maintain a professional code of ecotourism ethics to encourage an awareness and stewardship of Florida's natural heritage.⁵³ Florida SEE operates a certification program that recognizes ecotourism guides who contribute to the environmental, social, and economic sustainability of Florida.⁵⁴ Certified Florida SEE Ecotour Providers are recognized as preferred service providers committed to using best practices for ecological sustainability, natural area management, and quality ecotourism experience.

Paddle Florida, Inc.⁵⁵

Paddle Florida, Inc. is a non-profit corporation that offers paddling events in each of Florida’s five water management districts and is recognized by Florida SEE as one of its certified Ecotour Providers. Paddle Florida partners with local outfitters that provide canoes, kayaks and gear for trips that last 30 miles to more than 70 miles. The organization also provides Florida-based entertainment, educational programming, and staff who scout waterways in advance to ensure safe tours.

Rotary License Plate

The word “Rotary” must appear at the bottom of the plate, and annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., who distributes the funds as follows:

- Up to 10 percent for administrative costs and for marketing the plate;
- 10 percent to Rotary’s Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and
- The remainder must be distributed, proportionally based on sales, to each Rotary district in the state in support of Rotary youth programs in Florida.

⁵³ Florida SEE website, *About Florida SEE*, http://www.floridasee.org/about_florida_see.php (last visited Mar. 30, 2017).

⁵⁴ Florida SEE website, *Certification, Overview and Eligibility*, <http://www.floridasee.org/certification.php> (last visited March 30, 2017).

⁵⁵ Florida SEE website, *Paddle Florida*, http://www.floridasee.org/paddle_florida.php (last visited March 30, 2017).

Rotary's Camp Florida⁵⁶

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. The Camp does not provide programming, but provides, from Florida's Rotary Club donations, special needs user groups deeply discounted rates to use the camp facilities.

Amending Existing Specialty Plates (Section 4)

Special Olympics Florida License Plate

The bill amends the Special Olympics Florida license plate to require the top of the plate display the word "Florida" and the bottom display the words "Be a Fan."

Fallen Law Enforcement Officers License Plate

The bill amends the distribution of annual use fees from the sale of the Fallen Law Enforcement Officers specialty license plate to allow the Police and Kids Foundation, Inc. to use at least 90 percent of the proceeds of the license plate sales (rather than just the interest earnings thereon) for the foundation's operations, activities, programs, and projects.

Specialty License Plate Audits and Attestations (Section 5)

The bill requires the DHSMV to audit organizations every 2 years that receive specialty license plate fees and are not required to submit an annual audit pursuant to s. 215.97, F.S.

Special Military License Plates (Sections 6 and 7)

The bill makes technical changes throughout s. 320.089, F.S., to provide clarity, and to specify that the Ex-POW plate may also include a likeness of the Prisoner of War Medal.⁵⁷ Currently, the license plate must only be stamped with the words "Ex-POW."

Bronze Star

The bill amends s. 320.089, F.S., to direct the DHSMV to create two special license plates for recipients of the Bronze Star Medal and recipients of the Bronze Star Medal with the "V" device for valor. One plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal. The other plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal with the "V" device emblem.

To receive the Bronze Star special license plate the individual must submit an application to the DHSMV, provide proof that he or she is a Bronze Star Medal or Bronze Star Medal with the "V" device recipient, and pay the appropriate license tax. Revenue generated from the sale of the

⁵⁶ See Rotary's Camp Florida website, <http://www.rotaryscampflorida.org/> (last visited April 12, 2017).

⁵⁷ For information about the Prisoner of War Medal, see U.S. Air Force, *Fact Sheets: Prisoner of War Medal* (Aug. 4, 2010), available at <http://www.afpc.af.mil/About-Us/Fact-Sheets/Display/Article/421934/prisoner-of-war-medal> (last visited Mar 13, 2017).

Bronze Star plates is deposited in the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund.

Purple Heart Disabled Veteran License Plate

The bill creates a Purple Heart license plate stamped with the term “Combat-wounded Veteran” and the international symbol of accessibility. The plate is available to persons who qualify for both the Purple Heart military license plate and the Disabled Veteran license plate issued under s. 320.0842, F.S. The plate is issued at no cost to the disabled veteran, and the eligible applicant must be noted on the registration certificate.

Effective Date (Section 8)

With the exception of section 3 of the bill, which takes effect October 1, 2020, the bill takes effect October 1, 2017.

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:

The bill will have a negative impact on organizations and programs funded from a specialty plate that does not meet the increased minimum sales requirement and is subsequently discontinued.

Individuals who choose to purchase a specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees, and the plate’s recipient organization or organizations will receive revenue from each plate purchase.

The Police and Kids Foundation, Inc. will be able to use the proceeds from the sale of the Fallen Law Enforcement Officers license plate (rather than only the interest earnings on those proceeds) for its operations, activities, programs, and projects.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of each new specialty license plate will cost \$7,245.⁵⁸ DHSMV will also incur costs for biennial audits of specialty license plate organizations that do not currently submit annual audits. The cost of these audits is unknown. 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.⁵⁹

Depending on the number of plates that will be discontinued starting in October 1, 2021, the DHSMV may incur minimal programming costs associated with discontinuing specialty plates.

The DHSMV will also incur costs to create the Bronze Star plates and the Purple Heart Disabled Veteran plate. However, the DHSMV estimates such costs will have a negative, but insignificant, fiscal impact on the department.

To the extent that people purchase the Bronze Star plate, the bill may have a positive impact on the State Homes for Veterans Trust Fund and the Grants and Donations Trust Fund administered by the Florida Department of Veterans' Affairs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill allows a person to keep their specialty license plate for the remainder of the plate's 10-year replacement cycle if it is discontinued by the DHSMV. If a plate is discontinued because the organization no longer exists, issues could arise if the name of the organization or any slogan, emblem, logo, or internet domain name on the plate are taken over by another entity.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08053, 320.08056, 320.08058, 320.08062, 320.0842, and 320.089.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS/CS by Appropriations Subcommittee on Transportation,
Tourism, and Economic Development on April 13, 2017:**

The CS:

⁵⁸ DHSMV, *2017 Agency Legislative Bill Analysis: SB 56* (Jan. 6, 2017) (on file with the Senate Committee on Transportation).

⁵⁹ Section 320.08056(7), F.S.

- Increases the minimum presale requirement for specialty plates to be produced, from 1,000 to 3,000 vouchers;
- Directs the DHSMV to develop 16 additional specialty license plates;
- Allows the recipient of a discontinued specialty license plate to keep the plate for the remainder of the 10-year license plate replacement period without payment of the specialty plate annual use fees;
- Requires the DHSMV to distribute the annual use fees for a discontinued specialty license plate within 180 days after the plate is discontinued, less an amount sufficient to defray departmental costs associated with the discontinuance;
- Provides that if the recipient organization of the discontinued specialty plate no longer exists, the remaining annual use fees shall be deposited into the Highway Safety Operating Trust Fund;
- Amends the Special Olympics Florida license plate to require the top of the plate display the word “Florida” and the bottom display the words “Be a Fan”;
- Effective October 1, 2020, increases the minimum registration requirement of established specialty license plates, from 1,000 to 3,000 annual registrations;
- Effective October 1, 2020, exempts from the minimum registration requirements license plates of institutions in and entities of the State University System, specialty plates with statutory eligibility limitations for purchase, and Florida Professional Sports Team license plates established under s. 320.08058(9), F.S.;
- Requires the DHSMV to audit, every 2 years, specialty plate organizations that are not subject to annual audits to ensure proceeds have been used in compliance with ss. 320.08056 and 320.08058, F.S.;
- Creates a Purple Heart plate with the international accessibility symbol available to disabled veterans who qualify for both the Purple Heart plate and the disabled veteran with the international accessibility symbol plate;
- Makes technical changes to s. 320.089, F.S., related to military service-related special license plates;
- Creates a Bronze Star license plate available to recipients of the Bronze Star medal and a Bronze Star license plate with the “V” device emblem for recipients of such designation; and
- Includes that the Ex-POW plate may include the likeness of the Prisoner of War Medal.

CS by Transportation on February 21, 2017:

The CS:

- Clarifies that Ducks Unlimited, Inc. is to use the proceeds received from the Ducks Unlimited specialty plate within Florida.
- Amends the distribution of the Fallen Law Enforcement Officers specialty license plate to allow the Police and Kids Foundation, Inc. to use the remaining proceeds from the sale of the plate, after up to 10 percent is used for marketing, for the organization’s operations, activities, programs, and projects.

B. Amendments:

None.

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