

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 Transportation

BILL: SB 244

INTRODUCER: Senator Braynon

SUBJECT: Specialty License Plates

DATE: March 23, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Pre-meeting
2.			RC	
3.			ATD	
4.			AP	

I. Summary:

Senate Bill 244 creates a Sun, Sea, and Smiles specialty license plate, establishes an annual use fee for the plate, and provides for the distribution of use fees received from the sale of the specialty license plate.

The license plate will bear the colors and design approved by the Department of Highway Safety and Motor Vehicles (the department) as well as display the word “Florida” at the top of the plate, and the words “Sun-Sea-Smiles” at the bottom of the plate.

The annual use fee for the plate is \$25 which the department will retain until recovery of all the developmental startup costs are collected. Florida Caribbean Charitable Foundation, Inc., the sponsoring organization, will receive the remaining fees and distribute them among several organizations:

- American Friends of Jamaica, Inc.;
- Sant La Haitian Neighborhood Center;
- Fanm Ayisyen Nan Miyami, Inc.;
- Greater Caribbean American Cultural Coalition, Inc.; and
- Little Haiti Optimist Foundation, Inc.

II. Present Situation:

Presently, there are 120 specialty license plates available for purchase, and four in the pre-sale phase. Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization in support of a particular cause or charity signified in the plate’s design and designated in statute. The

Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Pre-Sale Requirements

The approved specialty license plate organization must presell a minimum of 1,000 vouchers within 24 months before the department can begin manufacturing the specialty license plate. If, at the end of the 24-month presale period, the minimum sales requirements have not been met, the department will de-authorize the specialty plate, discontinue development, and discontinue issuance of the presale voucher.

Department Costs Defrayed

The department collects annual use fees from the sale of the specialty license plates and from these proceeds the department retains a sufficient amount to defray their 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.¹

Discontinuance of Specialty Plate

The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates (collegiate plates not included).²

Currently, there is a statutory moratorium on the issuance of new specialty license plates. Section 45, ch. 2008-176, L.O.F., as amended by s. 21, ch. 2010-223, L.O.F., provides that “[e]xcept for a specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, F. S., prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, F.S., between July 1, 2008, and July 1, 2014.”

III. Effect of Proposed Changes:

The bill amends ss. 320.08056,³ and 320.08058, F.S.,⁴ to create a Sun, Sea, and Smiles specialty license plate, establishes the annual use fee for the plate, and provides for the distribution of the annual use fees received from the sale of the specialty license plate.

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

¹ [Section 320.08056\(7\)](#)

² [Section 320.08056\(8\)\(a\)](#)

³ [Section 320.08056](#)

⁴ [Section 320.08058](#)

American Friends of Jamaica, Inc., is a non-profit organization “dedicated to supporting Jamaican charitable organizations and social initiatives targeted at improving the lives of Jamaicans through Systemic development in the areas of education, healthcare, and economic development.”⁵

The mission of Haitian Neighborhood Center Sant La, Inc., is to “empower, strengthen, and stabilize South Florida’s Haitian community, through access for free services and resources, to ensure its successful integration.”⁶

Fanm Ayisyen Nan Miyami, Inc., also known as, Haitian Women of Miami “was founded in 1991, to work for the ‘social and political empowerment’ of Haitian women and their families.”⁷

Greater Caribbean American Cultural Coalition, Inc., 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.”⁸

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, established in 2011. The organization is a multipurpose family services, independent provider, assisting Haitian families in the Miami area of Florida.⁹

The annual use fee for the plate is \$25, and the fees collected will be distributed as follows:

- The Florida Caribbean Charitable Foundation, Inc., will receive 35 percent of the use fees off the top. Five percent of the use fees shall be used solely for marketing the Sun, Sea, and Smiles specialty license plate. 30 percent shall be distributed to the foundation of which up to five percent may be used for administrative expenses.

Of the remainder of the 35 percent received by the foundation:

- 60 percent shall be used for a college scholarship program;
- 15 percent to promote health and wellness among Florida residents of Caribbean descent;
- 25 percent to promote awareness of Caribbean culture within the state;

The bill also provides the remaining 65 percent of the use fees to be distributed as follows:

- 20 percent to the American Friends of Jamaica, Inc., a New York-based charitable, not-for-profit organization, for use as grants to promote social and community development among Florida residents. Of this amount, up to five percent may be used for administrative and marketing expenses;
- 10 percent to Haitian Neighborhood Center Sant La, Inc., to promote social and community development. Of this amount, up to five percent may be used for administrative expenses;

⁵ See The American Friends of Jamaica’s website at <http://www.theafj.org/about/mission.html> (last viewed 3/23/14)

⁶ See Haitian Neighborhood Center Sant La’s website at http://www.santla.org/contents/index.php?option=com_content&view=frontpage&Itemid=1 (last viewed 3/23/14)

⁷ See Fanm Ayisyen Miyami’s website at <http://www.fanm.org/> (last viewed 3/23/14)

⁸ See the Greater Caribbean American cultural Coalition’s website at http://www.unifestlive.com/index.php?option=com_content&view=article&id=21&Itemid=83 (last viewed 3/23/14)

⁹ See The Little Haiti Optimist Foundation’s website <http://non-profit-organizations.findthebest.com/1/1675274/Little-Haiti-Optimist-Foundation-Inc> (last viewed on 3/23/14)

- 10 percent shall be distributed to Fanm Ayisyen Nan Miyami, Inc., to promote social and community development. Of this amount, up to five percent may be used for administrative expenses;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state. Of this amount, up to five percent may be used for administrative expenses;
- Five percent to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state. Of this amount, up to five percent may be used for administrative expenses.

The bill expressly exempts the sponsoring organization from s. 320.08053, F.S.,¹⁰ with the exception that the department will recover pre-developmental startup costs.

The bill shall become effective July 1, 2014.

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:

Persons that choose to purchase the Sun, Sea, and Smiles specialty license plate will pay the \$25 for the privilege, plus pay appropriate license tax and fees. The department shall retain all annual use fees from the sale of the plate, and thereafter distribute the remainder to the organizations as prescribed in this bill.

C. Government Sector Impact:

Section 320.08062, F.S., provides oversight and auditing functions as it relates to organization expenditures. The department also explains that this bill creates a very detailed distribution method for the annual use fee and has potential to impact the audit

¹⁰ [Section 320.08053](#)

process as well as the program itself. By distributing a limited amount of funds to numerous areas, no single area will receive a significant amount of money. An example of how a single annual use fee is distributed in the method described in this bill is as follows:

Caribbean Charitable Foundation, Inc. \$7.50	Marketing \$1.25 (Five percent of total annual fee)	Administrative \$.37	College Scholarships \$4.28	Health and Wellness \$1.07	Cultural Awareness \$1.78
Friends of Jamaica, Inc. \$5.00	Community Development \$4.75	Administrative \$.25			
Sant La Haitian Neighborhood Center \$2.50	Community Development \$2.38	Administrative \$.12			
Fanm Ayisyen Nan Miyami, Inc. \$2.50	Community Development \$2.38	Administrative \$.12			
Caribbean American Cultural Coalition, Inc. \$5.00	Cultural Awareness \$4.75	Administrative \$.25			
Little Haiti Optimist Foundation, Inc. \$1.25	Cultural Awareness \$1.19	Administrative \$.06			

The department’s ISA will require approximately 90 hours of non-recurring programming to implement the provisions of this bill.

ISA 90 hours at \$40 = \$3,600.00

Contractors None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 320.08056, 320.08058 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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