

<b>Tab 1</b>	<b>SB 306 by Mayfield (CO-INTRODUCERS) Taddeo, Berman, Stewart;</b> (Similar to H 00381) State Funds					
<b>Tab 2</b>	<b>CS/SB 754 by ED, Baxley;</b> (Similar to H 00699) School Crossing Guards					
304932	A	S	RCS	IS, Baxley	Delete L.26 - 33:	02/05 03:21 PM
<b>Tab 3</b>	<b>SB 1148 by Brandes;</b> (Similar to CS/H 00971) Electric Bicycles					
237532	A	S	RCS	IS, Brandes	Delete L.54 - 73:	02/05 02:26 PM
905948	A	S	RCS	IS, Brandes	Delete L.176 - 184:	02/05 02:26 PM
770776	AA	S	RCS	IS, Lee	Delete L.28:	02/05 02:26 PM
341430	A	S	RCS	IS, Brandes	Delete L.207 - 217:	02/05 02:26 PM
<b>Tab 4</b>	<b>SB 1272 by Montford;</b> Statewide Emergency Shelter Task Force					
<b>Tab 5</b>	<b>SB 7040 by ED;</b> (Compare to H 07065) Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission					
747136	A	S	RCS	IS, Lee	btw L.467 - 468:	02/05 03:21 PM
<b>Tab 6</b>	<b>SPB 7048 by IS;</b> Public Records/Public Shelter Space					
<b>Tab 7</b>	<b>SB 412 by Bean (CO-INTRODUCERS) Harrell;</b> (Similar to H 01135) License Plates					
850180	D	S	RS	IS, Bean	Delete everything after	02/05 03:21 PM
952358	SD	S	RCS	IS, Bean	Delete everything after	02/05 03:21 PM
778656	AA	S	RCS	IS, Taddeo	btw L.1126 - 1127:	02/05 03:21 PM
<b>Tab 8</b>	<b>SB 414 by Bean (CO-INTRODUCERS) Harrell;</b> (Similar to CS/H 00387) Fees/Specialty License Plates					
221034	A	S	RCS	IS, Bean	Delete L.37:	02/05 03:21 PM
<b>Tab 9</b>	<b>SB 108 by Rader;</b> (Identical to H 00027) Specialty License Plates/Florida State Beekeepers Association					
582674	A	S	RCS	IS, Rader	Delete L.39:	02/05 03:22 PM
<b>Tab 10</b>	<b>SB 110 by Rader;</b> (Identical to H 00029) Fees/Florida State Beekeepers Association License Plate					
587356	A	S	RCS	IS, Rader	Delete L.16:	02/05 03:22 PM
<b>Tab 11</b>	<b>SB 314 by Stewart;</b> Specialty License Plates/Toastmasters					
953522	A	S	RCS	IS, Stewart	Delete L.43:	02/05 03:22 PM
<b>Tab 12</b>	<b>SB 316 by Stewart;</b> Fees/Toastmasters License Plate					
508462	A	S	RCS	IS, Stewart	Delete L.15:	02/05 03:22 PM
<b>Tab 13</b>	<b>SB 322 by Stewart;</b> Specialty License Plates/Gopher Tortoise					
790106	A	S	RCS	IS, Stewart	Delete L.35:	02/05 03:22 PM
<b>Tab 14</b>	<b>SB 324 by Stewart;</b> Fees/Gopher Tortoise License Plate					
398586	A	S	RCS	IS, Stewart	Delete L.15:	02/05 03:22 PM

<b>Tab 15</b>	<b>SB 328</b> by <b>Stewart</b> ; Specialty License Plates/Orlando United						
178712	A	S	RCS	IS, Stewart	Delete L.47:	02/05 03:22 PM	
<b>Tab 16</b>	<b>SB 330</b> by <b>Stewart</b> ; Fees/Orlando United License Plate						
205918	A	S	RCS	IS, Stewart	Delete L.15:	02/05 03:22 PM	
<b>Tab 17</b>	<b>SB 956</b> by <b>Perry</b> ; (Similar to H 00695) Specialty License Plates/Solar Power						
672970	A	S	RCS	IS, Perry	Delete L.46:	02/05 03:22 PM	
<b>Tab 18</b>	<b>SB 958</b> by <b>Perry</b> ; (Similar to H 00697) Fees/Solar Power License Plate						
886678	A	S	RCS	IS, Perry	Delete L.15:	02/05 03:22 PM	
<b>Tab 19</b>	<b>SB 1454</b> by <b>Powell (CO-INTRODUCERS) Harrell</b> ; (Identical to H 00385) Specialty License Plates/Highwaymen						
191476	A	S	RCS	IS, Powell	Delete L.40:	02/05 03:22 PM	
<b>Tab 20</b>	<b>SB 1456</b> by <b>Powell</b> ; (Compare to H 00385) Specialty License Plate Fees/Highwaymen						
475934	A	S	RCS	IS, Powell	Delete L.16:	02/05 03:22 PM	

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**INFRASTRUCTURE AND SECURITY**

**Senator Lee, Chair**  
**Senator Perry, Vice Chair**

**MEETING DATE:** Monday, February 3, 2020

**TIME:** 4:00—6:00 p.m.

**PLACE:** *Toni Jennings Committee Room, 110 Senate Building*

**MEMBERS:** Senator Lee, Chair; Senator Perry, Vice Chair; Senators Bean, Cruz, Hooper, Hutson, Stewart, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 306</b> Mayfield (Similar H 381)	State Funds; Exempting the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and the General Revenue Fund, etc.  IS 02/03/2020 Favorable ATD AP	Favorable Yeas 8 Nays 0
2	<b>CS/SB 754</b> Education / Baxley (Similar H 699)	School Crossing Guards; Authorizing a school crossing guard employed by a private school, upon approval of the sheriff of the county in which such private school is located, to direct traffic at certain locations under certain circumstances; providing that the school crossing guard is not required to meet specified uniform minimum standards, etc.  ED 01/21/2020 Fav/CS IS 02/03/2020 Fav/CS RC	Fav/CS Yeas 8 Nays 0
3	<b>SB 1148</b> Brandes (Similar CS/H 971)	Electric Bicycles; Revising definitions relating to the Florida Uniform Traffic Control Law; requiring the driver of a vehicle overtaking an electric bicycle to pass the electric bicycle at a certain distance; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; providing electric bicycle regulations; requiring electric bicycles to comply with specified provisions of law; authorizing operators to ride electric bicycles where bicycles are allowed, etc.  IS 02/03/2020 Fav/CS CA RC	Fav/CS Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Infrastructure and Security

Monday, February 3, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1272</b> Montford	Statewide Emergency Shelter Task Force; Establishing the task force adjunct to the Department of Management Services; specifying the task force's purpose; providing for the membership of the task force; providing requirements and restrictions for members of the task force; requiring the task force to report recommendations to the Governor and the Legislature by a specified date, etc.  IS      02/03/2020 Favorable GO RC	Favorable Yeas 8 Nays 0
5	<b>SB 7040</b> Education (Compare H 1083, H 7065, S 62, S 1062)	Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission; Authorizing a sheriff to contract for services to provide training under the Coach Aaron Feis Guardian Program; adding penalties for persons who knowingly submit false information to a law enforcement agency; revising the training, consultation, and coordination responsibilities of the Office of Safe Schools; requiring the Louis de la Parte Florida Mental Health Institute to consult with specified state agencies and convene a workgroup to advise those agencies on the implementation of specified mental health recommendations, etc.  IS      02/03/2020 Fav/CS AP	Fav/CS Yeas 8 Nays 0
Consideration of proposed bill:			
6	<b>SPB 7048</b>	Public Records/Public Shelter Space; Creating an exemption from public records requirements for the name, address, and telephone number of a person which are held by an agency providing shelter or assistance to such person during an emergency; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
7	<b>SB 412</b> Bean (Similar H 1135, Compare H 27, H 385, CS/H 387, S 108, S 568, S 860, S 1454, Linked S 414)	License Plates; Providing an exception to a design requirement for dealer license plates and for fleet license plates; allowing the Department of Highway Safety and Motor Vehicles to authorize dealer and fleet specialty license plates; providing additional procedures and requirements for discontinuing issuance of a specialty license plate; providing for a special license plate to be issued to a recipient of the Bronze Star, etc.  IS      02/03/2020 Fav/CS AP RC	Fav/CS Yeas 8 Nays 0



**COMMITTEE MEETING EXPANDED AGENDA**

Infrastructure and Security

Monday, February 3, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 414</b> Bean (Similar CS/H 387, Compare H 385, H 1135, S 862, CS/S 1500, Linked S 412)	Fees/Specialty License Plates; Creating a uniform annual use fee collected for a specialty license plate unless otherwise specified; adding annual use fees for certain specialty license plates, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
9	<b>SB 108</b> Rader (Identical H 27, Compare H 29, H 1135, S 412, Linked S 110)	Specialty License Plates/Florida State Beekeepers Association; Directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
10	<b>SB 110</b> Rader (Identical H 29, Compare H 27, Linked S 108)	Fees/Florida State Beekeepers Association License Plate; Creating a fee for a certain specialty license plate, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
11	<b>SB 314</b> Stewart (Linked S 316)	Specialty License Plates/Toastmasters; Directing the Department of Highway Safety and Motor Vehicles to develop a Toastmasters license plate; providing for the distribution and use of fees collected from the sale of such plates, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
12	<b>SB 316</b> Stewart (Linked S 314)	Fees/Toastmasters License Plate; Creating a fee for a certain specialty license plate, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
13	<b>SB 322</b> Stewart (Linked S 324)	Specialty License Plates/Gopher Tortoise; Directing the Department of Highway Safety and Motor Vehicles to develop a Gopher Tortoise license plate; providing for distribution and use of fees collected from the sale of the plate, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Infrastructure and Security

Monday, February 3, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	<b>SB 324</b> Stewart (Linked S 322)	Fees/Gopher Tortoise License Plate; Creating a fee for a certain specialty license plate, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
15	<b>SB 328</b> Stewart (Linked S 330)	Specialty License Plates/Orlando United; Directing the Department of Highway Safety and Motor Vehicles to develop an Orlando United license plate; providing for distribution and use of fees collected from the sale of such plates, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
16	<b>SB 330</b> Stewart (Linked S 328)	Fees/Orlando United License Plate; Creating a fee for a certain specialty license plate, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
17	<b>SB 956</b> Perry (Similar H 695, Compare H 697, Linked S 958)	Specialty License Plates/Solar Power; Directing the Department of Highway Safety and Motor Vehicles to develop a Solar Power license plate; providing for distribution and use of fees collected from the sale of such plates, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
18	<b>SB 958</b> Perry (Similar H 697, Compare H 695, Linked S 956)	Fees/Solar Power License Plate; Creating a fee for a certain specialty license plate, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
19	<b>SB 1454</b> Powell (Identical H 385, Compare CS/H 387, H 1135, S 412, Linked S 1456)	Specialty License Plates/Highwaymen; Directing the Department of Highway Safety and Motor Vehicles to develop a Highwaymen license plate; providing for distribution and use of fees collected from the sale of the plates, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Infrastructure and Security

Monday, February 3, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
20	<b>SB 1456</b> Powell (Compare H 385, Linked S 1454)	Specialty License Plate Fees/Highwaymen; Establishing a fee for a certain specialty license plate, etc.  IS 02/03/2020 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
<b>Florida Transportation Commission</b>			
21	Burke, Richard (Ponte Vedra Beach)	09/30/2023	Recommend Confirm Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: SB 306

INTRODUCER: Senator Mayfield and others

SUBJECT: State Funds

DATE: February 4, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	<b>Favorable</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 306 exempts the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and General Revenue Fund.

The bill has an effect date of July 1, 2020.

**II. Present Situation:**

**Florida Housing Finance Corporation**

The 1997 Legislature created the Florida Housing Finance Corporation (FHFC) as a public private entity to replace the Florida Housing Finance Agency, with the purpose of reducing bureaucracy and streamlining administrative processes.<sup>1</sup> The FHFC is now a public corporation that is housed within the Department of Economic Opportunity.<sup>2</sup> The goal of the FHFC is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes. To do this, the FHFC uses federal and state resources to finance the development of affordable homes and rental housing and assist first-time homebuyers through various programs.<sup>3</sup> The FHFC tries to increase affordable housing opportunities and ensure that its programs are well matched to the needs of those it serves, while working with local governments, nonprofits, elected officials, and others to help spread the importance of affordable housing in Florida's communities.

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<sup>1</sup> Chapter 97-167, Laws of Fla.

<sup>2</sup> Section 420.504(1), F.S.

<sup>3</sup> Further information on the FHFC's Multifamily Development, Special Programs, and Homeownership programs is available at <https://www.floridahousing.org/about-florida-housing> (last visited January 29, 2020).

The FHFC receives funding for its affordable housing programs from documentary stamp tax revenues which are distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund.<sup>4</sup> Pursuant to s. 420.507, F.S., the FHFC is also authorized to receive federal funding in connection with the corporation's programs directly from the Federal Government.<sup>5</sup>

### **Documentary Stamp Tax**

The documentary stamp tax imposes an excise tax on deeds or other documents that convey an interest in Florida real property. The Department of Revenue classifies the documentary stamp taxes as two taxes imposed on different bases at different tax rates.<sup>6</sup> The first tax rate is 70 cents on each \$100 of consideration for deeds, instruments, or writings whereby lands, tenements, or other real property or interest that are granted, assigned, transferred, conveyed or vested in a purchaser.<sup>7</sup> The second tax rate is 35 cents per each \$100 of consideration for certificates of indebtedness, promissory notes, wage assignments and retail charge account agreements.<sup>8</sup>

Section 201.15, F.S., provides for the distribution of documentary stamp taxes, which are primarily used to fund various land and water conservation, preservation, and maintenance trust funds and certain transportation trust funds.<sup>9</sup> In 1992, the William E. Sadowski Act created a dedicated source of revenue from documentary stamp tax revenues for affordable housing. This was generated from:

- Additional revenues from a 10-cent increase in the documentary stamp tax rate imposed on real estate transfers; and
- A re-allocation of ten cents of the existing documentary stamp tax revenues from general revenue to the affordable housing trust funds beginning in FY 1995-96.<sup>10</sup>

According to the FHFC, “30 percent of these revenues flow into the State Housing Trust Fund and 70 percent flow into the Local Government Housing Trust Fund.”<sup>11</sup> In 2005, the Legislature capped the rate of growth for distribution of documentary stamp tax revenues into these trust funds to \$243 million per year.<sup>12</sup> This cap was repealed in 2011. In the 2019-2020 fiscal year, the Legislature appropriated \$200.6 million (\$8 million of which was vetoed by the Governor) to the FHFC.<sup>13</sup>

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<sup>4</sup> Section 201.15, F.S.

<sup>5</sup> See ss. 420.507(33) and 159.608, F.S.

<sup>6</sup> Florida Revenue Estimating Conference, *2019 Florida Tax Handbook*, at 74 (2019) available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2019.pdf> (last visited January 29, 2020).

<sup>7</sup> *Id.* See also s. 201.02(1), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 201.15, F.S.

<sup>10</sup> Florida Housing Finance Corporation, *Affordable Housing Act* available at [http://www.floridahousing.org/FH-ImageWebDocs/AboutUS/SadowskiAct\\_Outline.pdf](http://www.floridahousing.org/FH-ImageWebDocs/AboutUS/SadowskiAct_Outline.pdf) (last visited January 29, 2020).

<sup>11</sup> *Id.*, see also s. 201.15, F.S.

<sup>12</sup> Senate Bill 1110 (2005).

<sup>13</sup> Chapter 2019-115, s. 6 Laws of Fla.

The following chart describes the yearly funds collected and funds appropriated:

Historical Financial Summary of Florida's  
State and Local Government Housing Trust Funds<sup>14</sup>

Year	Total Housing Trust Funds			
	Collections	Appropriations	Legislative Sweep	Cap Sweep / SEED
1992 / 1993	41,006,550	36,200,000	-	-
1993 / 1994	51,033,448	47,000,000	-	-
1994 / 1995	45,536,407	50,666,438	-	-
1995 / 1996	108,049,916	112,916,468	-	-
1996 / 1997	121,471,040	127,369,767	-	-
1997 / 1998	145,209,025	121,033,630	-	-
1998 / 1999	169,882,688	169,389,410	-	-
1999 / 2000	176,464,510	186,576,276	-	-
2000 / 2001	191,415,135	186,671,276	-	-
2001 / 2002	228,117,990	195,521,212	12,000,000	-
2002 / 2003	294,552,125	246,600,168	-	-
2003 / 2004	390,167,300	192,171,717	120,896,937	-
2004 / 2005	502,045,358	192,892,623	220,800,000	-
2005 / 2006	606,244,598	442,892,623	-	-
2006 / 2007	452,308,119	433,000,000	-	-
2007 / 2008	<sup>A</sup> 243,000,000	390,400,000	-	46,506,007
2008 / 2009	<sup>B</sup> 167,581,340	69,304,577	440,000,000	-
2009 / 2010	159,088,774	31,279,989	91,900,000	-
2010 / 2011	170,713,220	37,500,000	174,310,000	-
2011 / 2012	186,756,959	-	189,531,109	-
2012 / 2013	<sup>C</sup> 168,122,265	10,000,000	96,660,000	75,000,000
2013 / 2014	<sup>C</sup> 193,073,850	-	204,130,000	75,000,000
2014 / 2015	<sup>C</sup> 238,951,609	167,660,000	106,151,367	75,000,000
2015 / 2016	<sup>C</sup> 262,033,614	175,000,000	81,000,000	75,000,000
2016 / 2017	<sup>C,D</sup> 282,850,943	184,330,428	116,914,438	75,000,000
2017 / 2018	<sup>C</sup> 296,912,132	137,000,000	154,400,000	75,000,000
2018 / 2019	<sup>C</sup> 318,003,831	123,605,000	182,000,000	75,000,000
2019 / 2020	<sup>C,E</sup> 334,670,000	192,600,000	125,000,000	75,000,000
Totals	6,545,262,747	4,259,581,602	2,315,693,851	646,506,007

Notes:

<sup>A</sup> The 2005 Legislature adopted a cap restricting the amount of revenue that could flow into the trust funds to \$243 million/year, with a mechanism for a small increase over time. Collections in excess of the cap amount were swept to general revenue. The cap went into effect in 2007 and was repealed in 2011. Collections shown are funds deposited into the trust funds; they do not include the amounts swept to General Revenue.

<sup>B</sup> As a result of the economic recession, the Legislature held a special session in early 2009, adopting SB 2A to address the state budget shortfall. Appropriations are net of SB 2A reductions & collections a shortfall in collections. The \$190 million payback of prior appropriations required by SB 2A is included as a reduction of Appropriations and as an increase in Leg. Sweep.

<sup>C</sup> The State Economic Enhancement and Development (SEED) Trust Fund was created in 2011, with funds transferred to it beginning with FY 12/13. SEED funding may be used for infrastructure, job creation, affordable housing in accordance with chapter 420, economic development incentives for job creation and capital investment; and other purposes. The amounts in the Cap Sweep / SEED column represent doc stamp amounts deposited to SEED that would have otherwise been deposited to the housing trust funds.

<sup>D</sup> Deposits to the trust funds were less than the full appropriation amount. The appropriation amount on this chart has been reduced to reflect this shortfall in available funds.

<sup>E</sup> Collections amount is the August 2019 Revenue Estimating Conference estimate.

<sup>14</sup> Email from the Florida Housing and Finance Corporation, *Collections Appropriations & Sweeps Summary*, (January 29, 2020). On file with the Senate Committee on Infrastructure and Security.

### **The Legislature's Authority to Transfer Unappropriated Trust Fund Balances**

Section 215.32(2)(b)4.a., F.S., specifically grants authority to the Legislature to transfer unappropriated cash balances of state trust funds to either the General Revenue Fund or the Budget Stabilization Fund in the General Appropriations Act. The Budget Stabilization Fund is required by the State Constitution and must be maintained at not less than 5 percent of the previous year's General Revenue collections.<sup>15</sup> Moneys in the fund may only be used to cover revenue shortfalls in the General Revenue Fund and for emergencies as defined in s. 252.34, F.S.<sup>16</sup>

Currently, the funds listed below are exempt from the trust fund transfer provision in s. 215.32, F.S.:

- Trust funds required by federal programs or mandates;
- Trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body;
- The Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services;
- The State Transportation Trust Fund;
- The trust fund containing the net annual proceeds from the Florida Education Lotteries;
- The Florida Retirement System Trust Fund;
- Trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law;
- Trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies;
- Trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and
- Other trust funds authorized by the State Constitution.<sup>17</sup>

It should be noted that the Legislature may not bind a future Legislature by prohibiting statutory law changes.<sup>18</sup> In the past, the Legislature has passed legislation that transferred funds from trust funds listed in s. 215.32, F.S., to the General Revenue Fund or the Budget Stabilization Fund as part of the state budget process.

### **III. Effect of Proposed Changes:**

The bill amends s. 215.32, F.S., to add the State Housing Trust Fund and the Local Government Housing Trust Fund to the exemptions from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and General Revenue Fund.

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<sup>15</sup> Section 215.32(2)(c)1., F.S.

<sup>16</sup> Section 216.222, F.S.

<sup>17</sup> Section 215.32(2)(b)4.b., F.S.

<sup>18</sup> *Neu v. Miami Herald Pub. Co.*, 462 So.2d 821 (Fla. 1985).

The bill provides an effective date of July 1, 2020.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Entities that build, construct or finance affordable housing in the state may see an increase in funding since the State Housing Trust Fund and the Local Government Housing Trust Fund could no longer have funds transferred to the Budget Stabilization Fund and the General Revenue Fund.

C. Government Sector Impact:

The state would have less flexibility in available funding since the State Housing Trust Fund and the Local Government Housing Trust Fund could no longer have funds transferred to the Budget Stabilization Fund and the General Revenue Fund.

**VI. Technical Deficiencies:**

None.



**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 215.32

**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.

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

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By Senator Mayfield

17-00205-20

2020306\_\_

A bill to be entitled

An act relating to state funds; amending s. 215.32, F.S.; exempting the State Housing Trust Fund and the Local Government Housing Trust Fund from a provision authorizing the Legislature, in the General Appropriations Act, to transfer unappropriated cash balances from specified trust funds to the Budget Stabilization Fund and the General Revenue Fund; providing an effective date.

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

Section 1. Upon the expiration and reversion of the amendments made to section 215.32, Florida Statutes, pursuant to section 110 of chapter 2019-116, Laws of Florida, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which, under law or under trust agreement, are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys ~~is shall be~~ responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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accountability. Once an account is established ~~within a trust fund~~, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, each agency, to the extent possible, ~~each agency~~ shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. An operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund;—

b. An operations and maintenance trust fund, for use as a depository for client services funded by third-party payors;—

c. An administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds; ~~however,—~~ proprietary funds are not required to use ~~excluded from the requirement of using~~ an administrative trust fund;—

d. A grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources;—

e. An agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272;—

f. A clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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recipients; ~~and~~.

g. A federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have a trust fund specified ~~trust funds listed~~ in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust fund funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject ~~always~~ to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and the General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the

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state or any public body; the Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, when ~~where~~ such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; the State Housing Trust Fund; the Local Government Housing Trust Fund; and other trust funds authorized by the State Constitution.

Section 2. This act shall take effect July 1, 2020.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-3-2020  
Meeting Date

SB 306  
Bill Number (if applicable)

Topic STATE FUNDS

Amendment Barcode (if applicable)

Name Ker Pruitt

Job Title \_\_\_\_\_

Address 113 E. College St.

Phone 772-971-5760

Street  
Tallahassee, FL 32301  
City State Zip

Email Ker@thePSgroup.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Association of Local Finance Housing Authorities

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/3/2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

306

Bill Number (if applicable)

Topic

State Housing

Amendment Barcode (if applicable)

Name

GEORGIA MCKEOWN

Job Title

Consultant

Address

537 E PARK Ave

Phone

904 303 1611

Street

Tallahassee

FL

32301

City

State

Zip

Email

georgiaCteamjb.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida Association of Centers for Independent Living

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

SB 306

Bill Number (if applicable)

Topic Sadowski Fund (State Funds)

Amendment Barcode (if applicable)

Name David Hilman

Job Title Contractor

Address 21148 NW 167th Pl  
Street

Phone 352-665-3343

High Springs FL 32643  
City State Zip

Email david@custodesignllc.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Habitat For Humanity Alachua County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

02/03/2020  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 306  
Bill Number (if applicable)

Topic Sadowski Funds/No Sweep "State Funds" Amendment Barcode (if applicable)

Name Scott Zellak

Job Title FHBA Government Affairs Committee

Address 4631 SE 27th St

Phone 352 484 9088

Street

Ocala Florida 34480

City

State

Zip

Email szellak@prohomeofcentralflorida.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FHBA

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

SB 306

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Kevin Cleary

Job Title Lobbyist - Gunster

Address 215 S. Monroe St.

Street

Phone \_\_\_\_\_

Tallahassee

City

FL

State

32301

Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Coalition of Affordable Housing Providers

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-3-20

Meeting Date

3060

Bill Number (if applicable)

Topic Affordable Housing Trust Fund

Amendment Barcode (if applicable)

Name Shannon Belmont

Job Title Research Analyst

Address 106 N. Brannough St.  
Street

Phone 850-222-5052

Tallahassee  
City

FL  
State

32301  
Zip

Email Shelbymont@Floridataxwatch.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/3/2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 306

Bill Number (if applicable)

Topic State funds

Amendment Barcode (if applicable)

Name Lauren Storch

Job Title Government Relations Coordinator

Address 601 E. Kennedy Blvd.

Street

Phone 813-274-6831

Tampa

City

FL

State

33602

Zip

Email Storchla@HCF LGov.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Hillsborough County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

306

Bill Number (if applicable)

Topic STATE FUNDS

Amendment Barcode (if applicable)

Name MIKE AZZARELLA

Job Title PRESIDENT - MORTGAGE BANKERS ASSOC OF FLORIDA

Address 7938 BISHOP LAKE RD N.

Phone 904-631-8310

JACKSONVILLE FL 32256

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing MORTGAGE BANKERS ASSOC. OF FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2-3-20

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 306

Bill Number (if applicable)

Topic State Funds / Housing

Amendment Barcode (if applicable)

Name MARK HENDRICKSON

Job Title Executive Director

Address 1404 Alban  
Street

Phone 850.671.5601

RH FL 32301  
City State Zip

Email mark@thehendricksoncompany.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLORIDA Association of Local Housing Finance Authorities

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 3, 2020

Meeting Date

SB 306

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Dorene Barker

Job Title Associate State Director

Address 215 South Monroe St, Suite 603

Street

Phone 850-228-6387

Tallahassee

FL

32308

City

State

Zip

Email dobarker@aarp.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing AARP FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

## THE FLORIDA SENATE

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

SB 306

Meeting Date

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Ron Lieberman

Job Title Board Chairman - Florida Housing

Address 227 N BRONOUGH

Phone 8504884197

Street

TALLAHASSEE

FL

32301

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Housing Finance Corporation

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

306

Bill Number (if applicable)

Topic

State Funds/Housing Fund Sweeps

Amendment Barcode (if applicable)

Name

Mark Jeffries

Job Title

Address

201 S. Rosalind Ave

Phone

407-836-5909

Street

Orlando, FL 32801

mark.jeffries@ocfl.net

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Orange County

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20  
Meeting Date

SB 306  
Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Kenneth Pratt

Job Title Senior VP of Governmental Affairs

Address 1001 Thomasville Rd Ste 201  
Street

Phone 850-509-8020

Tallahassee FL 32301  
City State Zip

Email kpratt@floridabankers.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Bankers Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

2/3/2020

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

306

Meeting Date

Bill Number (if applicable)

Topic

State Funds

Amendment Barcode (if applicable)

Name

B. D. Jogerst

Job Title

Legislative Assistant

Address

516 N Adams

Phone

Street

Tallahassee

FL

32301

City

State

Zip

Email

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Associated Industries of Florida

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

# APPEARANCE RECORD

2-3-20

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

306

Meeting Date

Bill Number (if applicable)

Topic SB 306

Amendment Barcode (if applicable)

Name Bryan Cherry

Job Title Consultant

Address 1505. Monroe St, STE 303

Phone (850) 544-5673

Street

Tallahassee

FL

32301

City

State

Zip

Email bryan@pinpointresults

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FL Coalition to End Homelessness

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/3/2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

306  
SB ~~306~~

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Christopher Emmanuel

Job Title Policy Director

Address 1316 S Broadway

Phone \_\_\_\_\_

Street

12H

City

FL

State

32301

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

Feb 3, 2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

306

Bill Number (if applicable)

Topic Affordable Housing

Amendment Barcode (if applicable)

Name Jaimie Ross

Job Title CEO Florida Housing Coalition

Address 1311 N. Paul Russell Rd  
Street

Phone 850-212-0587

Email ross@flhousing.org

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Housing Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-3-2020

Meeting Date

386

Bill Number (if applicable)

Topic Affordable Housing

Amendment Barcode (if applicable)

Name Barbara Beck

Job Title President/CEO - Habitat for Humanity of Florida

Address 1150 Cleveland St.

Street

Phone 727-475-1363

Clearwater FL 33755

City

State

Zip

Email ceo@habitatflorida.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Habitat for Humanity of ~~the~~ Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

SB 306

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Shawn Noles - Volunteers of America - Florida

Job Title Director of Operations

Address 1280 Kissimmee St  
Street

Phone 850-528-1104

Tallahassee

City

FL

State

32310

Zip

Email snoles@voa-fla.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Volunteers of America of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20  
Meeting Date

306  
Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Candice Ericks

Job Title Consultant

Address 205 Adams St.

Phone 954-648-1207

Tallahassee FL 32301  
City State Zip

Email Candice.ericks@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Palm Beach County

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3.3.2020

Meeting Date

306

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Tonnette [tone-Net] Graham

Job Title Assoc. Director of Public Policy

Address 100 So. Monroe Street

Phone 850.922.4300

Tallahassee, FL 32301

City

State

Zip

Email tgraham@fl-counties.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Association of Counties

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



**APPEARANCE RECORD**2/3/2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

306

Bill Number (if applicable)

Topic

STATE FUNDS

Amendment Barcode (if applicable)

Name

USA HURLEY

Job Title

Address

300 E. Park Ave.

Phone

850.224.5081

Street

Tallahassee FL32301

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

~~XX~~

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

COLLIER COUNTY

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

306

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Jeff Branch

Job Title Legislative Analyst

Address \_\_\_\_\_

Phone 701-3655

Street

Tallahassee

FL

32302

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

306

Bill Number (if applicable)

Topic Housing trust funds

Amendment Barcode (if applicable)

Name Paul Owens

Job Title President

Address 308 N. Monroe St.

Phone 850-222-6277

Street

Tallahassee

FL

State

32803

Zip

Email powens@1000fof.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing 1000 Friends of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

306

Bill Number (if applicable)

Topic STATE Funds

Amendment Barcode (if applicable)

Name Karen Koch (Cook)

Job Title Executive Director

Address P.O. Box 4242

Phone 850-545-0868

Street

Tallahassee

FL

32302

City

State

Zip

Email Karen@fshc.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FL Supportive Housing Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

306

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name David Hall

Job Title Realtor @ Coldwell Banker

Address P.O. Box 9342

Phone 772 201 9701

Street

Dock St Luke

City

State

FL

Zip

34985

Email DAVIDHALL@

Bellsouth.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020  
Meeting Date

306  
Bill Number (if applicable)

Topic Affordable Housing

Amendment Barcode (if applicable)

Name Ron Lieberman

Job Title FHFC Board Chair

Address 1622 SE 29th Ter  
Street

Phone 352-249-6281

Ocala FL 34471  
City State Zip

Email Nvera.Nomes@earthlink.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Housing Finance Corporation

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-3-20

Meeting Date

SB 306

Bill Number (if applicable)

Topic STATE FUNDS

Amendment Barcode (if applicable)

Name DANE BENNETTJob Title DIRECTOR OF GOV. AFFAIRSAddress 2600 CENTENNIAL PLACE

Street

Phone 941-468-8479TALLAHASSEE

City

FL

State

32308

Zip

Email DBENNETT@FHBA.COMSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)Representing FL HOME BUILDERS ASSOCIATIONAppearing at request of Chair: ☐ Yes ☐ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 3, 2020  
Meeting Date

306  
Bill Number (if applicable)

Topic Sadowski Housing Trust Fund

Amendment Barcode (if applicable)

Name GRACE Lovett

Job Title VP Government Affairs

Address 227 S. Adams St.  
Street

Phone 850 222 4082

Tallahassee FL 32301  
City State Zip

Email grace@rff.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Retail Federation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

2/3/2020  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

306  
Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Public Policy

Address 126 N. Mills Ave

Phone 407 376 4801

Street

Orlando

City

FL

State

32801

Zip

Email ida.eskamani@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Organize Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

306

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Daphnee Sainvil

Job Title Legislative Policy Advisor

Address 100 S. Andrews Ave., 8<sup>th</sup> Floor

Phone 954-253-7320

Street

Ft. Lauderdale FL 33301

City

State

Zip

Email dsainvil@broward.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Broward County Bd. of County Cmsrs.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

SB 306

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name FRENCH BROWN

Job Title lobbyist

Address 118 S. Monroe St. Suite 815

Phone 850-459-0992

Street

Tallahassee

FL

32301

City

State

Zip

Email fbrown@deanmead.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLORIDA REALTORS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

SB 306

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Martha Edenfield

Job Title

Address 215 S. Monroe Street #815  
Street

Phone 850-556-8611

Email medenfield@deanmead.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing The Clty of Clearwater

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/03/2020

*Meeting Date*

SB 306

*Bill Number (if applicable)*

Topic Individuals with Disabilities

*Amendment Barcode (if applicable)*

Name Kirk Hall

Job Title CEO

Address 2898 Mahan Drive, Suite 1

Phone (850) 921-0460

*Street*

Tallahassee

FL

32308

Email kirk@arcflorida.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
*(The Chair will read this information into the record.)*

Representing The Arc of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

3000

Bill Number (if applicable)

Topic State Funds

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate Director

Address 201 W Park Av  
Street

Phone \_\_\_\_\_

Tallahassee FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-3-20  
Meeting Date

SB 306  
Bill Number (if applicable)

Topic SB 306

Amendment Barcode (if applicable)

Name Doug LEEVER

Job Title Mortgage Sales Manager (Trap for Chu)

Address 3050 Corporate Way

Phone 954-517-7532

Street  
City Miami State FL Zip 33067

Email dleevers@truh.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Mortgage Banker Assoc of Florida

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/CS/SB 754

INTRODUCER: Education Committee and Senator Baxley

SUBJECT: School Crossing Guards

DATE: February 4, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Sikes	ED	<b>Fav/CS</b>
2.	Proctor	Miller	IS	<b>Fav/CS</b>
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 754 provides alternate training requirements for school crossing guards employed by a private school. The CS provides that the local county sheriff may approve a private school crossing guard at specified locations if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Criminal Justice Standards and Training Commission (CJST) or a similar program offered by the police or sheriff's department within the county.

The CS has no impact on state revenues or expenditures.

The CS takes effect July 1, 2020.

**II. Present Situation:**

***School Crossing Guards***

The Department of Transportation publishes guidelines and administers the Florida School Crossing Guard Training Program.<sup>1</sup> Each local governmental entity administering a school

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<sup>1</sup> Section 316.75, F.S. Florida Department of Transportation, *Florida School Crossing Guard Training Guidelines* (2016), available at <https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/safety/safety/2a-programs/bike-ped/fscgtguidelinesmarch2016.pdf> (last visited January 24, 2020).



crossing guard program must provide a training program for school crossing guards in accordance with the uniform guidelines.

Successful completion of the training program requires:<sup>2</sup>

- Classroom instruction. A crossing guard must pass at least 75 percent of the items on a written examination.
- Practical training. A crossing guard must competently perform 12 job-related duties.
- Supervised duty. A crossing guard must satisfactorily perform 12 job-related duties during at least two supervised shifts.

A school crossing guard is not required to successfully complete a training program if the school crossing guard:<sup>3</sup>

- Received equivalent training during employment as a law enforcement officer.
- Receives less than \$5,000 in annual compensation in a county with a population of less than 75,000.
- Is a student who serves in a school patrol.

A nonpublic school may also contract with a local government entity for access to school crossing guard training programs.<sup>4</sup>

Local law enforcement agencies administer the local school crossing guard programs by training school crossing guards, who may be employed by the law enforcement agency or another agency such as the school district.<sup>5</sup>

### ***Traffic Control Officers***

Any police or sheriff's department may employ as a traffic control officer any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the CJST, or through a similar program offered by the local police or sheriff's department.<sup>6</sup> The CJST provides an 8-hour Traffic Control Officer for Civilians course that includes instruction in traffic control procedures.<sup>7</sup>

A traffic control officer who only completes the required 8 hours of instruction may direct traffic or operate a traffic control device only at a fixed location and only upon the direction, but not the immediate supervision, of a fully qualified law enforcement officer.<sup>8</sup> A nongovernmental entity may employ a traffic control officer to control traffic on public streets, highways, or roads only when off-duty, full-time law enforcement officers are unavailable.

---

<sup>2</sup> *Id.*

<sup>3</sup> Section 316.75, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Email, Florida Department of Transportation, School Crossing Guard Program (Jan. 10, 2020); Telephone interview with Government Affairs Director, Florida Sheriffs Association (Jan. 10, 2020). Counties and municipalities are authorized to impose a surcharge on parking fines for the purpose of funding school crossing guard programs. Section 318.21(11), F.S.; Florida Department of Transportation, *supra* note 1, at 1.

<sup>6</sup> Section 316.640(4), F.S.

<sup>7</sup> Florida Department of Law Enforcement, *Senate Bill 754 Legislative Bill Analysis* (December 23, 2019).

<sup>8</sup> Section 316.640(4), F.S.

Florida law provides minimum qualifications for employment or appointment as a law enforcement officer and also directs the CJST to establish minimum employment and training standards.<sup>9</sup> Florida law specifies that a traffic control officer is not required to meet the uniform minimum standards established by the CJST for law enforcement officers or auxiliary law enforcement officers.<sup>10</sup>

### ***Private School***

Private schools operating in Florida are allowed to be organized as either for-profit or nonprofit entities.<sup>11</sup> Persons opening a private elementary or secondary school in Florida are required to complete two basic steps:

- (1) Establish the private school; and
- (2) Register the existence of the private school, once established, with the Department of Education (DOE).<sup>12</sup>

### ***Establishment of a Private School***

Applications to establish a for-profit or nonprofit organization for the purpose of creating a private elementary or secondary school are processed by the Office of the Secretary of State, Division of Corporations.<sup>13</sup> For-profit private schools must pay an occupational business tax and obtain a Business Tax Certificate issued by the local municipality. Exemptions may be available for nonprofit educational and religious organizations that qualify as tax exempt under s. 501(c)(3) of the United States Internal Revenue Code. However, a nonprofit private school may still be required to obtain a Business Tax Certificate at no charge.<sup>14</sup>

### ***Registering the Existence of a Private School with the Department of Education***

The administrator of a private school with students, in any one or more of grades K-12, must register the school with the DOE and annually report (through the annual private school survey) student enrollments by grade or special group (e.g., career education and exceptional child education).<sup>15</sup>

The DOE is required to maintain and annually update a database of private schools in the state<sup>16</sup> and make private school information available to the public.<sup>17</sup> In order to complete the registration process, a private school must mail a signed, notarized copy of the annual private school survey to the DOE. The school will then be listed in the Directory of Private Schools.<sup>18</sup>

---

<sup>9</sup> Sections 943.12 and 943.13, F.S.

<sup>10</sup> Section 316.640(4), F.S.

<sup>11</sup> Section 1002.01(2), F.S.

<sup>12</sup> Florida Department of Education, *Opening A Private School*, available at <http://www.fldoe.org/schools/school-choice/private-schools/opening-a-private-school.stml> (last visited February 4, 2020).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Section 1002.42(2), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> Section 1002.42(2)(f), F.S.

<sup>18</sup> *Supra*, note 12

**III. Effect of Proposed Changes:**

CS/CS/SB 754 provides alternate training requirements for school crossing guards employed by a private school, as defined in s. 1002.01, F.S., and registered under s.1002.42, F.S. The CS provides that the local county sheriff may approve a private school crossing guard at fixed locations, approved by the sheriff of the county, on private school property or the portion of a county road with egress or ingress to private school property if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the CJST or a similar program offered by the police or sheriff's department within the county.

The CS also provides that a school crossing guard who completes the required instruction in traffic control procedures and is approved by the local sheriff:

- May perform his or her duties without the immediate supervision of a fully qualified law enforcement officer.
- Is not required to meet the uniform minimum standards established by the CJST for law enforcement officers or auxiliary law enforcement officers.

The CS takes effect July 1, 2020.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 316.75

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS/CS by Infrastructure and Security on February 3, 2020:**

- Corrects a reference from "school guard" to "school crossing guard"; and
- Requires a private school to be registered under s. 1002.42, F.S., in the DOE database.

**CS by Education on January 21, 2020**

- The committee substitute corrects the name of the entity responsible for training to the "Criminal Justice Standards and Training Commission."

**B. Amendments:**

None.



304932

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

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The Committee on Infrastructure and Security (Baxley)  
recommended the following:

**Senate Amendment**

Delete lines 26 - 33

and insert:

required of each school crossing guard except:

(a)~~(1)~~ A person who received equivalent training during  
employment as a law enforcement officer.

(b)~~(2)~~ A person who receives less than \$5,000 in annual  
compensation in a county with a population of less than 75,000.

(c)~~(3)~~ A student who serves in a school patrol.



304932

11       (3)(a) Upon approval of the sheriff of the county in which  
12 a private school, as defined in s. 1002.01 and registered under  
13 s. 1002.42, is located, a school

By the Committee on Education; and Senator Baxley

581-02437-20

2020754c1

A bill to be entitled

An act relating to school crossing guards; amending s. 316.75, F.S.; authorizing a school crossing guard employed by a private school, upon approval of the sheriff of the county in which such private school is located, to direct traffic at certain locations under certain circumstances; providing that the school crossing guard is not required to meet specified uniform minimum standards; authorizing the school crossing guard to perform his or her duties without the immediate supervision of a fully qualified law enforcement officer if approved by the sheriff of the county; providing an effective date.

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

Section 1. Section 316.75, Florida Statutes, is amended to read:

316.75 School crossing guards.—

(1) The Department of Transportation shall adopt uniform guidelines for the training of school crossing guards. Each local governmental entity administering a school crossing guard program shall provide a training program for school crossing guards according to the uniform guidelines.

(2) Successful completion of the training program shall be required of each school guard except:

(a) ~~(1)~~ A person who received equivalent training during employment as a law enforcement officer.

(b) ~~(2)~~ A person who receives less than \$5,000 in annual

581-02437-20

2020754c1

compensation in a county with a population of less than 75,000.

~~(c)~~ ~~(3)~~ A student who serves in a school patrol.

(3) (a) Upon approval of the sheriff of the county in which a private school, as defined in s. 1002.01, is located, a school crossing guard employed by the private school may direct traffic at fixed locations, approved by the sheriff of the county, on private school property or the portion of a county road with egress or ingress to private school property if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Criminal Justice Standards and Training Commission or through a similar program offered by the sheriff's department of the county or police department within the county.

(b) A school crossing guard under this subsection is not required to otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13.

(c) If approved by the sheriff of the county, a school crossing guard under this subsection may perform his or her duties without the immediate supervision of a fully qualified law enforcement officer.

(4) School crossing guard training programs may be made available to nonpublic schools upon contract.

Section 2. This act shall take effect July 1, 2020.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

SB 754

Bill Number (if applicable)

Topic School Crossing Guards

Amendment Barcode (if applicable)

Name Mary-Lynn Cullen

Job Title Legislative Liaison

Address 1674 University Pkwy

Phone 941-928-0278

Street

Sanasota

Fl.

State

34243

Zip

Email acchildren@aol.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Advocacy Institute For Children

ing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

ate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this  
no do speak may be asked to limit their remarks so that as many persons as possible can be heard.

part of the public record for this meeting.

S-001 (10/14/14)



**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 Infrastructure and Security

---

BILL: CS/SB 1148

INTRODUCER: Infrastructure and Security Committee and Senator Brandes

SUBJECT: Electric Bicycles

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	<b>Fav/CS</b>
2.			CA	
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1148 addresses the definition and operation of electric bicycles (e-bikes) within a three-tiered classification system, revising a number of related definitions. The bill creates regulations governing the operation of e-bikes, affording an e-bike or e-bike operator with all of the rights and privileges, and subjecting them to all of the duties, of a bicycle or bicycle operator. E-bikes are authorized to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths. However, the bill provides that the new e-bike regulations may not be construed to prevent a local government from regulating the operation of e-bikes on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; or to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle lane, bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an e-bike on such lanes, paths, or trail networks.

The bill provides that an e-bike or an e-bike operator is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles. Additionally, the bill sets out labeling requirements for manufacturers and distributors of electric bicycles and prohibits tampering with or modifying an electric bicycle unless the label is replaced after modification.

The bill will likely have a negative but insignificant fiscal impact to the State Transportation Trust Fund and the Highway Safety Operating Trust Fund. The fiscal impact to local governments is indeterminate. See the “Fiscal Impact Statement” for additional information. The bill takes effect July 1, 2020.

## II. Present Situation:

In 2002, Congress amended the Consumer Product Safety Commission (CPSC) definition of e-bikes.<sup>1</sup> The law defines a low-speed e-bike as “A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.” The federal law permits e-bikes to be powered by the motor alone (a “throttle-assist” e-bike), or by a combination of motor and human power (a “pedal-assist” e-bike).<sup>2</sup>

Devices that meet the federal definition of an e-bike are regulated by the CPSC and must meet bicycle safety standards. However, federal law only applies to e-bikes’ product standards and safety, and only specifies the maximum speed that an e-bike can travel under motor power alone. It does not provide a maximum speed when the bicycle is being propelled by a combination of human and motor power. The law does distinguish e-bikes that can travel 20 mph or less under motor power *alone* from motorcycles, mopeds, and motor vehicles.<sup>3</sup> The CPSC has clarified that the federal law does not prohibit e-bikes from traveling faster than 20 mph when using a combination of human and motor power.<sup>4</sup>

While the federal government regulates the manufacturing and first sale of an e-bike, its operation on streets and bikeways remains within each state’s control. Therefore, many states have their own laws that categorize e-bikes with mopeds and other motorized vehicles, require licensure and registration, or do not enable them to be used on facilities such as bike lanes or multi-purpose trails.<sup>5</sup>

For ease of organization of the provisions in SB 1148, the present situation is discussed below in conjunction with the Effect of Proposed Changes.

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<sup>1</sup> House Bill 727, available at <https://www.congress.gov/bill/107th-congress/house-bill/727/text> (last visited January 28, 2020).

<sup>2</sup> National Conference of State Legislatures, *State Electric Bicycle Laws: A Legislative Primer* (March 28, 2019), available at <https://www.ncsl.org/research/transportation/state-electric-bicycle-laws-a-legislative-primer.aspx> (last visited January 28, 2020).

<sup>3</sup> *Id.* Emphasis added.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

## Bicycle Regulation

### *Present Situation*

#### State Bicycle Regulation:

Section 316.003(4), F.S., defines a “bicycle” as “every vehicle propelled solely by human power, and *every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride*, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.”<sup>6</sup> The term does not include:

- Such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, or
- A scooter or similar device.

That section prohibits a person under the age of 16 from operating or riding upon a motorized bicycle.<sup>7</sup>

Under current law, every person propelling a vehicle *by human power* has all of the rights and duties applicable to any other vehicle driver and is generally required to obey the same rules of the road as other vehicle operators, including traffic signs, signals, and lane markings.<sup>8</sup> Section 316.2065, F.S., governs the operation of bicycles in Florida and provides a number of regulations, including:

- A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet.<sup>9</sup>
- A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless the child possesses a bicycle helmet or the lessor provides a bicycle helmet for the child to wear.<sup>10</sup>
- Every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.<sup>11</sup>
- A person operating a bicycle on a sidewalk, or across a roadway on a crosswalk, must yield the right-of-way to any pedestrian and must give an audible signal before overtaking and passing the pedestrian.<sup>12</sup>

A person operating a bicycle on a roadway must ride in the bicycle lane, but if there is no bicycle lane, the bicycle operator must ride as close to the right-hand curb or edge of the roadway as practicable, except when:

- Overtaking and passing another bicycle or vehicle proceeding in the same direction.

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<sup>6</sup> Section 316.003(4), F.S. Emphasis added.

<sup>7</sup> *Id.*

<sup>8</sup> Section 316.2065, F.S.

<sup>9</sup> Section 316.2065(3)(d), F.S.

<sup>10</sup> Section 316.2065(15)(a), F.S.

<sup>11</sup> Section 316.2065(7), F.S.

<sup>12</sup> Section 316.2065(10), F.S.

- Preparing for a left turn at an intersection or into a private road or driveway.
- Reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.<sup>13</sup>

Bicycle operators traveling on a one-way highway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of the roadway as practicable<sup>14</sup> and bicycle operators may not ride more than two abreast on a roadway.<sup>15</sup>

With respect to vehicle drivers relative to a bicycle or other nonmotorized vehicle on the roadway, a driver overtaking either must pass at a safe distance of not less than three feet between the vehicle and the bicycle or nonmotorized vehicle.<sup>16</sup>

Bicycles are currently excluded from provisions of law relating to child restraint requirements,<sup>17</sup> safety belt usage,<sup>18</sup> vehicle registration,<sup>19</sup> driver licensing,<sup>20</sup> minimum insurance requirements,<sup>21</sup> and waste tire and lead-acid battery requirements.<sup>22</sup>

#### Motorized Bicycle Registration:

For purposes of vehicle registration, s. 320.01, F.S., currently provides that a “motor vehicle” does not include bicycles. However, among other fees, s. 320.08, F.S., imposes a \$5 flat fee for registration (or renewal of registration) of mopeds and motorized bicycles. In addition, a \$2.50 motorcycle safety education fee is imposed on mopeds, which is deposited into the Highway Safety Operating Trust Fund (HSOTF).<sup>23</sup> The Department of Highway Safety and Motor Vehicles advises that moped and motorized bicycle registration data is combined and provides the following information on moped *and* motorized bicycle registration:<sup>24</sup>

<sup>13</sup> Section 316.2065(5)(a), F.S. For purposes of subsection (5), a substandard width lane is any lane that is too narrow for a bicycle and another vehicle to travel safely side-by-side within the lane.

<sup>14</sup> Section 316.2065(5)(b), F.S.

<sup>15</sup> Section 316.2065(6), F.S.

<sup>16</sup> Section 316.083, F.S.

<sup>17</sup> Section 316.613(2), F.S.

<sup>18</sup> Section 316.614(3)(a), F.S.

<sup>19</sup> Section 320.01(1), F.S.

<sup>20</sup> Section 322.01(27) and (44), F.S.

<sup>21</sup> Section 324.021(1), F.S.

<sup>22</sup> Section 403.717(1), F.S.

<sup>23</sup> Section 320.08(1)(c), F.S. These funds may be used to fund a motorcycle driver improvement program, the Florida Motorcycle Safety Education Program, or the general operations of the Department of Highway Safety and Motor Vehicles.

<sup>24</sup> See email to House Committee Staff, January 9, 2020 (on file in the Senate Infrastructure and Security Committee). Section 320.20, F.S., after other distributions, directs the remainder of revenue derived from registration of motor vehicles for deposit in the State Transportation Trust Fund.

Registration Transactions		
FY 2016-17	FY 2017-18	FY 2018-19
2,389	2,159	1,951
Revenue Distribution		
STTF (\$5)		
\$11,945.00	\$10,795.00	\$9,755.00
HSOFT (\$2.50)		
\$5,972.50	\$5,397.50	\$4,877.50

### Local Regulation of Bicycles and Other Motorized Transportation Modes:

Local authorities, in the exercise of their police power, are authorized to regulate the operation of bicycles.<sup>25</sup> Additionally, local authorities may prohibit or regulate the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic.<sup>26</sup> As the definition of “bicycles” currently includes motorized bicycles, local authorities are authorized to impose regulations under both grants of power.

Current law prohibits a person from driving any vehicle *other than by human power* upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.<sup>27</sup> However, exceptions to the prohibition are made with respect to local regulation, and current law provides that:

- A county or municipality may enact an ordinance to regulate the operation of vehicles, golf carts, mopeds,<sup>28</sup> motorized scooters,<sup>29</sup> and electric personal assistive mobility devices<sup>30</sup> on sidewalks or sidewalk areas when such use is permissible under federal law, if the vehicles or devices are restricted to a maximum speed of 15 mile per hour in such areas.<sup>31</sup>

<sup>25</sup> Section 316.008(1)(h), F.S.

<sup>26</sup> Section 316.008(1)(n), F.S.

<sup>27</sup> Section 316.1995, F.S.

<sup>28</sup> The term “moped” means “any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.” Section 316.003(41), F.S.

<sup>29</sup> The term “motorized scooter” means “any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground.” Section 316.003(45), F.S.

<sup>30</sup> The term “electric personal assistive mobility device” means “any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.” These devices, however, are not vehicles as defined in s. 316.003, F.S. Section 316.003(22), F.S.

<sup>31</sup> Section 316.008(7)(a), F.S.

- A personal delivery device<sup>32</sup> and a mobile carrier<sup>33</sup> may be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law, except that a county or municipality may adopt regulations for the safe operation of personal delivery devices and mobile carriers. A personal delivery device may not be operated on the Florida Shared-Use Nonmotorized Trail Network or components of the Florida Greenways and Trails System.<sup>34</sup> As its title indicates, the network consists “of a statewide network of nonmotorized trails which *allows nonmotorized vehicles and pedestrians* to access a variety of origins and destinations *with limited exposure to motorized vehicles*.”<sup>35</sup>
- A local governmental entity may regulate golf cart operation on sidewalks adjacent to specific segments of municipal streets, county roads, or state highways within the jurisdictional territory of the local governmental entity if:
  - The local entity determines, after considering the condition and current use of the sidewalks, the character of the surrounding community, and the locations of authorized golf cart crossings, that golf carts, bicycles, and pedestrians may safely share the sidewalk;
  - The local entity consults with the Department of Transportation before adopting the ordinance;
  - The ordinance restricts golf carts to a maximum speed of 15 miles per hour and permits such use on sidewalks adjacent to state highways only if the sidewalks are at least eight feet wide;
  - The ordinance requires golf carts to meet certain equipment requirements;<sup>36</sup> and
  - The local entity posts appropriate signs or otherwise informs residents that the ordinance exists and applies to such sidewalks.<sup>37</sup>
- A local government to regulate the operation of micromobility devices and motorized scooters on streets, highways, sidewalk, and sidewalk areas under the local government’s jurisdiction.<sup>38</sup>

<sup>32</sup> The term “personal delivery device” means “an electrically powered device that (a) is operated on sidewalks and crosswalks and intended primarily for transporting property, (b) weighs less than 80 pounds, excluding cargo; (c) has a maximum speed of 10 miles per hour; and (d) is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.” Section 316.003(55), F.S.

<sup>33</sup> The term “mobile carrier” means “an electrically powered device that (a) is operated on sidewalks and crosswalks and intended primarily for transporting property, (b) weighs less than 80 pounds, excluding cargo; (c) has a maximum speed of 12.5 miles per hour; and (d) is equipped with a technology to transport personal property with the active monitoring of a property owner and primarily designed to remain within 25 feet of the property owner.” Section 316.003(40), F.S. Under current law, a personal delivery device is not a vehicle unless expressly defined by law as a vehicle, and a mobile carrier is not a personal delivery device. Section 316.003(55), F.S.

<sup>34</sup> Section 316.008(7)(b), F.S. Emphasis added. Section 339.81, F.S., creates the Florida Shared-Use Nonmotorized Trail Network as a component of the Florida Greenways and Trails System established in ch. 260, F.S. “The statewide network consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides *nonmotorized* transportation opportunities for bicyclists and pedestrians statewide....” Section 339.81(2), F.S.

<sup>35</sup> Section 339.81(1), F.S. Emphasis added. A bicycle rider or pedestrian on the trail network might, for example, encounter limited exposure to motorized vehicles on an on-road facility no longer than one-half mile connecting two or more nonmotorized trails. See s. 339.81(3)(a), F.S.

<sup>36</sup> Section 316.212(6), F.S., requires a golf cart to be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear-view mirror, and red reflectorized warning devices in both the front and rear.

<sup>37</sup> Section 316.212(8)(b), F.S.

<sup>38</sup> Section 316.2128, F.S.

*Effect of Proposed Changes*Definitions (Sections 1, 2, 4, and 7-15):

**Section 2** of the bill revises s. 316.003, F.S., relating to definitions for the purposes of state uniform traffic control requirements. Specifically, the bill removes the definition of “motorized bicycle” from within the definition of “bicycle.” The bill creates a separate definition for “electric bicycle,” and defines three classes, as follows:

- “Electric bicycle” means “a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:
  - “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
  - “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
  - “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

The bill deletes the provision in the current definition of “bicycle” providing that the term does not include “a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position,” leaving in place exclusion from the definition of a scooter or similar device. This revision means that vehicles with the specified seat height are bicycles and would be subject to all bicycle regulations.

While provided information<sup>39</sup> indicates that this revision is an attempt to address confusion over recumbent bicycles and tricycles,<sup>40</sup> a reading of the plain words of the revision could allow small children to legally operate the described bicycles on highways and streets.<sup>41</sup> However, riders of the described bicycles who are under 16 years of age would be required to wear bicycle helmets.<sup>42</sup>

The bill deletes the provision in the current definition of “bicycle” prohibiting a person under the age of 16 from operating or riding on a motorized bicycle. Presumably, this revision is intended to authorize any person, regardless of age, to operate or ride on an e-bike as defined in the bill.

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<sup>39</sup> Telephone conversation with Becky Afonso, Executive Director, Florida Bicycle Association, January 31, 2020. *See also* FDOT and DHSMV email to committee staff, January 31, 2020 (on file in the Senate Infrastructure and Security Committee).

<sup>40</sup> Merriam-Webster defines “recumbent” with respect to a bicycle as “a bicycle with a wide seat that has a back support and is positioned so that the rider’s legs are extended horizontally forward to the pedals and the body is reclined. Merriam-Webster, available at <https://www.merriam-webster.com/dictionary/recumbent> (last visited January 31, 2020).

<sup>41</sup> *See* s. 316.2065(5)(a), F.S.

<sup>42</sup> Section 316.2065(3)(d), F.S.

This section of the bill also excludes e-bikes from the current definitions of moped,<sup>43</sup> motor vehicle,<sup>44</sup> motorcycle,<sup>45</sup> and motorized scooter.<sup>46</sup> Definition of the terms “bicycle,” “moped,” “motorcycle,” and “motorized scooter” continue to include identification as “vehicles.”

**Section 4** of the bill amends s. 316.027, F.S., relating to vulnerable road users and leaving the scene of a crash, to include a person operating an e-bike within that section’s definition of “vulnerable road user.” This revision has no effect, as under current law, a motorized bicycle rider is already a vulnerable road user.

**Sections 1 and 9 through 15** make conforming revisions, likewise excluding e-bikes from the current definitions of:

- “OHM” or “off-highway motorcycle” in s. 261.03(4), F.S., for purposes of off-highway vehicle safety and recreation provisions.
- “Motor vehicle” in s. 316.613(2), F.S., relating to child restraint requirements; in s. 316.614(3)(a), relating to safety belt usage; in s. 320.01(1), F.S., relating to motor vehicle registration; in s. 322.01(27), F.S., relating to driver licensing; in s. 324.021(1), relating to minimum insurance requirements; in s. 403.717(1), F.S., relating to waste tire and lead-acid battery requirements; and in s. 681.102(14), F.S., relating to motor vehicle sales warranties.
- “Vehicle” in s. 322.01(44), F.S., relating to driver licensing.

State and Local Regulation of E-bikes (Sections 3, 5, and 8):

**Section 3** amends s. 316.008(7)(a), F.S., relating to powers of local authorities with respect to traffic control, authorizing a county or municipality to enact an ordinance regulating the operation of e-bikes on sidewalks and sidewalk areas when such use is permissible under federal law.<sup>47</sup> Under current state law, the ordinance must restrict e-bikes to a maximum speed of 15 miles per hour in such areas. While federal law *authorizes* state and local regulations permitting the use of e-bikes on sidewalks, whether to undertake such state or local regulation is within state or local government discretion.

**Section 8** creates s. 316.20655, F.S., establishing regulations governing the operation of e-bikes and providing that an e-bike or an e-bike operator shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or a bicycle operator, including s. 316.2065, F.S.,

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<sup>43</sup> *Supra* note 28.

<sup>44</sup> Currently defined, except when used in s. 316.1001, F.S., relating to toll payment, as “a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.” Section 316.003(43), F.S.

<sup>45</sup> Currently defined as “any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground,” including an autocycle, but the term “does not include a tractor, a moped, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements of the National Highway Traffic Safety Administration for a motorcycle.” Section 316.003(44), F.S.

<sup>46</sup> *Supra* note 29.

<sup>47</sup> 23 U.S.C. s. 217 authorizes a state to expend certain funds for construction of pedestrian walkways (sidewalks) and bicycle transportation facilities and for carrying out non-construction projects related to safe bicycle use. 23 U.S.C. s. 217(h) specifically prohibits motorized vehicles on trails and pedestrian walkways if such funds are used by the state to construct them, except for maintenance purposes; when snow conditions and state or local regulations permit, snowmobiles; motorized wheelchairs; when state or local regulations permit, electric bicycles; and such other circumstances as the U.S.D.O.T. Secretary deems appropriate. Failure to comply can result in the state’s loss of those federal funds.



governing the operation of bicycles. However, the bill provides that the new section of law may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, F.S., from adopting an ordinance governing the operation of e-bikes on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; or to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle lane, bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an e-bike on such lanes, paths, or trail networks.

Under the bill, an e-bike is considered a vehicle to the same extent as a bicycle, and the bill authorizes an e-bike to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, bicycle or multiuse paths, and trail networks, unless restricted or prohibited as authorized.

Like bicycles under current law, the bill provides that an e-bike or an operator of an e-bike is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles. These provisions have no effect, as bicycles are already excluded from those provisions, except that "motorized" bicycles as currently defined are subject to the described registration fees. E-bikes will not be subject to registration fees.

The bill also requires that an e-bike must function so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

Beginning January 1, 2021, the bill requires manufacturers and distributors of e-bikes to apply a label that is permanently affixed in a prominent location to each e-bike containing the classification number, top assisted speed, and motor wattage of the e-bike. The bill prohibits a person from tampering with or modifying an e-bike in order to change the motor-powered speed capability or engagement of an e-bike, unless the label indicating the classification number required is replaced after such modification. E-bikes must comply with the equipment and manufacturing requirements for bicycles adopted by the CPSC.<sup>48</sup> The latter provision is a restatement of current law, as bicycles (including e-bikes) must already comply with the requirements of applicable federal law.

**Section 5** amends s. 316.083, F.S., to include e-bikes in the provisions of law relating to a driver overtaking a bicycle or other nonmotorized vehicle. Under the bill, a driver overtaking an e-bike must pass the e-bike at a safe distance of not less than three feet between the vehicle and the e-bike.

#### Motorized Bicycle Registration (Section 16):

**Section 16** amends s. 320.08, F.S., to repeal the imposition of the \$5 flat fee for registration or registration renewal, as well as the \$2.50 safety education fee, imposed on motorized bicycles. \$5 flat fee for registration (or renewal of registration) of mopeds and motorized bicycles. These fees will no longer be collected and distributed into the State Transportation Trust Fund and the Highway Safety Operating Trust Fund.

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<sup>48</sup> 16 C.F.R. Part 1512 applies to bicycles and e-bikes.

Additional Technical and Conforming Changes (Sections 6, 7, 175, and 186):

**Section 6** amends s. 316.1995, F.S., relating to driving on a sidewalk or bicycle path, to insert a cross-reference to the e-bike regulations in new section 316.20655, F.S.

**Section 7** amends s. 316.2065(3)(d), F.S., to remove references to obsolete bicycle helmet safety standards, leaving in place reference to the federal safety standard for bicycle helmets in 16 C.F.R. part 1203.

**Section 17 and 18** amend ss. 316.306 and 655.960, F.S., to correct cross-references made necessary by the revisions to the definitions in s. 316.003, F.S.

**III. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**IV. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

The bill will likely have a negative but insignificant fiscal impact to the State Transportation Trust Fund and Highway Safety Operating Trust Fund. In FY 2018-19, \$14,633 was collected by the Department of Highway Safety and Motor Vehicles (DHSMV) for both moped and motorized bicycle registration fees.<sup>49</sup> Because the data is collected and stored together, it is uncertain what percent of the \$14,633 is associated with motorized bicycle registration fees that would not be collected under the bill. The DHSMV advises its Division of Motorist Services will be required to modify its existing procedures, website, driver license handbook, and communications to specific stakeholders, including tax collectors, but assigned no dollar value to these expenses.<sup>50</sup>

Local governments that choose to hold public hearings for the purpose of restricting or prohibiting the operation of an e-bike on bicycle or multi-use paths may incur indeterminate but likely insignificant expenses, offset by possible penalties for violation of any restriction or limitation adopted by the local government. However, the fiscal impact to local governments is indeterminate.

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

The bill deletes the provision in the current definition of “bicycle” prohibiting a person under the age of 16 from operating or riding on a motorized bicycle. Presumably, this revision is intended to authorize any person, regardless of age, to operate or ride on an electric bicycle as defined in the bill. The bill may need revision to ensure that such authorization is or is not intended.

Representatives of the Florida Bicycle Association have expressed some concerns with the e-bike three-class definition. One concern is that the class 2 e-bike does not need pedal assist to engage and may be more similar to a motorized vehicle than a bicycle. Another concern is that the class 3 e-bike can reach speeds of 28 mph, which may be too fast to safely operate on sidewalks or multi-use paths.<sup>51</sup>

Likewise, some environmental groups, mountain bikers, hunters, and anglers in other states have voiced opposition to the authorization of e-bikes on public trails. Their concerns relate to damage to the trails, overcrowding of the trails, and too much access to wildlife habitats.<sup>52</sup>

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<sup>49</sup> *Supra* note 26.

<sup>50</sup> See the DHSMV’s 2020 Legislative Bill Analysis for SB 1148 (on file in the Senate Infrastructure and Security Committee).

<sup>51</sup> See email to House committee staff, November 11, 2019 (on file in the Senate Infrastructure and Security Committee).

<sup>52</sup> See Kurt Repanshek, *Dozens of Conservation Groups Oppose eBikes on Non-Motorized Trails*, National Parks Traveler (August 7, 2019), available at <https://www.nationalparkstraveler.org/2019/08/dozens-conservation-groups-oppose-ebikes-non-motorized-trails> (last visited January 31, 2020).

**VII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 261.03, 316.003, 316.027, 316.083, 316.1995, 316.613, 316.614, 320.01, 322.01, 324.021, 403.717, 681.102, 320.08, 316.306, and 655.960.

This bill creates the following sections of the Florida Statutes: 316.20655.

**VIII. Additional Information:**

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

**CS by Infrastructure and Security on February 3, 2020:**

The committee substitute:

- Removes obsolete language relating to bicycle helmets, leaving reference to the existing federal safety standard for bicycle helmets.
- Removes a current exclusion for a bicycle with a specified seat height from the definition of “bicycle,” thereby subjecting the described bicycles to bicycle regulations.
- Authorizes a county or municipality to enact an ordinance to regulate the operation of e-bikes on sidewalks and sidewalk areas when permissible under federal law if the ordinance restricts the maximum speed of an e-bike to 15 miles per hour.
- Provides that the new e-bike regulations may not be construed to prevent a local government from adopting an ordinance governing the operation of e-bikes on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction; or to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle lane, bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an e-bike on such lanes, paths, or trail networks.
- Removes the provision requiring a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path to provide notice and hold a public hearing before restricting or prohibiting the operation of an e-bike on the path if the entity finds that such a restriction is necessary in the interest of public safety or to comply with other laws or legal obligations.

**B. Amendments:**

None.



237532

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Brandes)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 54 - 73

and insert:

Section 1. Paragraph (d) of subsection (3) of section  
316.2065, Florida Statutes, is amended to read:

316.2065 Bicycle regulations.—

(3)

(d) A bicycle rider or passenger who is under 16 years of  
age must wear a bicycle helmet that is properly fitted and is



237532

fastened securely upon the passenger's head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. ~~A helmet purchased before October 1, 2012, which meets the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016.~~ As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

Section 2. Present subsections (22) through (104) of section 316.003, Florida Statutes, are redesignated as subsections (23) through (105), respectively, a new subsection (22) is added to that section, and subsection (4) and present subsections (41), (43), (44), (45), and (61) of that section are amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(4) BICYCLE.—Every vehicle propelled solely by human power, ~~and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride,~~ having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does



237532

~~not include such a vehicle with a seat height of no more than 25  
inches from the ground when the seat is adjusted to its highest  
position or a scooter or similar device. A person under the age~~

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

And the title is amended as follows:

Between lines 4 and 5

insert:

316.2065, F.S.; deleting obsolete language; amending  
s.



905948

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Brandes)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 176 - 184  
and insert:

Section 6. Paragraph (a) of subsection (7) of section  
316.008, Florida Statutes, is amended to read:

316.008 Powers of local authorities.—

(7)(a) A county or municipality may enact an ordinance to  
permit, control, or regulate the operation of vehicles, golf  
carts, mopeds, motorized scooters, electric bicycles, and





905948

electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

Section 7. Section 316.20655, Florida Statutes, is created to read:

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including those identified in s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas that are under the local government's jurisdiction.

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

And the title is amended as follows:

Delete lines 14 - 19

and insert:

sidewalks and bicycle paths; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance regulating the operation of electric bicycles on sidewalks or sidewalk areas when such use is permissible under federal law; restricting the speed of electric bicycles in such areas; creating s.



905948

40        316.20655, F.S.; providing electric bicycle  
41        regulations; providing for rights and privileges of  
42        electric bicycles and operators of electric bicycles;  
43        providing that electric bicycles are vehicles to the  
44        same extent as bicycles; providing construction;  
45        providing that electric bicycles and



770776

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Lee) recommended the following:

**Senate Amendment to Amendment (905948)**

Delete line 28  
and insert:  
the local government's jurisdiction; or to prevent a  
municipality, county, or agency of the state having jurisdiction  
over a bicycle lane, bicycle path, multiuse path, or trail  
network from restricting or prohibiting the operation of an  
electric bicycle on a bicycle lane, bicycle path, multiuse path,  
or trail network.



341430

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Brandes)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 207 - 217  
and insert:

(7) An operator may ride an electric bicycle where bicycles  
are allowed, including, but not limited to, streets, highways,  
roadways, shoulders, bicycle lanes, and bicycle or multiuse  
paths.

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



341430

11 And the title is amended as follows:  
12       Delete lines 31 - 33  
13 and insert:  
14       amending ss. 316.613, 316.614, and 320.01,

By Senator Brandes

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1 A bill to be entitled  
 2 An act relating to electric bicycles; amending s.  
 3 261.03, F.S.; revising the definition of the term  
 4 "OHM" or "off-highway motorcycle"; amending s.  
 5 316.003, F.S.; revising definitions relating to the  
 6 Florida Uniform Traffic Control Law; defining the term  
 7 "electric bicycle"; amending s. 316.027, F.S.;  
 8 revising the definition of the term "vulnerable road  
 9 user"; amending s. 316.083, F.S.; requiring the driver  
 10 of a vehicle overtaking an electric bicycle to pass  
 11 the electric bicycle at a certain distance; amending  
 12 s. 316.1995, F.S.; expanding exceptions to a  
 13 prohibition on persons driving certain vehicles on  
 14 sidewalks and bicycle paths; creating s. 316.20655,  
 15 F.S.; providing electric bicycle regulations;  
 16 providing for rights and privileges of electric  
 17 bicycles and operators of electric bicycles; providing  
 18 that electric bicycles are vehicles to the same extent  
 19 as bicycles; providing that electric bicycles and  
 20 operators of electric bicycles are not subject to  
 21 specified provisions; requiring manufacturers and  
 22 distributors, beginning on a specified date, to apply  
 23 a label containing certain information to each  
 24 electric bicycle; prohibiting persons from tampering  
 25 with or modifying electric bicycles for certain  
 26 purposes; providing an exception; requiring electric  
 27 bicycles to comply with specified provisions of law;  
 28 requiring electric bicycles to operate in a manner  
 29 that meets certain requirements; authorizing operators

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30 to ride electric bicycles where bicycles are allowed;  
 31 authorizing municipalities, counties, and agencies to  
 32 regulate the use of electric bicycles on certain  
 33 paths; amending ss. 316.613, 316.614, and 320.01,  
 34 F.S.; revising the definition of the term "motor  
 35 vehicle"; amending s. 322.01, F.S.; revising the  
 36 definitions of the terms "motor vehicle" and  
 37 "vehicle"; amending ss. 324.021, 403.717, and 681.102,  
 38 F.S.; revising the definition of the term "motor  
 39 vehicle"; amending s. 320.08, F.S.; conforming a  
 40 provision to changes made by the act; amending ss.  
 41 316.306 and 655.960, F.S.; conforming cross-  
 42 references; providing an effective date.  
 43  
 44 Be It Enacted by the Legislature of the State of Florida:  
 45  
 46 Section 1. Subsection (4) of section 261.03, Florida  
 47 Statutes, is amended to read:  
 48 261.03 Definitions.—As used in this chapter, the term:  
 49 (4) "OHM" or "off-highway motorcycle" means any motor  
 50 vehicle used off the roads or highways of this state that has a  
 51 seat or saddle for the use of the rider and is designed to  
 52 travel with not more than two wheels in contact with the ground,  
 53 but excludes a tractor, an electric bicycle, or a moped.  
 54 Section 2. Present subsections (22) through (104) of  
 55 section 316.003, Florida Statutes, are redesignated as  
 56 subsections (23) through (105), respectively, a new subsection  
 57 (22) is added to that section, and subsection (4) and present  
 58 subsections (41), (43), (44), (45), and (61) of that section are

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amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(4) BICYCLE.—Every vehicle propelled solely by human power, ~~and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride,~~ having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. ~~A person under the age of 16 may not operate or ride upon a motorized bicycle.~~

(22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" means an electric bicycle

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equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

~~(42)-(41)~~ MOPED.—Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

~~(44)-(43)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of s. 316.1001, "motor vehicle" has the same meaning as provided in s. 320.01(1)(a).

~~(45)-(44)~~ MOTORCYCLE.—Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an auticycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

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~~(46)(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.

~~(62)(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 3. Paragraph (b) of subsection (1) of section 316.027, Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.—

(1) As used in this section, the term:

(b) "Vulnerable road user" means:

1. A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

2. A person operating a bicycle, an electric bicycle, a motorcycle, a scooter, or a moped lawfully on the roadway;

3. A person riding an animal; or

4. A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

a. A farm tractor or similar vehicle designed primarily for farm use;

b. A skateboard, roller skates, or in-line skates;

c. A horse-drawn carriage;

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d. An electric personal assistive mobility device; or

e. A wheelchair.

Section 4. Subsection (1) of section 316.083, Florida Statutes, is amended to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle, or an electric bicycle, must pass the bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle at a safe distance of not less than 3 feet between the vehicle and the bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle.

Section 5. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, s. 316.20655, s. 316.212(8), or s. 316.2128, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.



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175 (3) This section does not apply to motorized wheelchairs.  
 176 Section 6. Section 316.20655, Florida Statutes, is created  
 177 to read:  
 178 316.20655 Electric bicycle regulations.—  
 179 (1) Except as otherwise provided in this section, an  
 180 electric bicycle or an operator of an electric bicycle shall be  
 181 afforded all the rights and privileges, and be subject to all of  
 182 the duties, of a bicycle or the operator of a bicycle, including  
 183 s. 316.2065. An electric bicycle is a vehicle to the same extent  
 184 as a bicycle.  
 185 (2) An electric bicycle or an operator of an electric  
 186 bicycle is not subject to the provisions of law relating to  
 187 financial responsibility, driver or motor vehicle licenses,  
 188 vehicle registration, title certificates, off-highway  
 189 motorcycles, or off-highway vehicles.  
 190 (3) Beginning on January 1, 2021, manufacturers and  
 191 distributors of electric bicycles shall apply a label that is  
 192 permanently affixed in a prominent location to each electric  
 193 bicycle. The label must contain the classification number, top  
 194 assisted speed, and motor wattage of the electric bicycle.  
 195 (4) A person may not tamper with or modify an electric  
 196 bicycle so as to change the motor-powered speed capability or  
 197 engagement of an electric bicycle, unless the label indicating  
 198 the classification number required in subsection (3) is replaced  
 199 after such modification.  
 200 (5) An electric bicycle must comply with the equipment and  
 201 manufacturing requirements for bicycles adopted by the United  
 202 States Consumer Product Safety Commission under 16 C.F.R. part  
 203 1512.

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204 (6) An electric bicycle must operate in a manner so that  
 205 the electric motor is disengaged or ceases to function when the  
 206 rider stops pedaling or when the brakes are applied.  
 207 (7) (a) An operator may ride an electric bicycle where  
 208 bicycles are allowed, including, but not limited to, streets,  
 209 highways, roadways, shoulders, bicycle lanes, and bicycle or  
 210 multiuse paths.  
 211 (b) Following notice and a public hearing, a municipality,  
 212 county, or agency of the state having jurisdiction over a  
 213 bicycle or multiuse path may restrict or prohibit the operation  
 214 of an electric bicycle on the path if the municipality, county,  
 215 or agency finds that such a restriction is necessary in the  
 216 interest of public safety or to comply with other laws or legal  
 217 obligations.  
 218 Section 7. Paragraph (e) of subsection (2) of section  
 219 316.613, Florida Statutes, is amended to read:  
 220 316.613 Child restraint requirements.—  
 221 (2) As used in this section, the term "motor vehicle" means  
 222 a motor vehicle as defined in s. 316.003 that is operated on the  
 223 roadways, streets, and highways of the state. The term does not  
 224 include:  
 225 (e) A motorcycle, a moped, ~~a~~ or a bicycle, or an electric  
 226 bicycle.  
 227 Section 8. Paragraph (a) of subsection (3) of section  
 228 316.614, Florida Statutes, is amended to read:  
 229 316.614 Safety belt usage.—  
 230 (3) As used in this section:  
 231 (a) "Motor vehicle" means a motor vehicle as defined in s.  
 232 316.003 which is operated on the roadways, streets, and highways

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of this state. The term does not include:

1. A school bus.
2. A bus used for the transportation of persons for compensation.
3. A farm tractor or implement of husbandry.
4. A truck having a gross vehicle weight rating of more than 26,000 pounds.
5. A motorcycle, a moped, a ~~or~~ bicycle, or an electric bicycle.

Section 9. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, electric bicycles, swamp buggies, or mopeds.

Section 10. Subsections (27) and (44) of section 322.01, Florida Statutes, are amended to read:

322.01 Definitions.—As used in this chapter:

(27) "Motor vehicle" means any self-propelled vehicle, including a motor vehicle combination, not operated upon rails

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or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and electric ~~motorized~~ bicycles as defined in s. 316.003.

(44) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway or operated upon rails or guideway, except a bicycle, motorized wheelchair, or electric ~~motorized~~ bicycle.

Section 11. Subsection (1) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device or mobile carrier as defined in s. 316.003, bicycle, electric bicycle, or moped. However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

Section 12. Paragraph (b) of subsection (1) of section

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291 403.717, Florida Statutes, is amended to read:

292 403.717 Waste tire and lead-acid battery requirements.—

293 (1) For purposes of this section and ss. 403.718 and

294 403.7185:

295 (b) "Motor vehicle" means an automobile, motorcycle, truck,  
296 trailer, semitrailer, truck tractor and semitrailer combination,  
297 or any other vehicle operated in this state, used to transport  
298 persons or property and propelled by power other than muscular  
299 power. The term does not include traction engines, road rollers,  
300 vehicles that run only upon a track, bicycles, electric  
301 bicycles, mopeds, or farm tractors and trailers.

302 Section 13. Subsection (14) of section 681.102, Florida  
303 Statutes, is amended to read:

304 681.102 Definitions.—As used in this chapter, the term:

305 (14) "Motor vehicle" means a new vehicle, propelled by  
306 power other than muscular power, which is sold in this state to  
307 transport persons or property, and includes a recreational  
308 vehicle or a vehicle used as a demonstrator or leased vehicle if  
309 a manufacturer's warranty was issued as a condition of sale, or  
310 the lessee is responsible for repairs, but does not include  
311 vehicles run only upon tracks, off-road vehicles, trucks over  
312 10,000 pounds gross vehicle weight, motorcycles, mopeds,  
313 electric bicycles, or the living facilities of recreational  
314 vehicles. "Living facilities of recreational vehicles" are those  
315 portions designed, used, or maintained primarily as living  
316 quarters and include, but are not limited to, the flooring,  
317 plumbing system and fixtures, roof air conditioner, furnace,  
318 generator, electrical systems other than automotive circuits,  
319 the side entrance door, exterior compartments, and windows other

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320 than the windshield and driver and front passenger windows.

321 Section 14. Section 320.08, Florida Statutes, is amended to  
322 read:

323 320.08 License taxes.—Except as otherwise provided herein,  
324 there are hereby levied and imposed annual license taxes for the  
325 operation of motor vehicles, mopeds, ~~motorized bicycles as~~  
326 ~~defined in s. 316.003(4)~~, tri-vehicles as defined in s. 316.003,  
327 and mobile homes as defined in s. 320.01, which shall be paid to  
328 and collected by the department or its agent upon the  
329 registration or renewal of registration of the following:

330 (1) MOTORCYCLES AND MOPEDS.—

331 (a) Any motorcycle: \$10 flat.

332 (b) Any moped: \$5 flat.

333 (c) Upon registration of a motorcycle, motor-driven cycle,  
334 or moped, in addition to the license taxes specified in this  
335 subsection, a nonrefundable motorcycle safety education fee in  
336 the amount of \$2.50 shall be paid. The proceeds of such  
337 additional fee shall be deposited in the Highway Safety  
338 Operating Trust Fund to fund a motorcycle driver improvement  
339 program implemented pursuant to s. 322.025, the Florida  
340 Motorcycle Safety Education Program established in s. 322.0255,  
341 or the general operations of the department.

342 (d) An ancient or antique motorcycle: \$7.50 flat.

343 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

344 (a) An ancient or antique automobile, as defined in s.  
345 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

346 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

347 (c) Net weight of 2,500 pounds or more, but less than 3,500  
348 pounds: \$22.50 flat.

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349 (d) Net weight of 3,500 pounds or more: \$32.50 flat.  
 350 (3) TRUCKS.—  
 351 (a) Net weight of less than 2,000 pounds: \$14.50 flat.  
 352 (b) Net weight of 2,000 pounds or more, but not more than  
 353 3,000 pounds: \$22.50 flat.  
 354 (c) Net weight more than 3,000 pounds, but not more than  
 355 5,000 pounds: \$32.50 flat.  
 356 (d) A truck defined as a "goat," or other vehicle if used  
 357 in the field by a farmer or in the woods for the purpose of  
 358 harvesting a crop, including naval stores, during such  
 359 harvesting operations, and which is not principally operated  
 360 upon the roads of the state: \$7.50 flat. The term "goat" means a  
 361 motor vehicle designed, constructed, and used principally for  
 362 the transportation of citrus fruit within citrus groves or for  
 363 the transportation of crops on farms, and which can also be used  
 364 for hauling associated equipment or supplies, including required  
 365 sanitary equipment, and the towing of farm trailers.  
 366 (e) An ancient or antique truck, as defined in s. 320.086:  
 367 \$7.50 flat.  
 368 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
 369 VEHICLE WEIGHT.—  
 370 (a) Gross vehicle weight of 5,001 pounds or more, but less  
 371 than 6,000 pounds: \$60.75 flat.  
 372 (b) Gross vehicle weight of 6,000 pounds or more, but less  
 373 than 8,000 pounds: \$87.75 flat.  
 374 (c) Gross vehicle weight of 8,000 pounds or more, but less  
 375 than 10,000 pounds: \$103 flat.  
 376 (d) Gross vehicle weight of 10,000 pounds or more, but less  
 377 than 15,000 pounds: \$118 flat.

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378 (e) Gross vehicle weight of 15,000 pounds or more, but less  
 379 than 20,000 pounds: \$177 flat.  
 380 (f) Gross vehicle weight of 20,000 pounds or more, but less  
 381 than 26,001 pounds: \$251 flat.  
 382 (g) Gross vehicle weight of 26,001 pounds or more, but less  
 383 than 35,000: \$324 flat.  
 384 (h) Gross vehicle weight of 35,000 pounds or more, but less  
 385 than 44,000 pounds: \$405 flat.  
 386 (i) Gross vehicle weight of 44,000 pounds or more, but less  
 387 than 55,000 pounds: \$773 flat.  
 388 (j) Gross vehicle weight of 55,000 pounds or more, but less  
 389 than 62,000 pounds: \$916 flat.  
 390 (k) Gross vehicle weight of 62,000 pounds or more, but less  
 391 than 72,000 pounds: \$1,080 flat.  
 392 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
 393 flat.  
 394 (m) Notwithstanding the declared gross vehicle weight, a  
 395 truck tractor used within the state or within a 150-mile radius  
 396 of its home address is eligible for a license plate for a fee of  
 397 \$324 flat if:  
 398 1. The truck tractor is used exclusively for hauling  
 399 forestry products; or  
 400 2. The truck tractor is used primarily for the hauling of  
 401 forestry products, and is also used for the hauling of  
 402 associated forestry harvesting equipment used by the owner of  
 403 the truck tractor.  
 404 (n) A truck tractor or heavy truck, not operated as a for-  
 405 hire vehicle and which is engaged exclusively in transporting  
 406 raw, unprocessed, and nonmanufactured agricultural or

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horticultural products within the state or within a 150-mile radius of its home address is eligible for a restricted license plate for a fee of:

1. If such vehicle's declared gross vehicle weight is less than 44,000 pounds, \$87.75 flat.

2. If such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, \$324 flat.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility before issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$13.50 flat per registration year or any part thereof.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$68 flat per permanent registration.

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(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: \$44 flat.

(c) A school bus used exclusively to transport pupils to and from school or school or church activities or functions within their own county: \$41 flat.

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: \$41 flat.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$118 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$177 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: \$251 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: \$324 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$405 flat.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$772 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less

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465 than 62,000 pounds: \$915 flat.  
 466 8. Gross vehicle weight of 62,000 pounds or more, but less  
 467 than 72,000 pounds: \$1,080 flat.  
 468 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
 469 flat.  
 470 (f) A hearse or ambulance: \$40.50 flat.  
 471 (6) MOTOR VEHICLES FOR HIRE.—  
 472 (a) Under nine passengers: \$17 flat plus \$1.50 per cwt.  
 473 (b) Nine passengers and over: \$17 flat plus \$2 per cwt.  
 474 (7) TRAILERS FOR PRIVATE USE.—  
 475 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per  
 476 year or any part thereof.  
 477 (b) Net weight over 500 pounds: \$3.50 flat plus \$1 per cwt.  
 478 (8) TRAILERS FOR HIRE.—  
 479 (a) Net weight under 2,000 pounds: \$3.50 flat plus \$1.50  
 480 per cwt.  
 481 (b) Net weight 2,000 pounds or more: \$13.50 flat plus \$1.50  
 482 per cwt.  
 483 (9) RECREATIONAL VEHICLE-TYPE UNITS.—  
 484 (a) A travel trailer or fifth-wheel trailer, as defined by  
 485 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
 486 flat.  
 487 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
 488 \$13.50 flat.  
 489 (c) A motor home, as defined by s. 320.01(1)(b)4.:  
 490 1. Net weight of less than 4,500 pounds: \$27 flat.  
 491 2. Net weight of 4,500 pounds or more: \$47.25 flat.  
 492 (d) A truck camper as defined by s. 320.01(1)(b)3.:  
 493 1. Net weight of less than 4,500 pounds: \$27 flat.

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494 2. Net weight of 4,500 pounds or more: \$47.25 flat.  
 495 (e) A private motor coach as defined by s. 320.01(1)(b)5.:  
 496 1. Net weight of less than 4,500 pounds: \$27 flat.  
 497 2. Net weight of 4,500 pounds or more: \$47.25 flat.  
 498 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
 499 35 FEET TO 40 FEET.—  
 500 (a) *Park trailers.*—Any park trailer, as defined in s.  
 501 320.01(1)(b)7.: \$25 flat.  
 502 (b) *Travel trailers or fifth-wheel trailers.*—A travel  
 503 trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b),  
 504 that exceeds 35 feet: \$25 flat.  
 505 (11) MOBILE HOMES.—  
 506 (a) A mobile home not exceeding 35 feet in length: \$20  
 507 flat.  
 508 (b) A mobile home over 35 feet in length, but not exceeding  
 509 40 feet: \$25 flat.  
 510 (c) A mobile home over 40 feet in length, but not exceeding  
 511 45 feet: \$30 flat.  
 512 (d) A mobile home over 45 feet in length, but not exceeding  
 513 50 feet: \$35 flat.  
 514 (e) A mobile home over 50 feet in length, but not exceeding  
 515 55 feet: \$40 flat.  
 516 (f) A mobile home over 55 feet in length, but not exceeding  
 517 60 feet: \$45 flat.  
 518 (g) A mobile home over 60 feet in length, but not exceeding  
 519 65 feet: \$50 flat.  
 520 (h) A mobile home over 65 feet in length: \$80 flat.  
 521 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
 522 motor vehicle dealer, independent motor vehicle dealer, marine

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boat trailer dealer, or mobile home dealer and manufacturer license plate: \$17 flat.

(13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: \$4 flat, except that the registration or renewal of a registration of a marine boat trailer exempt under s. 320.102 is not subject to any license tax.

(14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25 miles thereof: \$17 flat plus \$2 per cwt.

(15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: \$101.25 flat.

Section 15. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(105) ~~s. 316.003(104)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing

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and educating such persons of this section. This subparagraph shall stand repealed on October 1, 2020.

b. Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.

Section 16. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(84)(a) or (b) ~~s. 316.003(83)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 17. This act shall take effect July 1, 2020.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020  
Meeting Date

1148

Bill Number (if applicable)

34/430

Amendment Barcode (if applicable)

Topic Electric Bicycles

Name Jeff Branch

Job Title Legislative Advocate

Address  
Street

Tallahassee FL

City

State

Zip

Phone 701-3701

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

1148

Bill Number (if applicable)

237532

Amendment Barcode (if applicable)

Topic ELECTRIC Bicycles

Name Becky Afonso

Job Title EXECUTIVE DIRECTOR / Florida Bicycle Association

Address 174 B STATE ST E  
Street

Phone 813-748-1513

Oldsmar  
City

FL  
State

34677  
Zip

Email Becky@floridabicycle.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Bicycle Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

February 3, 2020

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1148

*Bill Number (if applicable)*

Topic Electric bicycles on non-motorized shared-use paths

*Amendment Barcode (if applicable)*

Name Harry van den Berg

Job Title Retired

Address 9029 E Nighthawk Ln

*Street*

Phone (334) 470-6525

Floral City, FL 34436

*City*

*State*

*Zip*

Email harryvdb@centurylink.net

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020  
Meeting Date

1148  
Bill Number (if applicable)

Topic ELECTRIC BICYCLES

Amendment Barcode (if applicable)

Name BECKY AFONSO

Job Title EXECUTIVE DIRECTOR

Address 174 B STATE ST E  
Street

Phone 813-748-1513

OLDSMAR FL 34677  
City State Zip

Email becky@floridabicycle.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLORIDA BICYCLE ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020  
Meeting Date

1148  
Bill Number (if applicable)

Topic Electric Bicycles

Amendment Barcode (if applicable)

Name Jeff Branch

Job Title Legislative Advocate

Address \_\_\_\_\_

Phone 701-3701

Street

Tallahassee

City

FL

State

32302

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: SB 1272

INTRODUCER: Senator Montford

SUBJECT: Statewide Emergency Shelter Task Force

DATE: February 4, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	<b>Favorable</b>
2.			GO	
3.			RC	

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**I. Summary:**

SB 1272 creates the Statewide Emergency Shelter Task Force (SESTF) to make recommendations to the Governor and the Legislature regarding the establishment and operation of state-designated emergency shelters. The recommendations must include, but are not limited to, a review of the local, state, and federal activities organized, planned, and executed at emergency shelters during the past 10 years, with a specific focus on the following:

- A review of all resources, including financial resources, provided in the designation and operation of emergency shelters, and whether the process used to designate and operate emergency shelters was effective in the preparation, operation, and cleanup of such shelters; and
- A quantification of any expenditures for the operation and cleanup of emergency shelters, including repair expenditures for any damage caused by the emergency shelter's occupation which have been less than the actual costs of completing such tasks; the governmental entity that was responsible for paying such uncovered costs; and whether the deficit was due to a lack of resources or a local, state, or federal policy.

The SESTF must provide recommendations regarding the establishment and operation of state-designated emergency shelters to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2020.

The bill provides for an expiration of the SESTF on May 15, 2021.

The bill has an effective date of July 1, 2020.

## **II. Present Situation:**

### **Public Shelters**

The Division of Emergency Management (DEM) is established in the Executive Office of the Governor to serve as the state's emergency management agency.<sup>1</sup> The State Emergency Management Act<sup>2</sup> directs DEM to oversee and manage emergency preparedness, response, recovery, and mitigation programs in Florida.

The DEM currently manages a program for surveying existing public and private buildings, with the owner's written agreement, to identify which facilities are appropriately designed and located to serve as shelters in the event of an emergency. The state university boards of trustees, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the DEM or the local emergency management agency.<sup>3</sup>

Public facilities, including schools, post-secondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals or nursing homes, which are suitable for use as public hurricane evacuation shelters must be made available at the request of the local emergency management agencies, who also must coordinate with these entities to ensure that designated facilities are ready to activate prior to a specific hurricane or disaster. Local emergency management agencies must also coordinate with the appropriate school board, university, community college, state agency, or local governing board when requesting the use of such public facilities as public hurricane evacuation shelters.<sup>4</sup>

The Department of Management Services (DMS) is required to incorporate provisions for the use of suitable leased public facilities as public hurricane evacuation shelters into lease agreements for state agencies. Suitable leased public facilities include leased public facilities that are solely occupied by state agencies and have at least 2,000 square feet of net floor area in a single room or in a combination of rooms having a minimum of 400 square feet in each room. The net square footage of floor area must be determined by subtracting from the gross square footage the square footage of spaces such as mechanical and electrical rooms, storage rooms, open corridors, restrooms, kitchens, science or computer laboratories, shop or mechanical areas, administrative offices, records vaults, and crawl spaces.<sup>5</sup>

The DMS must, in consultation with local and state emergency management agencies, assess DMS facilities to identify the extent to which each facility has public hurricane evacuation shelter space. The DMS must submit proposed facility retrofit projects that incorporate hurricane protection enhancements to the DEM for assessment.<sup>6</sup>

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<sup>1</sup> Section 14.2016, F.S.

<sup>2</sup> Section 252.31, F.S., through s. 252.60, F.S., are known as the State Emergency Management Act. Section 252.31, F.S.

<sup>3</sup> Section 252.385(2)(a), F.S.

<sup>4</sup> Section 252.385(4)(a), F.S.

<sup>5</sup> Section 252.385(4)(b), F.S.

<sup>6</sup> Section 252.385(4)(c), F.S.

The DMS is required to include in the annual state facilities inventory report required under ss. 216.015-216.016, F.S., a separate list of state-owned facilities, including, but not limited to, meeting halls, auditoriums, conference centers, and training centers that have unoccupied space suitable for use as an emergency shelter during a storm or other catastrophic event. Facilities must be listed by the county and municipality where the facility is located and the list must be updated by May 31 of each year.<sup>7</sup>

The DEM is required to prepare a state comprehensive emergency management plan (CEMP) that must be integrated into, and coordinated with, the emergency management plans of the Federal Government.<sup>8</sup> The CEMP<sup>9</sup> must include a shelter component, the Statewide Emergency Shelter Plan (plan),<sup>10</sup> with specific planning provisions and the CEMP must promote shelter activity coordination between the public, private, and nonprofit sectors.<sup>11</sup> The plan must include the following:

- Contain strategies to ensure the availability of adequate shelter space in each region of the state;
- Establish strategies for refuge-of-last-resort programs;
- Provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel;
- Provide for a post disaster communications system for public shelters;
- Establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and
- Set forth policy guidance for sheltering people with special needs.<sup>12</sup>

The plan must be prepared and submitted to the Governor and Cabinet each even-numbered year.<sup>13</sup> The plan, among other requirements, must identify the location and square footage of existing shelters as well as shelters needed in the next five years.<sup>14</sup> The plan must also identify the types of public facilities that should be constructed to comply with emergency-shelter criteria and must recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within these public facilities.<sup>15</sup>

### **Federal Public Assistance for Emergency Shelters**

The Federal Emergency Management Agency (FEMA) provides Public Assistance (PA) funding to State, Territorial, Tribal, and local government Applicants for costs related to emergency sheltering for survivors. Typically such sheltering occurs in facilities with large open spaces,

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<sup>7</sup> Section 252.385(4)(d), F.S.

<sup>8</sup> Section 252.35(2)(a), F.S. ; *see also* s. 1013.372, F.S.

<sup>9</sup> FLA. ADMIN. CODE R. 27P-2.002, incorporates the CEMP by reference; *See* Comprehensive Emergency Management Plan, Division of Emergency Management, available at <https://www.floridadisaster.org/globalassets/importedpdfs/2014-state-cemp-basic-plan.pdf> (last visited January 29, 2020).

<sup>10</sup> 2018 Statewide Emergency Shelter Plan, DIVISION OF EMERGENCY MANAGEMENT, available at <https://www.floridadisaster.org/globalassets/dem/response/sesp/2018/2018-sesp-entire-document.pdf> (last visited January 29, 2020).

<sup>11</sup> Section 252.35(2)(a)2., F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 1013.372(2), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

such as schools, churches, community centers, armories, or other similar facilities. FEMA refers to these shelters as congregate shelters.<sup>16</sup>

Typically, FEMA does not provide PA funding for emergency sheltering in non-congregate environments, which are locations where each individual or household has living space that offers some level of privacy (e.g., hotels, motels, casinos, dormitories, retreat camps, etc.). In limited circumstances, such as when congregate shelters are not available or sufficient, FEMA may reimburse costs related to emergency sheltering provided in non-congregate environments. FEMA's Assistant Administrator for Recovery has the authority to approve this policy exception and the Applicant is required to submit a request for PA funding for costs related to emergency, non-congregate sheltering and obtain FEMA approval prior to sheltering survivors in non-congregate facilities.<sup>17</sup>

FEMA provides for the reimbursement of costs (all or part, depending on the length of time after the event and the FEMA Disaster Declaration<sup>18</sup>) associated with the operation of a shelter facility and the cleaning and restoration of a shelter facility to pre-congregate shelter conditions.<sup>19</sup> Eligible costs related to sheltering include, but are not limited to, the items listed below, as necessary based on the type of shelter and the specific needs of the shelterees. Sheltering and caring for household pets is only eligible while the pet owner is in an emergency shelter.<sup>20</sup>

Shelter facility costs include:

- Facility lease or rent, including space for food preparation;
- Utilities such as power, water, and telephone;
- Minor facility modifications if necessary to make the facility habitable, compliant with the Americans with Disabilities Act, functional as a child care facility, or functional as an animal shelter;
- Restoration to return the facility to its condition prior to use;
- Generator costs; and
- Secure storage space for medical supplies.<sup>21</sup>

### III. Effect of Proposed Changes:

The bill creates the SESTF, a task force as defined in s. 20.03(8), F.S., established adjunct to the DMS. The purpose of the SESTF is to make recommendations to the Governor and the Legislature regarding the establishment and operation of state-designated emergency shelters. The recommendations must include, but are not limited to, a review of the local, state, and

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<sup>16</sup> Federal Emergency Management Agency Public Assistance Program and Policy Guide, FP 104-009-2 / April 2018, available at [https://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG\\_3.1\\_508\\_FINAL\\_5-4-2018.pdf](https://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf) (last visited January 30, 2020).

<sup>17</sup> *Id.*

<sup>18</sup> 44 C.F.R. Part §206, Subpart B., available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=5a67508b6441bcdafc43c537b610741c&mc=true&node=sp44.1.206.b&rgn=div6> (last visited January 30, 2020).

<sup>19</sup> Federal Emergency Management Agency, *FEMA Disaster Assistance Policy*, Disaster Assistance Policy DAP9523.15 at Page 4 of 5, available at <https://www.fema.gov/pdf/government/grant/pa/policy.pdf> (last visited January 30, 2020).

<sup>20</sup> *Supra*, note 16

<sup>21</sup> *Id.*



federal activities organized, planned, and executed at emergency shelters during the past ten years, with a specific focus on the following:

- A review of all resources, including financial resources, provided in the designation and operation of emergency shelters, and whether the process used to designate and operate emergency shelters was effective in the preparation, operation, and cleanup of such shelters; and
- A quantification of any expenditures for the operation and cleanup of emergency shelters, including repair expenditures for any damage caused by the emergency shelter's occupation which have been less than the actual costs of completing such tasks; the governmental entity that was responsible for paying such uncovered costs; and whether the deficit was due to a lack of resources or a local, state, or federal policy.

The SESTF is composed of the following members:

- One member representing state facilities, who shall serve as chair, appointed by the secretary of the Department of Management Services.
- One public school superintendent, appointed by the Commissioner of Education.
- One member representing Florida College System institutions and state universities, appointed by the Chancellor of the State University System.
- One member representing charter schools, appointed by the Commissioner of Education.
- One member representing independent postsecondary institutions, appointed by the Commissioner of Education.
- One member representing emergency response agencies, appointed by the director of the Division of Emergency Management.
- One member representing facilities constructed with the assistance of state funds, appointed by the Governor.

Members will serve at the pleasure of their appointing authority. Any vacancy must be filled in the same manner as the original appointment. A member of the Legislature or a registered legislative or executive branch lobbyist may not be appointed to the SESTF. In accordance with s. 20.052(4)(d), F.S., members shall serve without compensation but are entitled to reimbursement of travel and per diem expenses as provided in s. 112.061, F.S., in the performance of their duties and responsibilities under this section.

The SESTF must report its recommendations regarding the establishment and operation of state-designated emergency shelters to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2020.

The SESTF expires on May 15, 2021.

The bill provides an effective date of July 1, 2020.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The DMS may incur a minor amount of travel and other administrative expenses as the SESTF is housed with the DMS.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section 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.

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

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By Senator Montford

3-01161B-20

20201272\_\_

A bill to be entitled

An act relating to the Statewide Emergency Shelter Task Force; establishing the task force adjunct to the Department of Management Services; specifying the task force's purpose; providing for the membership of the task force; providing requirements and restrictions for members of the task force; authorizing reimbursement for per diem and travel expenses; requiring the task force to report recommendations to the Governor and the Legislature by a specified date; providing for expiration; providing an effective date.

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

Section 1. (1) The Statewide Emergency Shelter Task Force, a task force as defined in s. 20.03(8), Florida Statutes, is established adjunct to the Department of Management Services. The purpose of the task force is to make recommendations to the Governor and the Legislature regarding the establishment and operation of state-designated emergency shelters. The recommendations must include, but are not limited to, a review of the local, state, and federal activities organized, planned, and executed at emergency shelters during the past 10 years, with a specific focus on the following:

(a) A review of all resources, including financial resources, provided in the designation and operation of emergency shelters, and whether the process used to designate and operate emergency shelters was effective in the preparation, operation, and cleanup of such shelters; and

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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(b) A quantification of any expenditures for the operation and cleanup of emergency shelters, including repair expenditures for any damage caused by the emergency shelter's occupation which have been less than the actual costs of completing such tasks; the governmental entity that was responsible for paying such uncovered costs; and whether the deficit was due to a lack of resources or a local, state, or federal policy.

(2) The task force is composed of the following members:

(a) One member representing state facilities, who shall serve as chair, appointed by the secretary of the Department of Management Services.

(b) One public school superintendent, appointed by the Commissioner of Education.

(c) One member representing Florida College System institutions and state universities, appointed by the Chancellor of the State University System.

(d) One member representing charter schools, appointed by the Commissioner of Education.

(e) One member representing independent postsecondary institutions, appointed by the Commissioner of Education.

(f) One member representing emergency response agencies, appointed by the director of the Division of Emergency Management.

(g) One member representing facilities constructed with the assistance of state funds, appointed by the Governor.

(3) Members shall serve at the pleasure of their appointing authority. Any vacancy must be filled in the same manner as the original appointment. A member of the Legislature or a registered legislative or executive branch lobbyist may not be

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 appointed to the task force. In accordance with s. 20.052(4)(d),  
60 Florida Statutes, members shall serve without compensation but  
61 are entitled to reimbursement of travel and per diem expenses as  
62 provided in s. 112.061, Florida Statutes, in the performance of  
63 their duties and responsibilities under this section.

64 (4) The task force shall report its recommendations  
65 regarding the establishment and operation of state-designated  
66 emergency shelters to the Governor, the President of the Senate,  
67 and the Speaker of the House of Representatives by December 15,  
68 2020.

69 (5) This section expires May 15, 2021.

70 Section 2. This act shall take effect July 1, 2020.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 7040

INTRODUCER: Education Committee

SUBJECT: Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission

DATE: Febraury 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Brick, Dew, Bouck, Sagues	Sikes		<b>ED Submitted as Committee Bill</b>
1.	Proctor	Miller	IS	<b>Fav/CS</b>
2.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 7040 provides additional safeguards for Florida's students and schools by building upon the school safety and security foundation established in the Marjory Stoneman Douglas High School Public Safety Act and the recommendations of the Marjory Stoneman Douglas High School Public Safety Commission (commission). The CS:

- Improves school safety planning and reporting to require:
  - Each district school board to adopt a school district emergency event family reunification plan to reunite students and employees with their families in the event of an emergency.
  - The State Board of Education to establish emergency drill policies and procedures.
  - Comprehensive participation from all members of a school threat assessment team.
  - Law enforcement officers responsible for responding to the school in the event of an emergency to be on campus and directly involved in the execution of emergency drills.
  - Alignment of school-based diversion programs with local judicial circuit diversion programs.
  - Each district school board to adopt policies to ensure the accurate and timely reporting of all school safety and discipline incidents.
  - The Office of Safe Schools (OSS) include in school safety specialist training information about federal and state reporting and data privacy laws.
- Enhances the safe school officer position and the role of the county sheriff by:
  - Requiring school safety officers to complete mental health crisis intervention training.

- Expanding the power of school safety officers to make arrests on property owned or leased by a charter school in the district.
- Making the sheriff responsible for the provision of Feis guardian training and clarifying the training requirements applicable to such training.
- Strengthens school mental health coordination and implementation and requires:
  - A workgroup to provide guidance on the implementation of mental health-related recommendations of the commission.
  - Additional reporting requirements for the mental health assistance allocation.
  - Individualized Education Plans to include additional provisions related to post-high school transition.
- Strengthens school safety oversight and accountability by directing the:
  - Commissioner of Education to enforce compliance with all school safety requirements.
  - OSS to coordinate compliance with school safety incident reporting.
  - FortifyFL reporting tool to notify users of consequences for false reporting.
- Expands representation on the commission to include superintendents, principals, or teachers.

The CS takes effect upon becoming a law, unless otherwise specified.

## II. Present Situation:

The present situation for the relevant portions of the CS is discussed under the Effect of Proposed Changes of this CS analysis.

## III. Effect of Proposed Changes:

### School Safety Planning and Reporting

#### *Present Situation*

##### Safety Incident Reporting

Each district school board is required to adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline.<sup>1</sup> The School Environmental Safety Incident Reporting (SESIR) system collects data on incidents related to school safety and discipline that occur on school grounds, school transportation, and off-campus, school-sponsored events.<sup>2</sup> The State Board of Education (SBE or state board) is required to adopt rules establishing the requirements for the SESIR.<sup>3</sup>

The law requires each school principal to ensure that standardized forms prescribed by SBE rule are used to report data concerning school safety and discipline to the Department of Education (DOE).<sup>4</sup> The DOE may notify a district school board to withhold the salary of a district school superintendent who has failed to comply with SESIR reporting requirements and impose other

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<sup>1</sup> Section 1006.07(9), F.S.

<sup>2</sup> FSU Center of Criminology and Florida Department of Education *The Florida School Environmental Safety and Incident Reporting (SESIR) system* (2006), available at <http://criminology.fsu.edu/wp-content/uploads/The-Florida-School-Environmental-Safety-Incident-Reporting-SESIR-System.pdf>, at 1 (last visited January 29, 2020).

<sup>3</sup> *Supra*, note 1.

<sup>4</sup> Section 1006.09(6), F.S.

appropriate sanctions that the Commissioner of Education (commissioner) or state board may impose.<sup>5</sup> A district school board member who is responsible for a violation of the reporting or sanctions requirements applicable to a superintendent is subject to suspension and removal.<sup>6</sup>

District school boards are required to promote a safe and supportive learning environment in schools. In this regard, district school boards are required to adopt policies prohibiting crime and victimization, hazing, bullying and harassment, and dating violence and abuse.<sup>7</sup> School board policies prohibiting bullying and harassment must include procedures for tracking data and reporting incidents to the DOE, which prepares an annual report on bullying and harassment policies to the Governor, the President of the Senate (President), and the Speaker of the House of Representatives (Speaker).<sup>8</sup>

#### School Emergency Response Policies and Procedures

District school boards must formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats, for all students and faculty at all district K-12 public schools.<sup>9</sup>

Drills for active shooter and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. District school board policies must establish model emergency management and emergency preparedness procedures, including emergency notification procedures.<sup>10</sup>

The Florida Safe Schools Assessment Tool (FSSAT) is required to be used by school officials at each school district and public school site in the state in conducting security assessments and is intended to help school officials identify threats, vulnerabilities and appropriate safety controls for the schools that they supervise.<sup>11</sup> The FSSAT is required to address certain components of school safety, such as school emergency and crisis preparedness planning.<sup>12</sup>

#### Threat Assessment Teams

Each district school board must adopt policies for the establishment of threat assessment teams (TATs) at each school.<sup>13</sup> The purpose of TATs is to coordinate resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students. Each TAT must include persons with expertise in counseling, instruction, school administration, and law enforcement.<sup>14</sup> The Office of Safe Schools (OSS) developed the

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<sup>5</sup> Section 1001.212(8), F.S.

<sup>6</sup> Section 1001.42(13)(b), F.S.

<sup>7</sup> Sections 1006.13, 1006.135, 1006.147, and 1006.148, F.S.

<sup>8</sup> Section 1006.147, F.S.

<sup>9</sup> Section 1006.07(4), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 1006.1493, F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 1006.07(7), F.S.

<sup>14</sup> *Id.*



Comprehensive School Threat Assessment Guidelines (CSTAG)<sup>15</sup> for use as a Behavioral Threat Assessment Instrument to assist TATs in the threat assessment process. The law provides specific requirements for the CSTAG, including that the CSTAG address training for TATs and school administrators.<sup>16</sup>

#### Mobile Suspicious Activity Reporting Tool (FortifyFL)

FortifyFL, the mobile suspicious activity reporting tool, is a computer and mobile phone application free to all public and private schools in Florida.<sup>17</sup> District and school-level administrators receive and must respond to tips from FortifyFL. Any tips submitted through FortifyFL are sent to local school, district and law enforcement officials, and the designated officials are contacted until one or more of them take responsibility for taking action on the tip.<sup>18</sup>

The identity of the reporting party received through the mobile suspicious activity reporting tool is confidential and exempt from public records disclosure requirements. Information received through the mobile suspicious activity reporting tool is also exempt.<sup>19</sup>

#### Juvenile Diversion Programs

Juvenile diversion programs (diversion programs) are alternatives to juvenile arrest. A juvenile arrest may be diverted based on comprehensive knowledge of the juvenile's criminal history, prior contacts with law enforcement, and prior program enrollment.<sup>20</sup> Florida law directs that a civil citation or similar pre-arrest diversion program for misdemeanor offenses be established in each judicial circuit in the state.<sup>21</sup>

Compliance with the community-based diversion programs includes all reporting requirements, specifically that criminal diversions be entered into Juvenile Justice Information System (JJIS) Prevention Web.<sup>22</sup> School districts may still operate their own "diversion programs" that address non-criminal conduct, such as Student Code of Conduct violations and other misbehavior.<sup>23</sup>

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<sup>15</sup> Comprehensive School Threat Assessment Guidelines. Florida Department of Education, *Memo to School District Superintendents and Charter School Administrators Regarding the Standardized Behavioral Threat Assessment Instrument* (Aug. 1, 2019), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8617/DPS-2019-116.pdf> (last visited January 29, 2020).

<sup>16</sup> Section 1001.212(12)(a)6., F.S.

<sup>17</sup> Florida Department of Education, *FortifyFL School Safety Awareness Program* (Oct. 26, 2018) available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>, at 1-2 (last visited January 29, 2020).

<sup>18</sup> *Id.*

<sup>19</sup> Section 943.082(6), F.S.

<sup>20</sup> Marjory Stoneman Douglas High School Public Safety Commission (Commission), *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>, at 131 (last visited January 29, 2020).

<sup>21</sup> Section 985.12, F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Commission, *supra* note 20, at 133.

Currently, 58 school districts do not offer any form of school-based diversion program.<sup>24</sup> Seven school districts participate in the civil citation or similar prearrest diversion program of the local judicial circuit, and three school districts operate school-based diversion programs.<sup>25</sup>

### ***Effect of Proposed Changes***

#### **Safety Incident Reporting**

The CS modifies s. 1006.07(9), F.S., to clarify that a district school board's duty to adopt policies to ensure the reporting of incidents related to school safety and discipline includes the reporting of incidents related to SESIR, zero tolerance for crime and victimization, hazing, bullying and harassment, and dating violence and abuse. The CS also clarifies that school principals must ensure that incidents concerning school safety and discipline are reported to the DOE through the SESIR system.

The CS clarifies the enforcement authority for school district and charter school reporting requirements under the SESIR system to specify that, upon notification by the commissioner, the district school board or charter school governing board must withhold the salary of a superintendent or charter school administrator for failure to comply with such requirements, based on clear and convincing evidence, pending demonstration of full compliance.

The CS authorizes the SBE to adopt rules establishing the requirements for all school safety incident reporting.

This clarification may improve school safety incident reporting by school districts and charter schools.

#### **Emergency Drills**

The CS modifies s. 1006.07, F.S., to require the SBE refer to recommendations provided in published reports of the commission, consult with state and local constituencies, and adopt rules establishing minimum requirements for school district policies and procedures related to emergency response and drills. The SBE's rules must be adopted by August 1, 2020, and must:

- Define, at a minimum, "emergency drill," "active threat," and "after-action report."
- Establish minimum requirements related to the timing frequency, participation, training, notification, accommodations, and responses to threat situations.
- Specifically address incident type, school level, school type, and student and school characteristics.
- Require all types of emergency drills be conducted no less frequently than on an annual basis.

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<sup>24</sup> Florida Department of Juvenile Justice, *Statewide Audit of School-Based Diversion Programs* (July 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/Meetings/2019/August/August-14-1015am-Report-on-Statewide-Assessment-DJ.aspx>, at 21-23 (last visited January 29, 2020).

<sup>25</sup> *Id.* The information that is required to be entered into JJIS Prevention Web varies among school districts who participate in the local judicial circuit diversion programs. Sarasota County School District participates in the local judicial circuit diversion program but also appears to operate a school-based diversion program.

The CS requires sheriffs to coordinate with the district school safety specialist to determine the necessary law enforcement officers responsible for responding to a school in the event of an active assailant emergency, and requires the designated law enforcement officers to be physically present on campus and directly involved in the execution of active assailant drills.

These changes may provide for consistent application of emergency drill requirements across all school districts.

#### Emergency Event Family Reunification

The CS modifies s. 1006.07, F.S., to require district school boards and charter school governing boards to, by August 1, 2021, adopt an emergency event family reunification plan for the purpose of reuniting students and employees with their families in the event of a mass casualty or other emergency event situation. The CS requires the adoption of the emergency event family reunification plans to be coordinated with local law enforcement agencies.

The CS modifies s. 1001.212, F.S., to require the OSS develop, in coordination with the Division of Emergency Management and other federal, state, and local law enforcement agencies and first-responder agencies, a model emergency event family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions that are closed or unexpectedly evacuated due to natural or man-made disasters or emergencies.

The CS amends s. 1006.1493, F.S., to require the FSSAT to address policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families after a school is closed or unexpectedly evacuated due to such disasters or emergencies.

#### Threat Assessment Teams

The CS modifies s. 1006.07, F.S., relating to TATs. Specifically, the CS:

- Clarifies that the law enforcement presence on a threat assessment team must include a sworn law enforcement officer who has undergone threat assessment training identified by the OSS.
- Requires that all members of the TAT be involved in the threat assessment process from start to finish, including the determination of the final disposition decision.

These changes may ensure that all members of the TAT are active participants in the entire threat assessment process.

#### Mobile Suspicious Activity Reporting Tool (FortifyFL)

The CS modifies s. 943.082, F.S., effective October 1, 2020, to require notification to parties reporting through FortifyFL that if, following investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies and the reporting party may be subject to criminal penalties for a false report. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report must remain anonymous.

### Juvenile Diversion Programs

The CS modifies ss. 985.12 and 1002.421, F.S., to require the Department of Juvenile Justice (DJJ) and the state attorney of each judicial circuit to monitor and enforce compliance with school-based diversion program requirements, in cooperation with the DOE. School-based diversion programs must:

- Operate consistently with criteria established by the state attorney in the judicial circuit in which the school is located.
- Be defined in school policy and the code of conduct.
- Be approved by the district school board, charter school governing board, or private school governing authority, as applicable.

The CS requires the OSS to maintain a current directory of public and private school-based diversion programs and cooperate with each judicial circuit and the DJJ, which are responsible for facilitating compliance with the law. The CS requires law enforcement officers to have field access to JJIS Prevention Web by the 2021-2022 fiscal year.

These changes may ensure all school-based diversion programs meet established requirements for prearrest diversion programs. This may improve the quality and accountability of such diversion programs.

### **Safe School Officers**

#### ***Present Situation***

#### Safe School Officer Requirement

Florida law requires each district school board and school district superintendent to partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district and charter schools.<sup>26</sup> These options include:

- Establishing a school resource officer (SRO) program, through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers<sup>27</sup> who must meet specified screening requirements<sup>28</sup> and also complete mental health crisis intervention training.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers with the power of arrest on district school property, who are employed by either a law enforcement agency or by the district school board. School safety officers must undergo the same screening requirements as an SRO.
- Participating in the Coach Aaron Feis Guardian Program (guardian program).

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<sup>26</sup> Section 1006.12, F.S.

<sup>27</sup> “Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. Section 943.10(1), F.S.

<sup>28</sup> SROs must undergo criminal background checks, drug testing, and a psychological evaluation. Section 1006.12(1)(a), F.S.

- Contracting with a security agency<sup>29</sup> to employ as a school security guard an individual who holds a Class “D” and Class “G” license<sup>30</sup> and completes the same training and evaluation requirements as a school guardian.

#### Coach Aaron Feis Guardian Program

The guardian program was established in 2018<sup>31</sup> as an option for school districts to meet the safe-school officer requirements in law.<sup>32</sup> Persons certified as school guardians have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.<sup>33</sup>

A sheriff is required to provide access to a guardian program to aid in the prevention or abatement of active assailant incidents on school premises<sup>34</sup> If a district school board has voted by a majority to implement a guardian program, the sheriff in that county must establish a guardian program to provide training to school district or charter school employees, either directly or through a contract with another sheriff’s office that has established a guardian program.<sup>35</sup>

In addition, a charter school governing board in a school district that has not implemented a guardian program may request the sheriff in the county to establish a guardian program for the purpose of training the charter school employees. If the county sheriff denies the request, the charter school governing board may contract with a sheriff that has established a guardian program to provide such training. The charter school governing board must notify the superintendent and the sheriff in the charter school’s county of the contract prior to its execution.

The sheriff must certify as school guardians school employees who:<sup>36</sup>

- Hold a valid concealed weapon license.<sup>37</sup>
- Complete a 144-hour training program, consisting of 12 hours of certified nationally recognized diversity training and 132 total hours of comprehensive firearm safety and proficiency training, including 12 hours of training in precision pistol, conducted by Criminal Justice Standards and Training Commission (CJSTC)-certified instructors.
- Pass a psychological evaluation administered by a licensed psychologist<sup>38</sup> and designated by the Florida Department of Law Enforcement (FDLE) and submit the results of the evaluation to the sheriff’s office.

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<sup>29</sup> “Security agency” means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners. This includes any person who utilizes dogs and individuals to provide security services. Section 493.6101(18), F.S.

<sup>30</sup> License requirements are specified in chapter 493.

<sup>31</sup> Section 26, ch. 2018-3, Laws of Fla.

<sup>32</sup> Section 1006.12, F.S.

<sup>33</sup> Section 30.15(1)(k), F.S.

<sup>34</sup> *Id.* A sheriff is required to consult with the Florida Department of Law Enforcement on programmatic guiding principles, practices, and resources in establishing a school guardian program. Section 30.15(1)(k)2., F.S.

<sup>35</sup> Section 30.15(1)(k)1.a., F.S. The sheriff conducting the training is reimbursed for screening-related and training-related costs and for providing a one-time stipend of \$500 to each school guardian who participates in the school guardian program. Section 30.15(1)(k)1.c., F.S.

<sup>36</sup> Section 30.15(1)(k)2., F.S.

<sup>37</sup> See section 790.06, F.S.

<sup>38</sup> Chapter 490 of the Florida Statutes governs licensure for psychological services.

- Submit to and pass an initial drug test and subsequent random drug tests in accordance with law<sup>39</sup> and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

The sheriff who conducts the guardian training must issue a school guardian certificate to individuals who have completed the required training to the satisfaction of the sheriff. The sheriff must also maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian certified by the sheriff. An individual certified as a school guardian may serve only if he or she is appointed by the applicable school district superintendent or charter school principal.<sup>40</sup>

### ***Effect of Proposed Changes***

The CS modifies s. 1006.12, F.S., relating to safe-school officers to align requirements between sworn law enforcement (SROs and school safety officers) and between Feis guardian program certified personnel (school guardians and school security guards).

The CS modifies requirements relating to school safety officer authority and training by:

- Clarifying that school safety officers have the power to make arrests on property owned or leased by a charter school in the district.
- Requiring that school safety officers must complete mental health crisis intervention training, similar to the training required of an SRO.

These provisions may clarify the authority of a school safety officer within the school district, and ensure that all sworn law enforcement officers in schools are trained to deal with crisis situations.

The CS also establishes requirements for Feis guardian program certified school security guards to clarify training, screening, authority, and oversight. Specifically:

- The school security guard must satisfactorily complete all requirements of the guardian program, and that training must be conducted by a county sheriff.
- The sheriff providing the training for a school security guard must be reimbursed by the DOE for screening- and training-related costs.
- The sheriff must maintain specified training, certification, inspection, and qualification records for school security guards.
- Similar to a school guardian, the school security guard has no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.
- The contract between a security agency and district school board must also define conditions, requirements, costs, and responsibilities necessary to satisfy background screening requirements.

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<sup>39</sup> Section 112.0455, F.S.

<sup>40</sup> *Supra*, note 34

- A school security guard serving in the capacity of a safe-school officer is considered to be a “noninstructional contractor” for the purpose of background screening, which must be satisfied prior to the school security guard being permitted access to school grounds.
- An individual may only serve as a school security guard if he or she is appointed by the applicable school district superintendent or charter school administrator.

The CS modifies s. 30.15, F.S., to clarify that the sheriff is responsible for Feis guardian program training. A sheriff may provide Feis guardian program training to school district or charter school employees directly, through a contract with an entity selected by the local sheriff, through a contract with another sheriff’s office that has established a Feis guardian program, or any combination thereof. If the local sheriff contracts with another entity to provide the training, the local sheriff must oversee, supervise, and certify all aspects of the contract governing the Feis guardian program.

The CS also modifies Feis guardian program training to specify that:

- A sheriff who contracts with one or more county sheriffs to provide Feis guardian program training must notify, in writing, the local school district superintendent and charter school governing boards of any county-specific protocols.
- The 144-hour training program and ongoing training be conducted by CJSTC-certified instructors who hold active instructional certifications.
- The 16 hours of instruction in precision pistol include night and low-light shooting conditions.
- A licensed professional may administer the psychological examination individuals must pass as part of the Feis guardian program training, which is similar to the requirements for an SRO or school safety officer. The licensed professional is not required to be a licensed psychologist designated by the FDLE.
- The sheriff’s office must review and approve the results of the psychological evaluation and drug tests for each applicant seeking Feis guardian program certification, before accepting the applicant into the Feis guardian program.

These changes may ensure that guardian training is available to personnel in each Florida county, is consistently applied to all personnel serving as school guardians and school security guards, and improve delivery and administration of the program under the sole authority of a county sheriff.

## **School-Based Mental Health Services**

### ***Present Situation***

The DOE, through the Bureau of Exceptional Education and Student Services and the OSS, is required to promote a system of support, policies, and practices that focus on prevention and early intervention to improve student mental health and school safety. Student services personnel, including school psychologists, social workers, and counselors, are responsible for advising students with regard to personal and social adjustments and providing services at the district and school level.<sup>41</sup>

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<sup>41</sup> Section 1012.01(2)(b), F.S.

### The Louis de la Parte Florida Mental Health Institute

Chapter 2002-397, L.O.F., established the Louis de la Parte Florida Mental Health Institute (institute) within the University of South Florida to strengthen mental health services throughout the state.<sup>42</sup> The institute is authorized to provide direct mental health services, coordinate with other agencies to provide mental health services, and support state agencies in the delivery of mental health services.<sup>43</sup>

The OSS is responsible for providing data to support the evaluation of mental health services by the institute.<sup>44</sup>

### Individualized Education Plans

The individualized education plan (IEP) is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability.<sup>45</sup> When the student attains the age of 16, the IEP must include an annually updated statement addressing the intent for the student to pursue a standard high school diploma and other appropriate measurable long-term postsecondary education and career goals.<sup>46</sup>

### Mental Health Assistance Allocation

The mental health assistance allocation is a categorical fund established to provide funding to assist school districts in establishing or expanding school-based mental health care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services.<sup>47</sup> A total of \$75 million was appropriated to school districts through the mental health assistance allocation for the 2019-2020 school year.<sup>48</sup> In order to receive the allocation, a school district must develop and submit a plan outlining the local program and planned expenditures to the district school board for approval. This plan must include all district schools, including charter schools, unless a charter school chooses to independently develop and submit a plan outlining the local program and planned expenditures.<sup>49</sup>

The plans must include elements such as:<sup>50</sup>

- Identification of strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.

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<sup>42</sup> Section 1004.44, F.S.

<sup>43</sup> Section 1004.44(3), F.S.

<sup>44</sup> Section 1001.212(7), F.S.

<sup>45</sup> Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9 (last visited January 29, 2020).

<sup>46</sup> Section 1003.5716(2), F.S.

<sup>47</sup> Section 1011.62(16), F.S.

<sup>48</sup> Ch. 2019-115, Laws of Fla., s. 2, Specific Appropriation 93.

<sup>49</sup> *Supra*, note 48.

<sup>50</sup> Section 1011.62(16)(b), F.S.



- Strategies or programs to reduce the likelihood of at-risk students developing certain mental health problems.
- Strategies to identify mental health problems more effectively, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

School districts are required to annually submit a report to the DOE on program outcomes and expenditures for the previous fiscal year, by September 30.

### ***Effect of Proposed Changes***

#### **The Louis de la Parte Florida Mental Health Institute**

The CS modifies ss. 1001.212 and 1004.44, F.S., to require the DJJ, the Department of Children and Families (DCF), and the DOE to consult with the institute in order for the institute to convene a workgroup of practitioners and experts to review, evaluate, and provide implementation guidance on the mental health-related findings and recommendations of the commission. The CS requires the workgroup to analyze, evaluate, and identify regulatory or legislative actions necessary to facilitate implementation of each recommendation, and to submit an initial summary report to the Governor, the President, and the Speaker by August 1, 2020. The report must include specific policy and budget recommendations, including draft legislation and associated fiscal impact statements, and other information and policy or administrative recommendations to improve the state's mental health care system.

The CS requires the institute to continue to monitor commission activities and coordinate with agency partners to advise on implementation activities. The CS also authorizes the institute to submit subsequent reports and recommendations on an annual basis or as requested. The CS provides a sunset date for the workgroup of July 1, 2024, which is one year after the sunset date of the commission.

#### **Individual Education Plans**

The CS modifies s. 1003.5716, F.S., to add that the required transition plan for a student with an IEP must also include a statement of post-high school performance expectations, which must include:

- A plan to facilitate continuity of care and coordination of any behavioral health services needed to assist the student in reaching post-high school performance expectations.
- Parent, student, and agency roles and responsibilities pertaining to the provision and funding of specified transition services.

These changes may assist students who require an IEP, and their parents, in successfully navigating the transition from high school to higher education or the workforce.

#### **Mental Health Assistance Allocation**

The CS modifies s. 1011.62, F.S., effective July 1, 2020, to clarify and add new requirements for the mental health plans that must be submitted by school districts in order to receive the mental health assistance allocation. In addition to existing requirements, the CS requires plans to include

input from school and community stakeholders and include mental health policies and procedures that implement and support:

- Universal supports to promote psychological well-being, and safe and supportive school environments.
- Methods for responding to a student with suicidal ideation, including training in suicide risk assessment and the use of suicide awareness, prevention, and screening instruments developed as required for continuing education and inservice training for youth suicide awareness and prevention; adoption of guidelines for informing parents of suicide risk; and implementation of school board policies for initiating involuntary examination of students at risk of suicide.
- A school crisis response plan that includes strategies to prevent, prepare for, respond to, and recover from a range of school crises. The plan must establish or coordinate the implementation of district-level and school-level crisis response teams whose membership includes, but is not limited to, representatives of school administration and school-based mental health service providers.

The CS also modifies district reporting requirements to the DOE and requires the DOE to submit a state summary of the required information from the school district reports to the Governor, the President, and the Speaker, by November 1 of each year. The CS requires the DOE report to include school district data required under current law and requires both reports to additionally include:

- Program outcomes and expenditures for all public schools in the district, including charter schools.
- District-level and school-level information, including multiple-year trend data, when available.
- The number and ratio of school social workers, school psychologists, and certified school counselors employed by the district or charter school and the total number of licensed mental health professionals employed directly by the district or charter school.

These changes may provide more suitable data to assist in the refinement of policies and improve the provision of school-based mental health services.

## **School Safety Oversight and Accountability**

### ***Present Situation***

#### **The Commissioner of Education**

The commissioner is required by law to oversee compliance with the safety and security requirements of the Marjory Stoneman Douglas High School Public Safety Act, chapter 2018-3, L.O.F., by school districts; district school superintendents; and public schools, including charter schools.<sup>51</sup> The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the SBE, the Governor, or the Legislature enforcement and sanctioning actions.<sup>52</sup>

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<sup>51</sup> Section 1001.11, F.S.

<sup>52</sup> *Id.*

### Charter School Safety Requirements

Charter schools must operate in accordance with the terms of their respective charters and are generally exempt from other requirements in the K-20 Education Code.<sup>53</sup> The law requires charter schools to comply with certain provisions in the K-20 Education Code, including any statutes pertaining to student health, safety, and welfare.<sup>54</sup>

### The Office of Safe Schools

The OSS is a division of the DOE that serves as a central repository for best practices, training standards, and compliance oversight in matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning.<sup>55</sup> OSS responsibilities include duties related to school safety incident reporting and data. The OSS is also required to develop and implement a School Safety Specialist Training Program for school safety specialists, which must be based on national and state best practices on school safety and include active shooter training.<sup>56</sup>

The OSS is required to provide ongoing professional development opportunities to school district personnel.<sup>57</sup>

### *Effect of Proposed Changes*

#### The Commissioner of Education

The CS modifies s. 1001.11, F.S., to clarify existing authority of the commissioner to oversee compliance with school safety and security requirements. The CS directs the commissioner to facilitate public and nonpublic school compliance with any education-related requirements of the law relating to health, welfare, safety, and security, pursuant to existing authority established in law. The CS clarifies that the incidents of noncompliance that require the commissioner to impose or recommend sanctions must be incidents of material noncompliance.

### Charter School Safety Requirements

The CS modifies the requirement that charter schools comply with certain statutes to require that charter schools demonstrate and certify compliance with specified statutes in their contracts or addendums to their contracts. The CS specifically requires charter schools to certify compliance with district school requirements related to emergency drills and procedures and emergency procedures.

The CS modifies s. 1001.11(9), F.S., to require charter school governing boards to designate at least one administrator to be responsible for the duties assigned to a district school

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<sup>53</sup> Section 1002.33(16), F.S. The K-20 Education Code includes chapters 1000-1013 of the Florida Statutes.

<sup>54</sup> *Id.*

<sup>55</sup> Section 1001.212, F.S. *See also:* Florida Department of Education, *Office of Safe Schools*, <http://www.fldoe.org/safe-schools/> (last visited January 29, 2020).

<sup>56</sup> Section 1006.07(6)(a), F.S., requires each district school superintendent to designate a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office as a school safety specialist for the district.

<sup>57</sup> Section 1001.212(2), F.S.

superintendent related to state reporting requirements concerning health, safety, and welfare. The CS aligns the penalties authorized to be imposed against a designated charter school administrator or charter school governing board with the penalties authorized to be imposed against a superintendent or district school board for violations of reporting requirements.

The CS also provides notification requirements for charter schools relating to safe-school officers. Specifically, the CS:

- Requires that charter school governing board notification to the applicable superintendent and sheriff of participation in the Feis guardian program must be in writing.
- Requires charter school administrators to comply with notification requirements to the county sheriff and the OSS for safe-school officer misconduct or firearm discharge.

The CS requires the OSS to provide ongoing professional development opportunities to charter school personnel in addition to existing requirements to provide training to school district personnel.

#### The Office of Safe Schools

The CS modifies s. 1001.212, F.S., to require the OSS to provide support with school safety incident reporting requirements. The CS requires the School Safety Specialist Training Program developed by the OSS to include information about federal and state laws regarding education records, medical records, data privacy, and incident reporting requirements, particularly with respect to behavioral threat assessment and emergency planning and response procedures. The CS also clarifies that the centralized integrated data repository provided by the OSS, known as the Florida School Safety Portal, must include data from all school safety incident reporting.

The CS requires the OSS to oversee, facilitate, and coordinate district and school compliance with school safety incident reporting requirements. The CS specifically requires the OSS to:

- Provide technical assistance to administrators for school safety incident reporting.
- Review and evaluate the safety incident reports related to SESIR, zero tolerance for crime and victimization, hazing, bullying and harassment, and dating violence and abuse, reported by each school district, charter school, and other entities as may be required by law.

The additional responsibilities concerning school safety that the CS delegates to the OSS may improve the accuracy of reported school safety data.

### **Marjory Stoneman Douglas High School Public Safety Commission**

#### ***Present Situation***

The commission was established in 2018 to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and to develop recommendations for system improvements.<sup>58</sup> The commission submitted its initial report to the

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<sup>58</sup> Section 943.687(3), F.S.

Governor and the Legislature on January 2, 2019,<sup>59</sup> and its second report on November 1, 2019.<sup>60</sup> The commission is composed of 16 members,<sup>61</sup> with five members each appointed by Governor, the President, and the Speaker. Members serve at the pleasure of the officer who appointed the member. A vacancy on the commission must be filled in the same manner as the original appointment. The commission is scheduled to sunset on July 1, 2023.<sup>62</sup>

### ***Effect of Proposed Changes***

The CS modifies s. 943.687, F.S., to require the Governor, the President, and the Speaker to each appoint one additional member to the commission to be selected from among the state's actively-serving school district superintendents, school principals, or classroom teachers. The CS also requires:

- The three new appointments be made by May 30, 2020, to serve beginning June 1, 2020.
- Future appointments be made in consideration of an equal balance of school district, law enforcement, and health care professional representation, and reflect the diversity of the state.

These changes ensure education representation on the commission and may assist the commission in addressing school safety and security issues.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None.

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<sup>59</sup> Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last visited January 29, 2020).

<sup>60</sup> Commission, *supra* note 20. The commission was required to submit an initial report by January 1, 2019, and is authorized to issue annual reports. Section 943.687(9), F.S.

<sup>61</sup> Section 943.687, F.S.

<sup>62</sup> *Id.*

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following sections of the Florida Statutes: 30.15, 943.082, 943.687, 985.12, 1001.11, 1001.212, 1002.33, 1002.421, 1003.5716, 1004.44, 1006.07, 1006.09, 1006.12, 1006.13, 1006.1493, and 1011.62.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Requires the DJJ and the state attorney of each judicial circuit, in cooperation with the DOE, to monitor and enforce compliance with school-based diversion program requirements in charter and private schools.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 467 and 468  
insert:

16. Section 1006.07(2)(n), relating to criteria for  
assigning a student to a civil citation or similar prearrest  
diversion program.

Section 8. Paragraph (r) is added to subsection (1) of  
section 1002.241, Florida Statutes to read:

1002.421 State school choice scholarship program



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accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(r) Comply with section 1006.07(2)(n), Florida Statutes.

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

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

And the title is amended as follows:

Between lines 34 and 35  
insert:

1002.241, F.S.; requiring private schools comply with certain statutory provision related to criteria for assigning a student to a civil citation or similar





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prearrest diversion program; amending s.

By the Committee on Education

581-02436-20

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1 A bill to be entitled  
 2 An act relating to implementation of the  
 3 recommendations of the Marjory Stoneman Douglas High  
 4 School Public Safety Commission; amending s. 30.15,  
 5 F.S.; authorizing a sheriff to contract for services  
 6 to provide training under the Coach Aaron Feis  
 7 Guardian Program; revising training and evaluation  
 8 requirements for school guardians; expanding the  
 9 program to include the training and certification of  
 10 school security guards; requiring the review and  
 11 approval of evaluations and results; amending s.  
 12 943.082, F.S.; adding penalties for persons who  
 13 knowingly submit false information to a law  
 14 enforcement agency; amending s. 943.687, F.S.;  
 15 requiring the addition of three members to the Marjory  
 16 Stoneman Douglas High School Public Safety Commission  
 17 as of a certain date; requiring consideration of  
 18 balanced representation; amending s. 985.12, F.S.;  
 19 requiring certain state agencies and state attorneys  
 20 to cooperate in the oversight and enforcement of  
 21 school-based diversion programs; requiring that law  
 22 enforcement officers have access to a certain  
 23 database; amending s. 1001.11, F.S.; specifying  
 24 legislative intent; assigning the Commissioner of  
 25 Education specified duties regarding education-related  
 26 school safety requirements; amending s. 1001.212,  
 27 F.S.; revising the training, consultation, and  
 28 coordination responsibilities of the Office of Safe  
 29 Schools; conforming and requiring evaluation and

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 coordination of incident reporting requirements;  
 31 requiring the office to maintain a directory of  
 32 programs; requiring the office to develop a model  
 33 plan; amending s. 1002.33, F.S.; conforming safety  
 34 requirements to changes made by the act; amending s.  
 35 1003.5716, F.S.; revising individual education plan  
 36 requirements for certain students to include a  
 37 statement of expectations for the transition of  
 38 behavioral health services needed after high school  
 39 graduation; requiring parent, student, and agency  
 40 roles and responsibilities to be specified in a course  
 41 of action transition plan, as applicable; amending s.  
 42 1004.44, F.S.; requiring the Louis de la Parte Florida  
 43 Mental Health Institute to consult with specified  
 44 state agencies and convene a workgroup to advise those  
 45 agencies on the implementation of specified mental  
 46 health recommendations; requiring the institute to  
 47 submit a report with administrative and legislative  
 48 policy recommendations to the Governor and the  
 49 Legislature by a specified date; authorizing the  
 50 institute to submit additional reports and  
 51 recommendations as needed and requested; amending s.  
 52 1006.07, F.S.; requiring code of student conduct  
 53 policies to contain prearrest diversion program  
 54 criteria; specifying requirements applicable to  
 55 emergency drill policies and procedures, in accordance  
 56 with State Board of Education rules; requiring the  
 57 state board to adopt rules in consultation with state  
 58 and local entities; adding threat assessment team

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59 membership, training, and procedural requirements;  
 60 incorporating additional discipline and behavioral  
 61 incident reports within school safety incident  
 62 reporting requirements; requiring district school  
 63 boards to adopt school district emergency event family  
 64 reunification policies and plans; requiring school-  
 65 based emergency event family reunification plans to be  
 66 consistent with school board policy and the school  
 67 district plan; requiring plans to address specified  
 68 requirements within the framework of model policies  
 69 and plans identified by the office; amending s.  
 70 1006.09, F.S.; requiring school principals to use a  
 71 specified system to report school safety incidents;  
 72 amending s. 1006.12, F.S.; requiring school safety  
 73 officers to complete specified training to improve  
 74 knowledge and skills as first responders to certain  
 75 incidents; specifying county sheriffs' responsibility  
 76 for specified training required for school security  
 77 guards; requiring certain school security guards to  
 78 meet district background screening requirements and  
 79 qualification requirements; conforming notification  
 80 requirements to changes made by the act; amending s.  
 81 1006.13, F.S.; authorizing district school boards to  
 82 assign students to certain diversion programs as  
 83 options within zero-tolerance policies; amending s.  
 84 1006.1493, F.S.; revising components that must be  
 85 assessed by the Florida Safe Schools Assessment Tool  
 86 to include policies and procedures to prepare for and  
 87 respond to natural or manmade disasters or

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88 emergencies; amending s. 1011.62, F.S.; revising  
 89 requirements that must be met before the distribution  
 90 of the mental health assistance allocation; providing  
 91 effective dates.  
 92  
 93 Be It Enacted by the Legislature of the State of Florida:  
 94  
 95 Section 1. Paragraph (k) of subsection (1) of section  
 96 30.15, Florida Statutes, is amended to read:  
 97 30.15 Powers, duties, and obligations.—  
 98 (1) Sheriffs, in their respective counties, in person or by  
 99 deputy, shall:  
 100 (k) Assist district school boards and charter school  
 101 governing boards in complying with s. 1006.12. A sheriff must,  
 102 at a minimum, provide access to a Coach Aaron Feis Guardian  
 103 Program training to aid in the prevention or abatement of active  
 104 assailant incidents on school premises, as required under this  
 105 paragraph. Persons certified as Feis guardian program certified  
 106 school guardians or Feis guardian program certified school  
 107 security guards pursuant to this paragraph do not have ~~ne~~  
 108 authority to act in any law enforcement capacity except to the  
 109 extent necessary to prevent or abate an active assailant  
 110 incident.  
 111 1.a. If a local school board has voted by a majority to  
 112 implement a Feis guardian program, the sheriff in that county  
 113 shall establish a Feis guardian program to provide training,  
 114 pursuant to subparagraph 2., to school district or charter  
 115 school employees directly; through a contract with an entity  
 116 selected by the local sheriff, provided that the local sheriff

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 117 oversees, supervises, and certifies all aspects of the contract  
 118 governing the Feis guardian program for the local jurisdiction;  
 119 ~~either directly or~~ through a contract with another sheriff's  
 120 office that has established a Feis guardian program; or through  
 121 any combination thereof. To facilitate effective training and  
 122 emergency response in the event of an active assailant  
 123 situation, a sheriff who contracts with one or more county  
 124 sheriffs to provide Feis guardian program training and  
 125 certification for the local school district and charter schools  
 126 within its county jurisdiction shall notify, in writing, the  
 127 local district school superintendent and charter school  
 128 administrators of all county-specific protocols incorporated  
 129 into the contracted Feis guardian program training and  
 130 certification requirements.

131 b. A charter school governing board in a school district  
 132 that has not voted, or has declined, to implement a Feis  
 133 guardian program may request the sheriff in the county to  
 134 establish a Feis guardian program for the purpose of training  
 135 the charter school employees. If the county sheriff denies the  
 136 request, the charter school governing board may contract with a  
 137 sheriff that has established a Feis guardian program to provide  
 138 such training. The charter school governing board must notify,  
 139 in writing, the superintendent and the sheriff in the charter  
 140 school's county of the contract prior to its execution.

141 c. The sheriff conducting the Feis guardian program  
 142 training pursuant to subparagraph 2. shall will be reimbursed by  
 143 the Department of Education for screening-related and training-  
 144 related costs for Feis guardian program certified school  
 145 guardians and Feis guardian program certified school security

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 146 guards as provided in s. 1006.12(3) and (4), respectively, and  
 147 for providing a one-time stipend of \$500 to each Feis guardian  
 148 program certified school guardian who participates in the Feis  
 149 school guardian program as an employee of a school district or  
 150 charter school.

151 2. A sheriff who establishes a Feis guardian training  
 152 program shall consult with the Department of Law Enforcement on  
 153 programmatic guiding principles, practices, and resources, and  
 154 shall certify, without the power of arrest, Feis guardian  
 155 program certified as school guardians, without the power of  
 156 arrest, school employees, as specified in s. 1006.12(3) and Feis  
 157 guardian program school security guards as specified in s.  
 158 1006.12(4), who:

159 a. Hold a valid license issued under s. 790.06, applicable  
 160 to district or school employees serving as Feis guardian program  
 161 certified school guardians pursuant to s. 1006.12(3); or hold a  
 162 valid Class "D" and Class "G" license issued under chapter 493,  
 163 applicable to individuals contracted to serve as Feis guardian  
 164 program certified school security guards under s. 1006.12(4).

165 b. Complete a 144-hour training program, consisting of 12  
 166 hours of certified nationally recognized diversity training and  
 167 132 total hours of comprehensive firearm safety and proficiency  
 168 training, conducted by Criminal Justice Standards and Training  
 169 Commission-certified instructors who hold active instructional  
 170 certifications, which must include:

171 (I) Eighty hours of firearms instruction based on the  
 172 Criminal Justice Standards and Training Commission's Law  
 173 Enforcement Academy training model, which must include at least  
 174 10 percent but no more than 20 percent more rounds fired than

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associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.

(II) Sixteen hours of instruction in precision pistol. Training must include night and low-light shooting conditions.

(III) Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.

(IV) Eight hours of instruction in active shooter or assailant scenarios.

(V) Eight hours of instruction in defensive tactics.

(VI) Twelve hours of instruction in legal issues.

c. Submit to and pass a psychological evaluation administered by a licensed professional psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office. The sheriff's office must review and approve the results of each applicant's psychological evaluation before accepting the applicant into the Feis guardian program. The Department of Law Enforcement is authorized to provide the sheriff's office with mental health and substance abuse data for compliance with this paragraph.

d. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office. The sheriff's office must review and approve the results of each applicant's drug tests before accepting the applicant into the Feis guardian program.

e. Successfully complete ongoing training conducted by a Criminal Justice Standards and Training Commission-certified instructor who holds an active instructional certification, weapon inspection, and firearm qualification on at least an

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annual basis, as required by the sheriff's office.

The sheriff who conducts the Feis guardian program training pursuant to this paragraph shall issue a Feis ~~school~~ guardian program certificate to individuals who meet the requirements of this section to the satisfaction of the sheriff, and shall maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each Feis guardian program certified school guardian and Feis guardian program certified school security guard certified by the sheriff. An individual who is certified under this paragraph may serve as a Feis guardian program certified school guardian under s. 1006.12(3) or a Feis guardian program certified school security guard under s. 1006.12(4) only if he or she is appointed by the applicable district school superintendent ~~school district superintendent~~ or charter school administrator ~~principal~~.

Section 2. Effective October 1, 2020, paragraph (c) is added to subsection (2) of section 943.082, Florida Statutes, to read:

943.082 School Safety Awareness Program.—

(2) The reporting tool must notify the reporting party of the following information:

(c) That, if following investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation and the reporting party may be subject to criminal penalties under s. 837.05. In all other circumstances, unless the

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233 reporting party has chosen to disclose his or her identity, the  
 234 report must remain anonymous.

235 Section 3. Paragraph (a) of subsection (2) of section  
 236 943.687, Florida Statutes, is amended to read:

237 943.687 Marjory Stoneman Douglas High School Public Safety  
 238 Commission.—

239 (2) (a) 1. The commission shall convene no later than June 1,  
 240 2018, and shall be composed of 16 members. Five members shall be  
 241 appointed by the President of the Senate, five members shall be  
 242 appointed by the Speaker of the House of Representatives, and  
 243 five members shall be appointed by the Governor. From the  
 244 members of the commission, the Governor shall appoint the chair.  
 245 Appointments must be made by April 30, 2018. The Commissioner of  
 246 the Department of Law Enforcement shall serve as a member of the  
 247 commission. The Secretary of Children and Families, the  
 248 Secretary of Juvenile Justice, the Secretary of Health Care  
 249 Administration, and the Commissioner of Education shall serve as  
 250 ex officio, nonvoting members of the commission. Members shall  
 251 serve at the pleasure of the officer who appointed the member. A  
 252 vacancy on the commission shall be filled in the same manner as  
 253 the original appointment.

254 2. In addition to the membership requirements of  
 255 subparagraph 1., beginning June 1, 2020, the commission shall  
 256 include three additional members selected from among the state's  
 257 actively serving district school superintendents, school  
 258 principals, and classroom teachers. The additional members must  
 259 be appointed by May 30, 2020, one each by the Governor, the  
 260 President of the Senate, and the Speaker of the House of  
 261 Representatives. Thereafter, to the extent possible, future

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262 appointments to fill vacancies or replace members of the  
 263 commission must give consideration to achieving an equal balance  
 264 of school district, law enforcement, and health care  
 265 professional representation which reflects the cultural  
 266 diversity of the state.

267 Section 4. Paragraphs (c) and (f) of subsection (2) of  
 268 section 985.12, Florida Statutes, are amended to read:

269 985.12 Civil citation or similar prearrest diversion  
 270 programs.—

271 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST  
 272 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

273 (c) The state attorney of each circuit shall operate a  
 274 civil citation or similar prearrest diversion program in each  
 275 circuit. A sheriff, police department, county, municipality,  
 276 locally authorized entity, or public or private educational  
 277 institution may continue to operate an independent civil  
 278 citation or similar prearrest diversion program that is in  
 279 operation as of October 1, 2018, if the independent program is  
 280 reviewed by the state attorney of the applicable circuit and he  
 281 or she determines that the independent program is substantially  
 282 similar to the civil citation or similar prearrest diversion  
 283 program developed by the circuit. If the state attorney  
 284 determines that the independent program is not substantially  
 285 similar to the civil citation or similar prearrest diversion  
 286 program developed by the circuit, the operator of the  
 287 independent diversion program may revise the program and the  
 288 state attorney may conduct an additional review of the  
 289 independent program. In cooperation with the Department of  
 290 Education pursuant to s. 1001.212, the department and the state

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291 attorney of each judicial circuit shall monitor and enforce  
 292 compliance with school-based diversion program requirements.  
 293 (f) Each civil citation or similar prearrest diversion  
 294 program shall enter the appropriate youth data into the Juvenile  
 295 Justice Information System Prevention Web within 7 days after  
 296 the admission of the youth into the program. Beginning in fiscal  
 297 year 2021-2022, law enforcement officers must have field access  
 298 to the Juvenile Justice Information System Prevention Web.  
 299 Section 5. Subsection (9) of section 1001.11, Florida  
 300 Statutes, is amended to read:  
 301 1001.11 Commissioner of Education; other duties.—  
 302 (9) With the intent of ensuring safe learning and teaching  
 303 environments, the commissioner shall oversee compliance with  
 304 education-related health, the safety, welfare, and security  
 305 requirements of law the Marjory Stoneman Douglas High School  
 306 Public Safety Act, chapter 2018-3, Laws of Florida, by school  
 307 districts; district school superintendents; ~~and~~ public schools,  
 308 including charter schools; and other entities or constituencies  
 309 as may be applicable. The commissioner shall ~~must~~ facilitate  
 310 public and nonpublic school compliance to the maximum extent  
 311 provided under law, identify incidents of material  
 312 noncompliance, and impose or recommend to the State Board of  
 313 Education, the Governor, or the Legislature enforcement and  
 314 sanctioning actions pursuant to s. 1001.42, s. 1001.51, chapter  
 315 1002, and s. 1008.32, and other authority granted under law. For  
 316 purposes of this subsection, s. 1001.42(13)(b), and s.  
 317 1001.51(12)(b), the duties assigned to a district school  
 318 superintendent apply to charter school administrative personnel  
 319 as defined in s. 1012.01(3), and charter school governing boards

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320 shall designate at least one administrator to be responsible for  
 321 such duties. The duties assigned to a district school board  
 322 apply to a charter school governing board.  
 323 Section 6. Present subsections (14) and (15) of section  
 324 1001.212, Florida Statutes, are redesignated as subsections (16)  
 325 and (17), respectively, new subsections (14) and (15) are added  
 326 to that section, and subsections (2), (4), (6), and (8) of that  
 327 section are amended, to read:  
 328 1001.212 Office of Safe Schools.—There is created in the  
 329 Department of Education the Office of Safe Schools. The office  
 330 is fully accountable to the Commissioner of Education. The  
 331 office shall serve as a central repository for best practices,  
 332 training standards, and compliance oversight in all matters  
 333 regarding school safety and security, including prevention  
 334 efforts, intervention efforts, and emergency preparedness  
 335 planning. The office shall:  
 336 (2) Provide ongoing professional development opportunities  
 337 to school district and charter school personnel.  
 338 (4) Develop and implement a School Safety Specialist  
 339 Training Program for school safety specialists appointed  
 340 pursuant to s. 1006.07(6). The office shall develop the training  
 341 program, which shall be based on national and state best  
 342 practices on school safety and security and must include active  
 343 shooter training. Training must also include information about  
 344 federal and state laws regarding education records, medical  
 345 records, data privacy, and incident reporting requirements,  
 346 particularly with respect to behavioral threat assessment and  
 347 emergency planning and response procedures. The office shall  
 348 develop training modules in traditional or online formats. A

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349 school safety specialist certificate of completion shall be  
 350 awarded to a school safety specialist who satisfactorily  
 351 completes the training required by rules of the office.

352 (6) Coordinate with the Department of Law Enforcement to  
 353 provide a centralized integrated data repository, known as the  
 354 Florida Schools Safety Portal, and data analytics resources to  
 355 improve access to timely, complete, and accurate information  
 356 integrating data from, at a minimum, but not limited to, the  
 357 following data sources ~~by August 1, 2019~~:

- 358 (a) Social media Internet posts;
- 359 (b) Department of Children and Families;
- 360 (c) Department of Law Enforcement;
- 361 (d) Department of Juvenile Justice;
- 362 (e) Mobile suspicious activity reporting tool known as  
 363 FortifyFL;
- 364 (f) School ~~environmental~~ safety incident reports collected  
 365 under subsection (8); and
- 366 (g) Local law enforcement.

367

368 Data that is exempt or confidential and exempt from public  
 369 records requirements retains its exempt or confidential and  
 370 exempt status when incorporated into the centralized integrated  
 371 data repository. To maintain the confidentiality requirements  
 372 attached to the information provided to the centralized  
 373 integrated data repository by the various state and local  
 374 agencies, data governance and security shall ensure compliance  
 375 with all applicable state and federal data privacy requirements  
 376 through the use of user authorization and role-based security,  
 377 data anonymization and aggregation and auditing capabilities. To

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378 maintain the confidentiality requirements attached to the  
 379 information provided to the centralized integrated data  
 380 repository by the various state and local agencies, each source  
 381 agency providing data to the repository shall be the sole  
 382 custodian of the data for the purpose of any request for  
 383 inspection or copies thereof under chapter 119. The department  
 384 shall only allow access to data from the source agencies in  
 385 accordance with rules adopted by the respective source agencies  
 386 and the requirements of the Federal Bureau of Investigation  
 387 Criminal Justice Information Services security policy, where  
 388 applicable.

389 (8) Oversee, facilitate, and coordinate district and school  
 390 compliance with school safety incident reporting requirements in  
 391 accordance with rules adopted by the state board enacting the  
 392 school safety incident reporting requirements of this  
 393 subsection, s. 1006.07(9), and other statutory safety incident  
 394 reporting requirements. The office shall:

- 395 (a) Provide technical assistance to school districts and  
 396 charter school governing boards and administrators for school  
 397 ~~environmental~~ safety incident reporting as required under s.  
 398 1006.07(9).
- 399 (b) ~~The office shall~~ Collect data through school  
 400 ~~environmental~~ safety incident reports on incidents involving any  
 401 person which occur on school premises, on school transportation,  
 402 and at off-campus, school-sponsored events.
- 403 (c) Review and evaluate safety incident reports of each ~~The~~  
 404 ~~office shall review and evaluate~~ school district and charter  
 405 school and other entities, as may be required by law, reports ~~to~~  
 406 ensure compliance with reporting requirements. The office shall



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timely notify the commissioner of all incidents of material noncompliance for purposes of invoking the commissioner's responsibilities provided under s. 1001.11(9). Upon notification by the commissioner ~~department~~ that a superintendent or charter school administrator has, based on clear and convincing evidence, failed to comply with the requirements of s. 1006.07(9), the district school board or charter school governing board, as applicable, shall withhold further payment of his or her salary as authorized under s. 1001.42(13)(b) and impose other appropriate sanctions that the commissioner or state board by law may impose, pending demonstration of full compliance.

(14) Maintain a current directory of public and private school-based diversion programs and cooperate with each judicial circuit and the Department of Juvenile Justice to facilitate their efforts to monitor and enforce each governing body's compliance with s. 985.12.

(15) Develop, in coordination with the Division of Emergency Management, other federal, state, and local law enforcement agencies, fire and rescue agencies, and first responder agencies, a model emergency event family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions that are closed or unexpectedly evacuated due to natural or manmade disasters or emergencies.

Section 7. Paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

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(b) Additionally, a charter school shall demonstrate and certify in its contract, and if necessary through addendum to its contract, the charter school's ~~be in~~ compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat assessment teams.

10. Section 1006.07(9), relating to school ~~Environmental~~ safety incident reporting.

11. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

12. Section 1006.07(6)(c), relating to adopting an active assailant response plan.

13. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

14. Section 1012.584, relating to youth mental health

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awareness and assistance training.

15. Section 1006.07(4), relating to emergency drills and emergency procedures.

Section 8. Paragraph (d) is added to subsection (2) of section 1003.5716, Florida Statutes, to read:

1003.5716 Transition to postsecondary education and career opportunities.—All students with disabilities who are 3 years of age to 21 years of age have the right to a free, appropriate public education. As used in this section, the term “IEP” means individual education plan.

(2) Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

(d) A statement of post-high school performance expectations which includes a proposed transition plan that facilitates continuity of care and coordination of any behavioral health services needed to assist the student in reaching those expectations. The statement must also specify parent, student, and agency roles and responsibilities pertaining to the provision and funding of specified transition services, as applicable.

Section 9. Subsection (5) is added to section 1004.44, Florida Statutes, to read:

1004.44 Louis de la Parte Florida Mental Health Institute.—There is established the Louis de la Parte Florida Mental Health Institute within the University of South Florida.

(5) In consultation with the Department of Children and Families, the Department of Juvenile Justice, and the Department

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of Education, the institute shall convene a workgroup of practitioners and experts to review, evaluate, and provide implementation guidance on the mental health-related findings and recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, as approved in reports submitted pursuant to s. 943.687. The workgroup shall analyze, evaluate, and identify regulatory or legislative actions necessary to facilitate implementation of each recommendation. By August 1, 2020, the institute shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an initial summary report of activities, specific policy and budget recommendations, including draft legislation and associated fiscal impact statements, and other information and policy or administrative recommendations to improve the state’s mental health system of care. The institute must continue to monitor commission activities and coordinate with agency partners to advise them on implementation activities, and may submit subsequent reports and recommendations on an annual basis or as requested. This subsection shall expire July 1, 2024.

Section 10. Paragraph (a) of subsection (4), paragraph (a) of subsection (6), paragraph (a) of subsection (7), and subsection (9) of section 1006.07, Florida Statutes, are amended, and paragraph (n) of subsection (2), paragraph (d) of subsection (4), and subsection (10) are added to that section, to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper

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523 attention to health, safety, and other matters relating to the  
 524 welfare of students, including:

525 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
 526 conduct for elementary schools and a code of student conduct for  
 527 middle and high schools and distribute the appropriate code to  
 528 all teachers, school personnel, students, and parents, at the  
 529 beginning of every school year. Each code shall be organized and  
 530 written in language that is understandable to students and  
 531 parents and shall be discussed at the beginning of every school  
 532 year in student classes, school advisory council meetings, and  
 533 parent and teacher association or organization meetings. Each  
 534 code shall be based on the rules governing student conduct and  
 535 discipline adopted by the district school board and shall be  
 536 made available in the student handbook or similar publication.  
 537 Each code shall include, but is not limited to:

538 (n) Criteria for assigning a student to a civil citation or  
 539 similar prearrest diversion program that is an alternative to  
 540 expulsion or referral to law enforcement agencies. All civil  
 541 citation or similar prearrest diversion programs must comply  
 542 with s. 985.12.

543 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

544 (a) Formulate and prescribe policies and procedures, in  
 545 consultation with the appropriate public safety agencies, for  
 546 emergency drills and for actual emergencies, including, but not  
 547 limited to, fires, natural disasters, active shooter and hostage  
 548 situations, and bomb threats, for all students and faculty at  
 549 all public schools of the district ~~composed~~ comprised of grades  
 550 K-12, pursuant to state board rule. Drills for active shooter  
 551 and hostage situations shall be conducted in accordance with

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552 developmentally appropriate and age-appropriate procedures, as  
 553 specified in state board rules at least as often as other  
 554 emergency drills. Law enforcement officers responsible for  
 555 responding to the school in the event of an active assailant  
 556 emergency, as determined necessary by the sheriff in  
 557 coordination with the district's school safety specialist, must  
 558 be physically present on campus and directly involved in the  
 559 execution of active assailant emergency drills. District school  
 560 board policies shall include commonly used alarm system  
 561 responses for specific types of emergencies and verification by  
 562 each school that drills have been provided as required by law,  
 563 state board rule, and fire protection codes. The emergency  
 564 response policy shall identify the individuals responsible for  
 565 contacting the primary emergency response agency and the  
 566 emergency response agency that is responsible for notifying the  
 567 school district for each type of emergency. The state board  
 568 shall refer to recommendations provided in reports published  
 569 pursuant to s. 943.687 for guidance and, by August 1, 2020,  
 570 consult with state and local constituencies to adopt rules  
 571 applicable to the requirements of this subsection which, at a  
 572 minimum, define "emergency drill," "active threat," and "after-  
 573 action report," and must establish minimum emergency drill  
 574 policies and procedures related to the timing, frequency,  
 575 participation, training, notification, accommodations, and  
 576 responses to threat situations by incident type, school level,  
 577 school type, and student and school characteristics. Such rules  
 578 must require all types of emergency drills to be conducted no  
 579 less frequently than on an annual school year basis.

580 (d) Consistent with subsection (10), as a component of

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581 emergency procedures, each district school board and charter  
 582 school governing board must adopt, in coordination with local  
 583 law enforcement agencies, an emergency event family  
 584 reunification plan to reunite students and employees with their  
 585 families in the event of a mass casualty or other emergency  
 586 event situation.

587 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district  
 588 school superintendent shall establish policies and procedures  
 589 for the prevention of violence on school grounds, including the  
 590 assessment of and intervention with individuals whose behavior  
 591 poses a threat to the safety of the school community.

592 (a) Each district school superintendent shall designate a  
 593 school safety specialist for the district. The school safety  
 594 specialist must be a school administrator employed by the school  
 595 district or a law enforcement officer employed by the sheriff's  
 596 office located in the school district. Any school safety  
 597 specialist designated from the sheriff's office must first be  
 598 authorized and approved by the sheriff employing the law  
 599 enforcement officer. Any school safety specialist designated  
 600 from the sheriff's office remains the employee of the office for  
 601 purposes of compensation, insurance, workers' compensation, and  
 602 other benefits authorized by law for a law enforcement officer  
 603 employed by the sheriff's office. The sheriff and the school  
 604 superintendent may determine by agreement the reimbursement for  
 605 such costs, or may share the costs, associated with employment  
 606 of the law enforcement officer as a school safety specialist.  
 607 The school safety specialist must earn a certificate of  
 608 completion of the school safety specialist training provided by  
 609 the Office of Safe Schools within 1 year after appointment and

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610 is responsible for the supervision and oversight for all school  
 611 safety and security personnel, policies, and procedures in the  
 612 school district. The school safety specialist shall:

613 1. Review school district policies and procedures for  
 614 compliance with state law and rules, including the district's  
 615 timely and accurate submission of school ~~environmental~~ safety  
 616 incident reports to the department pursuant to s. 1001.212(8).

617 2. Provide the necessary training and resources to students  
 618 and school district staff in matters relating to youth mental  
 619 health awareness and assistance; emergency procedures, including  
 620 active shooter training; and school safety and security.

621 3. Serve as the school district liaison with local public  
 622 safety agencies and national, state, and community agencies and  
 623 organizations in matters of school safety and security.

624 4. In collaboration with the appropriate public safety  
 625 agencies, as that term is defined in s. 365.171, by October 1 of  
 626 each year, conduct a school security risk assessment at each  
 627 public school using the Florida Safe Schools Assessment Tool  
 628 developed by the Office of Safe Schools pursuant to s.  
 629 1006.1493. Based on the assessment findings, the district's  
 630 school safety specialist shall provide recommendations to the  
 631 district school superintendent and the district school board  
 632 which identify strategies and activities that the district  
 633 school board should implement in order to address the findings  
 634 and improve school safety and security. Each district school  
 635 board must receive such findings and the school safety  
 636 specialist's recommendations at a publicly noticed district  
 637 school board meeting to provide the public an opportunity to  
 638 hear the district school board members discuss and take action

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on the findings and recommendations. Each school safety specialist shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

(7) THREAT ASSESSMENT TEAMS.—Each district school board shall adopt policies for the establishment of threat assessment teams at each school whose duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools. Such policies must include procedures for referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, and procedures for behavioral threat assessments in compliance with the instrument developed pursuant to s. 1001.212(12).

(a) A threat assessment team shall include a sworn law enforcement officer who has undergone threat assessment training identified by the Office of Safe Schools pursuant to s. 1001.212, and persons with expertise in counseling, instruction, and school administration, and law enforcement. All required members of the threat assessment team must be involved in the threat assessment process, from start to finish, including the determination of the final disposition decision. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. Upon the availability of the behavioral threat assessment instrument developed pursuant to s.

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1001.212(12), the threat assessment team shall use that instrument.

(9) ~~SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.~~—Each district school board shall adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. For purposes of s. 1001.212(8) and this subsection, incidents related to school safety and discipline include incidents reported pursuant to ss. 1006.09, 1006.13, 1006.135, 1006.147, and 1006.148. The district school superintendent is responsible for school ~~environmental~~ safety incident reporting. A district school superintendent who fails to comply with this subsection is subject to the penalties specified in law, including, but not limited to, s. 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State Board of Education shall adopt rules establishing ~~the~~ requirements for the school ~~environmental~~ safety incident reporting ~~report~~.

(10) EMERGENCY EVENT FAMILY REUNIFICATION POLICIES AND PLANS.—By August 1, 2021, each district school board shall adopt a school district emergency event family reunification policy establishing elements and requirements for a school district emergency event family reunification plan and individual school-based emergency event family reunification plans for the purpose of reuniting students and employees with their families in the event of a mass casualty or other emergency event situation.

(a) School district policies and plans must be coordinated with the county sheriff and local law enforcement. School-based plans must be consistent with school board policy and the school district plan. The school board is encouraged to apply model

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697 mass casualty death notification and reunification policies and  
 698 practices referenced in reports published pursuant to s. 943.687  
 699 and as developed by the Office of Safe Schools.

700 (b) Minimally, plans must identify potential reunification  
 701 sites and ensure a unified command at each site, identify  
 702 equipment needs, provide multiple methods of communication with  
 703 family members of students and staff, address training for  
 704 employees, and provide multiple methods to aid law enforcement  
 705 in identification of students and staff, including written  
 706 backup documents.

707 Section 11. Subsection (6) of section 1006.09, Florida  
 708 Statutes, is amended to read:

709 1006.09 Duties of school principal relating to student  
 710 discipline and school safety.—

711 (6) Each school principal must ensure that standardized  
 712 forms prescribed by rule of the State Board of Education are  
 713 used to report data concerning school safety and discipline to  
 714 the department through the School Environmental Safety Incident  
 715 Reporting (SESIR) System. The school principal must develop a  
 716 plan to verify the accuracy of reported incidents.

717 Section 12. Section 1006.12, Florida Statutes, is amended  
 718 to read:

719 1006.12 Safe-school officers at each public school.—For the  
 720 protection and safety of school personnel, property, students,  
 721 and visitors, each district school board and district school  
 722 superintendent school district superintendent shall partner with  
 723 law enforcement agencies or security agencies to establish or  
 724 assign one or more safe-school officers at each school facility  
 725 within the district, including charter schools. A district

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726 school board must collaborate with charter school governing  
 727 boards to facilitate charter school access to all safe-school  
 728 officer options available under this section. The school  
 729 district may implement one or more ~~any combination~~ of the  
 730 options specified in subsections (1)-(4) to best meet the needs  
 731 of the school district and charter schools.

732 (1) SWORN LAW ENFORCEMENT SCHOOL RESOURCE OFFICER.—A school  
 733 district may establish school resource officer programs through  
 734 a cooperative agreement with law enforcement agencies.

735 (a) Sworn law enforcement school resource officers shall  
 736 undergo criminal background checks, drug testing, and a  
 737 psychological evaluation and be certified law enforcement  
 738 officers, as defined in s. 943.10(1), who are employed by a law  
 739 enforcement agency as defined in s. 943.10(4). The powers and  
 740 duties of a law enforcement officer shall continue throughout  
 741 the employee's tenure as a sworn law enforcement school resource  
 742 officer.

743 (b) Sworn law enforcement school resource officers shall  
 744 abide by district school board policies and shall consult with  
 745 and coordinate activities through the school principal, but  
 746 shall be responsible to the law enforcement agency in all  
 747 matters relating to employment, subject to agreements between a  
 748 district school board and a law enforcement agency. Activities  
 749 conducted by the sworn law enforcement school resource officer  
 750 which are part of the regular instructional program of the  
 751 school shall be under the direction of the school principal.

752 (c) Sworn law enforcement school resource officers shall  
 753 complete mental health crisis intervention training using a  
 754 curriculum developed by a national organization with expertise

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in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(2) SWORN LAW ENFORCEMENT SCHOOL SAFETY OFFICER.—A school district may commission one or more sworn law enforcement school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more sworn law enforcement school safety officers.

(a) Sworn law enforcement school safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under ~~the provisions of~~ chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with ~~the provisions of~~ that chapter.

(b) A sworn law enforcement school safety officer has and shall exercise the power to make arrests for violations of law on district school board property or on property owned or leased by a charter school under the charter contract, as applicable, and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A sworn law enforcement school safety officer has the authority to carry

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weapons when performing his or her official duties.

(c) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A sworn law enforcement school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

(d) Sworn law enforcement school safety officers shall complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(3) FEIS GUARDIAN PROGRAM CERTIFIED SCHOOL GUARDIAN.—At the school district's or the charter school governing board's discretion, as applicable, pursuant to s. 30.15, a school district or charter school governing board may participate in the Coach Aaron Feis Guardian Program to meet the requirement of establishing a safe-school officer. The following individuals may serve as a Feis guardian program certified school guardian, in support of school-sanctioned activities for purposes of s. 790.115, upon satisfactory completion of the requirements under s. 30.15(1)(k) and certification by a sheriff:

(a) A school district employee or personnel, as defined under s. 1012.01, or a charter school employee, as provided under s. 1002.33(12)(a), who volunteers to serve as a Feis guardian program certified school guardian in addition to his or her official job duties; or

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813 (b) An employee of a school district or a charter school  
 814 who is hired for the specific purpose of serving as a Feis  
 815 guardian program certified school guardian.

816 (4) FEIS GUARDIAN PROGRAM CERTIFIED SCHOOL SECURITY GUARD.—  
 817 A school district or charter school governing board may contract  
 818 with a security agency as defined in s. 493.6101(18) to employ  
 819 as a Feis guardian program certified school security guard an  
 820 individual who holds a Class "D" and Class "G" license pursuant  
 821 to chapter 493, provided the following training and contractual  
 822 conditions are met:

823 (a) An individual who serves as a Feis guardian program  
 824 certified school security guard, for purposes of satisfying the  
 825 requirements of this section, must:

826 1. Demonstrate satisfactory completion of all training  
 827 program requirements of the Coach Aaron Feis Guardian Program,  
 828 as provided and certified by a county sheriff, 144 hours of  
 829 required training pursuant to s. 30.15(1)(k)2.

830 2. Submit to and pass a psychological evaluation  
 831 administered by a licensed professional psychologist licensed  
 832 under chapter 490 and designated by the Department of Law  
 833 Enforcement and submit the results of the evaluation to the  
 834 sheriff's office, ~~school district, or charter school governing~~  
 835 ~~board, as applicable. The sheriff's office must review and~~  
 836 approve the results of each applicant's psychological evaluation  
 837 before accepting the applicant into the Feis guardian program.  
 838 The Department of Law Enforcement is authorized to provide the  
 839 sheriff's office, ~~school district, or charter school governing~~  
 840 ~~board~~ with mental health and substance abuse data for compliance  
 841 with this paragraph.

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842 3. Submit to and pass an initial drug test and subsequent  
 843 random drug tests in accordance with the requirements of s.  
 844 112.0455 and the sheriff's office, ~~school district, or charter~~  
 845 ~~school governing board, as applicable. The sheriff's office must~~  
 846 review and approve the results of each applicant's drug tests  
 847 before accepting the applicant into the Feis guardian program.

848 4. Successfully complete ongoing training, weapon  
 849 inspection, and firearm qualification on at least an annual  
 850 basis, as required by the sheriff's office and provide  
 851 documentation to the sheriff's office, school district, or  
 852 charter school governing board, as applicable.

853 (b) The contract between a security agency and a school  
 854 district or a charter school governing board regarding  
 855 requirements applicable to Feis guardian program certified  
 856 school security guards serving in the capacity of a safe-school  
 857 officer for purposes of satisfying the requirements of this  
 858 section shall define the county sheriff or sheriffs entity or  
 859 entities responsible for Feis guardian program training and the  
 860 responsibilities for maintaining records relating to training,  
 861 inspection, and firearm qualification; and define conditions,  
 862 requirements, costs, and responsibilities necessary to satisfy  
 863 the background screening requirements of paragraph (d).

864 (c) Feis guardian program certified school security guards  
 865 serving in the capacity of a safe-school officer pursuant to  
 866 this subsection are in support of school-sanctioned activities  
 867 for purposes of s. 790.115, and must aid in the prevention or  
 868 abatement of active assailant incidents on school premises.

869 (d) A Feis guardian program certified school security guard  
 870 serving in the capacity of a safe-school officer pursuant to



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871 this subsection is considered to be a "noninstructional  
 872 contractor" subject to the background screening requirements of  
 873 ss. 1012.465 and 1012.467, as they apply to each applicable  
 874 school district or charter school, and these requirements must  
 875 be satisfied before the Feis guardian program certified school  
 876 security guard is given access to school grounds.

877 (5) NOTIFICATION.—The school district superintendent or  
 878 charter school administrator shall notify the county sheriff and  
 879 the Office of Safe Schools immediately after, but no later than  
 880 72 hours after:

881 (a) A safe-school officer is dismissed for misconduct or is  
 882 otherwise disciplined.

883 (b) A safe-school officer discharges his or her firearm in  
 884 the exercise of the safe-school officer's duties, other than for  
 885 training purposes.

886 (6) EXEMPTION.—Any information that would identify whether  
 887 a particular individual has been appointed as a safe-school  
 888 officer pursuant to this section held by a law enforcement  
 889 agency, school district, or charter school is exempt from s.  
 890 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
 891 subsection is subject to the Open Government Sunset Review Act  
 892 in accordance with s. 119.15 and shall stand repealed on October  
 893 2, 2023, unless reviewed and saved from repeal through  
 894 reenactment by the Legislature.

895  
 896 If a district school board, through its adopted policies,  
 897 procedures, or actions, denies a charter school access to any  
 898 safe-school officer options pursuant to this section, the school  
 899 district must assign a sworn law enforcement school resource

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900 officer or sworn law enforcement school safety officer to the  
 901 charter school. Under such circumstances, the charter school's  
 902 share of the costs of the sworn law enforcement school resource  
 903 officer or sworn law enforcement school safety officer may not  
 904 exceed the safe school allocation funds provided to the charter  
 905 school pursuant to s. 1011.62(15) and shall be retained by the  
 906 school district.

907 Section 13. Subsection (3) of section 1006.13, Florida  
 908 Statutes, is amended to read:

909 1006.13 Policy of zero tolerance for crime and  
 910 victimization.—

911 (3) Zero-tolerance policies must require students found to  
 912 have committed one of the following offenses to be expelled,  
 913 with or without continuing educational services, from the  
 914 student's regular school for a period of not less than 1 full  
 915 year, and to be referred to the criminal justice or juvenile  
 916 justice system.

917 (a) Bringing a firearm or weapon, as defined in chapter  
 918 790, to school, to any school function, or onto any school-  
 919 sponsored transportation or possessing a firearm at school.

920 (b) Making a threat or false report, as defined by ss.  
 921 790.162 and 790.163, respectively, involving school or school  
 922 personnel's property, school transportation, or a school-  
 923 sponsored activity.

924  
 925 District school boards may assign the student to a school-based  
 926 diversion program pursuant to s. 985.12 ~~disciplinary program~~ for  
 927 the purpose of continuing educational services during the period  
 928 of expulsion. District school superintendents may consider the

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1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a school-based diversion program pursuant to s. ~~985.12 disciplinary program or second chance school~~ if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules.

Section 14. Paragraph (a) of subsection (2) of section 1006.1493, Florida Statutes, is amended to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

(a) At a minimum, the FSSAT must address all of the following components:

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; ~~and~~
8. A return on investment analysis of the recommended

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physical security controls and;-

9. Policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families after a school is closed or unexpectedly evacuated due to such disasters or emergencies.

Section 15. Effective July 1, 2020, subsection (16) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000, with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Charter schools that submit a plan separate from the school district are entitled to a proportionate share of district funding. The allocated funds may not supplant funds

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that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third-party health insurance benefits and Medicaid claiming for services, where appropriate.

(a) Before the distribution of the allocation:

1. The school district shall ~~must~~ develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval. The This plan, which must include input from school and community stakeholders, applies to all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district pursuant to subparagraph 2.

2. A charter school may develop and submit a detailed plan outlining the local program and planned expenditures to its governing body for approval. After the plan is approved by the governing body, it must be provided to the charter school's sponsor.

(b) The plans required under paragraph (a) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:

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1. Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan also must establish ~~identify~~ strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.

2. Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.

3. Policies and procedures, including contracts with service providers, which will ensure that students who are referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and ensure that the assessment of students at risk for mental health disorders

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occurs within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.

4. Mental health policies and procedures that implement and support all of the following elements:

a. Universal supports to promote psychological well-being and safe and supportive environments.

b. Evidence-based strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.

~~c.5.~~ Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders; ~~provide, to improve the provision of~~ early intervention services; ~~and to~~ assist students in dealing with trauma and violence.

d. Methods for responding to a student with suicidal ideation, including training in suicide risk assessment and the use of suicide awareness, prevention, and screening instruments developed under s. 1012.583; adoption of guidelines for informing parents of suicide risk; and implementation of board policies for initiating involuntary examination of students at risk of suicide.

e. A school crisis response plan that includes strategies for the prevention of, preparation for, response to, and recovery from a range of school crises. The plan must establish

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or coordinate the implementation of district-level and school-level crisis response teams whose membership includes, but is not limited to, representatives of school administration and school-based mental health service providers.

(c) School districts shall submit approved plans, including approved plans of each charter school in the district, to the commissioner by August 1 of each fiscal year.

(d) ~~By September 30 of each year Beginning September 30, 2019, and annually by September 30 thereafter,~~ each school district shall submit its district report to the department. By November 1 of each year, the department shall submit a state summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on Department of Education a report on its program outcomes and expenditures for the previous fiscal year. The school district report must include program outcomes and expenditures for all public schools in the district, including charter schools that submitted a separate plan. At a minimum, the district and state reports also must that, at a minimum, must include school district-level and school-level, including charter schools, information, including multiple-year trend data, when available, for each of the number of each of the following indicators:

1. The number of students who receive screenings or assessments.

2. The number of students who are referred to either school-based or community-based providers for services or assistance.

3. The number of students who receive either school-based or community-based interventions, services, or assistance.

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1103 4. The number of school-based and community-based mental  
1104 health providers, including licensure type, paid for from funds  
1105 provided through the allocation.

1106 5. The number and ratio to students of school social  
1107 workers, school psychologists, and certified school counselors  
1108 employed by the district or charter school and the total number  
1109 of licensed mental health professionals directly employed by the  
1110 district or charter school.

1111 6. Contract-based collaborative efforts or partnerships  
1112 with community mental health programs, agencies, or providers.

1113 Section 16. Except as otherwise expressly provided in this  
1114 act, this act shall take effect upon becoming a law.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

*Meeting Date*

SB 7040

*Bill Number (if applicable)*

Topic SB 7040

*Amendment Barcode (if applicable)*

Name Elizabeth Moya

Job Title Director of Legislative Affairs

Address 325 West Gaines Street

*Street*

Tallahassee

*City*

Florida

*State*

32399

*Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Department of Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: SB 7048

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Public Records/Public Shelter Space

DATE: Febraury 4, 2020

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Proctor	Miller		<b>IS Submitted as Comm. Bill/FAV</b>

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## **I. Summary:**

SB 7048 creates a public record exemption for the name, address, and telephone number of a person which are held by an agency providing shelter or assistance to such person during an emergency.

The SB provides that the exemptions are subject to the Open Government Sunset Review Act and will repeal October 2, 2025, unless the Legislature reviews and reenacts the exemptions by that date.

The SB has an effective date upon becoming law.

## **II. Present Situation:**

### **Access to Public Records - Generally**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, Florida Statutes (F.S.), provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*

<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

public access to judicial branch records.<sup>4</sup> Lastly, chapter 119, F.S., provides requirements for public records held by executive agencies.

### **Executive Agency Records – The Public Records Act**

Chapter 119, F.S., known as the Public Records Act, provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>5</sup>

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”<sup>7</sup>

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>10</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>11</sup>

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<sup>4</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4<sup>th</sup> DCA 2018).

<sup>5</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.07(1)(a), F.S.

<sup>9</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>10</sup> FLA. CONST. art. I, s. 24(c).

<sup>11</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).



General exemptions from the public records requirements are contained in the Public Records Act.<sup>12</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>13</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.<sup>14</sup> Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.<sup>15</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act<sup>16</sup> (the Act) prescribes a legislative review process for newly created or substantially amended<sup>17</sup> public records or open meetings exemptions, with specified exceptions.<sup>18</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>19</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>20</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>21</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>22</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

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<sup>12</sup> See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>13</sup> See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>14</sup> See *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

<sup>15</sup> *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>16</sup> Section 119.15, F.S.

<sup>17</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>18</sup> Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>19</sup> Section 119.15(3), F.S.

<sup>20</sup> Section 119.15(6)(b), F.S.

<sup>21</sup> Section 119.15(6)(b)1., F.S.

<sup>22</sup> Section 119.15(6)(b)2., F.S.

<sup>23</sup> Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.<sup>24</sup> In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>25</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>26</sup>

### **Public Shelters**

The Division of Emergency Management (DEM) is established in the Executive Office of the Governor to serve as the state's emergency management agency.<sup>27</sup> The State Emergency Management Act<sup>28</sup> directs DEM to oversee and manage emergency preparedness, response, recovery, and mitigation programs in Florida.

DEM currently manages a program for surveying existing public and private buildings, with the owner's written agreement, to identify which facilities are appropriately designed and located to serve as shelters in the event of an emergency.<sup>29</sup> Public facilities, including schools, post-secondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals or nursing homes, which are suitable for use as public hurricane evacuation shelters must be made available at the request of the local emergency management agencies.<sup>30</sup>

DEM is required to prepare a state comprehensive emergency management plan (CEMP) that must be integrated into, and coordinated with, the emergency management plans of the Federal Government.<sup>31</sup> The CEMP<sup>32</sup> must include a shelter component, the Statewide Emergency Shelter

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<sup>24</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>25</sup> See generally s. 119.15, F.S.

<sup>26</sup> Section 119.15(7), F.S.

<sup>27</sup> Section 14.2016, F.S.

<sup>28</sup> Section 252.31, F.S., through s. 252.60, F.S., are known as the State Emergency Management Act. Section 252.31, F.S.

<sup>29</sup> Section 252.385(2)(a), F.S.

<sup>30</sup> Section 252.385(4)(a), F.S.

<sup>31</sup> Section 252.35(2)(a), F.S. ; see also s. 1013.372, F.S.

<sup>32</sup> FLA. ADMIN. CODE R. 27P-2.002, incorporates the CEMP by reference; See Comprehensive Emergency Management Plan, Division of Emergency Management, available at <https://www.floridadisaster.org/globalassets/importedpdfs/2014-state-cemp-basic-plan.pdf> (last visited January 29, 2020).

Plan (plan),<sup>33</sup> with specific planning provisions and the CEMP must promote shelter activity coordination between the public, private, and nonprofit sectors.<sup>34</sup> The plan must include the following:

- Contain strategies to ensure the availability of adequate shelter space in each region of the state;
- Establish strategies for refuge-of-last-resort programs;
- Provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel;
- Provide for a post disaster communications system for public shelters;
- Establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and
- Set forth policy guidance for sheltering people with special needs.<sup>35</sup>

The plan must be prepared and submitted to the Governor and Cabinet each even-numbered year.<sup>36</sup> The plan, among other requirements, must identify the location and square footage of existing shelters as well as shelters needed in the next five years.<sup>37</sup> The plan must also identify the types of public facilities that should be constructed to comply with emergency-shelter criteria and must recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within these public facilities.<sup>38</sup>

Public shelters are not required to gather personal information on shelter residents, however, nothing in law prevents the collection of such information. Shelters that collect personal information on their residents may do so to have an accurate accounting of all persons staying within or to locate family members for the purpose of family reunification. While no public record exemption for this information exists, the plan states that shelter staff members should “abide by principles of confidentiality.”<sup>39</sup>

### III. Effect of Proposed Changes:

The SB creates a public record exemption for the name, address, and telephone number of a person which are held by an agency, as defined in s. 119.011, F.S., providing shelter or assistance to such person during an emergency is exempt<sup>40</sup> from public records requirements.

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<sup>33</sup> 2018 Statewide Emergency Shelter Plan, DIVISION OF EMERGENCY MANAGEMENT, available at <https://www.floridadisaster.org/globalassets/dem/response/sesp/2018/2018-sesp-entire-document.pdf> (last visited January 29, 2020).

<sup>34</sup> Section 252.35(2)(a)2., F.S.

<sup>35</sup> *Id.*

<sup>36</sup> Section 1013.372(2), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Supra*, note 33 at Appendix F, pg. F-2.

<sup>40</sup> There is a difference between records the Legislature designates exempt from public records requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991) *review denied*, 589 So. 2d 289 (Fla. 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. *See WFTV, Inc. v. Sch. Bd. of Seminole Cnty*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So. 2d 1015 (Fla. 2004); Op. Att’y Gen. Fla. 85-692 (1985).

The SB provides a public necessity statement as required by the Florida Constitution. The statement asserts that:

“Shelters are made available to the public to provide a safe place of accommodation before, during, and immediately following an emergency. During an emergency, the people affected are in a vulnerable state, as they have voluntarily displaced themselves from their residences and possessions to seek refuge. The information submitted to an agency by such a person seeking shelter or assistance could be used by persons seeking to take advantage of their vulnerability during or following the emergency. In addition, people seeking shelter or assistance for their safety and the safety of their families should not be forced to forfeit their privacy for the sake of such safety.”

The SB provides that the exemptions are subject to the Open Government Sunset Review Act and will repeal October 2, 2025, unless the Legislature reviews and reenacts the exemptions by that date.

The SB has an effective date upon becoming law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

###### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This SB enacts a new exemption for the name, address, and telephone number of a person using a public shelter or provided assistance by an agency during an emergency, thus, the SB requires a two-thirds vote to be enacted.

###### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the SB contains a statement of public necessity for the exemption.

###### **Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect the name, address, and telephone number of a person using a public shelter or provided assistance by an agency during an emergency. This SB exempts only the name, address, and telephone number of a person using a public shelter

or provided assistance by an agency during an emergency from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The SB may have a minimal fiscal impact on agencies due to the fact agency staff responsible for complying with public records requests may require training related to the creation of the public records exemptions. Costs associated with redacting the exempt information prior to releasing a record may be incurred. The costs, however, would be absorbed by existing resources, as they are part of day-to-day responsibilities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 252.385

**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.

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

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**FOR CONSIDERATION By** the Committee on Infrastructure and Security

596-02783-20

20207048pb

A bill to be entitled

An act relating to public records; amending s. 252.385, F.S.; creating an exemption from public records requirements for the name, address, and telephone number of a person which are held by an agency providing shelter or assistance to such person during an emergency; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (5) is added to section 252.385, Florida Statutes, to read:

252.385 Public shelter space; public records exemption.—

(5) The name, address, and telephone number of a person which are held by an agency, as defined in s. 119.011, providing shelter or assistance to such person during an emergency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the name, address, and telephone number of a person which are held by an agency providing shelter or assistance to such person during an emergency be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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the State Constitution. Shelters are made available to the public to provide a safe place of accommodation before, during, and immediately following an emergency. During an emergency, the people affected are in a vulnerable state, as they have voluntarily displaced themselves from their residences and possessions to seek refuge. The information submitted to an agency by such a person seeking shelter or assistance could be used by persons seeking to take advantage of their vulnerability during or following the emergency. In addition, people seeking shelter or assistance for their safety and the safety of their families should not be forced to forfeit their privacy for the sake of such safety. Therefore, the Legislature finds that it is a public necessity to protect such information from public disclosure.

Section 3. This act shall take effect upon becoming a law.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

2/3/2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7048

Bill Number (if applicable)

Topic PUBLIC RECORDS/PUBLIC MEETING SPACE Amendment Barcode (if applicable)

Name DAPHNE SAINVIL

Job Title

Address 205 S. Adams St.

Street

City

Bullahassee, FL 32301

State

Zip

Phone 954.253.7320

Email

Speaking: ☐ For ☐ Against ☐ Information

☒ Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing BROWARD COUNTY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

2/3/2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

6B 7048

Bill Number (if applicable)

Topic

Public Records / Public Shelter Space

Amendment Barcode (if applicable)

Name

Rebecca DelaRosa

Job Title

Legislative Affairs Director

Address

301 N Olive Ave #701

Phone

850.284.7235

Street

West Palm Beach, FL 33401

City

State

Zip

Email

rdelarosa@pbgov.org

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Palm Beach County

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

7048

Bill Number (if applicable)

Topic

PUBLIC RECORDS / PUBLIC MEETING SPACE

Amendment Barcode (if applicable)

Name

LISA HURLEY

Job Title

Address

311 E. Paul Ave

Phone

850.229.5081

Street

Tallahassee FL 32301

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

~~Waive Speaking:~~

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

COLLIER COUNTY

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3.3.2020

Meeting Date

7048

Bill Number (if applicable)

Topic Public Records Exp.

Amendment Barcode (if applicable)

Name Laura Youmans

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Phone 850.922.4300

Tallahassee, FL 32301

City

State

Zip

Email lyoumans@fl-counties.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FL Association of Counties

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 412

INTRODUCER: Senators Bean and Harrell

SUBJECT: License Plates

DATE: February 4, 2020

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Proctor	Miller	IS	Fav/CS
2. _____	_____	AP	_____
3. _____	_____	RC	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 412 creates 33 specialty license plates (SLP) and provides for the design and the use of the annual fees associated with the SLPs. The CS also makes additional changes to the license plate laws:

- Revises four existing SLPs and repeals provisions related to 4 discontinued SLPs;
- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue SLPs for fleet vehicles and motor vehicle dealer vehicles upon approval by the SLP's sponsoring organization;
- Establishes a cap of 200 SLPs and provides a revised process for the discontinuation of low performing SLPs;
- Requires the DHSMV to conduct an audit every three years of certain SLP recipient organizations;
- Clarifies which military-related SLPs may make out-of-state expenditures; and
- Expands the prohibition against using SLP revenues for lobbying.

The CS also creates two new SLPs for recipients of the Purple Heart and the Bronze Star.

SB 414 (2020), which this CS is linked to, provides for an annual use fee of \$25 for a SLP and \$50 for out of state collegiate SLPs.

The CS will have a negative indeterminate fiscal impact associated with programming costs to the DHSMV. These costs can be absorbed within existing resources.

The CS has an effective date of October 1, 2020, but only if SB 414 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## **II. Present Situation:**

### **Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>1</sup> 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup>

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 30, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates 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 specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Fleet/Dealer License Plates**

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate is subject to an annual license tax of \$17.<sup>10</sup> These license plates are imprinted with the word "Dealer" at the bottom of the plate.<sup>11</sup> Dealers may, upon payment of the dealer plate license tax, secure one or more dealer license plates. These plates are valid while the motor vehicles are in the dealer's inventory and for sale, or while being operated in connection with the dealer's business, except when used as for-hire vehicles.<sup>12</sup>

Fleet license plates<sup>13</sup> are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.<sup>14</sup> In order to participate in the fleet vehicle program the company must have a minimum of 200 vehicles or a minimum of 25 trailers or semitrailers used exclusively to haul agricultural products.<sup>15</sup> Fleet license plates are available upon approval by the DHSMV and payment of license taxes prescribed under s. 320.08, F.S. Fleet vehicle license plates have the word "Fleet" imprinted at the bottom of the plate.<sup>16</sup> All vehicles with a fleet license plate must have the company's name or logo and unit number displayed so that they are readily identifiable.<sup>17</sup>

Neither dealer license plates nor fleet license plates are eligible to be specialty license plates.

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<sup>7</sup> Section 320.08056(7), F.S.

<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Section 320.08(12), F.S.

<sup>11</sup> Section 320.06(3), F.S.

<sup>12</sup> Section 320.13, F.S.

<sup>13</sup> The term "fleet" means nonapportioned motor vehicles owned or leased by a company and used for business purposes. Section 320.0657(1), F.S.

<sup>14</sup> Section 320.0657. DHSMV, Division of Motorist Services, Procedure RS-55, *Fleet Registration Program* (Rev. Jan. 8, 2019), <http://www3.flhsmv.gov/dmv/Proc/RS/RS-55.pdf> (last visited January 31, 2020).

<sup>15</sup> Florida Highway Safety and Motor Vehicles, *Motor Vehicle Procedures Manual, Section 2. Registration, Procedure RS-55 II D.*, <https://www3.flhsmv.gov/dmv/Proc/rs/rs-55.pdf> (last visited January 31, 2020).

<sup>16</sup> *Id.*

<sup>17</sup> Section 320.0657(2)(a), F.S.

## Existing Specialty License Plates

### *Special Olympics Florida License Plate*

Section 320.08058(7), F.S., creates the Special Olympics Florida SLP with an annual use fee of \$15.<sup>18</sup> The license plate contains the official Special Olympics Florida logo with “Florida” centered at the bottom of the plate, and “Everyone Wins” centered at the top of the plate. The first \$5 million collected annually must be forwarded to the Florida Developmental Disabilities Council to be used solely for the Special Olympics as approved by the Developmental Disabilities Council. Any additional fees must be deposited into the General Revenue Fund.<sup>19</sup>

### *Live the Dream License Plate*

Section 320.08058(48), F.S., creates the Live the Dream SLP with an annual use fee of \$25.<sup>20</sup> The words “Live the Dream” must appear at the bottom of the plate. Proceeds from the Live the Dream SLP are distributed to the Dream Foundation, Inc., which retained the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the SLP approval process. After those costs are reimbursed, up to 25 percent of the proceeds must be used for continuing promotion and marketing of the license plate and concept. The remaining funds must be distributed as follows:

- Twenty-five percent equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs providing research, care, and treatment for sickle cell disease.
- Twenty-five percent to the Florida chapter of the March of Dimes for programs and services improving the health of babies through preventing birth defects and infant mortality.
- Ten percent to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high-risk pregnant women, children under four years of age, and women of childbearing age.
- Ten percent to the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.
- Five percent to the Dream Foundation, Inc., for administrative costs directly associated with operations relating to the management and distribution of the proceeds.

In March 2015, the DHSMV began withholding funds from the Dream Foundation, Inc., because the organization failed to produce financial documentation that the DHSMV requested. In August 2015, a DHSMV Inspector General Audit found that the funds from the sale of the Live the Dream SLP were being improperly distributed. Additionally, a royalty payment was due to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of Dr. Martin Luther King Jr.’s image on the license plate. In 2016, the Dream Foundation, Inc., was administratively dissolved and was subsequently reinstated in 2017 with new corporate officers.<sup>21</sup>

<sup>18</sup> Section 320.08056(4)(g), F.S.

<sup>19</sup> Section 393.002, F.S.

<sup>20</sup> Section 320.08056(4)(vv), F.S.

<sup>21</sup> Department of State, Sunbiz.org, *Detail by Entity Name, The Dream Foundation, Inc.*, Document No. N01000003891. Throughout this analysis, references to Department of State, Division of Corporation documents filed by entities can be

***In God We Trust License Plate***

Section 320.08058(66), F.S., creates an In God We Trust SLP with an annual use fee of \$25.<sup>22</sup> The words “In God We Trust” must appear at the bottom of the plate. The annual use fees are distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds must also be distributed to other nonprofit organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., must distribute the license plate annual use fees in the following manner:

- The In God We Trust Foundation, Inc., retains all revenues from the sale of the license plates until all startup costs for developing and establishing the license plate have been recovered.
- Ten percent of the funds received by the In God We Trust Foundation, Inc., must be spent on administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.
- All remaining funds must be expended by the In God We Trust Foundation, Inc., for programs.

***Fallen Law Enforcement Officer License Plate***

Section 320.08058(80), F.S., creates the Fallen Law Enforcement Officers license plate with an annual use fee of \$25.<sup>23</sup> The words “A Hero Remembered Never Dies” must appear at the bottom of the plate. The annual use fees are distributed to the Police and Kids Foundation, Inc., which may use a maximum of ten percent of the proceeds to promote and market the plate. The remainder of the proceeds must be used by the Police and Kids Foundation, Inc., to invest and reinvest and the interest earnings must be used for the operation of the Police and Kids Foundation, Inc.

**Military Service Special License Plates**

Currently, s. 320.089, F.S., authorizes 21 special license plates available to military service members or veterans for certain types of military service. Examples of service include Veteran of the U.S. Armed Forces, World War II Veteran, and Woman Veteran. While anyone who pays the appropriate fees may purchase most SLPs, one must provide proof of eligibility to obtain a military special license plate.

Military special license plates are each stamped with words consistent with the type of special license plate issued. A likeness of the related campaign medal or badge appears on the plate followed by the license plate serial number.

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found by searching at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 31, 2020) by entity name or by detail by document number.

<sup>22</sup> Section 320.08056(4)(nnn), F.S.

<sup>23</sup> Section 320.08056(4)(bbbb), F.S.



Applicants for special license plates are required to pay the annual license tax<sup>24</sup> 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.<sup>25</sup> The first \$100,000 of the revenue generated annually from the issuance of special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act. Any 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.<sup>26</sup>

### ***The Bronze Star***

The Bronze Star Medal is awarded to any person who, after December 6, 1941, while serving in any capacity with the U.S. Armed Forces, distinguishes himself or herself by heroic or meritorious achievement or service not involving participation in aerial flight.<sup>27</sup>

### **Existing Motorcycle Specialty License Plates**

Section 320.08068, F.S., creates a motorcycle SLP with an annual use fee of \$20. The annual use fee is distributed equally to the Brain and Spinal Cord Injury Program Trust Fund, Prevent Blindness Florida, the Blind Services Foundation of Florida, the Florida Association of Centers for Independent Living, and the Florida Association of Centers for Independent Living (20 percent to each organization).<sup>28</sup>

### ***Prevent Blindness Florida***

Preserve Vision Florida, formerly Prevent Blindness Florida, is a nonprofit organization offering vision education and services to Florida's children and adults. Its focus is promoting a lifetime of healthy vision care through advocacy, education, screening and research. Its mission is to promote healthy vision through vision awareness and education, vision screening, assistance to receive medical eye care, and advocacy for vision and medical eye care health service. In May 2016, the organization Prevent Blindness Florida changed its name to Preserve Vision Florida.<sup>29</sup>

### ***The Purple Heart***

The Purple Heart is awarded to members of the U.S. Armed Forces who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action.<sup>30</sup>

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<sup>24</sup> The annual license tax is provided in s. 320.08, F.S.

<sup>25</sup> Section 320.089(2)(a), F.S.

<sup>26</sup> Section 320.089(1)(b), F.S.

<sup>27</sup> The Balance Careers, *Bronze Star Metal*, <https://www.thebalance.com/bronze-star-medal-3344939> (last visited January 31, 2020).

<sup>28</sup> Section 320.08068(4), F.S.

<sup>29</sup> Preserve Vision Florida, *About Us*, <http://www.pvfla.org/about-us/> (last visited January 31, 2020).

<sup>30</sup> The Military Order of the Purple Heart, *About the Military Order of the Purple Heart*, <http://www.purpleheart.org/HistoryOrder.aspx> (last visited January 31, 2020).

## **Ducks Unlimited**

Ducks Unlimited is a waterfowl and wetlands conservation organization founded in 1937. The mission of Ducks Unlimited is habitat conservation.<sup>31</sup> Since 1985, Ducks Unlimited has worked to conserve more than 26,000 acres of Florida wetlands.<sup>32</sup>

## **The Dan Marino Foundation, Inc.**

Based in Fort Lauderdale, the Dan Marino Foundation, Inc., is a nonprofit organization dedicated to improving the lives of persons with autism or other developmental disabilities.<sup>33</sup> Opened in 2013, Marino Campus is a ten-month, non-residential program for young adults with autism and other developmental disabilities. Marino Campus offers three programs of study: computer technology, hospitality, and retail. Class instruction combined with real-world internships prepare Marino Campus students to obtain industry-leading certifications.

## **Donate Life Florida**

Florida's organ, tissue, and eye donor registry is named for Joshua Abbott, the recipient of a lung transplant who passed away in 2006. In 2009, the Agency for Health Care Administration chose Donate Life Florida to create a statewide donor registry to increase registry enrollment and educate Floridians about donation.

Donate Life Florida is a charitable organization established in 1997 and is "dedicated to motivating Floridians to designate themselves as organ, tissue and eye donors, so lives are saved and enhanced through donation and transplantation."<sup>34</sup>

## **Florida State Beekeepers Association**

The Florida State Beekeepers Association<sup>35</sup> is dedicated to providing "resources for the improvement of Beekeeping using proven techniques and procedures in the management of Honeybees and to share this knowledge with everyone interested in the Art of Beekeeping."<sup>36</sup>

## **Childhood Cancer**

Neuroblastoma is among the most common childhood cancers and typically affects children under five years old. Not usually diagnosed until the tumor grows and presents symptoms, the majority of childhood neuroblastoma cases are aggressive; survival rates are less than 60 percent with standard chemotherapy, and the relapse rate is 50 percent. Once relapsed, there is currently

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<sup>31</sup> Ducks Unlimited, *About Ducks Unlimited*, <http://www.ducks.org/about-du?poe=hometxt> (last visited January 31, 2020).

<sup>32</sup> Ducks Unlimited, *Florida Conservation Projects*, <http://www.ducks.org/florida/florida-conservation-projects> (last visited January 31, 2020).

<sup>33</sup> Dan Marino Foundation, *About*, <https://danmarinofoundation.org/> (last visited January 31, 2020).

<sup>34</sup> Donate Life Florida, *About the Joshua Abbott Organ and Tissue Donor Registry*, <https://www.donateliflorida.org/content/about/> (last visited January 31, 2020).

<sup>35</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida State Beekeepers Association, Incorporated*, Document No. 721237.

<sup>36</sup> Florida State Beekeepers Association, *Mission Statement*, <http://apisenterprises.com/fsba/fsbamiission.htm> (last visited January 31, 2020).

no curative treatment, and for those under five years old, the survival rate is less than ten percent.<sup>37</sup> Beat Nb, Inc., is a nonprofit organization that has the mission to drive neuroblastoma cancer research and to raise awareness of the disease.<sup>38</sup>

No Kid Should Know Cancer, Inc., is a nonprofit organization based in Melbourne, Florida, that is organized to bring awareness to childhood cancer and help families who have been affected by childhood cancer financially and spiritually. Additionally, the organization sponsors, hosts, and participates in events that benefit clinical trials and improved treatment plans.<sup>39</sup>

### **University of Alabama**

The Pensacola Bama Club is a Chapter of the University of Alabama National Alumni Association. They are a nonprofit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, and are open to alumni, friends, and fans of the university. “The organization’s primary mission is to provide scholarships to deserving local high school students as well as play host to an annual kick-off event and game watching parties.”<sup>40</sup>

### **Rotary**

Rotary is a global network of 1.2 million neighbors, friends, leaders, and problem-solvers who come together to make positive, lasting change in communities at home and abroad.<sup>41</sup>

Founded in 1990, the Community Foundation of Tampa Bay is dedicated to helping individuals in Citrus, Hernando, Hillsborough, Pinellas, and Pasco counties. The foundation functions as a partnership between donors, nonprofits, community and business leaders, professional advisors, volunteers, and the residents of the counties.<sup>42</sup>

### **Florida National Parks Association, Inc.**

The Florida National Parks Association, Inc., (FNPA) is the official nonprofit entity of Everglades National Park, Biscayne National Park, Dry Tortugas National Park, and Big Cypress National Preserve. The purpose of the FNPA is to generate additional revenues to help supplement the park service’s budget as well as support educational, interpretive, historical, and scientific research. The FNPA also operates the book stores within the parks to help generate revenues as well as provides a visitor information services function on behalf of the National Park Service.<sup>43</sup>

<sup>37</sup> Beat Nb, Inc. *Neuroblastoma*, <https://beatnb.org/neuroblastoma/> (last visited January 31, 2020).

<sup>38</sup> Beat Nb, Inc. *Our Mission and Vision*, <https://beatnb.org/about-us/> (last visited January 31, 2020).

<sup>39</sup> Department of State, Sunbiz.org, *Detail by Entity Name, St. Lucie County Education Foundation, Inc.*, Document No. N1700002637.

<sup>40</sup> Pensacola Bama Club, *About*, <https://www.pensacolabamaclub.org/about> (last visited January 31, 2020).

<sup>41</sup> Rotary, *Who We Are*, <https://www.rotary.org/en/about-rotary> (last visited January 31, 2020).

<sup>42</sup> Community Foundation of Tampa Bay, *What We Do*, <https://cftampabay.org/about/what-we-do/> (last visited January 31, 2020).

<sup>43</sup> Florida National Parks Association, *About The Florida National Parks Association*, <https://floridanationalparksassociation.com/about-florida-national-parks-association> (last visited January 31, 2020).

### **Bonefish and Tarpon Trust**

The Bonefish and Tarpon Trust's mission is to conserve and restore bonefish and tarpon fisheries and habitats through research, stewardship, education, and advocacy.<sup>44</sup>

### **Florida Benevolent Group, Inc.**

Based in Gainesville, Florida, Benevolent Group, Inc., assists students in obtaining a medical education through a college or certificate program. The organization's mission is to offer assistance to individuals struggling to make it into school or to stay in school.<sup>45</sup>

### **University of Georgia**

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America's largest University of Georgia alumni and fan club.<sup>46</sup> In 1988, the club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker counties, based on academic and economic need.<sup>47</sup>

### **Highwaymen**

The "Florida Highwaymen" were a group of African-American artists who painted the beautiful, untouched Florida landscape from the early 1950s through the 1980s.

The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately \$25 apiece.

Currently, the market for an original work of art by a Florida Highwayman can bring \$5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.<sup>48</sup>

### **St. Lucie County Education Foundation**

In 1990, the St. Lucie County Education Foundation<sup>49</sup> was organized as a direct support organization of the St. Lucie County School Board to raise private funds for programs to support

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<sup>44</sup> Bonefish and Tarpon Trust, *BTT Mission*, <https://www.bonefishtarpontrust.org/btt-mission> (last visited January 31, 2020).

<sup>45</sup> Florida Benevolent Group, *About*, <https://www.floridabenevolentgroup.org/> (last visited January 31, 2020).

<sup>46</sup> Georgia Bulldog Club of Jacksonville, *Welcome to the Home of the Georgia Bulldog Club of Jacksonville*, <https://jaxbulldogs.com/> (last visited January 31, 2020).

<sup>47</sup> Georgia Bulldog Club of Jacksonville, *Scholarship*, <https://jaxbulldogs.com/scholarship-fund/> (last visited January 31, 2020).

<sup>48</sup> Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited January 31, 2020).

<sup>49</sup> Department of State, Sunbiz.org, *Detail by Entity Name, St. Lucie County Education Foundation, Inc.*, Document No. N36808.

students, teachers and public schools. The foundation is a nonprofit organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.<sup>50</sup>

### **Florida Professional Sports Team License Plates**

Section 320.08058(9), F.S., requires the DHSMV to develop a professional sports team license plate for Major League Baseball, National Basketball Association, National Football League, Arena Football League, National Hockey League, and Major League Soccer teams domiciled in Florida. The plates must bear DHSMV-approved colors and design and must include the official league or team logo, or both, as appropriate for each team. The word “Florida” must appear at the top of the plate.

The \$25 annual use fee<sup>51</sup> is distributed as follows:

- Fifty-five percent to the Professional Sports Development Trust Fund within the Department of Economic Opportunity (DEO), to be used solely to attract and support major sports events in this state.
- The remaining proceeds must be allocated to Enterprise Florida, Inc., (for the Florida Sports Foundation) and must be deposited into the Professional Sports Development Trust Fund within DEO. These funds must be used by Enterprise Florida, Inc., to:
  - Promote the economic development of the sports industry;
  - Distribute licensing and royalty fees to participating professional sports teams;
  - Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
  - Partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement;
  - Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
  - Distribute funds to Florida-based charities designated by Enterprise Florida, Inc., and the participating professional sports teams; and
  - Fulfill the sports promotion responsibilities of DEO.

The proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of Enterprise Florida, Inc., (Florida Sports Foundation) and financial support of the Sunshine State Games.

There are nine Florida Professional Sports Teams SLPs available for purchase: Florida Panthers, Tampa Bay Lightning, Miami Heat, Orlando Magic, Tampa Bay Buccaneers, Jacksonville Jaguars, Miami Dolphins, Miami Marlins, and Tampa Bay Rays.<sup>52</sup>

<sup>50</sup> St. Lucie County Education Foundation, *About Us*, available at <https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk> (last visited January 31, 2020).

<sup>51</sup> Section 320.08056(4)(i), F.S.

<sup>52</sup> DHSMV, *Specialty License Plates Images, Professional Sports*, available at <https://www.flhsmv.gov/dmv/specialtytags/> (last visited January 31, 2020).

### **Orlando City Soccer**

The Orlando City Soccer Club was formed in 2010 and was awarded a Major League Soccer franchise in late November of 2013. The first game was played in March 2015 against another expansion team from New York; the game ended in a tie. The team moved into its new stadium in 2017.<sup>53</sup>

### **Coastal Conservation Association Florida**

The Coastal Conservation Association Florida (CCAF) is a statewide, nonprofit marine organization working in an advocacy role to protect the state's marine resources and the interests of saltwater anglers. It is comprised of 30 local chapters from Key West to Pensacola and it supports resource-based law enforcement, access to recreational fishing, and fishery regulations to protect state and federal fish stocks. CCAF is one of the 19 state chapters of the Coastal Conservation Association.<sup>54</sup>

### **Palm Beach Zoo and Conservation Society**

In 1969, the Zoological Society of the Palm Beaches was founded based on the interest of a group of citizens in West Palm Beach to create a society for the advancement and support of the Dreher Park Zoo. On October 1, 1969, the operation of the Dreher Park Zoo was transferred over to the Zoological Society. Since then the Zoological Society has operated the zoo, while the city owned and rented the land on which the Palm Beach Zoo was located. In 2014 the Palm Beach Zoo changed its name to the Palm Beach Zoo and Conservation Society. Today, the zoo houses over 500 animals on 23 acres and sees approximately 300,000 visitors annually.<sup>55</sup>

### **Florida Society for Ethical Ecotourism**

In 1998 the CREW Land and Water Trust and the Florida Department of Environmental Protection Rookery Bay National Estuarine Research Reserve received a grant from the Advisory Council of Environmental Education, within the Florida Game & Fresh Water Fish Commission, to provide an educational workshop for ecotour providers of Southwest Florida. As a result of the grant, a day-long Southwest Florida Eco/Heritage Tourism Workshop took place in downtown Ft. Myers in which 85 people participated.<sup>56</sup>

Following the workshop, a group of volunteers from Southwest Florida communities met and formed the Society for Ethical Ecotourism in Southwest Florida. In 2011 they changed their name to the Florida Society for Ethical Ecotourism, Inc.<sup>57</sup> The Florida Society for Ethical Ecotourism, Inc., is registered as an active nonprofit corporation with the DOS.<sup>58</sup>

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<sup>53</sup> Orlando City Soccer Club, *History*, available at <https://www.orlandocitysc.com/club/history> (last visited January 31, 2020).

<sup>54</sup> Coastal Conservation Association Florida, <https://www.ccaflorida.org/> (last visited January 31, 2020).

<sup>55</sup> Palm Beach Zoo & Conservation Society, *About Us*, <https://www.palmbeachzoo.org/about-us> (last visited January 31, 2020).

<sup>56</sup> Florida Society for Ethical Ecotourism, *History of the "Florida Society for Ethical Ecotourism"*, <https://www.floridasee.com/docs/Florida%20SEE%20History.pdf> (last visited January 31, 2020).

<sup>57</sup> *Id.*

<sup>58</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida Society for Ethical Ecotourism, Inc.*, Document No. N01000000235.



### **Paddle Florida, Inc.**

Paddle Florida, Inc., is a nonprofit corporation<sup>59</sup> organized to support canoeing and kayaking in Florida. The organization supports multi-day paddling/camping trips in each of Florida's five water management districts, showcasing the state's natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection. Paddle Florida seeks to promote Florida as an international destination for nature-based tourism.<sup>60</sup>

### **Knights of Columbus**

The Connecticut State Legislature officially chartered the Knights of Columbus as a fraternal benefit society on March 29, 1882. The order's founding principles were charity, unity, and fraternity. It offers mutual aid and assistance to sick, disabled, and needy members and their families. Fellowship is promoted among members and their families through educational, charitable, religious, social welfare, war relief, and public relief works. The Knights of Columbus now has 15,900 councils and 1.9 million members throughout the United States and the world.<sup>61</sup> In Florida, the Florida K of C Charities, Inc., was formed to assist and contribute to the Florida State Council of the Knights of Columbus and its Florida chapters.<sup>62</sup>

### **Daughters of the American Revolution**

The National Society Daughters of the American Revolution (DAR) was founded on October 11, 1890, by a group of women in Washington, D.C., as a result of being excluded from the men's organizations to celebrate the women's ancestors who fought during the Revolutionary War. The objectives of the DAR are to continue the memory and spirit of men and women who achieved America's independence; to educate the public; and to foster patriotism and love of country. Since its founding in 1890, DAR has admitted more than 950,000 members.<sup>63</sup>

### **Florida Guardian Ad Litem Foundation, Inc.**

The Florida Guardian Ad Litem (GAL) Foundation's mission is "to provide additional resources for the (GAL) Program, its volunteers, and its affiliated circuit nonprofit organizations in order to promote Guardian Ad Litem representation for abused, neglected and abandoned children in Florida's dependency system."<sup>64</sup>

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<sup>59</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Paddle Florida, Inc.*, Document No. N11000000503.

<sup>60</sup> Paddle Florida, <http://www.paddleflorida.org/> (last visited January 31, 2020).

<sup>61</sup> Knights of Columbus, *Learn About Us*, <https://www.kofc.org/un/en/todays-knights/about-us.html> (last visited January 31, 2020).

<sup>62</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida K of C Charities, Inc.*, Document No. N00000004260 and *see* Articles of Incorporation adopted June 23, 2000. *See also* Knights of Columbus, Florida KofC Charities, Inc., <https://www.charity.floridakofc.org/>; and Knights of Columbus, Florida State Council, *Florida K of C Charities, Inc.*, <https://floridakofc.org/k-c-charities-inc> (both last visited January 31, 2020).

<sup>63</sup> Daughters of the American Revolution, *DAR History*, <https://www.dar.org/national-society/about-dar/dar-history> (last visited January 31, 2020).

<sup>64</sup> Florida Guardian Ad Litem Foundation, *About Us*, <https://flgal.org/about/> (last visited January 31, 2020).

For 35 years, over 30,000 GAL volunteers have represented the interests of over 200,000 children with 10,000 GAL volunteers. The GAL Foundation has worked to provide targeted support to children involved in the GAL Program through grants, individual or corporate donations, or time. The foundation funds medical needs and activities related to normalcy for children represented by GAL volunteers.<sup>65</sup>

### **St. Johns Riverkeeper**

St. Johns Riverkeeper is a privately-funded and independent organization for the St. Johns River. It is a nonprofit organization that relies on the support of members, donors, and volunteers to defend, advocate and activates others to protect and restore the St. Johns River. The organization is a member of the Waterkeeper Alliance. Waterkeeper Alliance is the world's fastest growing environmental movement, with over 300 Waterkeeper Organizations protecting waterways on 6 continents.<sup>66</sup>

### **Florida Veterans Foundation**

The Florida Veterans Foundation is a direct-support organization of the Department of Veterans' Affairs established by the Legislature in 2008.<sup>67</sup>

The Florida Veterans Foundation serves as the statewide lead organization for Florida veterans and their families by providing direct services and partnering with state and local governments, veteran service organizations, and educational institutions to improve their physical, financial, mental, emotional, and social well-being. They support the Department of Veterans Affairs' mission of advocacy; and, advocates for Florida veterans through local and statewide outreach to educate the public and governmental entities, increasing awareness on veteran-related issues.<sup>68</sup>

### **K9s United, Inc.**

K9s United, Inc.<sup>69</sup> is committed to supporting and honoring K9 law enforcement officers who detect, protect and serve communities by giving them the best equipment, amenities, and quality of life during and after their service, and memorializing those who give the ultimate sacrifice.<sup>70</sup>

### **Florida Off Road Foundation, Inc.**

Florida Off Road Foundation, Inc., is a nonprofit corporation that was incorporated in 2019. The corporation's filing documents state that it is organized to provide and distribute funds to the

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<sup>65</sup> *Id.*

<sup>66</sup> St. Johns Riverkeeper, *About Us*, <https://www.stjohnsriverkeeper.org/about-us/> (last visited January 31, 2020).

<sup>67</sup> Ch. 2008-84, Laws of Fla.

<sup>68</sup> Florida Veterans Foundation, *About Florida Veterans Foundation*, available at <https://helpflvets.org/about/> (last visited January 31, 2020).

<sup>69</sup> Department of State, Sunbiz.org, *Detail by Entity Name, K9S United Inc.*, Document No. N15000004235.

<sup>70</sup> K9s United, *We're here for the officers who are here for you*, available at <https://www.k9sunitied.org/about> (last visited January 31, 2020).



foundation from the sales of Florida Off Road specialty license plates to help preserve and protect Florida's off road natural habitat, environmental, and other programs.<sup>71</sup>

### **Florida Solar Energy Research and Education Foundation, Inc.**

The Florida Solar Energy Research and Education Foundation was created in 1991.<sup>72</sup> The foundation was established to further the development and use of solar energy. Under a grant from the Florida Department of Community Affairs Energy Office, the Foundation began to develop strategic alliances with sectors influencing the use of solar energy, such as home builder, utility, financial, and institutional.

### **Florida Solar Energy Center**

The mission of the Florida Solar Energy Center (center) is to research and develop energy technologies that enhance Florida's and the nation's economy and environment and educate the public, students and practitioners on the results of the research. The Florida Solar Energy Center is administered by the University of Central Florida.<sup>73</sup> The center was created by the Florida Legislature in 1976 to serve as the state's energy research institute.<sup>74</sup> The main responsibilities of the center are to:

- Develop and adopt standards for solar energy systems manufactured or sold in this state.
- Establish criteria for testing performance of solar energy systems.

The center may receive a testing fee for any testing performed.

All solar energy systems manufactured or sold in the state must meet the standards established by the center and must display accepted results of an approved performance test in a manner prescribed by the center.<sup>75</sup>

### **Florida Native Plant Society, Inc.**

The Florida Native Plant Society, Inc. was founded in 1986.<sup>76</sup> The Mission of the Florida Native Plant Society, Inc., is to promote the preservation, conservation, and restoration of the native plants and native plant communities of Florida. They fulfill this mission through:<sup>77</sup>

- Support for conservation land acquisition;
- Land management that enhances habitat suitability for native plants;
- Education;
- Public policies that protect our native flora, especially rare species;

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<sup>71</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida Off Road Foundation, Inc.*, Document No. N19000001532.

<sup>72</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida Solar Energy Research and Education Foundation*, Document No. N45228.

<sup>73</sup> FSEC Energy Research Center. *About Us*, available at <https://energyresearch.ucf.edu/about-us/> (last visited February 4, 2020).

<sup>74</sup> Ch. 76-246, Law of Fla.

<sup>75</sup> Section 377.705(4), F.S.

<sup>76</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida Native Plant Society, Inc.*, Document No. N15068.

<sup>77</sup> Florida Native Plant Society, *Mission*, available at <https://www.fnps.org/who-we-are/mission> (last visited February 4, 2020).

- Research on native plant species; and
- Encouragement of local landscaping practices and policies that preserve Florida's native plant heritage.

### **Florida 4-H Club Foundation, Inc.**

The Florida 4-H Club Foundation, Inc. was founded in 1963.<sup>78</sup> The roots of 4-H began at the turn of the century when progressive educators started to emphasize the needs of young people and to introduce nature study as a basis for a better agricultural education. Boys and girls clubs and leagues were established in schools and churches to meet these needs. To spark the interest of young people, Farmers Institutes cooperated with school superintendents by promoting production contests, soil tests and plant identification.<sup>79</sup>

By March 1904, several boys and girls clubs had already exhibited projects. Most states organized clubs outside the schools with rural parents acting as volunteer leaders and County Extension agents provided materials. Farmers saw the practical benefits and public support and enthusiasm for 4-H grew throughout the nation.<sup>80</sup>

### **Give Kids the World, Inc.**

The Give Kids the World, Inc., was founded in 1986.<sup>81</sup> Give Kids The World, Inc., is a Central Florida-based nonprofit resort that fulfills wish vacations for critically ill children and their families to visit the area's world-class theme parks. The 84-acre resort is a destination in itself. In addition to receiving theme park passes, wish families enjoy free accommodations, entertainment, and accessible rides.<sup>82</sup>

### **Johnson and Wales University-North Miami**

Johnson and Wales University-North Miami is a campus of the Johnson & Wales University<sup>83</sup> (JWU) located in Providence, RI. In April 1992 JWU leaders purchased the newly vacated North Miami General Hospital to house students and classrooms and within weeks bought an adjacent office building and parking garage. In November, a culinary program opened with 81 students, and by the following September there were close to 400 students - 200 in residence. In the first year, facilities grew from one kitchen and one dining room to seven kitchens, two dining rooms, a mixology lab, a meat cutting room and two baking and pastry shops. A hospitality program was launched in 1996, and in 1997 a College of Business began, offering seven majors.<sup>84</sup>

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<sup>78</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida 4-H Club Foundation, Inc.*, Document No. 705136.

<sup>79</sup> Florida 4-H, *History*, available at <http://florida4h.org/about/history/> (last visited February 4, 2020).

<sup>80</sup> *Id.*

<sup>81</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Give Kids the World, Inc.*, Document No. N14249.

<sup>82</sup> Give Kids the World Village, *Media*, available at <https://www.gktw.org/media/> (last visited February 4, 2020).

<sup>83</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Johnson and Wales University*, Document No. P35891.

<sup>84</sup> Johnson & Wales University, *About JWU North Miami*, available at <https://www.jwu.edu/campuses/north-miami/about-jwu-north-miami/index.html> (last visited February 4, 2020).

From a venture in culinary education, JWU's North Miami Campus is now a center of higher education and community involvement celebrating 20 years of strategic growth and offering 34 Majors and Programs.<sup>85</sup>

### **SFC Charitable Foundation, Inc.**

The SFC Charitable Foundation, Inc., was founded in 1994.<sup>86</sup> The SFC Charitable Foundation, Inc., does business as the Singing for Change Foundation, which is a private foundation established in 1995 by Jimmy Buffett, as a way of saying thank you to the friends, fans, and concert-goers around the country who have loyally supported his music career.<sup>87</sup>

Initially funded with contributions from Jimmy Buffett's 1995 summer tour, Singing for Change continues to receive one dollar from each concert ticket sold during his tours. Printed on the bottom of each ticket is the words "\$1 to SFC Charitable Foundation." Funds raised during Jimmy Buffett's concert tours are redistributed each year in the form of grants to small, grassroots organizations located primarily in communities where he performs. Singing for Change has disbursed almost \$11 million in grants in its 23-year history.<sup>88</sup>

### **Hatzalah of Miami-Dade, Inc.**

The Hatzalah of Miami-Dade, Inc., was founded in 2008<sup>89</sup> and is a volunteer not-for-profit organization. Their mission is to improve medical outcomes and save lives by augmenting existing emergency medical services in Miami-Dade with community-based state-certified EMT volunteer responders.<sup>90</sup>

### **Make-A-Wish Foundation of Central and Northern Florida, Inc.**

The Make-A-Wish Foundation of Central and Northern Florida, Inc., was founded in 1994.<sup>91</sup> Tens of thousands of volunteers, donors and supporters advance the Make-A-Wish vision to grant the wish of every child diagnosed with a critical illness. In the United States and its territories, on average, a wish is granted every 34 minutes. The Make-A-Wish Foundation believes a wish experience can be a game-changer. This one belief guides them and inspires them to grant wishes that change the lives of the kids they serve.<sup>92</sup>

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<sup>85</sup> Johnson & Wales University, *Explore Majors & Programs*, available at <https://www.jwu.edu/academics/programs/explore-programs.html?filter.location=north%20miami> (last visited February 4, 2020).

<sup>86</sup> Department of State, Sunbiz.org, *Detail by Entity Name, SFC Charitable Foundation, Inc.*, Document No. N94000005329.

<sup>87</sup> Singing For Change, *Home*, available at <https://www.singingforchange.org/> (last visited February 4, 2020).

<sup>88</sup> *Id.*

<sup>89</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Hatzalah of Miami-Dade, Inc.*, Document No. N08000002779.

<sup>90</sup> Hatzalah of Miami-Dade, *Home*, available at <http://www.miamihatlah.com/> (last visited February 4, 2020).

<sup>91</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Make-A-Wish Foundation of Central and Northern Florida, Inc.*, Document No. N94000002058.

<sup>92</sup> Make-A-Wish America, *About Us*, available at <https://wish.org/about-us> (last visited February 4, 2020).

**Lake-Sumter State College Foundation, Inc.**

Since 1980 the Lake-Sumter State College Foundation, Inc.<sup>93</sup> has helped individuals, businesses, and organizations support the College's mission of developing the community through education.

The Foundation supports the Lake-Sumter State College through the funding of projects which directly or indirectly benefit students. These projects have included assistance for the Classroom Instructional Equipment, Athletics Department Equipment, the College Libraries, the Nursing Program, College Computer Labs, and support for faculty, staff, and students.<sup>94</sup>

**Best Buddies International, Inc.**

The Best Buddies International, Inc., was founded in 1992.<sup>95</sup> Best Buddies International is a nonprofit 501(c)(3) organization dedicated to establishing a global volunteer movement that creates opportunities for one-to-one friendships, integrated employment, leadership development, and inclusive living for individuals with intellectual and developmental disabilities.<sup>96</sup>

**Audits and Attestations**

All organizations receiving annual use fee proceeds from the DHSMV are responsible for ensuring that proceeds are used in accordance with state law.<sup>97</sup> Any organization not subject to audit pursuant to the Florida Single Audit Act<sup>98</sup> must annually attest, under penalties of perjury, that such proceeds were used in compliance with applicable state laws.<sup>99</sup>

Any organization subject to audit pursuant to the Florida Single Audit Act<sup>100</sup> must submit an audit report in accordance with the Auditor General's rules. The annual attestation must be submitted to the DHSMV for review within nine months after the end of the organization's fiscal year.<sup>101</sup>

Within 120 days after receiving an organization's audit or attestation, the DHSMV must determine which recipients of revenues from SLP annual use fees have not complied with the appropriate statutory provisions. In determining compliance, the DHSMV may commission an

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<sup>93</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Lake-Sumter State College Foundation, Inc.*, Document No. 750806.

<sup>94</sup> LSSC Foundation, *About Us*, available at <https://site.lssc.edu/foundation/Pages/About%20Us/default.aspx> (last visited February 3, 2020).

<sup>95</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Best buddies International, Inc.*, Document No. P37341.

<sup>96</sup> Best Buddies, *Mission*, available at <https://www.bestbuddies.org/what-we-do/mission-vision-goals/> (last visited February 4, 2020).

<sup>97</sup> Section 320.08062(1)(a), F.S.

<sup>98</sup> Section 215.97, F.S.

<sup>99</sup> Section 320.08062(1)(b), F.S.

<sup>100</sup> Nonstate entities that receive state financial assistance and meets audit thresholds are subject to the act. Section 215.97(2)(a), F.S., defines an "audit threshold" to include each nonstate entity that expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year. Every 2 years the Auditor General, after consulting with the Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, shall review the threshold amount for requiring audits and may adjust such threshold amount consistent with the purposes of the statute.

<sup>101</sup> Section 320.08062(1)(c), F.S.

independent actuarial consultant, or an independent certified public accountant, who has expertise in nonprofit and charitable organizations.<sup>102</sup>

The DHSMV must discontinue the distribution of revenues to any organization that fails to submit the required documentation, but may resume distribution of the revenues upon receipt of the required information.<sup>103</sup>

If the DHSMV determines that an organization has not complied with or has failed to use the revenues in accordance with applicable law, the DHSMV must discontinue the distribution of the revenues to the organization. The DHSMV must notify the organization of its findings and direct the organization to make the changes necessary in order to comply. If the officers of the organization sign an affidavit under penalties of perjury stating they acknowledge the findings of the DHSMV and attest they have taken corrective action and that the organization will submit to a follow-up review by the DHSMV, then the department may resume the distribution of revenues.<sup>104</sup>

If an organization fails to comply with the DHSMV's recommendations and corrective actions as outlined above, the revenue distributions must be discontinued until completion of the next regular session of the Legislature. The DHSMV must notify the President of the Senate and the Speaker of the House of Representatives by the first day of the next regular session of any organization whose revenues have been withheld. If the Legislature does not provide direction to the organization and the DHSMV regarding the status of the undistributed revenues, the DHSMV must de-authorize the plate and the undistributed revenues are immediately deposited into the Highway Safety Operating Trust Fund.<sup>105</sup>

The DHSMV has the authority to examine all records pertaining to the use of funds from the sale of SLPs.<sup>106</sup>

### **III. Effect of Proposed Changes:**

#### **Establishing Specialty License Plates (section 4)**

The CS amends s. 320.08053(2)(b), F.S., requiring a minimum sale of 3,000 vouchers prior to the DHSMV manufacturing a SLP, instead of the current 1,000 voucher sales requirement. However, for out-of-state college or university license plates, the minimum sale is 4,000 vouchers.

The CS creates s. 320.08053(3)(a), F.S., providing that new SLPs that have been approved by law but are awaiting issuance are issued in the order they appear in s. 320.08058, F.S.,<sup>107</sup> provided that the plates have met the presale requirement and all other provisions of s. 320.08053, F.S. If the next awaiting SLP has not met the presale requirement, the DHSMV must

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<sup>102</sup> Section 320.08062(2)(a), F.S.

<sup>103</sup> Section 320.08062(2)(b), F.S.

<sup>104</sup> Section 320.08062(2)(c), F.S.

<sup>105</sup> Section 320.08062(2)(d), F.S.

<sup>106</sup> Section 320.08062(3), F.S.

<sup>107</sup> Section 320.08058, F.S., lists specific specialty license plates.

proceed in the order provided in s. 320.08058, F.S., to identify the next qualified SLP that has met the presale requirement. The DHSMV must cycle through the list in statutory order.

The CS creates s. 320.08053(3)(b), F.S., prohibiting the DHSMV from making any new SLPs available for design or issuance until a sufficient number of plates are discontinued if the Legislature has approved 200 or more SLPs.<sup>108</sup> The 200 license plate limit does not apply to collegiate license plates established under s. 320.08058(3), F.S.

### **Discontinuing Specialty License Plates (sections 5 and 6)**

The CS amends s. 320.08056(8)(a), F.S., effective July 1, 2022, requiring the DHSMV to discontinue the issuance of an approved SLP if the number of valid registrations falls below 3,000 plates for 12 consecutive months, instead of the current 1,000 plate threshold. However, *out-of-state* college or university license plates have a 4,000 plate threshold. In addition to the existing exemption from this requirement for *in-state* collegiate license plates, the CS provides exceptions for institutions and entities of the State University System, SLPs with statutory eligibility limitations for purchase, SLPs for which the annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, and Florida professional sports team license plates.<sup>109</sup>

The CS creates s. 320.08056(8)(c), F.S., providing that a vehicle owner or lessee issued a SLP that has been discontinued by the DHSMV may keep the discontinued SLP for the remainder of the ten-year license plate replacement period<sup>110</sup> and must pay all other applicable registration fees. However, the owner or lessee is exempt from paying the applicable SLP fee for the remainder of the ten-year license plate replacement period.

The CS creates s. 320.08056(8)(d), F.S., providing that if the DHSMV discontinues issuance of a SLP, all annual use fees held or collected by the DHSMV must be distributed within 180 days after the date the SLP is discontinued. Of those fees, the DHSMV must retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuing the plate. The remaining funds are distributed to the appropriate organization or organizations.<sup>111</sup>

The CS creates s. 320.08056(8)(e), F.S., providing that if an organization that is the intended recipient of SLP funds no longer exists, the DHSMV must deposit any undistributed funds into the Highway Safety Operating Trust Fund.

The CS creates s. 320.08056(8)(f), F.S., providing that on January 1 of each year, the DHSMV must discontinue the SLP with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. The DHSMV must mail a warning letter to the sponsoring organization of the ten percent of SLPs with the lowest number of valid, active registrations as of December 1 of each year.

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<sup>108</sup> Specialty license plates will be discontinued pursuant to s. 320.08056(8), F.S.

<sup>109</sup> Florida Professional Sports Team license plates are established in s. 320.08058(9), F.S.

<sup>110</sup> License plates are issued for a 10-year period pursuant to s. 320.06(1)(b)1., F.S.

<sup>111</sup> Distributions to recipient organizations are pursuant to s. 320.08058, F.S.

### **Specialty License Plates – Other Provisions (section 5)**

The CS amends s. 320.08056(4), F.S., to repeal references to each SLP that has an annual use fee of \$25. SB 414 standardizes the annual use fee for all SLPs of \$25, unless otherwise specified in the statute, into one subsection of s. 320.08056, F.S.

The CS amends s. 320.08056(10)(a), F.S., authorizing out-of-state expenditure of SLP fees for the Support Our Troops, American Legion, Florida Salutes Veterans, United States Marine Corps, Military Services, and the U.S. Paratroopers license plates.

The CS amends s. 320.08056(11), F.S., prohibiting any entity from using SLP revenue for lobbying. The current prohibition is limited to agencies.

The CS creates s. 320.08056(12), F.S., requiring the recipient organization for any out-of-state college or university license plates to:

- Have established an endowment, based in this state, for the purpose of providing scholarships to Florida residents meeting the requirements of ch. 320, F.S.
- Provide documentation to the DHSMV that the recipient organization and the DHSMV have the college's or university's consent to use an appropriate image on a license plate.

Section 320.01(34), F.S., defines “resident” to mean a person who has his or her principal place of domicile in Florida for a six-month period or more, is registered to vote, and has made a statement of domicile or filed for a homestead property tax exemption. Thus, the endowment must provide scholarships to students who meet the definition of “resident.”<sup>112</sup>

It is unclear what recourse, if any, is available to the DHSMV if the recipient organization fails to comply with the requirements of s. 320.08056(12), F.S.

### **Fleet/Dealer Specialty License Plates (sections 1, 2, 3, and 5)**

The CS creates ss. 320.08056(2)(b) and (c), F.S., allowing the DHSMV to authorize dealer and fleet SLPs. With the permission of the sponsoring SLP organization, a dealer or fleet company may purchase SLPs to be used on dealer and fleet vehicles. It would be up to the DHSMV to establish how permission of the sponsoring SLP organization must be obtained.

Notwithstanding s. 320.08058, F.S., a dealer or fleet SLP must include the letters “DLR” or “FLT” on the right side of the license plate. Dealer and fleet SLPs must be ordered directly through the DHSMV. The CS amends ss. 320.06(3)(a) and 320.0657(2)(b), F.S., providing that a dealer SLP is not required to say “dealer” and a fleet SLP is not required to say “Fleet” at the bottom of the license plate.

The CS amends ss. 320.0657(2)(b) and 320.08(12), F.S., authorizing the purchase of dealer and fleet SLPs. The CS provides that for the additional annual use fee for the specific SLP, dealers and fleet companies may purchase SLPs in lieu of the standard fleet license plates. Dealers and

<sup>112</sup> While the bill language could be read differently, it is more likely that the phrase “meeting the requirements of ch. 320, F.S.,” applies to “Florida residents.” There doesn’t appear to be any other requirements for “residents” in ch. 320, F.S., beyond the definition.

fleet companies are responsible for all costs associated with the SLPs, including all annual use fees, processing fees, fees associated with switching license plate types, and other applicable fees.

### **Discontinued Specialty License Plates (sections 5 and 7)**

The CS repeals the American Red Cross SLP, Donate Organs Pass It On SLP, St. Johns River SLP, and Hispanic Achievers SLP from law as these SLPs have been discontinued.

### **Existing Specialty License Plates (section 7)**

#### ***Special Olympics Florida License Plate***

The CS redesigns the Special Olympics Florida SLP with “Florida” centered at the top of the plate and “Be a Fan” centered at the bottom of the plate. The CS requires the first \$5 million collected annually to be forwarded to Special Olympics Florida instead of the nonprofit corporation known as the “Developmental Disabilities Council.”<sup>113</sup>

#### ***Live the Dream License Plate***

The CS amends the distribution of funds for the Live the Dream SLP. The Dream Foundation, Inc., must use the distributions as follows:

- Up to five percent may be used to administer, promote, and market the license plate.
- At least 60 percent must be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc.
- At least 30 percent must be distributed to Chapman Partnership, Inc.<sup>114</sup>
- Up to five percent may be distributed by the DHSMV on behalf of The Dream Foundation, Inc., to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

The CS also provides (**section 12**) that by November 1, 2020, the annual use fees withheld by the DHSMV from the sale of the Live the Dream SLP will first be used to satisfy all outstanding royalty payments due to The Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of Dr. Martin Luther King, Jr.’s image. All remaining funds will be distributed to the sub-recipients on a pro rata basis according to the revised distributions described above.

#### ***In God We Trust License Plate***

The CS amends the distribution of the annual use fees from the In God We Trust SLP. The annual use fees will be distributed to the In God We Trust Foundation, Inc., which may use up to ten percent of the proceeds to offset marketing, administration, and promotion, and the balance thereafter to address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida’s children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history.

<sup>113</sup> Created in s. 393.002, F.S.

<sup>114</sup> In 2011, Community Partnership for the Homeless changed its name to Chapman Partnership.



***Fallen Law Enforcement Officer License Plate***

The CS amends the uses of the annual use fees from the Fallen Law Enforcement Officer SLP. The CS provides that the Police and Kids Foundation, Inc., may use up to ten percent of the proceeds for marketing. The CS requires the remaining proceeds to be used by the foundation for its operations, activities, programs, and projects.

**New Military Service Special License Plate (section 11)*****Bronze Star Special License Plate***

The CS amends s. 320.089, F.S., authorizing the DHSMV to create the Bronze Star special use license plate for recipients of the Bronze Star medal who provide proof of their qualification. The license plate will be stamped with the term “Bronze Star” and a likeness of the related campaign medal. Revenue generated from the sale of the Bronze Star special use license plate will be administered the same as the existing military special license plates, and deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund to support the State Veterans Homes Program.

**Motorcycle Specialty License Plates*****Existing Motorcycle Specialty License Plate – Preserve Vision (section 9)***

The CS amends s. 320.08068(4)(b), F.S., changing the statutory reference from “Prevent Blindness Florida” to “Preserve Vision Florida, Inc.” to reflect the change in the organization’s name.

***New Motorcycle Special License Plate – Purple Heart Motorcycle Special License Plate (section 10)***

The CS creates s. 320.0875, F.S., creating the Purple Heart motorcycle SLP. Upon application to the DHSMV and payment of the motorcycle license tax,<sup>115</sup> a resident who owns or leases a motorcycle that is not used for-hire or commercial use must be issued a Purple Heart motorcycle license plate if he or she provides documentation acceptable to the DHSMV that he or she is a recipient of the Purple Heart medal.

The Purple Heart motorcycle SLP will be stamped with the term “Combat-wounded Veteran” followed by the serial number of the license plate. It may have the term “Purple Heart” stamped on the plate and a likeness of the Purple Heart medal.

**New Specialty License Plates (section 7)*****Ducks Unlimited License Plate***

The CS creates the Ducks Unlimited license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Conserving Florida Wetlands” appears at the bottom of the plate.

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<sup>115</sup> The license tax is provided in s. 320.08, F.S.,

The annual use fees are distributed to Ducks Unlimited, Inc., to be used as follows:

- Up to five percent may be used for administrative costs and marketing of the plate.
- At least 95 percent must be used in Florida to support Ducks Unlimited's mission and efforts to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

#### ***Dan Marino Campus License Plate***

The CS creates the Dan Marino Campus license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Marino Campus" appears at the bottom of the plate.

The annual use fees are distributed to the Dan Marino Foundation, Inc., which may use up to ten percent of the fees for administrative costs and marketing the plate. The remainder proceeds must be used by foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive; to promote awareness of such services; and to promote and fund education scholarships related to such services.

#### ***Donate Life Florida License Plate***

The CS creates the Donate Life Florida license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Donors Save Lives" appears at the bottom of the plate.

The annual use fees are distributed to Donate Life Florida, which may use up to ten percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry, which is Florida's organ, tissue, and eye donor registry.

#### ***Florida State Beekeepers Association License Plate***

The CS creates the Florida State Beekeepers Association license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Save the Bees" appears the bottom of the plate.

The annual use fees are distributed to the Florida State Beekeepers Association, which may use up to 18 percent of the annual use fees for:

- Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate.
- Promotion and marketing costs of the license plate.

The CS requires that all vendors associated with the administrative costs be selected by competitive bid.

The remaining proceeds must be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The

Florida State Beekeepers Association board of managers must approve and is accountable for all expenditures.

### ***Beat Childhood Cancer License Plate***

The CS creates the Beat Childhood Cancer license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Beat Childhood Cancer” appears at the bottom of the plate.

The annual use fees are distributed as follows:

- Eighty percent to Beat Nb, Inc., which may use up to ten percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds must be used by Beat Nb, Inc., to fund pediatric cancer treatment and research.
- Twenty percent to No Kid Should Know Cancer, Inc., which may use up to five percent of the proceeds for administrative costs and for the marketing of the plate. The remaining proceeds must be used by No Kid Should Know Cancer, Inc., to:
  - Support families who have a child recently diagnosed with cancer;
  - Hold events that raise awareness about childhood cancer; and
  - Support clinical trials that work to provide better treatment plans for children diagnosed with cancer.

### ***University of Alabama License Plate***

The CS creates the University of Alabama license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Roll Tide” appears at the bottom of the plate.

The annual use fees are distributed to the Pensacola Bama Club, which must use the proceeds to award scholarships to Florida residents attending the University of Alabama. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program<sup>116</sup> and use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

### ***Rotary License Plate***

The CS creates the Rotary license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Rotary” appears at the bottom of the plate. The license plate will also bear the Rotary International wheel emblem.

The annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

- Up to ten percent for administrative costs and for marketing the plate;
- Ten percent distributed to Rotary’s Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and

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<sup>116</sup> Section 1009.531, F.S.

- The remainder distributed, proportionally based on sales, to each Rotary district in the state to support Rotary youth programs in Florida.

### ***Florida Bay Forever License Plate***

The CS creates the Florida Bay Forever license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Florida Bay Forever” appears at the bottom of the plate.

The annual use fees are distributed to the Florida National Parks Association, Inc., which may use up to ten percent of the proceeds for administrative costs and marketing the plate. The remaining proceeds must be used to supplement the Everglades National Park’s budget and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

### ***Bonefish and Tarpon Trust License Plate***

The CS creates the Bonefish and Tarpon Trust license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Bonefish and Tarpon Trust” appears at the bottom of the plate.

The annual use fees are distributed to the Bonefish and Tarpon Trust, which may use up to ten percent of the proceeds to promote and market the plate. The remaining proceeds must be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

### ***Medical Professionals Who Care License Plate***

The CS creates the Medical Professionals Who Care license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Medical Professionals Who Care” appears at the bottom of the plate.

The annual use fees are distributed to Florida Benevolent Group, Inc., which may use up to ten percent of the fees for administrative costs, marketing, and promoting the plate. The remaining proceeds must be used to assist low-income individuals in obtaining medical education and careers through scholarships, support, and guidance.

### ***University of Georgia License Plate***

The CS creates the University of Georgia license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “University of Georgia” appears at the bottom of the plate.

The annual use fees are distributed to the Georgia Bulldog Club of Jacksonville, which must use the proceeds to award scholarships to Florida residents attending the University of Georgia. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship

Program<sup>117</sup> and use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

### ***Highwaymen License Plate***

The CS creates the Highwaymen license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Highwaymen” appears at the bottom of the plate.

The annual use fees are distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the SLP. The city may use up to ten percent of the fees for administrative costs and marketing of the plate and the remaining proceeds as follows:

- Before completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - A minimum of 15 percent must be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.
  - The remaining proceeds must be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.
- Upon completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - A minimum of ten percent must be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.
  - The remaining proceeds must be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

### ***Orlando City Soccer License Plate***

The CS creates the Orlando City Soccer Club license plate as a Florida professional sports team SLP. Section 320.08058(9), F.S., requires the Florida Professional Sports Team license plates to bear the DHSMV-approved colors and design and include the official league or team logo, or both, as appropriate for each team. The word “Florida” must appear at the top of the plate.

The annual use fees are distributed as required in current law for Florida professional sports team SLPs.<sup>118</sup>

### ***Coastal Conservation Association License Plate***

The CS creates the Coastal Conservation Association (CCA) license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Conserve Florida’s Fisheries” appears at the bottom of the plate.

The annual use fees are distributed to the CCA Florida to be used as follows:

- Up to ten percent for administrative costs and to promote and market the plate; and
- The remaining proceeds will support the mission and efforts of the CCA Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and

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<sup>117</sup> *Id.*

<sup>118</sup> See discussion in the Present Situation under the heading Florida Professional Sports Team License Plates.

future availability of those coastal resources for the benefit and enjoyment of the general public.

#### ***Palm Beach Zoo and Conservation Society License Plate***

The CS creates the Palm Beach Zoo and Conservation Society license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Palm Beach Zoo and Conservation Society” appears at the bottom of the plate.

The annual use fees are distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened species, and services for the health and welfare of animals in the zoo’s care. The Palm Beach Zoo and Conservation Society may retain all proceeds until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to ten percent may be used for promoting and marketing the plate and administrative costs directly associated with the programs of the society and the plate.

#### ***Ethical Ecotourism License Plate***

The CS creates the Ethical Ecotourism license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and words approved by the DHSMV appear at the bottom of the plate.

The annual use fees are distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to ten percent of the proceeds for administrative costs and the marketing the plate. The remaining proceeds must be used by the Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources, and by Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

#### ***Knights of Columbus License Plate***

The CS creates the Knights of Columbus license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “In God We Trust” appears at the bottom of the plate.

The annual use fees are distributed to the Florida K of C Charities, Inc., which may use a maximum of ten percent of the proceeds to promote and market the plate. The remaining proceeds must be used by the organization to fund its charitable activities, including, but not limited to, the Christian Refugee Relief Fund, disaster relief, Ultrasound Initiative, Food for Families, and Coats for Kids.

#### ***Daughters of the American Revolution License Plate***

The CS creates the Daughters of the American Revolution license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Daughters of the American Revolution” appears at the bottom of the plate.

The annual use fees are distributed to the Daughters of the American Revolution. Up to ten percent of the proceeds may be used for promoting and marketing the plate. The remaining proceeds must be used by the organization to promote patriotism, preserve American history, and secure America's future through educational programs for local public and private K-12 students and scholarships and other educational funding for underprivileged children.

#### ***Guardian Ad Litem License Plate***

The CS creates the Guardian Ad Litem license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Heartfelt Child Advocacy" appears at the bottom of the plate.

The annual use fees are distributed to the Florida Guardian Ad Litem Foundation, Inc. Up to ten percent of the proceeds may be used for administrative costs and the marketing of the plate. The remainder of the proceeds must be used in this state to support the mission and efforts of the statewide Guardian Ad Litem Program to represent abused, abandoned, and neglected children and advocate for their best interests; recruit and retain volunteer child advocates; and meet the unique needs of the dependent children the program serves.

#### ***Jumbo Shrimp License Plate***

The CS creates the Jumbo Shrimp license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Jumbo Shrimp" appears at the bottom of the plate.

The annual use fees are distributed to the St. Johns Riverkeeper, Inc. Up to ten percent of the proceeds may be used for promoting and marketing of the plate. The remaining proceeds must be used by St. Johns Riverkeeper for programs and activities related to fulfilling its mission to protect and restore the health of the St. Johns River.

#### ***Gadsden Flag License Plate***

The CS creates the Gadsden Flag license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Don't Tread on Me" appears at the bottom of the plate.

The annual use fees are distributed to the Florida Veterans Foundation, a direct-support organization of the Department of Veterans' Affairs, and must be used to benefit veterans. Up to ten percent of the proceeds may be used for continuing promotion and marketing of the plate.

#### ***K9s United License Plate***

The CS creates the K9s United license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "K9s United" appears at the bottom of the plate.

The annual use fees are distributed to K9s United, Inc. Up to ten percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds must be used by K9s United, Inc., to support K9 units throughout the state.

***Explore Off Road Florida Plate***

The CS creates the Explore Off Road Florida license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Explore Off Road” appears at the bottom of the plate.

The annual use fees are distributed to the Florida Off Road Foundation, Inc. Up to ten percent of the funds may be used for marketing of the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services and compliance affidavit costs. The remainder of the funds must be used by the Florida Off Road Foundation, Inc., to fund qualified nonprofit organizations that protect and preserve Florida’s natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida’s off-road culture.

**Solar Power**

The CS creates the Solar Power license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Powered by the Sun” must appear at the bottom of the plate.

The annual fees from the sale of the plate must be distributed to the Florida Solar Energy Research and Education Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund its activities, programs, and projects aimed at solar workforce training, employment, internships, and related programs. The Florida Solar Energy Research and Education Foundation, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the corporation’s programs and the specialty license plate. The Florida Solar Energy Research and Education Foundation, Inc., will use the remaining funds as follows:

- To provide funds to the Florida Solar Energy Center for the purpose of developing and administering solar energy industry workforce training programs;
- To provide funds to veteran support facilities for solar demonstration projects that will lower energy costs to the veteran support facilities; and
- To provide funds to nonprofit, educational, or charitable organizations for projects or promotional campaigns which further the goal of solar energy development in this state.

**Florida Native**

The CS creates the Florida Native license plate. The word “Florida” must appear at the top of the plate, and the word “Native” must appear at the bottom of the plate. The plate must contain a camouflage background including leaves, flowers, or fronds of a minimum of five different Florida native plants.



The DHSMV will retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered. Thereafter, the annual use fees from the sale of the plate will be distributed to the Florida Native Plant Society, a Florida nonprofit corporation, which may use a maximum of ten percent of the fees for administrative costs and to market and promote the plate. The balance of the fees will be used by the Florida Native Plant Society to fulfill the mission of the Florida Native Plant Society, which is to restore and preserve native Florida plants on private and public lands through grants, education, and community projects.

### **Florida 4-H**

The CS creates the Florida 4-H license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the word “4-H” must appear at the bottom of the plate.

The annual use fees from the sale of the plate will be distributed to Florida 4-H and used for the following purposes:

- A maximum of ten percent of the fees may be used by Florida 4-H for administrative and marketing costs of the plate;
- Twenty percent must be used to support leadership development in this state, including leadership development programs operated by 4-H University, state agencies, and the Legislature;
- Twenty percent must be used to support competitive teams in this state; and
- The remainder must be used to support Florida 4-H camps under the Florida 4-H program as designated by the University of Florida.

### **Give Kids the World**

The CS creates the Give Kids The World license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Give Kids The World” must appear at the bottom of the plate.

The annual use fees from the sale of the plate will be distributed to Give Kids The World, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to ten percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds will be used by Give Kids The World, Inc., to support their mission of providing weeklong, cost-free vacations to children with critical illnesses and their families.

### **Johnson and Wales University**

The CS creates the Johnson and Wales University license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, the words “Johnson and Wales University” must appear at the bottom of the plate, and the official Johnson and Wales University logo must appear on the left side of plate.

The license plate annual use fees will be distributed to Johnson and Wales University-North Miami, which may use a maximum of ten percent of the proceeds to promote and market the

plate. The remainder of the proceeds will be used by Johnson and Wales University-North Miami, a Johnson and Wales University organization under s. 501(c)(3) of the Internal Revenue Code, to fund its charitable activities, including, but not limited to, student need-based scholarships.

### **Margaritaville**

The CS creates the Margaritaville license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the word “Margaritaville” must appear at the bottom or side of the plate.

The annual use fees must be distributed to the SFC Charitable Foundation, Inc., a Florida nonprofit corporation doing business as the Singing for Change Foundation, to fund its activities, programs, and projects. The Singing for Change Foundation will retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, the annual use fees will be distributed as follows:

- Up to ten percent of the annual use fee revenue may be used for administration, promotion, and marketing of the specialty license plate; and
- The remaining proceeds must be used by the Singing for Change Foundation for its educational, economic, and cultural programs that assist local communities impacted by natural and manmade disasters with recovery, rebuilding, and future sustainability efforts, and that promote and inspire local grassroots leadership that works to improve the quality of life in those communities and other communities in this state.

### **Florida Stands with Israel**

The CS creates the Florida Stands with Israel license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Florida Stands with Israel” must appear at the bottom of the plate.

The annual use fees from the sale of the plate must be distributed to the Hatzalah of Miami-Dade, Inc., to be used as follows:

- Ten percent must be used solely for the promotion and marketing of the plate; and
- Ninety percent must be used by Hatzalah of Miami-Dade, Inc., to assist in training and deploying first responders to expedite emergency response.

### **Walt Disney World**

The CS creates the Walt Disney World license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Walt Disney World” must appear at the bottom of the plate.

The annual use fees from the sale of the plate will be distributed to the Make-A-Wish Foundation of Central and Northern Florida, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. A maximum of ten percent of the proceeds from the sale of such plates may be used for administrative and marketing costs.

**Thank a Lineman**

The CS creates the Thank a Lineman license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Thank a Lineman” must appear at the bottom of the plate.

The annual use fees from the sale of the plate will be distributed to the Lake-Sumter State College Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund scholarships for students enrolled in the Electrical Distribution Technology Program at Lake-Sumter State College. Up to ten percent of the funds received by the Lake-Sumter State College Foundation, Inc., may be used for marketing of the plate and costs directly associated with the administration of the foundation.

**Best Buddies**

The CS creates the Best Buddies license plate. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “BestBuddies.org” must appear at the bottom of the plate.

The annual use fees from the sale of the plate must be distributed to Best Buddies International, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, which may use up to ten percent of the fees for administrative costs and marketing of the plate. The balance of the fees must be used by Best Buddies International, Inc., to create opportunities for one-to-one friendships, integrated employment, leadership development, and inclusive living for individuals with intellectual and developmental disabilities.

**Audits and Attestations (section 8)**

The CS amends s. 320.08062(1)(b), F.S., requiring the DHSMV to audit any SLP revenue recipient every three years if the organization is not subject to the Florida Single Audit Act. The purpose of this audit is to ensure that SLP proceeds have been used in compliance with ss. 320.08056 and 320.08058, F.S.

**Effective Date**

The CS takes effect October 1, 2020, but only if SB 414 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

SB 414 establishes a \$25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and a \$50 annual use fee for the University of Alabama and the University of Georgia specialty license plates.

Individuals who choose to purchase a specialty license plate created in CS/SB 412 will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate created in CS/SB 412 will pay an additional use fee of \$50 in addition to required vehicle license taxes and fees.

B. Private Sector Impact:

Organizations receiving SLP revenue may receive additional revenues associated with the sale of SLPs.

Current law prohibits the redesign of a SLP unless the inventory of the license plate has been depleted. However, the organization may purchase the remaining inventory of the SLP from the DHSMV at the DHSMV's cost.<sup>119</sup> Special Olympics Florida may be required to purchase the remaining inventory of its SLPs at the DHSMV's cost prior to the authorized redesign of these SLPs.

C. Government Sector Impact:

Revenues from the sale of the Orlando City Soccer Club SLP will be deposited into the Professional Sports Development Trust Fund within the DEO. To the extent that individuals choose to purchase this SLP, there may be a positive, but indeterminate impact to the Professional Sports Development Trust Fund.

Revenues from the sale of the Purple Heart Motorcycle plate and the Bronze Star plate will be deposited into the Grants and Donations Trust Fund and the State Homes for

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<sup>119</sup> Section 320.08056(9), F.S.

Veterans Trust Fund within the Department of Veterans Affairs; to the extent that eligible individuals choose to purchase these license plates, there may be an indeterminate, positive fiscal impact on these trust funds.

Depending on the number of distributions tied to the plates, the amount of programming may vary as will the resources needed to complete the changes. The DHSMV is authorized to retain revenues from the first proceeds of SLP sales to defray departmental expenditures related to the SLP program.<sup>120</sup>

Additionally, the DHSMV states the cost to perform an audit every 3 years of each SLP may result in an insignificant workload impact that can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following sections of the Florida Statutes: 320.06, 320.0657, 320.08, 320.08053, 320.08056, 320.08058, 320.08062, 320.08068, 320.0875, and 320.089.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

CS by Infrastructure and Security on February 3, 2020:

- Corrects a reference from “fleet” to “dealer”;
- Further modifies the Special Olympics Florida SLP to require the first \$5 million collected annually to be forwarded to Special Olympics Florida instead of the nonprofit corporation known as the “Developmental Disabilities Council” created in s. 393.002, F.S.;
- Removes the America the Beautiful SLP from the bill;
- Removes the Lighthouse SLP modifications from the bill;
- Modifies description of the Explore Off Road Florida SLP to have “Florida” at the top and “Explore Off Road” at the bottom;
- Adds reference to the linked bill, SB 414; and
- Adds the following 10 SLP to the bill;
  - Solar Power;
  - Florida Native;
  - Florida 4-H;

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<sup>120</sup> Section 320.08056(7), F.S.

- Give Kids the World;
- Johnson and Wales University;
- Margaritaville;
- Florida Stands with Israel;
- Walt Disney World;
- Thank a Lineman; and
- Best Buddies.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (a) of subsection (3) of section  
320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and  
validation stickers generally.—

(3) (a) Registration license plates must be made of metal  
specially treated with a retroreflection material, as specified



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by the department. The registration license plate is designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers must also be treated with a retroreflection material, must be of such size as specified by the department, and must adhere to the license plate. The registration license plate must be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate must be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates must have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom unless the license plate is a specialty license plate as authorized in s. 320.08056. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words





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"Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 2. Paragraph (b) of subsection (2) of section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—

(2)

(b) The plates, which shall be of a distinctive color, shall have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top unless the license plate is a specialty license plate as authorized in s. 320.08056. The plates shall conform in all respects to the provisions of this chapter, except as specified herein. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plates, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 3. Subsection (12) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the



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registration or renewal of registration of the following:

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: \$17 flat. For additional fees as set forth in s. 320.08056, dealer companies may purchase specialty license plates in lieu of the standard fleet license plates. Dealer companies shall be responsible for all costs associated with the specialty license plates, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 4. Section 320.08053, Florida Statutes, is amended to read:

320.08053 Establishment of ~~Requirements for requests to establish~~ specialty license plates.—

(1) If a specialty license plate requested by an organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.

(2)(a) Within 120 days after ~~following~~ the specialty license plate becomes ~~becoming~~ law, the department shall establish a method to issue a specialty license plate voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the voucher. All other applicable fees shall be charged at the time



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of issuance of the license plate ~~plates~~.

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 ~~1,000~~ voucher sales, or, in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has ~~requirements have~~ not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

(3)(a) New specialty license plates that have been approved by law but are awaiting issuance under paragraph (b) must be issued in the order they appear in s. 320.08058 provided that they have met the presale requirement. All other provisions of this section must also be met before a plate is issued. If the next specialty license plate awaiting issuance has not met the presale requirement, the department shall proceed in the order provided in s. 320.08058 to identify the next qualified specialty license plate that has met the presale requirement. The department shall cycle through the list in statutory order.

(b) If the Legislature has approved 200 or more specialty license plates, the department may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued pursuant to s.



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320.08056(8) such that the number of plates being issued does not exceed 200. This paragraph does not apply to collegiate license plates established under s. 320.08058(3).

Section 5. Present subsection (12) of section 320.08056, Florida Statutes, is redesignated as subsection (13), paragraphs (c) through (f) are added to subsection (8) of that section, a new subsection (12) is added to that section, and subsections (2) and (4), paragraph (a) of subsection (10), and subsection (11) of that section are amended, to read:

320.08056 Specialty license plates.—

(2)(a) The department shall issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to s. 320.0706, or a truck tractor, upon request and payment of the appropriate license tax and fees.

(b) The department may authorize dealer and fleet specialty license plates. With the permission of the sponsoring specialty license plate organization, a dealer or fleet company may purchase specialty license plates to be used on dealer and fleet vehicles.

(c) Notwithstanding s. 320.08058, a dealer or fleet specialty license plate must include the letters "DLR" or "FLT" on the right side of the license plate. Dealer and fleet specialty license plates must be ordered directly through the department.

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

(a) ~~Manatee license plate, \$25.~~



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~~(b)~~ Challenger/Columbia license plate, \$25, except that a person who ~~that~~ purchases 1,000 or more of such license plates shall pay an annual use fee of \$15 per plate.

~~(c)~~ Collegiate license plate, \$25.

(b)~~(d)~~ Florida Salutes Veterans license plate, \$15.

~~(c)~~ Florida panther license plate, \$25.

(c)~~(f)~~ Florida United States Olympic Committee license plate, \$15.

(d)~~(g)~~ Florida Special Olympics license plate, \$15.

(e)~~(h)~~ Florida educational license plate, \$20.

~~(i)~~ Florida Professional Sports Team license plate, \$25.

(f)~~(j)~~ Florida Indian River Lagoon license plate, \$15.

(g)~~(k)~~ Invest in Children license plate, \$20.

(h)~~(l)~~ Florida arts license plate, \$20.

~~(m)~~ Bethune-Cookman University license plate, \$25.

(i)~~(n)~~ Florida Agricultural license plate, \$20.

(j)~~(o)~~ Police Athletic League license plate, \$20.

(k)~~(p)~~ Boy Scouts of America license plate, \$20.

~~(q)~~ Largemouth Bass license plate, \$25.

(l)~~(r)~~ Sea Turtle license plate, \$23.

(m)~~(s)~~ Protect Wild Dolphins license plate, \$20.

~~(t)~~ Barry University license plate, \$25.

(n)~~(u)~~ Everglades River of Grass license plate, \$20.

~~(v)~~ Keep Kids Drug-Free license plate, \$25.

~~(w)~~ Florida Sheriffs Youth Ranches license plate, \$25.

~~(x)~~ Conserve Wildlife license plate, \$25.

~~(y)~~ Florida Memorial University license plate, \$25.

(o)~~(z)~~ Tampa Bay Estuary license plate, \$15.

(p)~~(aa)~~ Florida Wildflower license plate, \$15.



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185        (q)~~(bb)~~ United States Marine Corps license plate, \$15.  
186        (r)~~(cc)~~ Choose Life license plate, \$20.  
187        (s)~~(dd)~~ Share the Road license plate, \$15.  
188        ~~(ee) American Red Cross license plate, \$25.~~  
189        ~~(ff) United We Stand license plate, \$25.~~  
190        ~~(gg) Breast Cancer Research license plate, \$25.~~  
191        ~~(hh) Protect Florida Whales license plate, \$25.~~  
192        ~~(ii) Florida Golf license plate, \$25.~~  
193        (t)~~(jj)~~ Florida Firefighters license plate, \$20.  
194        (u)~~(kk)~~ Police Benevolent Association license plate, \$20.  
195        (v)~~(ll)~~ Military Services license plate, \$15.  
196        ~~(mm) Protect Our Reefs license plate, \$25.~~  
197        (w)~~(nn)~~ Fish Florida license plate, \$22.  
198        ~~(oo) Child Abuse Prevention and Intervention license plate,~~  
199        ~~\$25.~~  
200        ~~(pp) Hospice license plate, \$25.~~  
201        ~~(qq) Stop Heart Disease license plate, \$25.~~  
202        (x)~~(rr)~~ Save Our Seas license plate, \$25, except that for  
203        an owner purchasing the specialty license plate for more than 10  
204        vehicles registered to that owner, the annual use fee shall be  
205        \$10 per plate.  
206        (y)~~(ss)~~ Aquaculture license plate, \$25, except that for an  
207        owner purchasing the specialty license plate for more than 10  
208        vehicles registered to that owner, the annual use fee shall be  
209        \$10 per plate.  
210        ~~(tt) Family First license plate, \$25.~~  
211        ~~(uu) Wildlife Foundation of Florida license plate, \$25.~~  
212        ~~(vv) Live the Dream license plate, \$25.~~  
213        ~~(ww) Florida Food Banks license plate, \$25.~~



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214     ~~(xx) Discover Florida's Oceans license plate, \$25.~~  
215     ~~(yy) Family Values license plate, \$25.~~  
216     ~~(zz) Parents Make A Difference license plate, \$25.~~  
217     ~~(aaa) Support Soccer license plate, \$25.~~  
218     ~~(bbb) Kids Deserve Justice license plate, \$25.~~  
219     ~~(ccc) Animal Friend license plate, \$25.~~  
220     ~~(ddd) Future Farmers of America license plate, \$25.~~  
221     ~~(eee) Donate Organs-Pass It On license plate, \$25.~~  
222     ~~(fff) A State of Vision license plate, \$25.~~  
223     ~~(ggg) Homeownership For All license plate, \$25.~~  
224     ~~(hhh) Florida NASCAR license plate, \$25.~~  
225     ~~(iii) Protect Florida Springs license plate, \$25.~~  
226     ~~(jjj) Trees Are Cool license plate, \$25.~~  
227     ~~(kkk) Support Our Troops license plate, \$25.~~  
228     ~~(lll) Florida Tennis license plate, \$25.~~  
229     ~~(mmm) Lighthouse Association license plate, \$25.~~  
230     ~~(nnn) In God We Trust license plate, \$25.~~  
231     ~~(ooo) Horse Country license plate, \$25.~~  
232     ~~(ppp) Autism license plate, \$25.~~  
233     ~~(qqq) St. Johns River license plate, \$25.~~  
234     ~~(rrr) Hispanic Achievers license plate, \$25.~~  
235     ~~(sss) Endless Summer license plate, \$25.~~  
236     ~~(ttt) Fraternal Order of Police license plate, \$25.~~  
237     ~~(uuu) Protect Our Oceans license plate, \$25.~~  
238     ~~(vvv) Florida Horse Park license plate, \$25.~~  
239     ~~(www) Florida Biodiversity Foundation license plate, \$25.~~  
240     ~~(xxx) Freemasonry license plate, \$25.~~  
241     ~~(yyy) American Legion license plate, \$25.~~  
242     ~~(zzz) Lauren's Kids license plate, \$25.~~



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~~(aaaa) Big Brothers Big Sisters license plate, \$25.~~

~~(bbbb) Fallen Law Enforcement Officers license plate, \$25.~~

~~(cccc) Florida Sheriffs Association license plate, \$25.~~

~~(dddd) Keiser University license plate, \$25.~~

~~(eeee) Moffitt Cancer Center license plate, \$25.~~

(8)

(c) A vehicle owner or lessee issued a specialty license plate that has been discontinued by the department may keep the discontinued specialty license plate for the remainder of the 10-year license plate replacement period and shall pay all other applicable registration fees. However, such owner or lessee is exempt from paying the applicable specialty license plate fee under paragraph (3)(d) or subsection (4) for the remainder of the 10-year license plate replacement period.

(d) If the department discontinues issuance of a specialty license plate, all annual use fees held or collected by the department must be distributed within 180 days after the date on which the specialty license plate is discontinued. Of those fees, the department shall retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuance of the plate. The remaining funds must be distributed to the appropriate organization or organizations pursuant to s. 320.08058.

(e) If an organization that is the intended recipient of the funds pursuant to s. 320.08058 no longer exists, the department shall deposit any undisbursed funds into the Highway Safety Operating Trust Fund.

(f) Notwithstanding paragraph (a), on January 1 of each year, the department shall discontinue the specialty license





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plate with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. A warning letter must be mailed to the sponsoring organizations of the 10 percent of the total number of specialty license plates with the fewest valid, active registrations as of December 1 of each year.

(10) (a) 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 activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees 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 United States Armed Forces and veterans-related specialty license plates pursuant to paragraph (3)(d) for the Support Our Troops and American Legion license plates; paragraphs (4)(b), (q), and (v) for the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; ~~paragraphs (4)(d), (bb), (ll), (kkk), and (yyy)~~ and s. 320.0891 for the U.S. Paratroopers license plate.

(11) The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by any entity ~~an agency~~ as a result of the sale of specialty license plates may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or an elected member or employee of the Legislature.



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(12) For out-of-state college or university license plates created pursuant to this section, the recipient organization shall meet both of the following requirements:

(a) Have an established endowment, based in this state, for the purpose of providing scholarships to Florida residents meeting the requirements of this chapter.

(b) Provide documentation to the department that the organization and the department have the college's or university's consent to use an appropriate image on a license plate.

Section 6. Effective July 1, 2022, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(8) (a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000, ~~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 3,000, or, in the case of an out-of-state college or university license plate, below 4,000 ~~1,000~~ plates. This paragraph does not apply to in-state collegiate license plates established under s. 320.08058(3), license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for



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student and teacher leadership programs and teacher recruitment and retention, or Florida Professional Sports Team license plates established under s. 320.08058(9).

Section 7. Subsections (7) and (31), present subsections (48), (57), and (65), paragraph (b) of present subsection (66), present subsections (69) and (70), and paragraph (b) of present subsection (80) of section 320.08058, Florida Statutes, are amended, and new subsections (80) through (84) and subsections (85) through (111) are added to that section, to read:

320.08058 Specialty license plates.—

(7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

(a) Special Olympics Florida license plates must contain the official Special Olympics Florida logo and must bear the colors and a design ~~and colors that are~~ approved by the department. The word "Florida" must be centered at the top ~~bottom~~ of the plate, and the words "Be a Fan" ~~"Everyone Wins"~~ must be centered at the bottom ~~top~~ of the plate.

(b) The license plate annual use fees must ~~are to~~ be annually distributed as follows:

1. The first \$5 million collected annually must be forwarded to Special Olympics Florida ~~the private nonprofit corporation as described in s. 393.002~~ and must be used solely for Special Olympics purposes ~~as approved by the private nonprofit corporation.~~

2. Any additional fees must be deposited into the General Revenue Fund.

~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

~~(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an American Red Cross license plate as~~



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~~provided in this section. The word "Florida" must appear at the top of the plate, and the words "American Red Cross" must appear at the bottom of the plate.~~

~~(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.~~

(47) ~~(48)~~ LIVE THE DREAM LICENSE PLATES.—

~~(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Live the Dream" must appear at the bottom of the plate.~~

~~(b) The proceeds of the annual use fee shall be distributed to the Dream Foundation, Inc., to The Dream Foundation, Inc., shall retain the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25 percent shall be used for continuing promotion and marketing of~~



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~~the license plate and concept. The remaining funds shall be used~~  
~~in the following manner:~~

1. Up to 5 percent may be used to administer, promote, and  
market the license plate.

~~2.1. At least 60 Twenty-five percent shall be distributed~~  
~~equally among the sickle cell organizations that are Florida~~  
~~members of the Sickle Cell Disease Association of America, Inc.,~~  
~~for programs that provide research, care, and treatment for~~  
~~sickle cell disease.~~

~~2. Twenty-five percent shall be distributed to the Florida~~  
~~chapter of the March of Dimes for programs and services that~~  
~~improve the health of babies through the prevention of birth~~  
~~defects and infant mortality.~~

~~3. Ten percent shall be distributed to the Florida~~  
~~Association of Healthy Start Coalitions to decrease racial~~  
~~disparity in infant mortality and to increase healthy birth~~  
~~outcomes. Funding will be used by local Healthy Start Coalitions~~  
~~to provide services and increase screening rates for high-risk~~  
~~pregnant women, children under 4 years of age, and women of~~  
~~childbearing age.~~

~~3.4. At least 30 Ten percent shall be distributed to~~  
~~Chapman the Community Partnership for Homeless, Inc., for~~  
~~programs that provide relief from poverty, hunger, and~~  
~~homelessness.~~

4. Up to 5 percent may be distributed by the department on  
behalf of the Dream Foundation, Inc., to the Martin Luther King,  
Jr., Center for Nonviolent Social Change, Inc., as a royalty for  
the use of the image of Dr. Martin Luther King, Jr.

~~5. Five percent of the proceeds shall be used by the~~



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~~foundation for administrative costs directly associated with operations as they relate to the management and distribution of the proceeds.~~

~~(57) DONATE ORGANS PASS IT ON LICENSE PLATES.—~~

~~(a) The department shall develop a Donate Organs Pass It On license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Donate Organs Pass It On" must appear at the bottom of the plate.~~

~~(b) The annual use fees shall be distributed to Transplant Foundation, Inc., and shall use up to 10 percent of the proceeds from the annual use fee for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds shall be used to provide statewide grants for patient services, including preoperative, rehabilitative, and housing assistance; organ donor education and awareness programs; and statewide medical research.~~

~~(65) LIGHTHOUSE ASSOCIATION LICENSE PLATES.—~~

~~(a) The department shall develop a Lighthouse Association license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Visit Our Lights" must appear at the bottom of the plate.~~

~~(b) The annual use fees shall be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.~~

~~(63)(66) IN GOD WE TRUST LICENSE PLATES.—~~



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(b) The license plate annual use fees shall be distributed to the In God We Trust Foundation, Inc., which may use a maximum of 10 percent of the proceeds to offset marketing, administration, and promotion, and the balance of the fees to address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida's children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history ~~to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:~~

~~1. The In God We Trust Foundation, Inc., shall retain all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.~~

~~2. Ten percent of the funds received by the In God We Trust Foundation, Inc., shall be expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.~~



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~~3. All remaining funds shall be expended by the In God We Trust Foundation, Inc., for programs.~~

~~(69) ST. JOHNS RIVER LICENSE PLATES.—~~

~~(a) The department shall develop a St. Johns River license plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.~~

~~(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a s. 501(c)(3) nonprofit organization, which shall administer the fees as follows:~~

~~1. The St. Johns River Alliance, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the specialty license plate.~~

~~2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of~~





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~~directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.~~

~~3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.~~

~~(70) HISPANIC ACHIEVERS LICENSE PLATES.—~~

~~(a) Notwithstanding the requirements of s. 320.08053, the department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Hispanic Achievers" must appear at the bottom of the plate.~~

~~(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received~~



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~~under this subsection must be used in this state.~~

~~(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:~~

~~1. Up to 5 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.~~

~~2. Funds may be used as necessary for annual audit or compliance affidavit costs.~~

~~3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.~~

~~4. Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.~~

~~5. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.~~

~~(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be~~



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~~issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the Hispanic Achievers license plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the Hispanic Achievers license plate. This subsection is repealed June 30, 2016.~~

(75)(80) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.-

(b) The annual use fees must ~~shall~~ be distributed to the Police and Kids Foundation, Inc., which may use up to a maximum of 10 percent of the proceeds for marketing to promote and market the plate. All remaining proceeds must be used by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects ~~The remainder of the proceeds shall be used by the Police and Kids Foundation, Inc., to invest and reinvest, and the interest earnings shall be used for the operation of the Police and Kids Foundation, Inc.~~

(80) DUCKS UNLIMITED LICENSE PLATES.-

(a) The department shall develop a Ducks Unlimited license plate as provided in this section and s. 320.08053. Ducks Unlimited license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserving Florida Wetlands" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Ducks Unlimited, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 5 percent may be used for administrative costs and



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the marketing of the plate.

2. At least 95 percent must be used in this state to support the mission and efforts of Ducks Unlimited, Inc., to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

(81) DAN MARINO CAMPUS LICENSE PLATES.—

(a) The department shall develop a Dan Marino Campus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Marino Campus" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Dan Marino Foundation, a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs and the marketing of the plate. The balance of the fees must be used by the Dan Marino Foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive and to promote and fund education scholarships and awareness of these services.

(82) DONATE LIFE FLORIDA LICENSE PLATES.—

(a) The department shall develop a Donate Life Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Donors Save Lives" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be



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distributed to Donate Life Florida, which may use up to 10  
percent of the proceeds for marketing and administrative costs.  
The remaining proceeds must be used by Donate Life Florida to  
educate Florida residents on the importance of organ, tissue,  
and eye donation and for the continued maintenance of the Joshua  
Abbott Organ and Tissue Donor Registry.

(83) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.-

(a) The department shall develop a Florida State Beekeepers  
Association license plate as provided in this section and s.  
320.08053. The plate must bear the colors and design approved by  
the department. The word "Florida" must appear at the top of the  
plate, and the words "Save the Bees" must appear at the bottom  
of the plate.

(b) The annual use fees must be distributed to the Florida  
State Beekeepers Association, a Florida nonprofit corporation.  
The Florida State Beekeepers Association may use up to 18  
percent of the annual use fees for:

1. Direct reimbursement for administrative costs, startup  
costs, and costs incurred in the development and approval  
process of the license plate. All vendors associated with the  
administrative costs must be selected by competitive bid.

2. Promotion and marketing costs of the license plate.

(c) The remaining funds must be distributed to the Florida  
State Beekeepers Association and used to raise awareness of the  
importance of beekeeping to Florida agriculture by funding  
honeybee research, education, outreach, and husbandry. The  
Florida State Beekeepers Association board of managers shall  
approve, and is accountable for, all such expenditures.

(84) BEAT CHILDHOOD CANCER LICENSE PLATES.-



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(a) The department shall develop a Beat Childhood Cancer license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Beat Childhood Cancer" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Eighty percent shall be distributed to Beat Nb, Inc., which may use up to 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds shall be used by the corporation to fund pediatric cancer treatment and research.

2. Twenty percent shall be distributed to No Kid Should Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, which may use up to 5 percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees shall be used by No Kid Should Know Cancer, Inc., to:

a. Support families who have a child recently diagnosed with cancer;

b. Hold events that raise awareness about childhood cancer;  
and

c. Support clinical trials that work to provide better treatment plans for children diagnosed with cancer and, ultimately, a better prognosis.

(85) UNIVERSITY OF ALABAMA LICENSE PLATES.—

(a) The department shall develop a University of Alabama



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license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Roll Tide" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

(86) ROTARY LICENSE PLATES.—

(a) The department shall develop a Rotary license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Rotary" must appear on the bottom of the plate. The license plate must bear the Rotary International wheel emblem.

(b) The annual use fees shall be distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

1. Up to 10 percent may be used for administrative costs and for marketing of the plate.

2. Ten percent shall be distributed to Rotary's Camp Florida for direct support to all programs and services provided to children with special needs who attend the camp.

3. The remainder shall be distributed, proportionally based on sales, to each Rotary district in the state in support of



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Rotary youth programs in Florida.

(87) FLORIDA BAY FOREVER LICENSE PLATES.—

(a) The department shall develop a Florida Bay Forever license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Florida Bay Forever" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida National Parks Association, Inc., which may use up to 10 percent of the proceeds for administrative costs and marketing of the plate. The remainder of the funds shall be used to supplement the Everglades National Park's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

(88) BONEFISH AND TARPON TRUST LICENSE PLATES.—

(a) The department shall develop a Bonefish and Tarpon Trust license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Bonefish and Tarpon Trust" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Bonefish and Tarpon Trust, which may use up to 10 percent of the proceeds to promote and market the license plate. The remainder of the proceeds shall be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research,





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education, and advocacy.

(89) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.—

(a) The department shall develop a Medical Professionals Who Care license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Medical Professionals Who Care" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Florida Benevolent Group, Inc., a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs, marketing, and promotion of the plate. The remainder of the revenues shall be used by Florida Benevolent Group, Inc., to assist low-income individuals in obtaining a medical education and career through scholarships, support, and guidance.

(90) UNIVERSITY OF GEORGIA LICENSE PLATES.—

(a) The department shall develop a University of Georgia license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "The University of Georgia" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Georgia Bulldog Club of Jacksonville, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Georgia. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and



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shall use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

(91) HIGHWAYMEN LICENSE PLATES.—

(a) The department shall develop a Highwaymen license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Highwaymen" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the license plate. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate and shall use the remainder of the fees as follows:

1. Before completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 15 percent to the St. Lucie County Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.

2. Upon completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 10 percent to the St. Lucie County Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

(92) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

(a) The department shall develop an Orlando City Soccer



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Club license plate as provided in paragraph (9)(a).

(b) The annual use fees from the sale of the plate shall be distributed and used as provided in paragraph (9)(b).

(93) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Coastal Conservation Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserve Florida's Fisheries" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Coastal Conservation Association Florida, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 10 percent of the proceeds may be used for administrative costs and to promote and market the plate.

2. The remainder of the proceeds shall be used to support the mission and efforts of Coastal Conservation Association Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

(94) PALM BEACH ZOO AND CONSERVATION SOCIETY LICENSE PLATES.—

(a) The department shall develop a Palm Beach Zoo and Conservation Society license plate as provided in this section and s. 320.08053. Palm Beach Zoo and Conservation Society license plates must bear the colors and design approved by the



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department. The word "Florida" must appear at the top of the plate, and the words "Palm Beach Zoo and Conservation Society" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened species, and services for the health and welfare of animals in the zoo's care. The Palm Beach Zoo and Conservation Society may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the programs of the society and the specialty license plate.

(95) ETHICAL ECOTOURISM LICENSE PLATES.—

(a) The department shall develop an Ethical Ecotourism license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and words that are approved by the department must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to 10 percent of such proceeds for administrative costs and the marketing of the plate. The remaining proceeds must be used by the Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida's natural



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ecosystems and resources, and by Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

(96) KNIGHTS OF COLUMBUS LICENSE PLATES.—

(a) The department shall develop a Knights of Columbus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "In God We Trust" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to Florida KofC Charities, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by Florida KofC Charities, Inc., a Knights of Columbus organization under s. 501(c)(3) of the Internal Revenue Code, to fund its charitable activities, including, but not limited to, the Christian Refugee Relief Fund, disaster relief, Ultrasound Initiative, Food for Families, and Coats for Kids.

(97) DAUGHTERS OF THE AMERICAN REVOLUTION LICENSE PLATES.—

(a) The department shall develop a Daughters of the American Revolution license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Daughters of the American Revolution" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Daughters of the American Revolution, a



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nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used within this state by the Daughters of the American Revolution, a nonpolitical volunteer women's service organization, to promote patriotism, preserve American history, and secure America's future through educational programs for local public and private K-12 students and scholarships and other educational funding for underprivileged children.

(98) GUARDIAN AD LITEM LICENSE PLATES.—

(a) The department shall develop a Guardian Ad Litem license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Heartfelt Child Advocacy" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida Guardian Ad Litem Foundation, Inc., a direct-support organization and a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for administrative costs and the marketing of the plate. The remainder of the proceeds must be used in this state to support the mission and efforts of the statewide Guardian Ad Litem Program to represent abused, abandoned, and neglected children and advocate for their best interests; recruit and retain volunteer child advocates; and meet the unique needs of the dependent children the program serves.

(99) JUMBO SHRIMP LICENSE PLATES.—

(a) The department shall develop a Jumbo Shrimp license



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plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Jumbo Shrimp" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to St. Johns Riverkeeper, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used by St. Johns Riverkeeper, Inc., for programs and activities related to fulfilling its mission to protect and restore the health of the St. Johns River.

(100) GADSDEN FLAG LICENSE PLATES.—

(a) The department shall develop a Gadsden Flag license plate as provided in this section and s. 320.08053. The design of the plate must replicate the color, layout, and design of the Gadsden Flag. The word "Florida" must appear at the top of the plate, and the words "Don't Tread on Me" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Veterans Foundation, a direct-support organization of the Department of Veterans' Affairs, and must be used to benefit veterans. Up to 10 percent of the proceeds may be used for continuing promotion and marketing of the plate.

(101) K9S UNITED LICENSE PLATES.—

(a) The department shall develop a K9s United license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words



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"K9s United" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to K9s United, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used by K9s United, Inc., to support K9 units throughout the state.

(102) EXPLORE OFF ROAD FLORIDA LICENSE PLATES.—

(a) The department shall develop an Explore Off Road Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Explore Off Road" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida Off Road Foundation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the funds may be used for marketing of the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services and compliance affidavit costs. The remainder of the funds shall be used by the Florida Off Road Foundation, Inc., to fund qualified nonprofit organizations that protect and preserve Florida's natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off-road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida's off-road





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culture.

(103) SOLAR POWER LICENSE PLATES.—

(a) The department shall develop a Solar Power license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Powered by the Sun" must appear at the bottom of the plate.

(b) The annual fees from the sale of the plate must be distributed to the Florida Solar Energy Research and Education Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund its activities, programs, and projects aimed at solar workforce training, employment, internships, and related programs. The Florida Solar Energy Research and Education Foundation, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the corporation's programs and the specialty license plate. The Florida Solar Energy Research and Education Foundation, Inc., shall use the remaining funds as follows:

1. To provide funds to the Florida Solar Energy Center for the purpose of developing and administering solar energy industry workforce training programs.

2. To provide funds to veteran support facilities for solar demonstration projects that will lower energy costs to the veteran support facilities.



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3. To provide funds to nonprofit, educational, or charitable organizations for projects or promotional campaigns which further the goal of solar energy development in this state.

(104) FLORIDA NATIVE LICENSE PLATES.—

(a) The department shall develop a Florida Native license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and the word "Native" must appear at the bottom of the plate. The plate must contain a camouflage background including leaves, flowers, or fronds of a minimum of five different Florida native plants.

(b)1. The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered.

2. Thereafter, the annual use fees from the sale of the plate shall be distributed to the Florida Native Plant Society, a Florida nonprofit corporation, which may use a maximum of 10 percent of the fees for administrative costs and to market and promote the plate. The balance of the fees shall be used by the Florida Native Plant Society to fulfill the mission of the Florida Native Plant Society, which is to restore and preserve native Florida plants on private and public lands through grants, education, and community projects.

(105) FLORIDA 4-H LICENSE PLATES.—

(a) The department shall develop a Florida 4-H license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "4-H" must appear at the bottom of the plate.



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(b) The annual use fees from the sale of the plate shall be distributed to Florida 4-H and used for the following purposes:

1. A maximum of 10 percent of the fees may be used by Florida 4-H for administrative and marketing costs of the plate.

2. Twenty percent must be used to support leadership development in this state, including leadership development programs operated by 4-H University, state agencies, and the Legislature.

3. Twenty percent must be used to support competitive teams in this state.

4. The remainder must be used to support Florida 4-H camps under the Florida 4-H program as designated by the University of Florida.

(106) GIVE KIDS THE WORLD LICENSE PLATES.—

(a) The department shall develop a Give Kids The World license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Give Kids The World" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Give Kids The World, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used by Give Kids The World, Inc., to support their mission of providing weeklong, cost-free vacations to children with critical illnesses and their families.

(107) JOHNSON AND WALES UNIVERSITY LICENSE PLATES.—



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(a) The department shall develop a Johnson and Wales University license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, the words "Johnson and Wales University" must appear at the bottom of the plate, and the official Johnson and Wales University logo must appear on the left side of plate.

(b) The license plate annual use fees shall be distributed to Johnson and Wales University-North Miami, which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by Johnson and Wales University-North Miami, a Johnson and Wales University organization under s. 501(c)(3) of the Internal Revenue Code, to fund its charitable activities, including, but not limited to, student need-based scholarships.

(108) MARGARITAVILLE LICENSE PLATES.—

(a) The department shall develop a Margaritaville license plate as provided in s. 320.08053 and this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Margaritaville" must appear at the bottom or side of the plate.

(b) The annual use fees must be distributed to the SFC Charitable Foundation, Inc., a Florida nonprofit corporation doing business as the Singing for Change Foundation, to fund its activities, programs, and projects. The Singing for Change Foundation shall retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered.

(c) Thereafter, the annual use fees shall be distributed as



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follows:

1. Up to 10 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the specialty license plate.

2. The remaining proceeds must be used by the Singing for Change Foundation for its educational, economic, and cultural programs that assist local communities impacted by natural and manmade disasters with recovery, rebuilding, and future sustainability efforts, and that promote and inspire local grassroots leadership that works to improve the quality of life in those communities and other communities in this state.

(109) FLORIDA STANDS WITH ISRAEL LICENSE PLATES.—

(a) The department shall develop a Florida Stands with Israel license plate as provided in s. 320.08053 and this section. The plate must bear the colors and design approved by the department. The words "Florida Stands with Israel" must appear at the top of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Hatzalah of Miami-Dade, Inc., to be used as follows:

1. Ten percent must be used solely for the promotion and marketing of the plate.

2. Ninety percent must be used by Hatzalah of Miami-Dade, Inc., to assist in training and deploying first responders to expedite emergency response.

(110) WALT DISNEY WORLD LICENSE PLATES.—

(a) The department shall develop a Walt Disney World license plate as provided in this section. The plate must bear the colors and design approved by the department. The word



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"Florida" must appear at the top of the plate, and the words  
"Walt Disney World" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be  
distributed to the Make-A-Wish Foundation of Central and  
Northern Florida, Inc., a nonprofit organization under s.  
501(c)(3) of the Internal Revenue Code. A maximum of 10 percent  
of the proceeds from the sale of such plates may be used for  
administrative and marketing costs.

(111) THANK A LINEMAN LICENSE PLATES.—

(a) The department shall develop a Thank a Lineman license  
plate as provided in this section and s. 320.08053. The plate  
must bear the colors and design approved by the department. The  
word "Florida" must appear at the top of the plate, and the  
words "Thank a Lineman" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be  
distributed to the Lake-Sumter State College Foundation, Inc., a  
nonprofit Florida corporation under s. 501(c)(3) of the Internal  
Revenue Code, to fund scholarships for students enrolled in the  
Electrical Distribution Technology Program at Lake-Sumter State  
College. Up to 10 percent of the funds received by the Lake-  
Sumter State College Foundation, Inc., may be used for marketing  
of the plate and costs directly associated with the  
administration of the foundation.

Section 8. Subsection (1) of section 320.08062, Florida  
Statutes, is amended to read:

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

(1)(a) All organizations that receive annual use fee  
proceeds from the department are responsible for ensuring that



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proceeds are used in accordance with ss. 320.08056 and  
320.08058.

(b) Any organization not subject to audit pursuant to s.  
215.97 shall annually attest, under penalties of perjury, that  
such proceeds were used in compliance with ss. 320.08056 and  
320.08058. The attestation shall be made annually in a form and  
format determined by the department. In addition, the department  
shall audit any such organization every 3 years to ensure that  
proceeds have been used in compliance with ss. 320.08056 and  
320.08058.

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

Section 9. Paragraph (b) of subsection (4) of section  
320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of \$20 shall be  
collected for each motorcycle specialty license plate. Annual  
use fees shall be distributed as follows:

(b) Twenty percent to Preserve Vision ~~Prevent Blindness~~  
Florida, Inc.

Section 10. Section 320.0875, Florida Statutes, is created  
to read:

320.0875 Purple Heart special motorcycle license plate.—

(1) Upon application to the department and payment of the  
license tax for the motorcycle as provided in s. 320.08, a  
resident of this state who owns or leases a motorcycle that is



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not used for hire or commercial use shall be issued a Purple Heart special motorcycle license plate if he or she provides documentation acceptable to the department that he or she is a recipient of the Purple Heart medal.

(2) The Purple Heart special motorcycle license plate must be stamped with the term "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart special motorcycle license plate may have the term "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 11. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; Bronze Star recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners; special license plates; fee.—

(1) (a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and a veteran of the United States Armed Forces, a Woman Veteran, a World War II Veteran, a





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1200 Navy Submariner, an active or retired member of the Florida  
1201 National Guard, a survivor of the attack on Pearl Harbor, a  
1202 recipient of the Purple Heart medal, a recipient of the Bronze  
1203 Star, an active or retired member of any branch of the United  
1204 States Armed Forces Reserve, or a recipient of the Combat  
1205 Infantry Badge, Combat Medical Badge, Combat Action Badge,  
1206 Combat Action Ribbon, Air Force Combat Action Medal, or  
1207 Distinguished Flying Cross, upon application to the department,  
1208 accompanied by proof of release or discharge from any branch of  
1209 the United States Armed Forces, proof of active membership or  
1210 retired status in the Florida National Guard, proof of  
1211 membership in the Pearl Harbor Survivors Association or proof of  
1212 active military duty in Pearl Harbor on December 7, 1941, proof  
1213 of being a Purple Heart medal recipient, proof of being a Bronze  
1214 Star recipient, proof of active or retired membership in any  
1215 branch of the United States Armed Forces Reserve, or proof of  
1216 membership in the Combat Infantrymen's Association, Inc., proof  
1217 of being a recipient of the Combat Infantry Badge, Combat  
1218 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air  
1219 Force Combat Action Medal, or Distinguished Flying Cross, and  
1220 upon payment of the license tax for the vehicle as provided in  
1221 s. 320.08, shall be issued a license plate as provided by s.  
1222 320.06 which, in lieu of the serial numbers prescribed by s.  
1223 320.06, is stamped with the words "Veteran," "Woman Veteran,"  
1224 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl  
1225 Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S.  
1226 Reserve," "Combat Infantry Badge," "Combat Medical Badge,"  
1227 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat  
1228 Action Medal," or "Distinguished Flying Cross," as appropriate,



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and a likeness of the related campaign medal or badge, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 12. By November 1, 2020, the annual use fees withheld by the Department of Highway Safety and Motor Vehicles from the sale of the Live the Dream specialty license plate shall be used first to satisfy all outstanding royalty payments due to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of the image of Dr. Martin Luther King, Jr. All remaining funds shall be distributed to the subrecipients on a pro rata basis according to the percentages specified in s. 320.08058(47), Florida Statutes.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2020, but only if SB 414 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to license plates; amending s. 320.06, F.S.; providing an exception to a design requirement for dealer license plates; amending s. 320.0657, F.S.; providing an exception to a design requirement for



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1258 fleet license plates; authorizing fleet companies to  
1259 purchase specialty license plates in lieu of standard  
1260 fleet license plates; requiring fleet companies to be  
1261 responsible for certain costs; amending s. 320.08,  
1262 F.S.; authorizing dealer companies to purchase  
1263 specialty license plates in lieu of standard fleet  
1264 license plates; requiring dealer companies to be  
1265 responsible for certain costs; amending s. 320.08053,  
1266 F.S.; revising requirements for presale and issuance  
1267 of specialty license plates; amending s. 320.08056,  
1268 F.S.; allowing the Department of Highway Safety and  
1269 Motor Vehicles to authorize dealer and fleet specialty  
1270 license plates; authorizing a dealer or fleet company  
1271 to purchase specialty license plates under certain  
1272 circumstances; providing requirements for such plates;  
1273 making technical changes; deleting fees relating to  
1274 the American Red Cross, Donate Organs-Pass It On, St.  
1275 Johns River, and Hispanic Achievers license plates to  
1276 conform to changes made by the act; providing  
1277 additional procedures and requirements for  
1278 discontinuing issuance of a specialty license plate;  
1279 conforming cross-references; prohibiting use fees  
1280 received by any entity from being used for certain  
1281 purposes; requiring certain organizations to establish  
1282 endowments based in this state for providing  
1283 scholarships to Florida residents and to provide  
1284 documentation of consent to use certain images;  
1285 revising, as of a specified date, the criteria,  
1286 procedures, and exceptions under which the department



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1287 is required to discontinue the issuance of an approved  
1288 specialty license plate; amending s. 320.08058, F.S.;  
1289 revising the design of the Special Olympics Florida  
1290 license plate; revising the distribution of fees  
1291 collected from the sale of such plates; deleting  
1292 provisions requiring the department to develop the  
1293 American Red Cross license plate; revising the  
1294 authorized use of proceeds from the sale of the Live  
1295 the Dream license plate; deleting provisions requiring  
1296 the department to develop the Donate Organs-Pass It On  
1297 license plate; deleting provisions requiring the  
1298 department to develop the Lighthouse Association  
1299 license plate; revising the authorized use of proceeds  
1300 from the sale of the In God We Trust license plate;  
1301 deleting provisions requiring the department to  
1302 develop the St. Johns River and the Hispanic Achievers  
1303 license plates; revising the authorized use of  
1304 proceeds from the sale of the Fallen Law Enforcement  
1305 Officers license plate; requiring the department to  
1306 develop certain specialty license plates; providing  
1307 for distribution and use of fees collected from the  
1308 sale of such plates; amending s. 320.08062, F.S.;  
1309 directing the department to audit certain  
1310 organizations that receive funds from the sale of  
1311 specialty license plates; amending s. 320.08068, F.S.;  
1312 requiring distribution of a specified percentage of  
1313 motorcycle specialty license plate annual use fees to  
1314 Preserve Vision Florida, Inc.; creating s. 320.0875,  
1315 F.S.; providing for a special motorcycle license plate



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1316 to be issued to a recipient of the Purple Heart under  
1317 certain circumstances; providing requirements for the  
1318 plate; authorizing a certain design for the plate;  
1319 amending s. 320.089, F.S.; providing for a special  
1320 license plate to be issued to a recipient of the  
1321 Bronze Star; providing for distribution of certain  
1322 annual use fees withheld by the department; providing  
1323 contingent effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Bean) recommended the following:

**Senate Substitute for Amendment (850180) (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(3)(a) Registration license plates must be made of metal



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11 specially treated with a retroreflection material, as specified  
12 by the department. The registration license plate is designed to  
13 increase nighttime visibility and legibility and must be at  
14 least 6 inches wide and not less than 12 inches in length,  
15 unless a plate with reduced dimensions is deemed necessary by  
16 the department to accommodate motorcycles, mopeds, or similar  
17 smaller vehicles. Validation stickers must also be treated with  
18 a retroreflection material, must be of such size as specified by  
19 the department, and must adhere to the license plate. The  
20 registration license plate must be imprinted with a combination  
21 of bold letters and numerals or numerals, not to exceed seven  
22 digits, to identify the registration license plate number. The  
23 license plate must be imprinted with the word "Florida" at the  
24 top and the name of the county in which it is sold, the state  
25 motto, or the words "Sunshine State" at the bottom. Apportioned  
26 license plates must have the word "Apportioned" at the bottom  
27 and license plates issued for vehicles taxed under s.  
28 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have  
29 the word "Restricted" at the bottom. License plates issued for  
30 vehicles taxed under s. 320.08(12) must be imprinted with the  
31 word "Florida" at the top and the word "Dealer" at the bottom  
32 unless the license plate is a specialty license plate as  
33 authorized in s. 320.08056. Manufacturer license plates issued  
34 for vehicles taxed under s. 320.08(12) must be imprinted with  
35 the word "Florida" at the top and the word "Manufacturer" at the  
36 bottom. License plates issued for vehicles taxed under s.  
37 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at  
38 the bottom. Any county may, upon majority vote of the county  
39 commission, elect to have the county name removed from the



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license plates sold in that county. The state motto or the words "Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 2. Paragraph (b) of subsection (2) of section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—

(2)

(b) The plates, which shall be of a distinctive color, shall have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top unless the license plate is a specialty license plate as authorized in s. 320.08056. The plates shall conform in all respects to the provisions of this chapter, except as specified herein. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plates, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 3. Subsection (12) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to





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and collected by the department or its agent upon the registration or renewal of registration of the following:

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: \$17 flat. For additional fees as set forth in s. 320.08056, dealer companies may purchase specialty license plates in lieu of the standard dealer license plates. Dealer companies shall be responsible for all costs associated with the specialty license plates, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 4. Section 320.08053, Florida Statutes, is amended to read:

320.08053 Establishment of ~~Requirements for requests to establish~~ specialty license plates.—

(1) If a specialty license plate requested by an organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.

(2)(a) Within 120 days after ~~following~~ the specialty license plate becomes ~~becoming~~ law, the department shall establish a method to issue a specialty license plate voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the



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voucher. All other applicable fees shall be charged at the time of issuance of the license plate ~~plates~~.

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 ~~1,000~~ voucher sales, or, in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has ~~requirements have~~ not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

(3) (a) New specialty license plates that have been approved by law but are awaiting issuance under paragraph (b) must be issued in the order they appear in s. 320.08058 provided that they have met the presale requirement. All other provisions of this section must also be met before a plate is issued. If the next specialty license plate awaiting issuance has not met the presale requirement, the department shall proceed in the order provided in s. 320.08058 to identify the next qualified specialty license plate that has met the presale requirement. The department shall cycle through the list in statutory order.

(b) If the Legislature has approved 200 or more specialty license plates, the department may not make any new specialty license plates available for design or issuance until a



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sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 200. This paragraph does not apply to collegiate license plates established under s. 320.08058(3).

Section 5. Present subsection (12) of section 320.08056, Florida Statutes, is redesignated as subsection (13), paragraphs (c) through (f) are added to subsection (8) of that section, a new subsection (12) is added to that section, and subsections (2) and (4), paragraph (a) of subsection (10), and subsection (11) of that section are amended, to read:

320.08056 Specialty license plates.—

(2)(a) The department shall issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to s. 320.0706, or a truck tractor, upon request and payment of the appropriate license tax and fees.

(b) The department may authorize dealer and fleet specialty license plates. With the permission of the sponsoring specialty license plate organization, a dealer or fleet company may purchase specialty license plates to be used on dealer and fleet vehicles.

(c) Notwithstanding s. 320.08058, a dealer or fleet specialty license plate must include the letters "DLR" or "FLT" on the right side of the license plate. Dealer and fleet specialty license plates must be ordered directly through the department.

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



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156       (a) ~~Manatee license plate, \$25.~~  
157       **(b)** ~~Challenger/Columbia license plate, \$25, except that a~~  
158 person who ~~that~~ purchases 1,000 or more of such license plates  
159 shall pay an annual use fee of \$15 per plate.  
160       (c) ~~Collegiate license plate, \$25.~~  
161       **(b)** ~~(d)~~ Florida Salutes Veterans license plate, \$15.  
162       (c) ~~Florida panther license plate, \$25.~~  
163       **(c)** ~~(f)~~ Florida United States Olympic Committee license  
164 plate, \$15.  
165       **(d)** ~~(g)~~ Florida Special Olympics license plate, \$15.  
166       **(e)** ~~(h)~~ Florida educational license plate, \$20.  
167       (i) ~~Florida Professional Sports Team license plate, \$25.~~  
168       **(f)** ~~(j)~~ Florida Indian River Lagoon license plate, \$15.  
169       **(g)** ~~(k)~~ Invest in Children license plate, \$20.  
170       **(h)** ~~(l)~~ Florida arts license plate, \$20.  
171       (m) ~~Bethune-Cookman University license plate, \$25.~~  
172       **(i)** ~~(n)~~ Florida Agricultural license plate, \$20.  
173       **(j)** ~~(o)~~ Police Athletic League license plate, \$20.  
174       **(k)** ~~(p)~~ Boy Scouts of America license plate, \$20.  
175       (q) ~~Largemouth Bass license plate, \$25.~~  
176       **(l)** ~~(r)~~ Sea Turtle license plate, \$23.  
177       **(m)** ~~(s)~~ Protect Wild Dolphins license plate, \$20.  
178       (t) ~~Barry University license plate, \$25.~~  
179       **(n)** ~~(u)~~ Everglades River of Grass license plate, \$20.  
180       (v) ~~Keep Kids Drug-Free license plate, \$25.~~  
181       (w) ~~Florida Sheriffs Youth Ranches license plate, \$25.~~  
182       (x) ~~Conserve Wildlife license plate, \$25.~~  
183       (y) ~~Florida Memorial University license plate, \$25.~~  
184       **(o)** ~~(z)~~ Tampa Bay Estuary license plate, \$15.



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185        (p)~~(aa)~~ Florida Wildflower license plate, \$15.  
186        (q)~~(bb)~~ United States Marine Corps license plate, \$15.  
187        (r)~~(cc)~~ Choose Life license plate, \$20.  
188        (s)~~(dd)~~ Share the Road license plate, \$15.  
189        ~~(ee) American Red Cross license plate, \$25.~~  
190        ~~(ff) United We Stand license plate, \$25.~~  
191        ~~(gg) Breast Cancer Research license plate, \$25.~~  
192        ~~(hh) Protect Florida Whales license plate, \$25.~~  
193        ~~(ii) Florida Golf license plate, \$25.~~  
194        (t)~~(jj)~~ Florida Firefighters license plate, \$20.  
195        (u)~~(kk)~~ Police Benevolent Association license plate, \$20.  
196        (v)~~(ll)~~ Military Services license plate, \$15.  
197        ~~(mm) Protect Our Reefs license plate, \$25.~~  
198        (w)~~(nn)~~ Fish Florida license plate, \$22.  
199        ~~(oo) Child Abuse Prevention and Intervention license plate,~~  
200        ~~\$25.~~  
201        ~~(pp) Hospice license plate, \$25.~~  
202        ~~(qq) Stop Heart Disease license plate, \$25.~~  
203        (x)~~(rr)~~ Save Our Seas license plate, \$25, except that for  
204        an owner purchasing the specialty license plate for more than 10  
205        vehicles registered to that owner, the annual use fee shall be  
206        \$10 per plate.  
207        (y)~~(ss)~~ Aquaculture license plate, \$25, except that for an  
208        owner purchasing the specialty license plate for more than 10  
209        vehicles registered to that owner, the annual use fee shall be  
210        \$10 per plate.  
211        ~~(tt) Family First license plate, \$25.~~  
212        ~~(uu) Wildlife Foundation of Florida license plate, \$25.~~  
213        ~~(vv) Live the Dream license plate, \$25.~~



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214     ~~(ww) Florida Food Banks license plate, \$25.~~  
215     ~~(xx) Discover Florida's Oceans license plate, \$25.~~  
216     ~~(yy) Family Values license plate, \$25.~~  
217     ~~(zz) Parents Make A Difference license plate, \$25.~~  
218     ~~(aaa) Support Soccer license plate, \$25.~~  
219     ~~(bbb) Kids Deserve Justice license plate, \$25.~~  
220     ~~(ccc) Animal Friend license plate, \$25.~~  
221     ~~(ddd) Future Farmers of America license plate, \$25.~~  
222     ~~(eee) Donate Organs-Pass It On license plate, \$25.~~  
223     ~~(fff) A State of Vision license plate, \$25.~~  
224     ~~(ggg) Homeownership For All license plate, \$25.~~  
225     ~~(hhh) Florida NASCAR license plate, \$25.~~  
226     ~~(iii) Protect Florida Springs license plate, \$25.~~  
227     ~~(jjj) Trees Are Cool license plate, \$25.~~  
228     ~~(kkk) Support Our Troops license plate, \$25.~~  
229     ~~(lll) Florida Tennis license plate, \$25.~~  
230     ~~(mmm) Lighthouse Association license plate, \$25.~~  
231     ~~(nnn) In God We Trust license plate, \$25.~~  
232     ~~(ooo) Horse Country license plate, \$25.~~  
233     ~~(ppp) Autism license plate, \$25.~~  
234     ~~(qqq) St. Johns River license plate, \$25.~~  
235     ~~(rrr) Hispanic Achievers license plate, \$25.~~  
236     ~~(sss) Endless Summer license plate, \$25.~~  
237     ~~(ttt) Fraternal Order of Police license plate, \$25.~~  
238     ~~(uuu) Protect Our Oceans license plate, \$25.~~  
239     ~~(vvv) Florida Horse Park license plate, \$25.~~  
240     ~~(www) Florida Biodiversity Foundation license plate, \$25.~~  
241     ~~(xxx) Freemasonry license plate, \$25.~~  
242     ~~(yyy) American Legion license plate, \$25.~~



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~~(zzz) Lauren's Kids license plate, \$25.~~

~~(aaaa) Big Brothers Big Sisters license plate, \$25.~~

~~(bbbb) Fallen Law Enforcement Officers license plate, \$25.~~

~~(cccc) Florida Sheriffs Association license plate, \$25.~~

~~(dddd) Keiser University license plate, \$25.~~

~~(eeee) Moffitt Cancer Center license plate, \$25.~~

(8)

(c) A vehicle owner or lessee issued a specialty license plate that has been discontinued by the department may keep the discontinued specialty license plate for the remainder of the 10-year license plate replacement period and shall pay all other applicable registration fees. However, such owner or lessee is exempt from paying the applicable specialty license plate fee under paragraph (3) (d) or subsection (4) for the remainder of the 10-year license plate replacement period.

(d) If the department discontinues issuance of a specialty license plate, all annual use fees held or collected by the department must be distributed within 180 days after the date on which the specialty license plate is discontinued. Of those fees, the department shall retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuance of the plate. The remaining funds must be distributed to the appropriate organization or organizations pursuant to s. 320.08058.

(e) If an organization that is the intended recipient of the funds pursuant to s. 320.08058 no longer exists, the department shall deposit any undisbursed funds into the Highway Safety Operating Trust Fund.

(f) Notwithstanding paragraph (a), on January 1 of each



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year, the department shall discontinue the specialty license plate with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. A warning letter must be mailed to the sponsoring organizations of the 10 percent of the total number of specialty license plates with the fewest valid, active registrations as of December 1 of each year.

(10)(a) 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 activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees 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 United States Armed Forces and veterans-related specialty license plates pursuant to paragraph (3)(d) for the Support Our Troops and American Legion license plates; paragraphs (4)(b), (q), and (v) for the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; ~~paragraphs (4)(d), (bb), (ll), (kkk), and (yyy)~~ and s. 320.0891 for the U.S. Paratroopers license plate.

(11) The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by any entity ~~an agency~~ as a result of the sale of specialty license plates may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or an elected





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member or employee of the Legislature.

(12) For out-of-state college or university license plates created pursuant to this section, the recipient organization shall meet both of the following requirements:

(a) Have an established endowment, based in this state, for the purpose of providing scholarships to Florida residents meeting the requirements of this chapter.

(b) Provide documentation to the department that the organization and the department have the college's or university's consent to use an appropriate image on a license plate.

Section 6. Effective July 1, 2022, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(8) (a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000, ~~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 3,000, or, in the case of an out-of-state college or university license plate, below 4,000 ~~1,000~~ plates. This paragraph does not apply to in-state collegiate license plates established under s. 320.08058(3), license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates



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for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida Professional Sports Team license plates established under s. 320.08058(9).

Section 7. Subsections (7) and (31), present subsections (48) and (57), paragraph (b) of present subsection (66), present subsections (69) and (70), and paragraph (b) of present subsection (80) of section 320.08058, Florida Statutes, are amended, and new subsections (81) through (84) and subsections (85) through (112) are added to that section, to read:

320.08058 Specialty license plates.—

(7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

(a) Special Olympics Florida license plates must contain the official Special Olympics Florida logo and must bear the colors and ~~a design and colors that are~~ approved by the department. The word "Florida" must be centered at the top ~~bottom~~ of the plate, and the words "Be a Fan" ~~"Everyone Wins"~~ must be centered at the bottom ~~top~~ of the plate.

(b) The license plate annual use fees must ~~are to~~ be annually distributed as follows:

1. The first \$5 million collected annually must be forwarded to Special Olympics Florida ~~the private nonprofit corporation as described in s. 393.002~~ and must be used solely for Special Olympics purposes ~~as approved by the private nonprofit corporation.~~

2. Any additional fees must be deposited into the General Revenue Fund.

~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

~~(a) Notwithstanding the provisions of s. 320.08053, the~~



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~~department shall develop an American Red Cross license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "American Red Cross" must appear at the bottom of the plate.~~

~~(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.~~

(47) ~~(48)~~ LIVE THE DREAM LICENSE PLATES.—

(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Live the Dream" must appear at the bottom of the plate.

(b) The proceeds of the annual use fee shall be distributed to the Dream Foundation, Inc., ~~to The Dream Foundation, Inc.,~~ shall retain the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25



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~~percent shall be used for continuing promotion and marketing of the license plate and concept. The remaining funds shall be used in the following manner:~~

1. Up to 5 percent may be used to administer, promote, and market the license plate.

~~2.1. At least 60~~ Twenty-five percent shall be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs that provide research, care, and treatment for sickle cell disease.

~~2. Twenty-five percent shall be distributed to the Florida chapter of the March of Dimes for programs and services that improve the health of babies through the prevention of birth defects and infant mortality.~~

~~3. Ten percent shall be distributed to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high-risk pregnant women, children under 4 years of age, and women of childbearing age.~~

3.4. At least 30 ~~Ten~~ percent shall be distributed to Chapman the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.

4. Up to 5 percent may be distributed by the department on behalf of the Dream Foundation, Inc., to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.



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~~5. Five percent of the proceeds shall be used by the foundation for administrative costs directly associated with operations as they relate to the management and distribution of the proceeds.~~

~~(57) DONATE ORGANS-PASS IT ON LICENSE PLATES.—~~

~~(a) The department shall develop a Donate Organs-Pass It On license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Donate Organs-Pass It On" must appear at the bottom of the plate.~~

~~(b) The annual use fees shall be distributed to Transplant Foundation, Inc., and shall use up to 10 percent of the proceeds from the annual use fee for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds shall be used to provide statewide grants for patient services, including preoperative, rehabilitative, and housing assistance; organ donor education and awareness programs; and statewide medical research.~~

~~(64)(66) IN GOD WE TRUST LICENSE PLATES.—~~

~~(b) The license plate annual use fees shall be distributed to the In God We Trust Foundation, Inc., which may use a maximum of 10 percent of the proceeds to offset marketing, administration, and promotion, and the balance of the fees to address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida's children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history to fund educational scholarships for the~~



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~~children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:~~

~~1. The In God We Trust Foundation, Inc., shall retain all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.~~

~~2. Ten percent of the funds received by the In God We Trust Foundation, Inc., shall be expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.~~

~~3. All remaining funds shall be expended by the In God We Trust Foundation, Inc., for programs.~~

~~(69) ST. JOHNS RIVER LICENSE PLATES.—~~

~~(a) The department shall develop a St. Johns River license plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.~~

~~(b) The requirements of s. 320.08053 must be met prior to~~



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~~the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a s. 501(c)(3) nonprofit organization, which shall administer the fees as follows:~~

~~1. The St. Johns River Alliance, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the specialty license plate.~~

~~2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.~~

~~3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.~~

~~(70) HISPANIC ACHIEVERS LICENSE PLATES.—~~

~~(a) Notwithstanding the requirements of s. 320.08053, the~~



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~~department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Hispanic Achievers" must appear at the bottom of the plate.~~

~~(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.~~

~~(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:~~

~~1. Up to 5 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.~~

~~2. Funds may be used as necessary for annual audit or~~





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~~compliance affidavit costs.~~

~~3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.~~

~~4. Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.~~

~~5. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.~~

~~(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(2) (b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the Hispanic Achievers license plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the Hispanic Achievers license plate. This subsection is repealed June 30, 2016.~~

~~(76)(80) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—~~

~~(b) The annual use fees must shall be distributed to the Police and Kids Foundation, Inc., which may use up to a maximum~~



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~~of 10 percent of the proceeds for marketing to promote and  
market the plate. All remaining proceeds must be used by the  
Police and Kids Foundation, Inc., for its operations,  
activities, programs, and projects ~~The remainder of the proceeds~~  
~~shall be used by the Police and Kids Foundation, Inc., to invest~~  
~~and reinvest, and the interest earnings shall be used for the~~  
~~operation of the Police and Kids Foundation, Inc.~~~~

(81) DUCKS UNLIMITED LICENSE PLATES.—

(a) The department shall develop a Ducks Unlimited license  
plate as provided in this section and s. 320.08053. Ducks  
Unlimited license plates must bear the colors and design  
approved by the department. The word "Florida" must appear at  
the top of the plate, and the words "Conserving Florida  
Wetlands" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be  
distributed to Ducks Unlimited, Inc., a nonprofit corporation  
under s. 501(c)(3) of the Internal Revenue Code, to be used as  
follows:

1. Up to 5 percent may be used for administrative costs and  
the marketing of the plate.

2. At least 95 percent must be used in this state to  
support the mission and efforts of Ducks Unlimited, Inc., to  
conserve, restore, and manage Florida wetlands and associated  
habitats for the benefit of waterfowl, other wildlife, and  
people.

(82) DAN MARINO CAMPUS LICENSE PLATES.—

(a) The department shall develop a Dan Marino Campus  
license plate as provided in this section and s. 320.08053. The  
plate must bear the colors and design approved by the



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department. The word "Florida" must appear at the top of the plate, and the words "Marino Campus" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Dan Marino Foundation, a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs and the marketing of the plate. The balance of the fees must be used by the Dan Marino Foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive and to promote and fund education scholarships and awareness of these services.

(83) DONATE LIFE FLORIDA LICENSE PLATES.—

(a) The department shall develop a Donate Life Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Donors Save Lives" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry.

(84) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Florida State Beekeepers Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by



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the department. The word "Florida" must appear at the top of the plate, and the words "Save the Bees" must appear at the bottom of the plate.

(b) The annual use fees must be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation. The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:

1. Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with the administrative costs must be selected by competitive bid.

2. Promotion and marketing costs of the license plate.

(c) The remaining funds must be distributed to the Florida State Beekeepers Association and used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers shall approve, and is accountable for, all such expenditures.

(85) BEAT CHILDHOOD CANCER LICENSE PLATES.—

(a) The department shall develop a Beat Childhood Cancer license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Beat Childhood Cancer" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Eighty percent shall be distributed to Beat Nb, Inc., which may use up to 10 percent of the proceeds for



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administrative costs directly associated with the operation of  
the corporation and for marketing and promoting the plate. The  
remaining proceeds shall be used by the corporation to fund  
pediatric cancer treatment and research.

2. Twenty percent shall be distributed to No Kid Should  
Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of  
the Internal Revenue Code, which may use up to 5 percent of the  
proceeds for administrative costs and for the marketing of the  
plate. The balance of the fees shall be used by No Kid Should  
Know Cancer, Inc., to:

a. Support families who have a child recently diagnosed  
with cancer;

b. Hold events that raise awareness about childhood cancer;  
and

c. Support clinical trials that work to provide better  
treatment plans for children diagnosed with cancer and,  
ultimately, a better prognosis.

(86) UNIVERSITY OF ALABAMA LICENSE PLATES.—

(a) The department shall develop a University of Alabama  
license plate as provided in this section and s. 320.08053. The  
plate must bear the colors and design approved by the  
department. The word "Florida" must appear at the top of the  
plate, and the words "Roll Tide" must appear at the bottom of  
the plate.

(b) The annual use fees from the sale of the plate shall be  
distributed to the Pensacola Bama Club, which must use the  
moneys for the purpose of awarding scholarships to Florida  
residents attending the University of Alabama. Students  
receiving these scholarships must be eligible for the Florida



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Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

(87) ROTARY LICENSE PLATES.—

(a) The department shall develop a Rotary license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Rotary" must appear on the bottom of the plate. The license plate must bear the Rotary International wheel emblem.

(b) The annual use fees shall be distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

1. Up to 10 percent may be used for administrative costs and for marketing of the plate.

2. Ten percent shall be distributed to Rotary's Camp Florida for direct support to all programs and services provided to children with special needs who attend the camp.

3. The remainder shall be distributed, proportionally based on sales, to each Rotary district in the state in support of Rotary youth programs in Florida.

(88) FLORIDA BAY FOREVER LICENSE PLATES.—

(a) The department shall develop a Florida Bay Forever license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Florida Bay Forever" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida National Parks Association, Inc.,



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which may use up to 10 percent of the proceeds for administrative costs and marketing of the plate. The remainder of the funds shall be used to supplement the Everglades National Park's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

(89) BONEFISH AND TARPON TRUST LICENSE PLATES.—

(a) The department shall develop a Bonefish and Tarpon Trust license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Bonefish and Tarpon Trust" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Bonefish and Tarpon Trust, which may use up to 10 percent of the proceeds to promote and market the license plate. The remainder of the proceeds shall be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

(90) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.—

(a) The department shall develop a Medical Professionals Who Care license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Medical Professionals Who Care" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Florida Benevolent Group, Inc., a Florida



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nonprofit corporation, which may use up to 10 percent of such fees for administrative costs, marketing, and promotion of the plate. The remainder of the revenues shall be used by Florida Benevolent Group, Inc., to assist low-income individuals in obtaining a medical education and career through scholarships, support, and guidance.

(91) UNIVERSITY OF GEORGIA LICENSE PLATES.—

(a) The department shall develop a University of Georgia license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "The University of Georgia" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Georgia Bulldog Club of Jacksonville, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Georgia. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

(92) HIGHWAYMEN LICENSE PLATES.—

(a) The department shall develop a Highwaymen license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Highwaymen" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the City of Fort Pierce, subject to a city resolution designating the city





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as the fiscal agent of the license plate. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate and shall use the remainder of the fees as follows:

1. Before completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 15 percent to the St. Lucie County Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.

2. Upon completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 10 percent to the St. Lucie County Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

(93) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

(a) The department shall develop an Orlando City Soccer Club license plate as provided in paragraph (9) (a).

(b) The annual use fees from the sale of the plate shall be distributed and used as provided in paragraph (9) (b).

(94) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Coastal Conservation Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserve Florida's Fisheries" must appear at the bottom of the plate.



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(b) The annual use fees from the sale of the plate shall be distributed to Coastal Conservation Association Florida, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 10 percent of the proceeds may be used for administrative costs and to promote and market the plate.

2. The remainder of the proceeds shall be used to support the mission and efforts of Coastal Conservation Association Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

(95) PALM BEACH ZOO AND CONSERVATION SOCIETY LICENSE PLATES.—

(a) The department shall develop a Palm Beach Zoo and Conservation Society license plate as provided in this section and s. 320.08053. Palm Beach Zoo and Conservation Society license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Palm Beach Zoo and Conservation Society" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened species, and services for the health and welfare of animals in the zoo's care. The Palm Beach Zoo and Conservation Society may retain all revenue from the annual use fees until all startup



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costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the programs of the society and the specialty license plate.

(96) ETHICAL ECOTOURISM LICENSE PLATES.—

(a) The department shall develop an Ethical Ecotourism license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and words that are approved by the department must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to 10 percent of such proceeds for administrative costs and the marketing of the plate. The remaining proceeds must be used by the Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida's natural ecosystems and resources, and by Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

(97) KNIGHTS OF COLUMBUS LICENSE PLATES.—

(a) The department shall develop a Knights of Columbus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "In God We Trust" must appear at the bottom



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of the plate.

(b) The license plate annual use fees shall be distributed to Florida KofC Charities, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by Florida KofC Charities, Inc., a Knights of Columbus organization under s. 501(c)(3) of the Internal Revenue Code, to fund its charitable activities, including, but not limited to, the Christian Refugee Relief Fund, disaster relief, Ultrasound Initiative, Food for Families, and Coats for Kids.

(98) DAUGHTERS OF THE AMERICAN REVOLUTION LICENSE PLATES.-

(a) The department shall develop a Daughters of the American Revolution license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Daughters of the American Revolution" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Daughters of the American Revolution, a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used within this state by the Daughters of the American Revolution, a nonpolitical volunteer women's service organization, to promote patriotism, preserve American history, and secure America's future through educational programs for local public and private K-12 students and scholarships and other educational funding for underprivileged children.

(99) GUARDIAN AD LITEM LICENSE PLATES.-



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(a) The department shall develop a Guardian Ad Litem license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Heartfelt Child Advocacy" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida Guardian Ad Litem Foundation, Inc., a direct-support organization and a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for administrative costs and the marketing of the plate. The remainder of the proceeds must be used in this state to support the mission and efforts of the statewide Guardian Ad Litem Program to represent abused, abandoned, and neglected children and advocate for their best interests; recruit and retain volunteer child advocates; and meet the unique needs of the dependent children the program serves.

(100) JUMBO SHRIMP LICENSE PLATES.—

(a) The department shall develop a Jumbo Shrimp license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Jumbo Shrimp" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to St. Johns Riverkeeper, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used by St. Johns Riverkeeper, Inc., for programs and activities



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related to fulfilling its mission to protect and restore the health of the St. Johns River.

(101) GADSDEN FLAG LICENSE PLATES.—

(a) The department shall develop a Gadsden Flag license plate as provided in this section and s. 320.08053. The design of the plate must replicate the color, layout, and design of the Gadsden Flag. The word "Florida" must appear at the top of the plate, and the words "Don't Tread on Me" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Veterans Foundation, a direct-support organization of the Department of Veterans' Affairs, and must be used to benefit veterans. Up to 10 percent of the proceeds may be used for continuing promotion and marketing of the plate.

(102) K9S UNITED LICENSE PLATES.—

(a) The department shall develop a K9s United license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "K9s United" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to K9s United, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used by K9s United, Inc., to support K9 units throughout the state.

(103) EXPLORE OFF ROAD FLORIDA LICENSE PLATES.—

(a) The department shall develop an Explore Off Road Florida license plate as provided in this section and s.



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320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Explore Off Road" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida Off Road Foundation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the funds may be used for marketing of the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services and compliance affidavit costs. The remainder of the funds shall be used by the Florida Off Road Foundation, Inc., to fund qualified nonprofit organizations that protect and preserve Florida's natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off-road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida's off-road culture.

(104) SOLAR POWER LICENSE PLATES.—

(a) The department shall develop a Solar Power license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Powered by the Sun" must appear at the bottom of the plate.

(b) The annual fees from the sale of the plate must be distributed to the Florida Solar Energy Research and Education



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Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund its activities, programs, and projects aimed at solar workforce training, employment, internships, and related programs. The Florida Solar Energy Research and Education Foundation, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the corporation's programs and the specialty license plate. The Florida Solar Energy Research and Education Foundation, Inc., shall use the remaining funds as follows:

1. To provide funds to the Florida Solar Energy Center for the purpose of developing and administering solar energy industry workforce training programs.

2. To provide funds to veteran support facilities for solar demonstration projects that will lower energy costs to the veteran support facilities.

3. To provide funds to nonprofit, educational, or charitable organizations for projects or promotional campaigns which further the goal of solar energy development in this state.

(105) FLORIDA NATIVE LICENSE PLATES.—

(a) The department shall develop a Florida Native license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and the word "Native" must appear at the bottom of the plate. The plate must contain a camouflage background including leaves, flowers, or





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fronds of a minimum of five different Florida native plants.

(b)1. The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered.

2. Thereafter, the annual use fees from the sale of the plate shall be distributed to the Florida Native Plant Society, a Florida nonprofit corporation, which may use a maximum of 10 percent of the fees for administrative costs and to market and promote the plate. The balance of the fees shall be used by the Florida Native Plant Society to fulfill the mission of the Florida Native Plant Society, which is to restore and preserve native Florida plants on private and public lands through grants, education, and community projects.

(106) FLORIDA 4-H LICENSE PLATES.—

(a) The department shall develop a Florida 4-H license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "4-H" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Florida 4-H and used for the following purposes:

1. A maximum of 10 percent of the fees may be used by Florida 4-H for administrative and marketing costs of the plate.

2. Twenty percent must be used to support leadership development in this state, including leadership development programs operated by 4-H University, state agencies, and the Legislature.

3. Twenty percent must be used to support competitive teams in this state.



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4. The remainder must be used to support Florida 4-H camps under the Florida 4-H program as designated by the University of Florida.

(107) GIVE KIDS THE WORLD LICENSE PLATES.—

(a) The department shall develop a Give Kids The World license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Give Kids The World" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Give Kids The World, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the proceeds may be used for the promotion and marketing of the plate. The remainder of the proceeds shall be used by Give Kids The World, Inc., to support their mission of providing weeklong, cost-free vacations to children with critical illnesses and their families.

(108) JOHNSON AND WALES UNIVERSITY LICENSE PLATES.—

(a) The department shall develop a Johnson and Wales University license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, the words "Johnson and Wales University" must appear at the bottom of the plate, and the official Johnson and Wales University logo must appear on the left side of plate.

(b) The license plate annual use fees shall be distributed to Johnson and Wales University-North Miami, which may use a maximum of 10 percent of the proceeds to promote and market the



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plate. The remainder of the proceeds shall be used by Johnson and Wales University-North Miami, a Johnson and Wales University organization under s. 501(c)(3) of the Internal Revenue Code, to fund its charitable activities, including, but not limited to, student need-based scholarships.

(109) MARGARITAVILLE LICENSE PLATES.—

(a) The department shall develop a Margaritaville license plate as provided in s. 320.08053 and this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Margaritaville" must appear at the bottom or side of the plate.

(b) The annual use fees must be distributed to the SFC Charitable Foundation, Inc., a Florida nonprofit corporation doing business as the Singing for Change Foundation, to fund its activities, programs, and projects. The Singing for Change Foundation shall retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered.

(c) Thereafter, the annual use fees shall be distributed as follows:

1. Up to 10 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the specialty license plate.

2. The remaining proceeds must be used by the Singing for Change Foundation for its educational, economic, and cultural programs that assist local communities impacted by natural and manmade disasters with recovery, rebuilding, and future sustainability efforts, and that promote and inspire local grassroots leadership that works to improve the quality of life



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in those communities and other communities in this state.

(110) FLORIDA STANDS WITH ISRAEL LICENSE PLATES.—

(a) The department shall develop a Florida Stands with Israel license plate as provided in s. 320.08053 and this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Florida Stands with Israel" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Hatzalah of Miami-Dade, Inc., to be used as follows:

1. Ten percent must be used solely for the promotion and marketing of the plate.

2. Ninety percent must be used by Hatzalah of Miami-Dade, Inc., to assist in training and deploying first responders to expedite emergency response.

(111) WALT DISNEY WORLD LICENSE PLATES.—

(a) The department shall develop a Walt Disney World license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Walt Disney World" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Make-A-Wish Foundation of Central and Northern Florida, Inc., a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code. A maximum of 10 percent of the proceeds from the sale of such plates may be used for administrative and marketing costs.

(112) THANK A LINEMAN LICENSE PLATES.—



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(a) The department shall develop a Thank a Lineman license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Thank a Lineman" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Lake-Sumter State College Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund scholarships for students enrolled in the Electrical Distribution Technology Program at Lake-Sumter State College. Up to 10 percent of the funds received by the Lake-Sumter State College Foundation, Inc., may be used for marketing of the plate and costs directly associated with the administration of the foundation.

Section 8. Subsection (1) of section 320.08062, Florida Statutes, is amended to read:

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

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

(b) Any organization not subject to audit pursuant to s. 215.97 shall annually attest, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department. In addition, the department shall audit any such organization every 3 years to ensure that proceeds have been used in compliance with ss. 320.08056 and



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320.08058.

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

Section 9. Paragraph (b) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of \$20 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed as follows:

(b) Twenty percent to Preserve Vision ~~Prevent Blindness~~ Florida, Inc.

Section 10. Section 320.0875, Florida Statutes, is created to read:

320.0875 Purple Heart special motorcycle license plate.—

(1) Upon application to the department and payment of the license tax for the motorcycle as provided in s. 320.08, a resident of this state who owns or leases a motorcycle that is not used for hire or commercial use shall be issued a Purple Heart special motorcycle license plate if he or she provides documentation acceptable to the department that he or she is a recipient of the Purple Heart medal.

(2) The Purple Heart special motorcycle license plate must be stamped with the term "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart special motorcycle license plate may have the term "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal



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appearing on the plate.

Section 11. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; Bronze Star recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners; special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and a veteran of the United States Armed Forces, a Woman Veteran, a World War II Veteran, a Navy Submariner, an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, a recipient of the Bronze Star, an active or retired member of any branch of the United States Armed Forces Reserve, or a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross, upon application to the department, accompanied by proof of release or discharge from any branch of



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the United States Armed Forces, proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, proof of being a Bronze Star recipient, proof of active or retired membership in any branch of the United States Armed Forces Reserve, or proof of membership in the Combat Infantrymen's Association, Inc., proof of being a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross, and upon payment of the license tax for the vehicle as provided in s. 320.08, shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial numbers prescribed by s. 320.06, is stamped with the words "Veteran," "Woman Veteran," "WWII Veteran," "Navy Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S. Reserve," "Combat Infantry Badge," "Combat Medical Badge," "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat Action Medal," or "Distinguished Flying Cross," as appropriate, and a likeness of the related campaign medal or badge, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 12. By November 1, 2020, the annual use fees withheld by the Department of Highway Safety and Motor Vehicles from the sale of the Live the Dream specialty license plate shall be used first to satisfy all outstanding royalty payments





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due to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of the image of Dr. Martin Luther King, Jr. All remaining funds shall be distributed to the subrecipients on a pro rata basis according to the percentages specified in s. 320.08058(47), Florida Statutes.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2020, but only if SB 414 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to license plates; amending s. 320.06, F.S.; providing an exception to a design requirement for dealer license plates; amending s. 320.0657, F.S.; providing an exception to a design requirement for fleet license plates; authorizing fleet companies to purchase specialty license plates in lieu of standard fleet license plates; requiring fleet companies to be responsible for certain costs; amending s. 320.08, F.S.; authorizing dealer companies to purchase specialty license plates in lieu of standard dealer license plates; requiring dealer companies to be responsible for certain costs; amending s. 320.08053, F.S.; revising requirements for presale and issuance



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1258 of specialty license plates; amending s. 320.08056,  
1259 F.S.; allowing the Department of Highway Safety and  
1260 Motor Vehicles to authorize dealer and fleet specialty  
1261 license plates; authorizing a dealer or fleet company  
1262 to purchase specialty license plates under certain  
1263 circumstances; providing requirements for such plates;  
1264 making technical changes; deleting fees relating to  
1265 the American Red Cross, Donate Organs-Pass It On, St.  
1266 Johns River, and Hispanic Achievers license plates to  
1267 conform to changes made by the act; providing  
1268 additional procedures and requirements for  
1269 discontinuing issuance of a specialty license plate;  
1270 conforming cross-references; prohibiting use fees  
1271 received by any entity from being used for certain  
1272 purposes; requiring certain organizations to establish  
1273 endowments based in this state for providing  
1274 scholarships to Florida residents and to provide  
1275 documentation of consent to use certain images;  
1276 revising, as of a specified date, the criteria,  
1277 procedures, and exceptions under which the department  
1278 is required to discontinue the issuance of an approved  
1279 specialty license plate; amending s. 320.08058, F.S.;  
1280 revising the design of the Special Olympics Florida  
1281 license plate; revising the distribution of fees  
1282 collected from the sale of such plates; deleting  
1283 provisions requiring the department to develop the  
1284 American Red Cross license plate; revising the  
1285 authorized use of proceeds from the sale of the Live  
1286 the Dream license plate; deleting provisions requiring



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1287 the department to develop the Donate Organs-Pass It On  
1288 license plate; revising the authorized use of proceeds  
1289 from the sale of the In God We Trust license plate;  
1290 deleting provisions requiring the department to  
1291 develop the St. Johns River and the Hispanic Achievers  
1292 license plates; revising the authorized use of  
1293 proceeds from the sale of the Fallen Law Enforcement  
1294 Officers license plate; requiring the department to  
1295 develop certain specialty license plates; providing  
1296 for distribution and use of fees collected from the  
1297 sale of such plates; amending s. 320.08062, F.S.;  
1298 directing the department to audit certain  
1299 organizations that receive funds from the sale of  
1300 specialty license plates; amending s. 320.08068, F.S.;  
1301 requiring distribution of a specified percentage of  
1302 motorcycle specialty license plate annual use fees to  
1303 Preserve Vision Florida, Inc.; creating s. 320.0875,  
1304 F.S.; providing for a special motorcycle license plate  
1305 to be issued to a recipient of the Purple Heart under  
1306 certain circumstances; providing requirements for the  
1307 plate; authorizing a certain design for the plate;  
1308 amending s. 320.089, F.S.; providing for a special  
1309 license plate to be issued to a recipient of the  
1310 Bronze Star; providing for distribution of certain  
1311 annual use fees withheld by the department; providing  
1312 contingent effective dates.



778656

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Taddeo)  
recommended the following:

**Senate Amendment to Amendment (952358) (with directory  
amendment)**

Between lines 1126 and 1127  
insert:

(113) BEST BUDDIES LICENSE PLATES.—

(a) The department shall develop a Best Buddies license  
plate as provided in this section and s. 320.08053. The plate  
must bear the colors and design approved by the department. The  
word "Florida" must appear at the top of the plate, and the



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words "BestBuddies.org" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Best Buddies International, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, which may use up to 10 percent of the fees for administrative costs and marketing of the plate. The balance of the fees shall be used by Best Buddies International, Inc., to create opportunities for one-to-one friendships, integrated employment, leadership development, and inclusive living for individuals with intellectual and developmental disabilities.

===== DIRECTORY CLAUSE AMENDMENT =====

And the directory clause is amended as follows:

Delete line 339

and insert:

(85) through (113) are added to that section, to read:

By Senator Bean

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1 A bill to be entitled  
 2 An act relating to license plates; amending s. 320.06,  
 3 F.S.; providing an exception to a design requirement  
 4 for dealer license plates; amending s. 320.0657, F.S.;  
 5 providing an exception to a design requirement for  
 6 fleet license plates; authorizing fleet companies to  
 7 purchase specialty license plates in lieu of standard  
 8 fleet license plates; requiring fleet companies to be  
 9 responsible for certain costs; amending s. 320.08,  
 10 F.S.; authorizing fleet companies to purchase  
 11 specialty license plates in lieu of standard fleet  
 12 license plates; requiring fleet companies to be  
 13 responsible for certain costs; amending s. 320.08053,  
 14 F.S.; revising requirements for presale and issuance  
 15 of specialty license plates; amending s. 320.08056,  
 16 F.S.; allowing the Department of Highway Safety and  
 17 Motor Vehicles to authorize dealer and fleet specialty  
 18 license plates; authorizing a dealer or fleet company  
 19 to purchase specialty license plates under certain  
 20 circumstances; providing requirements for such plates;  
 21 making technical changes; deleting fees relating to  
 22 the American Red Cross, Donate Organs-Pass It On, St.  
 23 Johns River, and Hispanic Achievers license plates to  
 24 conform to changes made by the act; providing  
 25 additional procedures and requirements for  
 26 discontinuing issuance of a specialty license plate;  
 27 conforming cross-references; prohibiting use fees  
 28 received by any entity from being used for certain  
 29 purposes; requiring certain organizations to establish

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30 endowments based in this state for providing  
 31 scholarships to Florida residents and to provide  
 32 documentation of consent to use certain images;  
 33 revising, as of a specified date, the criteria,  
 34 procedures, and exceptions under which the department  
 35 discontinues the issuance of an approved specialty  
 36 license plate; amending s. 320.08058, F.S.; revising  
 37 the design of the Special Olympics Florida license  
 38 plate; deleting provisions requiring the department to  
 39 develop the American Red Cross license plate; revising  
 40 the authorized use of proceeds from the sale of the  
 41 Live the Dream license plate; deleting provisions  
 42 requiring the department to develop the Donate Organs-  
 43 Pass It On license plate; revising the design of the  
 44 Lighthouse Association license plate; revising the  
 45 authorized use of proceeds from the sale of the In God  
 46 We Trust license plate; deleting provisions requiring  
 47 the department to develop the St. Johns River and the  
 48 Hispanic Achievers license plates; revising the  
 49 authorized use of proceeds from the sale of the Fallen  
 50 Law Enforcement Officers license plate; requiring the  
 51 department to develop certain specialty license  
 52 plates; providing for distribution and use of fees  
 53 collected from the sale of such plates; amending s.  
 54 320.08062, F.S.; directing the department to audit  
 55 certain organizations that receive funds from the sale  
 56 of specialty license plates; amending s. 320.08068,  
 57 F.S.; requiring distribution of a specified percentage  
 58 of motorcycle specialty license plate annual use fees

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59 to Preserve Vision Florida, Inc.; creating s.  
 60 320.0875, F.S.; providing for a special motorcycle  
 61 license plate to be issued to a recipient of the  
 62 Purple Heart under certain circumstances; providing  
 63 requirements for the plate; authorizing a certain  
 64 design for the plate; amending s. 320.089, F.S.;  
 65 providing for a special license plate to be issued to  
 66 a recipient of the Bronze Star; providing for  
 67 distribution of certain annual use fees withheld by  
 68 the department; providing contingent effective dates.  
 69

70 Be It Enacted by the Legislature of the State of Florida:

71  
 72 Section 1. Paragraph (a) of subsection (3) of section  
 73 320.06, Florida Statutes, is amended to read:

74 320.06 Registration certificates, license plates, and  
 75 validation stickers generally.—

76 (3) (a) Registration license plates must be made of metal  
 77 specially treated with a retroreflection material, as specified  
 78 by the department. The registration license plate is designed to  
 79 increase nighttime visibility and legibility and must be at  
 80 least 6 inches wide and not less than 12 inches in length,  
 81 unless a plate with reduced dimensions is deemed necessary by  
 82 the department to accommodate motorcycles, mopeds, or similar  
 83 smaller vehicles. Validation stickers must also be treated with  
 84 a retroreflection material, must be of such size as specified by  
 85 the department, and must adhere to the license plate. The  
 86 registration license plate must be imprinted with a combination  
 87 of bold letters and numerals or numerals, not to exceed seven

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88 digits, to identify the registration license plate number. The  
 89 license plate must be imprinted with the word "Florida" at the  
 90 top and the name of the county in which it is sold, the state  
 91 motto, or the words "Sunshine State" at the bottom. Apportioned  
 92 license plates must have the word "Apportioned" at the bottom  
 93 and license plates issued for vehicles taxed under s.  
 94 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have  
 95 the word "Restricted" at the bottom. License plates issued for  
 96 vehicles taxed under s. 320.08(12) must be imprinted with the  
 97 word "Florida" at the top and the word "Dealer" at the bottom  
 98 unless the license plate is a specialty license plate as  
 99 authorized in s. 320.08056. Manufacturer license plates issued  
 100 for vehicles taxed under s. 320.08(12) must be imprinted with  
 101 the word "Florida" at the top and the word "Manufacturer" at the  
 102 bottom. License plates issued for vehicles taxed under s.  
 103 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at  
 104 the bottom. Any county may, upon majority vote of the county  
 105 commission, elect to have the county name removed from the  
 106 license plates sold in that county. The state motto or the words  
 107 "Sunshine State" shall be printed in lieu thereof. A license  
 108 plate issued for a vehicle taxed under s. 320.08(6) may not be  
 109 assigned a registration license number, or be issued with any  
 110 other distinctive character or designation, that distinguishes  
 111 the motor vehicle as a for-hire motor vehicle.

112 Section 2. Paragraph (b) of subsection (2) of section  
 113 320.0657, Florida Statutes, is amended to read:

114 320.0657 Permanent registration; fleet license plates.—

115 (2)

116 (b) The plates, which shall be of a distinctive color,

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shall have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top unless the license plate is a specialty license plate as authorized in s. 320.08056. The plates shall conform in all respects to the provisions of this chapter, except as specified herein. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plates, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 3. Subsection (12) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: \$17 flat. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plates, including all annual use fees, processing fees, fees associated with switching license plate types, and any

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other applicable fees.

Section 4. Section 320.08053, Florida Statutes, is amended to read:

320.08053 ~~Establishment of Requirements for requests to establish~~ specialty license plates.—

(1) If a specialty license plate requested by an organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.

(2) (a) Within 120 days after following the specialty license plate becomes becoming law, the department shall establish a method to issue a specialty license plate voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the voucher. All other applicable fees shall be charged at the time of issuance of the license plate plates.

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 4,000 voucher sales, or, in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has requirements have not been met, the specialty plate is deauthorized and the department shall discontinue



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development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

(3) (a) New specialty license plates that have been approved by law but are awaiting issuance under paragraph (b) must be issued in the order they appear in s. 320.08058 provided that they have met the presale requirement. All other provisions of this section must also be met before a plate is issued. If the next specialty license plate awaiting issuance has not met the presale requirement, the department shall proceed in the order provided in s. 320.08058 to identify the next qualified specialty license plate that has met the presale requirement. The department shall cycle through the list in statutory order.

(b) If the Legislature has approved 200 or more specialty license plates, the department may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 200. This paragraph does not apply to collegiate license plates established under s. 320.08058(3).

Section 5. Present subsection (12) of section 320.08056, Florida Statutes, is redesignated as subsection (13), paragraphs (c) through (f) are added to subsection (8) of that section, a new subsection (12) is added to that section, and subsections (2) and (4), paragraph (a) of subsection (10), and subsection (11) of that section are amended, to read:

320.08056 Specialty license plates.—

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(2) (a) The department shall issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to s. 320.0706, or a truck tractor, upon request and payment of the appropriate license tax and fees.

(b) The department may authorize dealer and fleet specialty license plates. With the permission of the sponsoring specialty license plate organization, a dealer or fleet company may purchase specialty license plates to be used on dealer and fleet vehicles.

(c) Notwithstanding s. 320.08058, a dealer or fleet specialty license plate must include the letters "DLR" or "FLT" on the right side of the license plate. Dealer and fleet specialty license plates must be ordered directly through the department.

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

(a) ~~Manatee license plate, \$25.~~

~~(b)~~ Challenger/Columbia license plate, \$25, except that a person ~~who~~ that purchases 1,000 or more of such license plates shall pay an annual use fee of \$15 per plate.

~~(c)~~ ~~Collegiate license plate, \$25.~~

~~(b)~~ ~~(d)~~ Florida Salutes Veterans license plate, \$15.

~~(c)~~ ~~Florida panther license plate, \$25.~~

~~(c)~~ ~~(f)~~ Florida United States Olympic Committee license plate, \$15.

~~(d)~~ ~~(g)~~ Florida Special Olympics license plate, \$15.

~~(e)~~ ~~(h)~~ Florida educational license plate, \$20.

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233 ~~(i) Florida Professional Sports Team license plate, \$25.~~  
 234 ~~(f)(j) Florida Indian River Lagoon license plate, \$15.~~  
 235 ~~(g)(k) Invest in Children license plate, \$20.~~  
 236 ~~(h)(l) Florida arts license plate, \$20.~~  
 237 ~~(m) Bethune Cookman University license plate, \$25.~~  
 238 ~~(i)(n) Florida Agricultural license plate, \$20.~~  
 239 ~~(j)(o) Police Athletic League license plate, \$20.~~  
 240 ~~(k)(p) Boy Scouts of America license plate, \$20.~~  
 241 ~~(q) Largemouth Bass license plate, \$25.~~  
 242 ~~(l)(r) Sea Turtle license plate, \$23.~~  
 243 ~~(m)(s) Protect Wild Dolphins license plate, \$20.~~  
 244 ~~(t) Barry University license plate, \$25.~~  
 245 ~~(n)(u) Everglades River of Grass license plate, \$20.~~  
 246 ~~(v) Keep Kids Drug-Free license plate, \$25.~~  
 247 ~~(w) Florida Sheriffs Youth Ranches license plate, \$25.~~  
 248 ~~(x) Conserve Wildlife license plate, \$25.~~  
 249 ~~(y) Florida Memorial University license plate, \$25.~~  
 250 ~~(o)(z) Tampa Bay Estuary license plate, \$15.~~  
 251 ~~(p)(aa) Florida Wildflower license plate, \$15.~~  
 252 ~~(q)(bb) United States Marine Corps license plate, \$15.~~  
 253 ~~(r)(cc) Choose Life license plate, \$20.~~  
 254 ~~(s)(dd) Share the Road license plate, \$15.~~  
 255 ~~(ee) American Red Cross license plate, \$25.~~  
 256 ~~(ff) United We Stand license plate, \$25.~~  
 257 ~~(gg) Breast Cancer Research license plate, \$25.~~  
 258 ~~(hh) Protect Florida Whales license plate, \$25.~~  
 259 ~~(ii) Florida Golf license plate, \$25.~~  
 260 ~~(t)(jj) Florida Firefighters license plate, \$20.~~  
 261 ~~(u)(kk) Police Benevolent Association license plate, \$20.~~

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262 ~~(v)(ll) Military Services license plate, \$15.~~  
 263 ~~(mm) Protect Our Reefs license plate, \$25.~~  
 264 ~~(w)(nn) Fish Florida license plate, \$22.~~  
 265 ~~(oo) Child Abuse Prevention and Intervention license plate,~~  
 266 ~~\$25.~~  
 267 ~~(pp) Hospice license plate, \$25.~~  
 268 ~~(qq) Stop Heart Disease license plate, \$25.~~  
 269 ~~(x)(rr) Save Our Seas license plate, \$25, except that for~~  
 270 ~~an owner purchasing the specialty license plate for more than 10~~  
 271 ~~vehicles registered to that owner, the annual use fee shall be~~  
 272 ~~\$10 per plate.~~  
 273 ~~(y)(ss) Aquaculture license plate, \$25, except that for an~~  
 274 ~~owner purchasing the specialty license plate for more than 10~~  
 275 ~~vehicles registered to that owner, the annual use fee shall be~~  
 276 ~~\$10 per plate.~~  
 277 ~~(tt) Family First license plate, \$25.~~  
 278 ~~(uu) Wildlife Foundation of Florida license plate, \$25.~~  
 279 ~~(vv) Live the Dream license plate, \$25.~~  
 280 ~~(ww) Florida Food Banks license plate, \$25.~~  
 281 ~~(xx) Discover Florida's Oceans license plate, \$25.~~  
 282 ~~(yy) Family Values license plate, \$25.~~  
 283 ~~(zz) Parents Make A Difference license plate, \$25.~~  
 284 ~~(aaa) Support Soccer license plate, \$25.~~  
 285 ~~(bbb) Kids Deserve Justice license plate, \$25.~~  
 286 ~~(ccc) Animal Friend license plate, \$25.~~  
 287 ~~(ddd) Future Farmers of America license plate, \$25.~~  
 288 ~~(eee) Donate Organs Pass It On license plate, \$25.~~  
 289 ~~(fff) A State of Vision license plate, \$25.~~  
 290 ~~(ggg) Homeownership For All license plate, \$25.~~

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291 ~~{hhh} Florida NASCAR license plate, \$25.~~  
 292 ~~{iii} Protect Florida Springs license plate, \$25.~~  
 293 ~~{jjj} Trees Are Cool license plate, \$25.~~  
 294 ~~{kkk} Support Our Troops license plate, \$25.~~  
 295 ~~{lll} Florida Tennis license plate, \$25.~~  
 296 ~~{mmm} Lighthouse Association license plate, \$25.~~  
 297 ~~{nnn} In God We Trust license plate, \$25.~~  
 298 ~~{ooo} Horse Country license plate, \$25.~~  
 299 ~~{ppp} Autism license plate, \$25.~~  
 300 ~~{qqq} St. Johns River license plate, \$25.~~  
 301 ~~{rrr} Hispanic Achievers license plate, \$25.~~  
 302 ~~{sss} Endless Summer license plate, \$25.~~  
 303 ~~{ttt} Fraternal Order of Police license plate, \$25.~~  
 304 ~~{uuu} Protect Our Oceans license plate, \$25.~~  
 305 ~~{vvv} Florida Horse Park license plate, \$25.~~  
 306 ~~{www} Florida Biodiversity Foundation license plate, \$25.~~  
 307 ~~{xxx} Freemasonry license plate, \$25.~~  
 308 ~~{yyy} American Legion license plate, \$25.~~  
 309 ~~{zzz} Lauren's Kids license plate, \$25.~~  
 310 ~~{aaaa} Big Brothers Big Sisters license plate, \$25.~~  
 311 ~~{bbbb} Fallen Law Enforcement Officers license plate, \$25.~~  
 312 ~~{cccc} Florida Sheriffs Association license plate, \$25.~~  
 313 ~~{dddd} Keiser University license plate, \$25.~~  
 314 ~~{eeee} Moffitt Cancer Center license plate, \$25.~~  
 315 (8)  
 316 (c) A vehicle owner or lessee issued a specialty license  
 317 plate that has been discontinued by the department may keep the  
 318 discontinued specialty license plate for the remainder of the  
 319 10-year license plate replacement period and shall pay all other

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320 applicable registration fees. However, such owner or lessee is  
 321 exempt from paying the applicable specialty license plate fee  
 322 under paragraph (3)(d) or subsection (4) for the remainder of  
 323 the 10-year license plate replacement period.  
 324 (d) If the department discontinues issuance of a specialty  
 325 license plate, all annual use fees held or collected by the  
 326 department must be distributed within 180 days after the date on  
 327 which the specialty license plate is discontinued. Of those  
 328 fees, the department shall retain an amount sufficient to defray  
 329 the applicable administrative and inventory closeout costs  
 330 associated with discontinuance of the plate. The remaining funds  
 331 must be distributed to the appropriate organization or  
 332 organizations pursuant to s. 320.08058.  
 333 (e) If an organization that is the intended recipient of  
 334 the funds pursuant to s. 320.08058 no longer exists, the  
 335 department shall deposit any undisbursed funds into the Highway  
 336 Safety Operating Trust Fund.  
 337 (f) Notwithstanding paragraph (a), on January 1 of each  
 338 year, the department shall discontinue the specialty license  
 339 plate with the fewest number of plates in circulation, including  
 340 license plates exempt from a statutory sales requirement. A  
 341 warning letter must be mailed to the sponsoring organizations of  
 342 the 10 percent of the total number of specialty license plates  
 343 with the fewest valid, active registrations as of December 1 of  
 344 each year.  
 345 (10)(a) A specialty license plate annual use fee collected  
 346 and distributed under this chapter, or any interest earned from  
 347 those fees, may not be used for commercial or for-profit  
 348 activities nor for general or administrative expenses, except as

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authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees 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 United States Armed Forces and veterans-related specialty license plates pursuant to paragraph (3)(d) for the Support Our Troops and American Legion license plates; paragraphs (4)(b), (q), and (v) for the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; paragraphs (4)(d), (bb), (ll), (kkk), and (yyy) and s. 320.0891 for the U.S. Paratroopers license plate.

(11) The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by any entity ~~an agency~~ as a result of the sale of specialty license plates may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or an elected member or employee of the Legislature.

(12) For out-of-state college or university license plates created pursuant to this section, the recipient organization shall meet both of the following requirements:

(a) Have an established endowment, based in this state, for the purpose of providing scholarships to Florida residents meeting the requirements of this chapter.

(b) Provide documentation to the department that the organization and the department have the college's or university's consent to use an appropriate image on a license plate.

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Section 6. Effective July 1, 2022, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(8) (a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000, 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 3,000, or, in the case of an out-of-state college or university license plate, below 4,000 1,000 plates. This paragraph does not apply to in-state collegiate license plates established under s. 320.08058(3), license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida Professional Sports Team license plates established under s. 320.08058(9).

Section 7. Subsection (7), present subsections (31), (48), (57), and (65), paragraph (b) of present subsection (66), present subsections (69) and (70), and paragraph (b) of present subsection (80) of section 320.08058, Florida Statutes, are amended, present subsections (32) through (56) of that section are redesignated as subsections (31) through (55), respectively, present subsections (58) through (68) of that section are

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redesignated as subsections (56) through (66), respectively, present subsections (71) through (84) of that section are redesignated as subsections (67) through (80), respectively, and new subsections (81) through (84) and subsections (85) through (104) are added to that section, to read:

320.08058 Specialty license plates.—

(7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

(a) Special Olympics Florida license plates must contain the official Special Olympics Florida logo and must bear the colors and a design ~~and colors~~ that are approved by the department. The word "Florida" must be centered at the top ~~bottom~~ of the plate, and the words "Be a Fan" ~~"Everyone Wins"~~ must be centered at the bottom ~~top~~ of the plate.

(b) The license plate annual use fees must ~~are to~~ be annually distributed as follows:

1. The first \$5 million collected annually must be forwarded to the private nonprofit corporation as described in s. 393.002 and must be used solely for Special Olympics purposes as approved by the private nonprofit corporation.

2. Any additional fees must be deposited into the General Revenue Fund.

~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

~~(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an American Red Cross license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "American Red Cross" must appear at the bottom of the plate.~~

~~(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and~~

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~~issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.~~

~~(47)-(48)~~ LIVE THE DREAM LICENSE PLATES.—

(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Live the Dream" must appear at the bottom of the plate.

(b) The proceeds of the annual use fee shall be distributed to the Dream Foundation, Inc., to ~~The Dream Foundation, Inc.,~~ shall retain the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25 percent shall be used for continuing promotion and marketing of the license plate and concept. The remaining funds shall be used in the following manner:

1. Up to 5 percent may be used to administer, promote, and market the license plate.

2.1. At least 60 Twenty-five percent shall be distributed

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equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs that provide research, care, and treatment for sickle cell disease.

~~2. Twenty five percent shall be distributed to the Florida chapter of the March of Dimes for programs and services that improve the health of babies through the prevention of birth defects and infant mortality.~~

~~3. Ten percent shall be distributed to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high risk pregnant women, children under 4 years of age, and women of childbearing age.~~

~~3.4. At least 30 Ten percent shall be distributed to Chapman the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.~~

4. Up to 5 percent may be distributed by the department on behalf of the Dream Foundation, Inc., to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

~~5. Five percent of the proceeds shall be used by the foundation for administrative costs directly associated with operations as they relate to the management and distribution of the proceeds.~~

~~(57) DONATE ORGANS PASS IT ON LICENSE PLATES.-~~

~~(a) The department shall develop a Donate Organs Pass It On~~

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~~license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Donate Organs Pass It On" must appear at the bottom of the plate.~~

~~(b) The annual use fees shall be distributed to Transplant Foundation, Inc., and shall use up to 10 percent of the proceeds from the annual use fee for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds shall be used to provide statewide grants for patient services, including preoperative, rehabilitative, and housing assistance; organ donor education and awareness programs; and statewide medical research.~~

(63)(65) LIGHTHOUSE ASSOCIATION LICENSE PLATES.-

(a) The department shall develop a Lighthouse Association license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "SaveOurLighthouses.org Visit Our Lights" must appear at the bottom of the plate.

(b) The annual use fees must ~~shall~~ be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds must ~~shall~~ be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.

(64)(66) IN GOD WE TRUST LICENSE PLATES.-

(b) The license plate annual use fees shall be distributed to the In God We Trust Foundation, Inc., which may use a maximum of 10 percent of the proceeds to offset marketing, administration, and promotion, and the balance of the fees to

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address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida's children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:

1. The In God We Trust Foundation, Inc., shall retain all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.

2. Ten percent of the funds received by the In God We Trust Foundation, Inc., shall be expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.

3. All remaining funds shall be expended by the In God We Trust Foundation, Inc., for programs.

(69) ST. JOHNS RIVER LICENSE PLATES.—

(a) The department shall develop a St. Johns River license

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~~plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.~~

~~(b) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a s. 501(c)(3) nonprofit organization, which shall administer the fees as follows:~~

~~1. The St. Johns River Alliance, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the specialty license plate.~~

~~2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.~~

~~3. Any remaining funds shall be distributed with the~~

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approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.

~~(70) HISPANIC ACHIEVERS LICENSE PLATES.~~

(a) Notwithstanding the requirements of s. 320.08053, the department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Hispanic Achievers" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been

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recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Up to 5 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, ~~the Hispanic Achievers Grant Council, and related matters.~~

2. Funds may be used as necessary for annual audit or compliance affidavit costs.

3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.

4. Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.

5. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.

(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the Hispanic Achievers license plate. If,



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after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the Hispanic Achievers license plate. This subsection is repealed June 30, 2016.

~~(76)(80)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

(b) The annual use fees ~~must~~ shall be distributed to the Police and Kids Foundation, Inc., which may use ~~up to a maximum~~ of 10 percent of the proceeds for marketing to promote and market the plate. All remaining proceeds must be used by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects ~~The remainder of the proceeds shall be used by the Police and Kids Foundation, Inc., to invest and reinvest, and the interest earnings shall be used for the operation of the Police and Kids Foundation, Inc.~~

(81) DUCKS UNLIMITED LICENSE PLATES.—

(a) The department shall develop a Ducks Unlimited license plate as provided in this section and s. 320.08053. Ducks Unlimited license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserving Florida Wetlands" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Ducks Unlimited, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 5 percent may be used for administrative costs and the marketing of the plate.

2. At least 95 percent must be used in this state to support the mission and efforts of Ducks Unlimited, Inc., to conserve, restore, and manage Florida wetlands and associated

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habitats for the benefit of waterfowl, other wildlife, and people.

(82) DAN MARINO CAMPUS LICENSE PLATES.—

(a) The department shall develop a Dan Marino Campus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Marino Campus" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Dan Marino Foundation, a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs and the marketing of the plate. The balance of the fees must be used by the Dan Marino Foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive and to promote and fund education scholarships and awareness of these services.

(83) DONATE LIFE FLORIDA LICENSE PLATES.—

(a) The department shall develop a Donate Life Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Donors Save Lives" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue,

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and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry.

(84) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Florida State Beekeepers Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save the Bees" must appear at the bottom of the plate.

(b) The annual use fees must be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation. The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:

1. Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with the administrative costs must be selected by competitive bid.

2. Promotion and marketing costs of the license plate.

(c) The remaining funds must be distributed to the Florida State Beekeepers Association and used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers shall approve, and is accountable for, all such expenditures.

(85) AMERICA THE BEAUTIFUL LICENSE PLATES.—

(a) The department shall develop an America the Beautiful license plate as provided in this section and s. 320.08053. The word "Florida" must appear at the top of the plate, and the words "America the Beautiful" must appear on the plate.

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(b) The annual use fees from the plate must be distributed to the America the Beautiful Fund as follows: 10 percent to offset administrative, marketing, and promotion costs, and the remaining 90 percent for projects and programs teaching character, leadership, and service to Florida youth; the provision of supportive services and assistance to members of the military community; outdoor education advancing the ideal of self-sufficiency; wildlife conservation, including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects; and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.

(86) BEAT CHILDHOOD CANCER LICENSE PLATES.—

(a) The department shall develop a Beat Childhood Cancer license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Beat Childhood Cancer" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Eighty percent shall be distributed to Beat Nb, Inc., which may use up to 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds shall be used by the corporation to fund pediatric cancer treatment and research.

2. Twenty percent shall be distributed to No Kid Should Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of

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the Internal Revenue Code, which may use up to 5 percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees shall be used by No Kid Should Know Cancer, Inc., to:

a. Support families who have a child recently diagnosed with cancer;

b. Hold events that raise awareness about childhood cancer; and

c. Support clinical trials that work to provide better treatment plans for children diagnosed with cancer and, ultimately, a better prognosis.

(87) UNIVERSITY OF ALABAMA LICENSE PLATES.—

(a) The department shall develop a University of Alabama license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Roll Tide" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

(88) ROTARY LICENSE PLATES.—

(a) The department shall develop a Rotary license plate as provided in this section and s. 320.08053. The plate must bear

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the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Rotary" must appear on the bottom of the plate. The license plate must bear the Rotary International wheel emblem.

(b) The annual use fees shall be distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

1. Up to 10 percent may be used for administrative costs and for marketing of the plate.

2. Ten percent shall be distributed to Rotary's Camp Florida for direct support to all programs and services provided to children with special needs who attend the camp.

3. The remainder shall be distributed, proportionally based on sales, to each Rotary district in the state in support of Rotary youth programs in Florida.

(89) FLORIDA BAY FOREVER LICENSE PLATES.—

(a) The department shall develop a Florida Bay Forever license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Florida Bay Forever" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida National Parks Association, Inc., which may use up to 10 percent of the proceeds for administrative costs and marketing of the plate. The remainder of the funds shall be used to supplement the Everglades National Park's budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

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813 (90) BONEFISH AND TARPON TRUST LICENSE PLATES.—

814 (a) The department shall develop a Bonefish and Tarpon  
 815 Trust license plate as provided in this section and s.  
 816 320.08053. The plate must bear the colors and design approved by  
 817 the department. The word "Florida" must appear at the top of the  
 818 plate, and the words "Bonefish and Tarpon Trust" must appear at  
 819 the bottom of the plate.

820 (b) The annual use fees from the sale of the plate shall be  
 821 distributed to the Bonefish and Tarpon Trust, which may use up  
 822 to 10 percent of the proceeds to promote and market the license  
 823 plate. The remainder of the proceeds shall be used to conserve  
 824 and enhance Florida bonefish and tarpon fisheries and their  
 825 respective environments through stewardship, research,  
 826 education, and advocacy.

827 (91) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.—

828 (a) The department shall develop a Medical Professionals  
 829 Who Care license plate as provided in this section and s.  
 830 320.08053. The plate must bear the colors and design approved by  
 831 the department. The word "Florida" must appear at the top of the  
 832 plate, and the words "Medical Professionals Who Care" must  
 833 appear at the bottom of the plate.

834 (b) The annual use fees from the sale of the plate shall be  
 835 distributed to Florida Benevolent Group, Inc., a Florida  
 836 nonprofit corporation, which may use up to 10 percent of such  
 837 fees for administrative costs, marketing, and promotion of the  
 838 plate. The remainder of the revenues shall be used by Florida  
 839 Benevolent Group, Inc., to assist low-income individuals in  
 840 obtaining a medical education and career through scholarships,  
 841 support, and guidance.

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842 (92) UNIVERSITY OF GEORGIA LICENSE PLATES.—

843 (a) The department shall develop a University of Georgia  
 844 license plate as provided in this section and s. 320.08053. The  
 845 plate must bear the colors and design approved by the  
 846 department. The word "Florida" must appear at the top of the  
 847 plate, and the words "The University of Georgia" must appear at  
 848 the bottom of the plate.

849 (b) The annual use fees from the sale of the plate shall be  
 850 distributed to the Georgia Bulldog Club of Jacksonville, which  
 851 must use the moneys for the purpose of awarding scholarships to  
 852 Florida residents attending the University of Georgia. Students  
 853 receiving these scholarships must be eligible for the Florida  
 854 Bright Futures Scholarship Program pursuant to s. 1009.531 and  
 855 shall use the scholarship funds for tuition and other expenses  
 856 related to attending the University of Georgia.

857 (93) HIGHWAYMEN LICENSE PLATES.—

858 (a) The department shall develop a Highwaymen license plate  
 859 as provided in this section and s. 320.08053. The plate must  
 860 bear the colors and design approved by the department. The word  
 861 "Florida" must appear at the top of the plate, and the word  
 862 "Highwaymen" must appear at the bottom of the plate.

863 (b) The annual use fees shall be distributed to the City of  
 864 Fort Pierce, subject to a city resolution designating the city  
 865 as the fiscal agent of the license plate. The city may use up to  
 866 10 percent of the fees for administrative costs and marketing of  
 867 the plate and shall use the remainder of the fees as follows:

868 1. Before completion of construction of the Highwaymen  
 869 Museum and African-American Cultural Center, the city shall  
 870 distribute at least 15 percent to the St. Lucie County Education

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871 Foundation, Inc., to fund art education and art projects in  
 872 public schools within St. Lucie County. The remainder of the  
 873 fees shall be used by the city to fund the construction of the  
 874 Highwaymen Museum and African-American Cultural Center.

875 2. Upon completion of construction of the Highwaymen Museum  
 876 and African-American Cultural Center, the city shall distribute  
 877 at least 10 percent to the St. Lucie County Education  
 878 Foundation, Inc., to fund art education and art projects in  
 879 public schools within St. Lucie County. The remainder of the  
 880 fees shall be used by the city to fund the day-to-day operations  
 881 of the Highwaymen Museum and African-American Cultural Center.

882 (94) ORLANDO CITY SOCCER CLUB LICENSE PLATES.-

883 (a) The department shall develop an Orlando City Soccer  
 884 Club license plate as provided in paragraph (9) (a).

885 (b) The annual use fees from the sale of the plate shall be  
 886 distributed and used as provided in paragraph (9) (b).

887 (95) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.-

888 (a) The department shall develop a Coastal Conservation  
 889 Association license plate as provided in this section and s.  
 890 320.08053. The plate must bear the colors and design approved by  
 891 the department. The word "Florida" must appear at the top of the  
 892 plate, and the words "Conserve Florida's Fisheries" must appear  
 893 at the bottom of the plate.

894 (b) The annual use fees from the sale of the plate shall be  
 895 distributed to Coastal Conservation Association Florida, a  
 896 nonprofit corporation under s. 501(c) (3) of the Internal Revenue  
 897 Code, to be used as follows:

898 1. Up to 10 percent of the proceeds may be used for  
 899 administrative costs and to promote and market the plate.

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900 2. The remainder of the proceeds shall be used to support  
 901 the mission and efforts of Coastal Conservation Association  
 902 Florida for habitat enhancement and restoration, saltwater  
 903 fisheries conservation, and education; to advise the public on  
 904 the conservation of marine resources; and to promote and enhance  
 905 the present and future availability of those coastal resources  
 906 for the benefit and enjoyment of the general public.

907 (96) PALM BEACH ZOO AND CONSERVATION SOCIETY LICENSE  
 908 PLATES.-

909 (a) The department shall develop a Palm Beach Zoo and  
 910 Conservation Society license plate as provided in this section  
 911 and s. 320.08053. Palm Beach Zoo and Conservation Society  
 912 license plates must bear the colors and design approved by the  
 913 department. The word "Florida" must appear at the top of the  
 914 plate, and the words "Palm Beach Zoo and Conservation Society"  
 915 must appear at the bottom of the plate.

916 (b) The license plate annual use fees shall be distributed  
 917 to the Palm Beach Zoo and Conservation Society to fund  
 918 educational programs for students in pre-K through grade 12,  
 919 conservation projects to protect endangered or threatened  
 920 species, and services for the health and welfare of animals in  
 921 the zoo's care. The Palm Beach Zoo and Conservation Society may  
 922 retain all revenue from the annual use fees until all startup  
 923 costs for developing and establishing the plate have been  
 924 recovered. Thereafter, up to 10 percent of the annual use fee  
 925 revenue may be used for promotion and marketing of the specialty  
 926 license plate and administrative costs directly associated with  
 927 the programs of the society and the specialty license plate.

928 (97) ETHICAL ECOTOURISM LICENSE PLATES.-

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929 (a) The department shall develop an Ethical Ecotourism  
 930 license plate as provided in this section and s. 320.08053. The  
 931 word "Florida" must appear at the top of the plate, and words  
 932 that are approved by the department must appear at the bottom of  
 933 the plate.

934 (b) The annual use fees from the sale of the plate must be  
 935 distributed equally between the Florida Society for Ethical  
 936 Ecotourism and Paddle Florida, Inc., each of which may use up to  
 937 10 percent of such proceeds for administrative costs and the  
 938 marketing of the plate. The remaining proceeds must be used by  
 939 the Florida Society for Ethical Ecotourism to provide  
 940 environmental education and awareness that encourage behaviors  
 941 that contribute to the sustainability of Florida's natural  
 942 ecosystems and resources, and by Paddle Florida, Inc., to raise  
 943 awareness about water conservation, wildlife preservation,  
 944 restoration of springs, and protection of waterways in this  
 945 state.

946 (98) KNIGHTS OF COLUMBUS LICENSE PLATES.-

947 (a) The department shall develop a Knights of Columbus  
 948 license plate as provided in this section and s. 320.08053. The  
 949 plate must bear the colors and design approved by the  
 950 department. The word "Florida" must appear at the top of the  
 951 plate, and the words "In God We Trust" must appear at the bottom  
 952 of the plate.

953 (b) The license plate annual use fees shall be distributed  
 954 to Florida KofC Charities, Inc., which may use a maximum of 10  
 955 percent of the proceeds to promote and market the plate. The  
 956 remainder of the proceeds shall be used by Florida KofC  
 957 Charities, Inc., a Knights of Columbus organization under s.

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958 501(c) (3) of the Internal Revenue Code, to fund its charitable  
 959 activities, including, but not limited to, the Christian Refugee  
 960 Relief Fund, disaster relief, Ultrasound Initiative, Food for  
 961 Families, and Coats for Kids.

962 (99) DAUGHTERS OF THE AMERICAN REVOLUTION LICENSE PLATES.-

963 (a) The department shall develop a Daughters of the  
 964 American Revolution license plate as provided in this section  
 965 and s. 320.08053. The plate must bear the colors and design  
 966 approved by the department. The word "Florida" must appear at  
 967 the top of the plate, and the word "Daughters of the American  
 968 Revolution" must appear at the bottom of the plate.

969 (b) The annual use fees from the sale of the plate shall be  
 970 distributed to the Daughters of the American Revolution, a  
 971 nonprofit organization under s. 501(c) (3) of the Internal  
 972 Revenue Code. Up to 10 percent of the proceeds may be used for  
 973 the promotion and marketing of the plate. The remainder of the  
 974 proceeds shall be used within this state by the Daughters of the  
 975 American Revolution, a nonpolitical volunteer women's service  
 976 organization, to promote patriotism, preserve American history,  
 977 and secure America's future through educational programs for  
 978 local public and private K-12 students and scholarships and  
 979 other educational funding for underprivileged children.

980 (100) GUARDIAN AD LITEM LICENSE PLATES.-

981 (a) The department shall develop a Guardian Ad Litem  
 982 license plate as provided in this section and s. 320.08053. The  
 983 plate must bear the colors and design approved by the  
 984 department. The word "Florida" must appear at the top of the  
 985 plate, and the words "Heartfelt Child Advocacy" must appear at  
 986 the bottom of the plate.

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987 (b) The annual use fees from the sale of the plate shall be  
 988 distributed to the Florida Guardian Ad Litem Foundation, Inc., a  
 989 direct-support organization and a nonprofit corporation under s.  
 990 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the  
 991 proceeds may be used for administrative costs and the marketing  
 992 of the plate. The remainder of the proceeds must be used in this  
 993 state to support the mission and efforts of the statewide  
 994 Guardian Ad Litem Program to represent abused, abandoned, and  
 995 neglected children and advocate for their best interests;  
 996 recruit and retain volunteer child advocates; and meet the  
 997 unique needs of the dependent children the program serves.

998 (101) JUMBO SHRIMP LICENSE PLATES.—

999 (a) The department shall develop a Jumbo Shrimp license  
 1000 plate as provided in this section and s. 320.08053. The plate  
 1001 must bear the colors and design approved by the department. The  
 1002 word "Florida" must appear at the top of the plate, and the  
 1003 words "Jumbo Shrimp" must appear at the bottom of the plate.

1004 (b) The annual use fees from the sale of the plate shall be  
 1005 distributed to St. Johns Riverkeeper, Inc., a nonprofit  
 1006 organization under s. 501(c)(3) of the Internal Revenue Code. Up  
 1007 to 10 percent of the proceeds may be used for the promotion and  
 1008 marketing of the plate. The remainder of the proceeds shall be  
 1009 used by St. Johns Riverkeeper, Inc., for programs and activities  
 1010 related to fulfilling its mission to protect and restore the  
 1011 health of the St. Johns River.

1012 (102) GADSDEN FLAG LICENSE PLATES.—

1013 (a) The department shall develop a Gadsden Flag license  
 1014 plate as provided in this section and s. 320.08053. The design  
 1015 of the plate must replicate the color, layout, and design of the

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1016 Gadsden Flag. The word "Florida" must appear at the top of the  
 1017 plate, and the words "Don't Tread on Me" must appear at the  
 1018 bottom of the plate.

1019 (b) The annual use fees shall be distributed to the Florida  
 1020 Veterans Foundation, a direct-support organization of the  
 1021 Department of Veterans' Affairs, and must be used to benefit  
 1022 veterans. Up to 10 percent of the proceeds may be used for  
 1023 continuing promotion and marketing of the plate.

1024 (103) K9S UNITED LICENSE PLATES.—

1025 (a) The department shall develop a K9s United license plate  
 1026 as provided in this section and s. 320.08053. The plate must  
 1027 bear the colors and design approved by the department. The word  
 1028 "Florida" must appear at the top of the plate, and the words  
 1029 "K9s United" must appear at the bottom of the plate.

1030 (b) The annual use fees from the sale of the plate shall be  
 1031 distributed to K9s United, Inc., a nonprofit organization under  
 1032 s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of  
 1033 the proceeds may be used for the promotion and marketing of the  
 1034 plate. The remainder of the proceeds shall be used by K9s  
 1035 United, Inc., to support K9 units throughout the state.

1036 (104) EXPLORE OFF ROAD FLORIDA LICENSE PLATES.—

1037 (a) The department shall develop an Explore Off Road  
 1038 Florida license plate as provided in this section and s.  
 1039 320.08053. The plate must bear the colors and design approved by  
 1040 the department. The words "Explore Off Road" must appear at the  
 1041 top of the plate, and the word "Florida" must appear at the  
 1042 bottom of the plate.

1043 (b) The annual use fees from the sale of the plate shall be  
 1044 distributed to the Florida Off Road Foundation, Inc., a

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nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the funds may be used for marketing of the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services and compliance affidavit costs. The remainder of the funds shall be used by the Florida Off Road Foundation, Inc., to fund qualified nonprofit organizations that protect and preserve Florida's natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off-road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida's off-road culture.

Section 8. Subsection (1) of section 320.08062, Florida Statutes, is amended to read:

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

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

(b) Any organization not subject to audit pursuant to s. 215.97 shall annually attest, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department. In addition, the department shall audit any such organization every 3 years to ensure that proceeds have been used in compliance with ss. 320.08056 and

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320.08058.

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

Section 9. Paragraph (b) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of \$20 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed as follows:

(b) Twenty percent to Preserve Vision ~~Prevent Blindness~~ Florida, Inc.

Section 10. Section 320.0875, Florida Statutes, is created to read:

320.0875 Purple Heart special motorcycle license plate.—

(1) Upon application to the department and payment of the license tax for the motorcycle as provided in s. 320.08, a resident of this state who owns or leases a motorcycle that is not used for hire or commercial use shall be issued a Purple Heart special motorcycle license plate if he or she provides documentation acceptable to the department that he or she is a recipient of the Purple Heart medal.

(2) The Purple Heart special motorcycle license plate must be stamped with the term "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart special motorcycle license plate may have the term "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal



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1103 appearing on the plate.

1104 Section 11. Paragraph (a) of subsection (1) of section  
1105 320.089, Florida Statutes, is amended to read:

1106 320.089 Veterans of the United States Armed Forces; members  
1107 of National Guard; survivors of Pearl Harbor; Purple Heart medal  
1108 recipients; Bronze Star recipients; active or retired United  
1109 States Armed Forces reservists; Combat Infantry Badge, Combat  
1110 Medical Badge, or Combat Action Badge recipients; Combat Action  
1111 Ribbon recipients; Air Force Combat Action Medal recipients;  
1112 Distinguished Flying Cross recipients; former prisoners of war;  
1113 Korean War Veterans; Vietnam War Veterans; Operation Desert  
1114 Shield Veterans; Operation Desert Storm Veterans; Operation  
1115 Enduring Freedom Veterans; Operation Iraqi Freedom Veterans;  
1116 Women Veterans; World War II Veterans; and Navy Submariners;  
1117 special license plates; fee.—

1118 (1) (a) Each owner or lessee of an automobile or truck for  
1119 private use or recreational vehicle as specified in s.  
1120 320.08(9) (c) or (d), which is not used for hire or commercial  
1121 use, who is a resident of the state and a veteran of the United  
1122 States Armed Forces, a Woman Veteran, a World War II Veteran, a  
1123 Navy Submariner, an active or retired member of the Florida  
1124 National Guard, a survivor of the attack on Pearl Harbor, a  
1125 recipient of the Purple Heart medal, a recipient of the Bronze  
1126 Star, an active or retired member of any branch of the United  
1127 States Armed Forces Reserve, or a recipient of the Combat  
1128 Infantry Badge, Combat Medical Badge, Combat Action Badge,  
1129 Combat Action Ribbon, Air Force Combat Action Medal, or  
1130 Distinguished Flying Cross, upon application to the department,  
1131 accompanied by proof of release or discharge from any branch of

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1132 the United States Armed Forces, proof of active membership or  
1133 retired status in the Florida National Guard, proof of  
1134 membership in the Pearl Harbor Survivors Association or proof of  
1135 active military duty in Pearl Harbor on December 7, 1941, proof  
1136 of being a Purple Heart medal recipient, proof of being a Bronze  
1137 Star recipient, proof of active or retired membership in any  
1138 branch of the United States Armed Forces Reserve, or proof of  
1139 membership in the Combat Infantrymen's Association, Inc., proof  
1140 of being a recipient of the Combat Infantry Badge, Combat  
1141 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air  
1142 Force Combat Action Medal, or Distinguished Flying Cross, and  
1143 upon payment of the license tax for the vehicle as provided in  
1144 s. 320.08, shall be issued a license plate as provided by s.  
1145 320.06 which, in lieu of the serial numbers prescribed by s.  
1146 320.06, is stamped with the words "Veteran," "Woman Veteran,"  
1147 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl  
1148 Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S.  
1149 Reserve," "Combat Infantry Badge," "Combat Medical Badge,"  
1150 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat  
1151 Action Medal," or "Distinguished Flying Cross," as appropriate,  
1152 and a likeness of the related campaign medal or badge, followed  
1153 by the serial number of the license plate. Additionally, the  
1154 Purple Heart plate may have the words "Purple Heart" stamped on  
1155 the plate and the likeness of the Purple Heart medal appearing  
1156 on the plate.

1157 Section 12. By November 1, 2020, the annual use fees  
1158 withheld by the Department of Highway Safety and Motor Vehicles  
1159 from the sale of the Live the Dream specialty license plate  
1160 shall be used first to satisfy all outstanding royalty payments

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1161 due to the Martin Luther King, Jr., Center for Nonviolent Social  
1162 Change, Inc., for the use of the image of Dr. Martin Luther  
1163 King, Jr. All remaining funds shall be distributed to the  
1164 subrecipients on a pro rata basis according to the percentages  
1165 specified in s. 320.08058(47), Florida Statutes.

1166       Section 13. Except as otherwise expressly provided in this  
1167 act, this act shall take effect October 1, 2020, but only if SB  
1168 \_\_ or similar legislation takes effect, if such legislation is  
1169 adopted in the same legislative session or an extension thereof  
1170 and becomes a law.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

*Meeting Date*

412

*Bill Number (if applicable)*

778656  
*Amendment Barcode (if applicable)*

Topic Best Buddies Specialty Tag

Name Rana Brown

Job Title consultant

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*Street*

Tallahassee

*City*

FL

*State*

32301

*Zip*

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Email rana@rlbookpa.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Best Buddies

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

412

Bill Number (if applicable)

952358

Amendment Barcode (if applicable)

Topic SPECIALTY LICENSE PLATES

Name JEFFREY SHARKOV

Job Title President Capital Alliance Group

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THUNDERBOLT FL

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State

32301

Zip

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Email jeffreysharkov@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing MARGARITAVILLE / SINGING FOR CHANGE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020  
Meeting Date

412  
Bill Number (if applicable)

Topic LICENSE PLATES

952358  
Amendment Barcode (if applicable)

Name KEVIN M. NOONAN

Job Title DIRECTOR, LEGISLATIVE AFFAIRS

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Street

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City State Zip

Email KNOGNAR@OC.COM

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing ORLANDO UTILITIES COMMISSION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/2020

Meeting Date

SB412

Bill Number (if applicable)

952358

Amendment Barcode (if applicable)

- or bill as amended

Topic License Plates

Name Amy Zubaly

Job Title Executive Director

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Tallahassee FL 32301

City

State

Zip

Phone 850-251-6200

Email azubaly@publicpower.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Municipal Electric Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-3-

Meeting Date

5B-412

Bill Number (if applicable)

850180

Amendment Barcode (if applicable)

Topic LICENSES TABS

Name JOHN HAYNES

Job Title PAST CHAPTER COMMANDER  
MILITARY ORDER OF THE PURPLE HEART

Address 424 HIAWATHA FARMS SO,  
Street

Phone 850-443-3451

MONTICELLO, FL 32344  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing MILITARY ORDER OF THE PURPLE HEART

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/2/2020  
Meeting Date

SB 412  
Bill Number (if applicable)

Topic License Plates

850180  
Amendment Barcode (if applicable)

Name Tim DeBeauguine (de beaune)

Job Title Consultant

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City State Zip

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Email tim-debeauguine@comcast.net

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Special Olympics Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



# APPEARANCE RECORD

02-03-20

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

412

Meeting Date

Bill Number (if applicable)

Strike all

Amendment Barcode (if applicable)

850180

778656

Topic FLORIDA NATIVE LICENSE PLATE

Name Sue Mullins

Job Title Lobbyist

Address 113 S Monroe St

Street

Tall.

FL

32301

City

State

Zip

Phone 850/590-8000

Email bsuermullins@outlook.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Native Plant Society

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

8/3/20

Meeting Date

SB 412  
Bill Number (if applicable)

Topic LICENSE TAGS VETERANS

Amendment Barcode (if applicable)

Name LEW WILSON

Job Title PRESIDENT, FLORIDA VETERANS FOUNDATION

Address 400 S. MONROE ST.

Phone 850 488-4181

Street

TALLAHASSEE

City

FL

State

32399

Zip

Email LEWCHELPERVETS.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLORIDA VETERANS FOUNDATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

## THE FLORIDA SENATE

**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20*Meeting Date*0412*Bill Number (if applicable)*Topic License Plates*Amendment Barcode (if applicable)*Name Alan AbramowitzJob Title Executive DirectorAddress 600 S. Calhoun St.*Street*Tallahassee*City*FL*State*32399*Zip*Phone 850.241.3232Email alan.abramowitz@gal.fl.govSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Statewide Guardian ad Litem ProgramAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-3-20

Meeting Date

412

Bill Number (if applicable)

Topic license plate

Amendment Barcode (if applicable)

Name Trip Aukeman Coastal Conservation Assoc.

Job Title Director of Advocacy

Address \_\_\_\_\_  
Street

Phone 850-559-0060

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3 FEB

Meeting Date

SB 412

Bill Number (if applicable)

Topic LICENSE PLATES, Sen Bean

Amendment Barcode (if applicable)

Name Chris Cochran

Job Title Public Information and Research Spec.

Address 400 S. Monroe Street

Phone 850-487-1533

Street

Tallahassee

City

FL

State

32399

Zip

Email Cochran C@FDVA.State.FL.us

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Department of Veterans Affairs

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 3, 2020  
Meeting Date

412  
Bill Number (if applicable)

Topic License Plates

Amendment Barcode (if applicable)

Name Erin Ballas

Job Title \_\_\_\_\_

Address 730 E. Park Ave  
Street

Phone 850 728 6387

Tallahassee FL 32301  
City State Zip

Email erinballas@paconsultants.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing The Palm Beach Zoo

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

412

Bill Number (if applicable)

Topic LICENSE TAGS

Amendment Barcode (if applicable)

Name DAN HENDRICKSON

Job Title President, Tallahassee Veterans Legal Collaborative

Address PO Box 1211

Phone 850 570 1967

Street

TALLAHASSEE

FL

32302

City

State

Zip

Email danhendrickson@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing Tallahassee Veterans Legal Collaborative

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-3-20

Meeting Date

412

Bill Number (if applicable)

Topic 412 - License Notes

Amendment Barcode (if applicable)

Name Jon Costello

Job Title lobbyist

Address 200 West College St 225

Phone 850-766-8654

Street

Tallahassee FL 32301

City

State

Zip

Email Jon@capitalstrategygroup.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Off Road Foundation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

418  
Bill Number (if applicable)

Topic LICENSE TAGS

Amendment Barcode (if applicable) \_\_\_\_\_

Name JOHN HAYNES

Job Title CHAIRMAN AMERITUS

Address CAPITOL  
Street

Phone 850-443-3451

City

State

Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing LICENSE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

---

BILL: CS/SB 414

INTRODUCER: Senators Bean and Harrell

SUBJECT: Fees/Specialty License Plates

DATE: Febraury 4, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	<b>Fav/CS</b>
2.			ATD	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 414 provides that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, then an annual use fee of \$25 will be charged for any specialty license plate that is required to be developed. The CS also established an annual use fee of \$50 for the University of Alabama and the University of Georgia specialty license plates.

Senate Bill 412 (2020), which this CS is linked to, authorizes the creation of numerous specialty license plates, including the Alabama and Georgia collegiate plates; and provides for the design of the plates and the use of the annual fees associated with the specialty license plates.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date on the same date that SB 412 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## II. Present Situation:

### Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>1</sup> 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup>

### DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>6</sup>

### University of Georgia

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America's largest bulldog club.<sup>7</sup> In 1988, the club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker Counties based on academic and economic need.<sup>8</sup>

### University of Alabama

The Pensacola Bama Club is a Chapter of the University of Alabama National Alumni Association. They are a 501(c)(3) non-profit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, open to alumni, friends and fans of the university. The organization's primary mission is to provide scholarships to deserving local high school students as well as play host to an annual kick-off event and game watching parties.<sup>9</sup>

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 4, 2019).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08056(10)(a), F.S.

<sup>5</sup> Section 320.08062, F.S.

<sup>6</sup> Section 320.08056(7), F.S.

<sup>7</sup> Georgia Bulldog Club of Jacksonville, *Welcome to the Home of the Georgia Bulldog Club of Jacksonville*, <https://jaxbulldogs.com/> (last visited March 31, 2019).

<sup>8</sup> Georgia Bulldog Club of Jacksonville, *Scholarship*, <https://jaxbulldogs.com/scholarship-fund/> (last visited March 31, 2019).

<sup>9</sup> Pensacola Bama Club, *About*, <https://www.pensacolabamaclub.org/about> (last visited March 31, 2019).

### **III. Effect of Proposed Changes:**

The CS amends s. 320.08056, F.S., to provide that unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, then an annual use fee of \$25 for any specialty license plate that is required to be developed under s. 320.08058, F.S., will be charged.

The CS also established an annual use fee of \$50 for the University of Alabama and the University of Georgia specialty license plates.

The CS has an effective date on the same date that SB 412 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>10</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>11</sup>

The \$25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and the \$50 annual use fee for the University of Alabama and the University of Georgia specialty license plates may be a new state fees for purposes of requiring a supermajority vote and a separate bill containing no other subject.

#### **E. Other Constitutional Issues:**

None.

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<sup>10</sup> FLA. CONST. art. VII, s. 19(a).

<sup>11</sup> FLA. CONST. art. VII, s. 19(d)(1).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

Individuals who choose to purchase a specialty license plate created in SB 412 will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate will pay an additional use fee of \$50 in addition to required vehicle license taxes and fees.

**B. Private Sector Impact:**

Revenue from the sale of the specialty license plates created in SB 412 will benefit numerous organizations listed in that CS.

Revenue from the sale of the University of Alabama specialty license plate created in SB 412 will benefit the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama.

Revenue from the sale of the University of Georgia specialty license created in SB 412 plate will benefit the Georgia Bulldog Club of Jacksonville, which must distribute the moneys received for the purpose of awarding scholarships to Florida residents attending the University of Georgia.

**C. Government Sector Impact:**

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.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following sections of the Florida Statutes: 320.08056

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<sup>12</sup> Section 320.08056(7), F.S.

**IX. Additional Information:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 412.

- B. **Amendments:**

None.

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

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221034

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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	.	
	.	

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The Committee on Infrastructure and Security (Bean) recommended the following:

**Senate Amendment (with directory amendment)**

Delete line 37  
and insert:  
SB 412 or similar legislation takes effect, if such legislation

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

And the directory clause is amended as follows:

Delete line 13

and insert:



221034

11 SB 412, 2020 Regular Session, to read:



By Senator Bean

4-00257-20

2020414\_\_

1 A bill to be entitled  
 2 An act relating to fees; amending s. 320.08056, F.S.;  
 3 creating a uniform annual use fee collected for a  
 4 specialty license plate unless otherwise specified;  
 5 adding annual use fees for certain specialty license  
 6 plates; providing a contingent effective date.  
 7  
 8 Be It Enacted by the Legislature of the State of Florida:  
 9  
 10 Section 1. Paragraph (d) of subsection (3) of section  
 11 320.08056, Florida Statutes, is amended, and paragraphs (z) and  
 12 (aa) are added to subsection (4) of that section, as amended by  
 13 SB \_\_, 2020 Regular Session, to read:  
 14 320.08056 Specialty license plates.—  
 15 (3) Each request must be made annually to the department or  
 16 an authorized agent serving on behalf of the department,  
 17 accompanied by the following tax and fees:  
 18 (d) Unless the amount of an annual use fee is otherwise  
 19 specified ~~A license plate annual use fee as required~~ in  
 20 subsection (4) for a particular specialty license plate, an  
 21 annual use fee of \$25 for any specialty license plate that is  
 22 required to be developed under s. 320.08058.  
 23  
 24 A request may be made any time during a registration period. If  
 25 a request is made for a specialty license plate to replace a  
 26 current valid license plate, the specialty license plate must be  
 27 issued with appropriate decals attached at no tax for the plate,  
 28 but all fees and service charges must be paid. If a request is  
 29 made for a specialty license plate at the beginning of the

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

4-00257-20

2020414\_\_

30 registration period, the tax, together with all applicable fees  
 31 and service charges, must be paid.  
 32 (4) The following license plate annual use fees shall be  
 33 collected for the appropriate specialty license plates:  
 34 (z) University of Alabama license plate, \$50.  
 35 (aa) University of Georgia license plate, \$50.  
 36 Section 2. This act shall take effect on the same date that  
 37 SB \_\_ or similar legislation takes effect, if such legislation  
 38 is adopted in the same legislative session or an extension  
 39 thereof and becomes a law.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 108

INTRODUCER: Senator Rader

SUBJECT: Specialty License Plates/Florida State Beekeepers Association

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 108 creates the Florida State Beekeepers Association license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

CS/SB 110 (2020), which this CS is linked to, provides for an annual use fee of \$25 for the Florida State Beekeepers Association specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming cost. These cost can be absorbed within existing resources.

The CS has an effective date of October 1, 2020, but only if CS/SB 110 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

## **II. Present Situation:**

### **Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 27, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Florida State Beekeepers Association**

The Florida State Beekeepers Association<sup>10</sup> is dedicated to providing resources for the improvement of Beekeeping using proven techniques and procedures in the management of Honeybees and to share this knowledge with everyone interested in the Art of Beekeeping.<sup>11</sup> Its purpose and function is to:

- The development and promotion of practical beekeeping methods in the state of Florida.
- To act in the interest of the beekeepers of Florida in protecting and carrying on statewide beekeeping affairs.
- To act as a medium for, and an aid in cooperative and mutual beekeeping methods.
- To act as the representative of the Florida beekeepers in State and National beekeeping and legislative matters.<sup>12</sup>

### **III. Effect of Proposed Changes:**

The CS directs the DHSMV to develop the Florida State Beekeepers Association specialty license plate bearing the colors and design approved by the DHSMV. The new license plates will display the word "Florida" at the top of the plate and "Save the Bees" at the bottom of the plate.

The CS directs the annual use fees to be distributed to the Florida State Beekeepers Association.

The CS directs the annual use fees to be distributed as follows:

- The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:
  - Direct reimbursement for administrative cost, startup cost, and cost incurred in the development and approval process of the license plate.
  - Promotion and marketing cost of the license plate.
- The remaining funds will be distributed to the Florida State Beekeepers Association and will be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Department of State, Division of Corporations, Sunbiz, Florida State Beekeepers Association, Incorporated, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 31, 2020).

<sup>11</sup> Florida State Beekeepers Association, Mission Statement, <http://apisenterprises.com/fsba/fsbamission.htm> (last visited on January 30, 2020).

<sup>12</sup> Florida State Beekeepers Association, By-Laws/Constitution, <http://apisenterprises.com/fsba/fsbabylaws.htm> (last visited on January 30, 2020).

The CS has an effective date of October 1, 2020, but only if CS/SB 110 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Revenue from the sale of the Florida State Beekeepers Association specialty license plate will benefit the Florida State Beekeepers Association.

C. Government Sector Impact:

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming.<sup>13</sup> 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.<sup>14</sup>

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<sup>13</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 108 Legislative Bill Analysis*. (January 29, 2020).

<sup>14</sup> Section 320.08056(7), F.S.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08058

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 110.

**B. Amendments:**

None.

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

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582674

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

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The Committee on Infrastructure and Security (Rader) recommended the following:

**Senate Amendment**

Delete line 39  
and insert:  
only if SB 110 or similar legislation takes effect, if such

By Senator Rader

29-00027-20

2020108\_\_

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Florida State Beekeepers Association license plate; providing for distribution and use of fees collected from the sale of such plates; providing a contingent effective date.

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

Section 1. Subsection (85) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(85) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Florida State Beekeepers Association license plate as provided in s. 320.08053 and this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Save the Bees" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation. The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:

1. Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with the administrative costs shall be selected by competitive bid.

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

29-00027-20

2020108\_\_

2. Promotion and marketing costs of the license plate.

(c) The remaining funds shall be distributed to the Florida State Beekeepers Association and shall be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers must approve and is accountable for all such expenditures.

Section 2. This act shall take effect October 1, 2020, but only if SB \_\_ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 110

INTRODUCER: Senator Rader

SUBJECT: Fees/Florida State Beekeepers Association License Plate

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u></u>	<u></u>	<u>ATD</u>	<u></u>
3.	<u></u>	<u></u>	<u>AP</u>	<u></u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 110 provides for an annual use fee of \$25 for the Florida State Beekeepers Association specialty license plate.

CS/SB 108 (2020), which this CS is linked to, creates the Florida State Beekeepers Association specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date on the same date that CS/SB 108 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## **II. Present Situation:**

### **Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 27, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Florida State Beekeepers Association**

The Florida State Beekeepers Association<sup>10</sup> is dedicated to providing resources for the improvement of Beekeeping using proven techniques and procedures in the management of Honeybees and to share this knowledge with everyone interested in the Art of Beekeeping.<sup>11</sup> Its purpose and function is to:

- The development and promotion of practical beekeeping methods in the state of Florida.
- To act in the interest of the beekeepers of Florida in protecting and carrying on statewide beekeeping affairs.
- To act as a medium for, and an aid in cooperative and mutual beekeeping methods.
- To act as the representative of the Florida beekeepers in State and National beekeeping and legislative matters.<sup>12</sup>

### **III. Effect of Proposed Changes:**

The CS provides for an annual fee of \$25 for the Florida State Beekeepers Association specialty license plate.

The CS has an effective date of October 1, 2020, but only if CS/SB 108 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Department of State, Division of Corporations, Sunbiz, Florida State Beekeepers Association, Incorporated, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 31, 2020).

<sup>11</sup> Florida State Beekeepers Association, Mission Statement, <http://apisenterprises.com/fsba/fsbamission.htm> (last visited on January 30, 2020).

<sup>12</sup> Florida State Beekeepers Association, By-Laws/Constitution, <http://apisenterprises.com/fsba/fsbabylaws.htm> (last visited on January 30, 2020).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>13</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>14</sup>

The \$25 annual use fee for the Florida State Beekeepers Association specialty license plate may be a new state fee for purposes of requiring a supermajority vote and a separate CS containing no other subject.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None. Individuals who choose to purchase a Florida State Beekeepers Association specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

B. Private Sector Impact:

Revenue from the sale of the Florida State Beekeepers Association license plate will benefit the Florida State Beekeepers Association.

C. Government Sector Impact:

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.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

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<sup>13</sup> FLA. CONST. art. VII, s. 19(a).

<sup>14</sup> FLA. CONST. art. VII, s. 19(d)(1).

<sup>15</sup> Section 320.08056(7), F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08056

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 108.

**B. Amendments:**

None.

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

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587356

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Rader) recommended the following:

**Senate Amendment**

Delete line 16  
and insert:  
SB 108 or similar legislation takes effect, if such  
legislation

By Senator Rader

29-00028-20

2020110\_\_

1                           A bill to be entitled  
2       An act relating to fees; amending s. 320.08056, F.S.;  
3       creating a fee for a certain specialty license plate;  
4       providing a contingent effective date.  
5  
6   Be It Enacted by the Legislature of the State of Florida:  
7  
8       Section 1. Paragraph (ffff) is added to subsection (4) of  
9       section 320.08056, Florida Statutes, to read:  
10      320.08056 Specialty license plates.—  
11      (4) The following license plate annual use fees shall be  
12      collected for the appropriate specialty license plates:  
13      (ffff) Florida State Beekeepers Association license plate,  
14      \$25.  
15      Section 2. This act shall take effect on the same date that  
16      SB \_\_ or similar legislation takes effect, if such legislation  
17      is adopted in the same legislative session or an extension  
18      thereof and becomes a law.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 314

INTRODUCER: Senator Stewart

SUBJECT: Specialty License Plates/Toastmasters

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 314 creates the Toastmasters specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

CS/SB 316 (2020), which this CS is linked to, provides for an annual use fee of \$25 for the Toastmasters specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming cost. These cost can be absorbed within existing resources.

The CS has an effective date of October 1, 2020, but only if CS/SB 316 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.



## **II. Present Situation:**

### **Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 27, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Toastmasters International**

Toastmasters began as a series of speaking clubs organized by Ralph C. Smedley during his time working for the YMCA (Young Men's Christian Association). Smedley was director of education at the YMCA and he saw a need for the men in the community to learn how to speak, conduct meetings, plan programs and work on committees. He decided to organize a club where they could learn these skills in a social environment. He named this group the Toastmasters Club; "toastmaster" was a popular term that referred to a person who gave toasts at banquets and other occasions.<sup>10</sup>

Since 1924, Toastmasters International has helped people from diverse backgrounds become more confident speakers, communicators, and leaders. Toastmasters International is a non-profit educational organization that teaches public speaking and leadership skills through a worldwide network of clubs. The organization's membership exceeds 358,000 in 142 countries.<sup>11</sup>

Toastmasters International is not listed in the Department of State Division of Corporations sunbiz.org database as a Florida business entity.

### ***Ralph C. Smedley Memorial Fund***

In 1965 the Ralph C. Smedley Memorial Fund was established to honor and uphold Ralph C. Smedley's legacy and to open doors for the many millions of potential Toastmaster yet to come. Though the historic fund had humble beginnings with a local impact, the reinvigorated Smedley Fund retains its same purpose—the advancement of communication and leadership education through the research, development, and distribution of educational programs and materials.<sup>12</sup>

## **III. Effect of Proposed Changes:**

The CS directs the DHSMV to develop the Toastmasters specialty license plate bearing the colors and design approved by the DHSMV. The new license plates will display the word "Florida" at the top of the plate and "www.Toastmasters.org" at the bottom of the plate.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Toastmasters International. *The Toastmasters Journey*, available at <https://www.toastmasters.org/about/history> (last visited January 29, 2020).

<sup>11</sup> Toastmasters International. *All About Toastmasters*, available at <https://www.toastmasters.org/about/all-about-toastmasters> (last visited January 29, 2020).

<sup>12</sup> Toastmasters International. *Ralph C. Smedley Memorial Fund*, available at <https://www.toastmasters.org/about/smedley-fund> (last visited January 27, 2020).

The CS directs the annual fees to be distributed to the Ralph C. Smedley Memorial Fund of Toastmasters International.

The CS directs the annual use fees to be distributed as follows:

- 25 percent may be used to develop charitable and education programs for the indigent, homeless, visually and hearing disable, incarcerated, and youth populations that are unable to afford or to participate in Toastmasters programs:
  - Up to five percent may be used for administrative and marketing costs of the license plate.
- 75 percent will be proportionally redistributed to the divisions of Districts 47, 48, 77, and 84 of Toastmasters International:
  - Up to five percent may be used for administrative and marketing costs of the license plate.
- The remainder of funds will be used for educators, nonprofits, governmental organizations, scholarships, materials, and computers and other equipment for the purpose of implementing the charitable and educational programs for the indigent, homeless, visually and hearing disable, incarcerated, and youth populations that are unable to afford or to participate in Toastmasters programs.

This CS has an effective date of October 1, 2020, but only if CS/SB 316 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Revenue from the sale of the Toastmasters specialty license plate will benefit Toastmasters International and those who are eligible to participate in their programs.

**C. Government Sector Impact:**

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming.<sup>13</sup> 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.<sup>14</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08058

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 316.

**B. Amendments:**

None.

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

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<sup>13</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 314 Legislative Bill Analysis*. (January 27, 2020).

<sup>14</sup> Section 320.08056(7), F.S.



953522

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Stewart)  
recommended the following:

**Senate Amendment**

Delete line 43  
and insert:  
only if SB 316 or similar legislation takes effect, if such

By Senator Stewart

13-00464-20

2020314\_\_

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Toastmasters license plate; providing for the distribution and use of fees collected from the sale of such plates; providing a contingent effective date.

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

Section 1. Subsection (85) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(85) TOASTMASTERS LICENSE PLATES.—

(a) The department shall develop a Toastmasters license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "www.Toastmasters.org" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Ralph C. Smedley Memorial Fund of Toastmasters International, a s. 501(c)(3) nonprofit organization, of which:

1. Twenty-five percent shall be used to develop charitable and educational programs for the indigent, homeless, visually and hearing disabled, incarcerated, and youth populations that are unable to afford or to participate in established Toastmasters programs. Up to five percent of this distribution

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

13-00464-20

2020314\_\_

may be used for administrative expenses.

2. Seventy-five percent shall be proportionally redistributed to the divisions of Districts 47, 48, 77, and 84 of Toastmasters International which reside in this state. Up to five percent of this distribution may be used for marketing of the plate, and the remainder shall be used for educators, nonprofits, governmental organizations, scholarships, materials, and computers and other equipment for the purpose of implementing the charitable and educational programs for the indigent, homeless, visually and hearing disabled, incarcerated, and youth populations that are unable to afford or to participate in the established Toastmasters programs.

Section 2. This act shall take effect October 1, 2020, but only if SB \_\_\_ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 316

INTRODUCER: Senator Stewart

SUBJECT: Fees/Toastmasters License Plate

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 316 provides for an annual use fee of \$25 for the Toastmasters specialty license plate.

CS/SB 314 (2020), which this CS is linked to, creates the Toastmasters specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date on the same date that CS/SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## II. Present Situation:

### Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup>

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### *DHSMV Costs Defrayed*

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 27, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.



### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates 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 specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Toastmasters International**

Toastmasters began as a series of speaking clubs organized by Ralph C. Smedley during his time working for the YMCA (Young Men's Christian Association). Smedley was director of education at the YMCA and he saw a need for the men in the community to learn how to speak, conduct meetings, plan programs and work on committees. He decided to organize a club where they could learn these skills in a social environment. He named this group the Toastmasters Club; "toastmaster" was a popular term that referred to a person who gave toasts at banquets and other occasions.<sup>10</sup>

Since 1924, Toastmasters International has helped people from diverse backgrounds become more confident speakers, communicators, and leaders. Toastmasters International is a non-profit educational organization that teaches public speaking and leadership skills through a worldwide network of clubs. The organization's membership exceeds 358,000 in 142 countries.<sup>11</sup>

Toastmasters International is not listed in the Department of State Division of Corporations sunbiz.org database as a Florida business entity.

### ***Ralph C. Smedley Memorial Fund***

In 1965 the Ralph C. Smedley Memorial Fund was established to honor and uphold Ralph C. Smedley's legacy and to open doors for the many millions of potential Toastmaster yet to come. Though the historic fund had humble beginnings with a local impact, the reinvigorated Smedley Fund retains its same purpose—the advancement of communication and leadership education through the research, development, and distribution of educational programs and materials.<sup>12</sup>

## **III. Effect of Proposed Changes:**

The CS provides for an annual fee of \$25 for the Toastmasters specialty license plate.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Toastmasters International. *The Toastmasters Journey*, available at <https://www.toastmasters.org/about/history> (last visited January 29, 2020).

<sup>11</sup> Toastmasters International. *All About Toastmasters*, available at <https://www.toastmasters.org/about/all-about-toastmasters> (last visited January 29, 2020).

<sup>12</sup> Toastmasters International. *Ralph C. Smedley Memorial Fund*, available at <https://www.toastmasters.org/about/smedley-fund> (last visited January 27, 2020).

This CS has an effective date of October 1, 2020, but only if CS/SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>13</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>14</sup>

The \$25 annual use fee for the Toastmaster specialty license plate may be a new state fee for purposes of requiring a supermajority vote and a separate CS containing no other subject.

**E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

Individuals who choose to purchase a Toastmasters specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

**B. Private Sector Impact:**

Revenue from the sale of the Toastmasters license plate will benefit Toastmasters International and those who are eligible to participate in their programs.

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<sup>13</sup> FLA. CONST. art. VII, s. 19(a).

<sup>14</sup> FLA. CONST. art. VII, s. 19(d)(1).

C. Government Sector Impact:

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.<sup>15</sup>

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following section of the Florida Statutes: 320.08056

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 314.

B. Amendments:

None.

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

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<sup>15</sup> Section 320.08056(7), F.S.



508462

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Stewart)  
recommended the following:

**Senate Amendment**

Delete line 15  
and insert:  
SB 314 or similar legislation takes effect, if such  
legislation

By Senator Stewart

13-00465-20

2020316\_\_

1                           A bill to be entitled  
2       An act relating to fees; amending s. 320.08056, F.S.;  
3       creating a fee for a certain specialty license plate;  
4       providing a contingent effective date.  
5  
6   Be It Enacted by the Legislature of the State of Florida:  
7  
8       Section 1. Paragraph (ffff) is added to subsection (4) of  
9       section 320.08056, Florida Statutes, to read:  
10      320.08056 Specialty license plates.—  
11      (4) The following license plate annual use fees shall be  
12      collected for the appropriate specialty license plates:  
13      (ffff) Toastmasters license plate, \$25.  
14      Section 2. This act shall take effect on the same date that  
15      SB \_\_\_\_ or similar legislation takes effect, if such legislation  
16      is adopted in the same legislative session or an extension  
17      thereof and becomes a law.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 322

INTRODUCER: Senator Stewart

SUBJECT: Specialty License Plates/Gopher Tortoise

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 322 creates the Gopher Tortoise specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

CS/SB 324 (2020), which this CS is linked to, provides for an annual use fee of \$25 for the Gopher Tortoise specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date of October 1, 2020, but only if CS/SB 324 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

## II. Present Situation:

### **Specialty License Plates**

Presently, there are over 100 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates 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

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 24, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Wildlands Conservation**

The Wildlands Conservation is a non-profit organization, created in 2003<sup>10</sup>, specializing in conservation planning and policy, land management, land protection, research, education and outreach. The Wildlands Conservation works on conservation projects throughout Florida. They strive to work with landowners and others around the state to maximize conservation and minimize impacts, which can be costly to that landowner<sup>11</sup>. Wildlands offers gopher tortoise relocation in attempt to save tortoises from sites permitting for development. They are committed to ensuring that gopher tortoise survey and relocation work is done thoroughly and professionally as possible to protect gopher tortoises across the state<sup>12</sup>.

### **III. Effect of Proposed Changes:**

The CS directs the DHSMV to develop the Gopher Tortoise specialty license plate bearing the colors and design approved by the DHSMV. The new license plates will display the word "Florida" at the top of the plate and "Protect the Gopher Tortoise" at the bottom of the plate.

The CS directs the annual fees to be distributed as follows:

- Up to 15 percent may be used for administrative and marketing cost of the license plate; and
- The remainder of funds will be distributed by the Wildlands Conservation Inc. to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoises and upland habitat research, conservation, and management.

The CS has an effective date of October 1, 2020, but only if CS/SB 324 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Department of State, Division of Corporations, Sunbiz, Wildlands Conservation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 24, 2020).

<sup>11</sup> <http://www.wildlandsconservation.org/> (last visited January 24, 2020).

<sup>12</sup> Gopher Tortoise Permitting and Relocating Services available at <http://www.wildlandsconservation.org/gopher-tortoise-services>. (last visited January 24, 2020).



C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Revenue from the sale of the Gopher Tortoise license plate will benefit the Wildlands Conservation Inc. and eligible Florida- based scientific, conservation, and educational organizations for gopher tortoises and upland habitat research, conservation, and management

C. Government Sector Impact:

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty license plate requires approximately 200-250 hours of programming.<sup>13</sup> 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.<sup>14</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08058

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<sup>13</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 322*. (January 27, 2020)

<sup>14</sup> Section 320.08056(7), F.S.

**IX. Additional Information:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 324.

- B. **Amendments:**

None.

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

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790106

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Stewart)  
recommended the following:

**Senate Amendment**

Delete line 35  
and insert:  
only if SB 324 or similar legislation takes effect, if such

By Senator Stewart

13-00387-20

2020322\_\_

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Gopher Tortoise license plate; providing for distribution and use of fees collected from the sale of the plate; providing a contingent effective date.

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

Section 1. Subsection (85) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(85) GOPHER TORTOISE LICENSE PLATES.—

(a) The department shall develop a Gopher Tortoise license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect the Gopher Tortoise" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Wildlands Conservation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Up to 15 percent of the funds received by Wildlands Conservation, Inc., may be used for marketing of the plate and costs directly associated with the administration of the gopher tortoise protection program.

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

13-00387-20

2020322\_\_

Wildlands Conservation, Inc., shall use and distribute the funds to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoise and upland habitat research, conservation, and management.

Section 2. This act shall take effect October 1, 2020, but only if SB \_\_ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 324

INTRODUCER: Senator Stewart

SUBJECT: Fees/Gopher Tortoise License Plate

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 324 provides for an annual use fee of \$25 for the Gopher Tortoise specialty license plate.

CS/SB 322 (2020), which this CS is linked to, creates the Gopher Tortoise specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date on the same date that CS/SB 322 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## **II. Present Situation:**

### **Specialty License Plates**

Presently, there are over 100 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 24, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Wildlands Conservation**

The Wildlands Conservation is a non-profit organization, created in 2003<sup>10</sup>, specializing in conservation planning and policy, land management, land protection, research, education and outreach. The Wildlands Conservation works on conservation projects throughout Florida. They strive to work with landowners and others around the state to maximize conservation and minimize impacts, which can be costly to that landowner<sup>11</sup>. Wildlands offers gopher tortoise relocation in attempt to save tortoises from sites permitting for development. They are committed to ensuring that gopher tortoise survey and relocation work is done thoroughly and professionally as possible to protect gopher tortoises across the state<sup>12</sup>.

### **III. Effect of Proposed Changes:**

The CS provides for an annual use fee of \$25 for the Gopher Tortoise specialty license plate.

The CS has an effective date on the same date that CS/SB 322 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Department of State, Division of Corporations, Sunbiz, Wildlands Conservation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 24, 2020).

<sup>11</sup> <http://www.wildlandsconservation.org/> (last visited January 24, 2020).

<sup>12</sup> Gopher Tortoise Permitting and Relocating Services available at <http://www.wildlandsconservation.org/gopher-tortoise-services>. (last visited January 24, 2020).

**D. State Tax or Fee Increases:**

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>13</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>14</sup>

The \$25 annual use fee for the Gopher Tortoise specialty license plate may be a new state fee for purposes of requiring a supermajority vote and a separate CS containing no other subject.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

Individuals who choose to purchase a Gopher Tortoise specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

**B. Private Sector Impact:**

Revenue from the sale of the Gopher Tortoise license plate will benefit the Wildlands Conservation Inc.

**C. Government Sector Impact:**

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.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08056

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<sup>13</sup> FLA. CONST. art. VII, s. 19(a).

<sup>14</sup> FLA. CONST. art. VII, s. 19(d)(1).

<sup>15</sup> Section 320.08056(7), F.S.



**IX. Additional Information:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 322.

- B. **Amendments:**

None.

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

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398586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Stewart)  
recommended the following:

**Senate Amendment**

Delete line 15  
and insert:  
SB 322 or similar legislation takes effect, if such  
legislation

By Senator Stewart

13-00388-20

2020324\_\_

1                           A bill to be entitled  
2       An act relating to fees; amending s. 320.08056, F.S.;  
3       creating a fee for a certain specialty license plate;  
4       providing a contingent effective date.  
5  
6   Be It Enacted by the Legislature of the State of Florida:  
7  
8       Section 1. Paragraph (ffff) is added to subsection (4) of  
9       section 320.08056, Florida Statutes, to read:  
10      320.08056 Specialty license plates.—  
11      (4) The following license plate annual use fees shall be  
12      collected for the appropriate specialty license plates:  
13      (ffff) Gopher Tortoise license plate, \$25.  
14      Section 2. This act shall take effect on the same date that  
15      SB \_\_\_\_ or similar legislation takes effect, if such legislation  
16      is adopted in the same legislative session or an extension  
17      thereof and becomes a law.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 328

INTRODUCER: Senator Stewart

SUBJECT: Specialty License Plates/Orlando United

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 328 creates the Orlando United License plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

CS/SB 330 (2020), which this CS is linked to, provides for an annual use fee of \$25 for the Orlando United specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming cost. These cost can be absorbed within existing resources.

The CS has an effective date of October 1, 2020, but only if CS/SB 330 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

## II. Present Situation:

### **Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 27, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Mental Health Association of Central Florida**

The Mental Health Association of Central Florida<sup>10</sup> has been serving the mental health needs of Orange, Osceola, Seminole, Brevard, and Lake counties since 1946. Their mission is to provide mental health services, support and information to the members of the Orlando and surrounding Central Florida community.<sup>11</sup>

### **onePULSE Foundation**

The onePULSE Foundation<sup>12</sup> was established to create a sanctuary of hope following the tragic day of June 12, 2016. The foundation was created to honor the 117 victims and the countless first responders and healthcare professionals who treated them. The foundation is intended to support a memorial that opens hearts, a museum that opens minds, educational programs that open eyes and endowed scholarships that open doors. All donations are used for the construction and operation of the National memorial and museum, educational programs and 49 Legacy Scholarships.<sup>13</sup>

### **Two Spirit Health Services**

Two Spirit Health Services<sup>14</sup> is a non- profit corporation incorporated in 2011. They provide mental health, behavioral, substance abuse, primary care, transgender health, and related services

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Department of State, Division of Corporations, Sunbiz, The Mental Health Association of Central Florida, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 29, 2020).

<sup>11</sup> Mental Health Association of Central Florida. *The Mission of The Mental Health Association of Central Florida*, available at <https://www.mhacf.org/> (last visited January 28, 2020).

<sup>12</sup> Florida Department of State, Division of Corporations, Sunbiz, onePULSE Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 29, 2020).

<sup>13</sup> OnePULSE Foundation. *About Us*, available at <https://onepulsefoundation.org/onepulse-foundation/> (last visited January 28, 2020).

<sup>14</sup> Florida Department of State, Division of Corporations, Sunbiz, Two Spirit Health Services, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 29, 2020).

to individuals in the Lesbian, Gay, Bisexual and Transgender (LGBT) community who live in and around the Central Florida area.<sup>15</sup>

### **III. Effect of Proposed Changes:**

The CS directs the DHSMV to develop the Orlando United specialty license plate bearing the colors and design approved by the DHSMV. The new license plates will display the word “Florida” at the top of the plate and “Orlando United” at the bottom of the plate.

The CS directs the annual fees to be distributed to the Mental Health Associations of Central Florida, onePULSE Foundation, and Two Spirit Health Services.

The bill directs the annual use fees to be distributed as follows:

- Five percent will be distributed to the Mental Health Association of Central Florida to be used for marketing of the license plate;
- 31 percent will be distributed to the Mental Health Association of Central Florida;
  - Up to five percent may be used for administrative expenses.
  - The remainder will be used for free personalized counseling to any person affected by the shooting at the Pulse night club in Orlando on June 12, 2016.
- Two percent will be distributed to the onePULSE Foundation to be used for marketing of the license plate;
- 31 percent will be distributed to the onePULSE Foundation; and
  - Up to five percent may be used for administrative expenses.
  - The remainder will be used to support the construction and maintenance of the onePULSE Foundation Memorial.
- 31 percent will be distributed to Two Spirit Health Services.
  - Up to five percent may be used for administrative expenses.
  - The remainder will be used for free personalized counseling to any person affected by the shooting at the Pulse night club in Orlando on June 12, 2016.

This bill has an effective date of October 1, 2020, but only if CS/SB 330 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>15</sup> Alignable. *About Us* available at <https://www.alignable.com/orlando-fl/two-spirit-health-services-inc> (last visited January 29, 2020).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Revenue from the sale of the Orlando United specialty license plate will benefit the Mental Health Association of Central Florida, onePULSE Foundation, and Two Sprit Health Services.

C. Government Sector Impact:

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming.<sup>16</sup> 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.<sup>17</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 320.08058.

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<sup>16</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 328 Legislative Bill Analysis*. (January 28, 2020).

<sup>17</sup> Section 320.08056(7), F.S.



**IX. Additional Information:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 330.

- B. **Amendments:**

None.

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

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178712

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Stewart)  
recommended the following:

**Senate Amendment**

Delete line 47  
and insert:  
only if SB 330 or similar legislation takes effect, if such

By Senator Stewart

13-00384-20

2020328\_\_

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop an Orlando United license plate; providing for distribution and use of fees collected from the sale of such plates; providing a contingent effective date.

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

Section 1. Subsection (85) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(85) ORLANDO UNITED LICENSE PLATES.—

(a) The department shall develop an Orlando United license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Orlando United" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Five percent shall be distributed to the Mental Health Association of Central Florida, Inc., to be used for marketing of the license plate.

2. Thirty-one percent shall be distributed to the Mental Health Association of Central Florida, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in

13-00384-20

2020328\_\_

Orlando on June 12, 2016.

3. Two percent shall be distributed to onePULSE Foundation, Inc., a charitable, nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, to be used for marketing of the license plate.

4. Thirty-one percent shall be distributed to onePULSE Foundation, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to support the construction and maintenance of the onePULSE Foundation Memorial.

5. Thirty-one percent shall be distributed to Two Spirit Health Services, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

Section 2. This act shall take effect October 1, 2020, but only if SB \_\_\_\_ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 330

INTRODUCER: Senator Stewart

SUBJECT: Fees/Orlando United License Plate

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 330 provides for an annual use fee of \$25 for the Orlando United specialty license plate.

CS/SB 328 (2020), which this CS is linked to, creates the Orlando United specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date on the same date that CS/SB 328 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## **II. Present Situation:**

### **Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 27, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### ***Mental Health Association of Central Florida***

The Mental Health Association of Central Florida<sup>10</sup> has been serving the mental health needs of Orange, Osceola, Seminole, Brevard, and Lake counties since 1946. Their mission is to provide mental health services, support and information to the members of the Orlando and surrounding Central Florida community.<sup>11</sup>

### ***onePULSE Foundation***

The onePULSE Foundation<sup>12</sup> was established to create a sanctuary of hope following the tragic day of June 12, 2016. The foundation was created to honor the 117 victims and the countless first responders and healthcare professionals who treated them. The foundation is intended to support a memorial that opens hearts, a museum that opens minds, educational programs that open eyes and endowed scholarships that open doors. All donations are used for the construction and operation of the National memorial and museum, educational programs and 49 Legacy Scholarships.<sup>13</sup>

### ***Two Spirit Health Services***

Two Spirit Health Services<sup>14</sup> is a non- profit corporation incorporated in 2011. They provide mental health, behavioral, substance abuse, primary care, transgender health, and related services to individuals in the Lesbian, Gay, Bisexual and Transgender (LGBT) community who live in and around the Central Florida area.<sup>15</sup>

## **III. Effect of Proposed Changes:**

The CS provides for an annual fee of \$25 for the Orlando United specially license plate.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Department of State, Division of Corporations, Sunbiz, The Mental Health Association of Central Florida, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 29, 2020).

<sup>11</sup> Mental Health Association of Central Florida. *The Mission of The Mental Health Association of Central Florida*, available at <https://www.mhacf.org/> (last visited January 28, 2020).

<sup>12</sup> Florida Department of State, Division of Corporations, Sunbiz, onePULSE Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 29, 2020).

<sup>13</sup> OnePULSE Foundation. *About Us*, available at <https://onepulsefoundation.org/onepulse-foundation/> (last visited January 28, 2020).

<sup>14</sup> Florida Department of State, Division of Corporations, Sunbiz, Two Spirit Health Services, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 29, 2020).

<sup>15</sup> Alignable. *About Us* available at <https://www.alignable.com/orlando-fl/two-spirit-health-services-inc> (last visited January 29, 2020).

This CS has an effective date of October 1, 2020, but only if CS/SB 328 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>16</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>17</sup>

The \$25 annual use fee for the Orlando United specialty license plate may be a new state fee for purposes of requiring a supermajority vote and a separate CS containing no other subject.

**E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

Individuals who choose to purchase an Orlando United specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

**B. Private Sector Impact:**

Revenue from the sale of the Orlando United license plate will benefit the Mental Health Association of Central Florida, onePULSE Foundation, and Two Sprit Health Services.

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<sup>16</sup> FLA. CONST. art. VII, s. 19(a).

<sup>17</sup> FLA. CONST. art. VII, s. 19(d)(1).

**C. Government Sector Impact:**

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.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08056

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 328.

**B. Amendments:**

None.

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

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<sup>18</sup> Section 320.08056(7), F.S.





205918

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Stewart)  
recommended the following:

**Senate Amendment**

Delete line 15  
and insert:  
SB 328 or similar legislation takes effect, if such  
legislation

By Senator Stewart

13-00385-20

2020330\_\_

1                   A bill to be entitled  
2       An act relating to fees; amending s. 320.08056, F.S.;  
3       creating a fee for a certain specialty license plate;  
4       providing a contingent effective date.  
5  
6   Be It Enacted by the Legislature of the State of Florida:  
7  
8       Section 1. Paragraph (ffff) is added to subsection (4) of  
9       section 320.08056, Florida Statutes, to read:  
10      320.08056 Specialty license plates.—  
11      (4) The following license plate annual use fees shall be  
12      collected for the appropriate specialty license plates:  
13      (ffff) Orlando United license plate, \$25.  
14      Section 2. This act shall take effect on the same date that  
15      SB \_\_\_\_ or similar legislation takes effect, if such legislation  
16      is adopted in the same legislative session or an extension  
17      thereof and becomes a law.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 956

INTRODUCER: Senator Perry

SUBJECT: Specialty License Plates/Solar Power

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 956 creates the Solar Power license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

CS/SB 958 (2020), which this CS is linked to, provides for an annual use fee of \$25 for the Solar Power specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming cost. These cost can be absorbed within existing resources.

The CS has an effective date of October 1, 2020, but only if CS/SB 958 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

## **II. Present Situation:**

### **Specialty License Plates**

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 27, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Florida Solar Energy Research and Education Foundation**

The Florida Solar Energy Research and Education Foundation was created in 1991.<sup>10</sup> The foundation was established to further the development and use of solar energy. Under a grant from the Florida Department of Community Affairs Energy Office, the Foundation began to develop strategic alliances with sectors influencing the use of solar energy, such as home builder, utility, financial, and institutional.

### ***Florida Solar Energy Center***

The mission of the Florida Solar Energy Center (center) is to research and develop energy technologies that enhance Florida's and the nation's economy and environment and educate the public, students and practitioners on the results of the research. The Florida Solar Energy Center is administered by the University of Central Florida.<sup>11</sup> The center was created by the Florida Legislature in 1976 to serve as the state's energy research institute.<sup>12</sup> The main responsibilities of the center are to:

- Develop and adopt standards for solar energy systems manufactured or sold in this state; and
- Establish criteria for testing performance of solar energy systems.

The center may receive a testing fee for any testing performed.

All solar energy systems manufactured or sold in the state must meet the standards established by the center and must display accepted results of an approved performance test in a manner prescribed by the center.<sup>13</sup>

## **III. Effect of Proposed Changes:**

The CS directs the DHSMV to develop the Solar Power specialty license plate bearing the colors and design approved by the DHSMV. The new license plates will display the word "Florida" at the top of the plate and "Powered by the Sun" at the bottom of the plate.

The CS directs the annual fees to be distributed to the Florida Solar Energy Research and Education Foundation.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Department of State, Division of Corporations, Sunbiz, Florida Solar Energy Research and Education Foundation, Inc. <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 29, 2020).

<sup>11</sup> FSEC Energy Research Center. *About Us*, available at <https://energyresearch.ucf.edu/about-us/> (last visited January 31, 2020).

<sup>12</sup> Ch. 76-246, Law of Fla.

<sup>13</sup> Section 377.705(4), F.S.

The CS directs the annual use fees to be distributed as follows:

- The Florida Solar Energy Research and Education Foundation may retain all revenue from the annual use fees until all startup cost for developing and establishing the plate have been recovered;
- Up to ten percent may be used for promotion and administrative and marketing cost of the license plate; and
- The remainder of funds will be used as follows:
  - Provide funds to the Florida Solar Energy Center for developing and administering solar energy industry workforce training programs;
  - Provide funds to federal veteran support facilities for solar demonstration projects that will lower energy costs to the veteran support facilities; and
  - Provide funds to non-for-profit, educational, or charitable organizations for projects or promotional campaigns that further the goal of the growth of the use of solar energy in this state.

This CS has an effective date of October 1, 2020, but only if CS/SB 958 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

Revenue from the sale of the Solar Power specialty license plate will benefit the Florida Solar Energy Research and Education Foundation, the Florida Solar Energy Center, federal veteran support facilities, and not-for-profit, educational, or charitable organizations that further the growth of the use of solar energy in this state.

**C. Government Sector Impact:**

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming.<sup>14</sup> 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.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08058

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 958.

**B. Amendments:**

None.

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

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<sup>14</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 956 Legislative Bill Analysis*. (January 28, 2020).

<sup>15</sup> Section 320.08056(7), F.S.



672970

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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	.	

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The Committee on Infrastructure and Security (Perry) recommended the following:

**Senate Amendment**

Delete line 46  
and insert:  
only if SB 958 or similar legislation takes effect, if such



By Senator Perry

8-01070-20

2020956\_\_

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Solar Power license plate; providing for distribution and use of fees collected from the sale of such plates; providing a contingent effective date.

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

Section 1. Subsection (85) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(85) SOLAR POWER LICENSE PLATES.—

(a) The department shall develop a Solar Power license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Powered by the Sun" must appear at the bottom of the plate.

(b) The annual fees from the sale of the plate shall be distributed to Florida Solar Energy Research and Education Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund its activities, programs, and projects aimed at solar workforce training, employment internships, and related activities, programs, and projects. The foundation may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

8-01070-20

2020956\_\_

the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the corporation's activities, programs, and projects and the specialty license plate. The foundation shall use the remaining funds as follows:

1. To provide funds to the Florida Solar Energy Center for the purpose of developing and administering solar energy industry workforce training programs;

2. To provide funds to federal veteran support facilities for solar demonstration projects that will lower energy costs to the veteran support facilities; and

3. To provide funds to not-for-profit, educational, or charitable organizations for projects or promotional campaigns that further the goal of the growth of the use of solar energy in this state.

Section 2. This act shall take effect October 1, 2020, but only if SB \_\_ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

2/3/20

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 956

Bill Number (if applicable)

Topic Solar License Plate

Amendment Barcode (if applicable)

Name Patrick Altier

Job Title Solar Contractor / Business Owner

Address 3347 SW 7th St

Phone 352 351 1333

Street

Ocala

City

FL

State

34474

Zip

Email patrick@gosolartrek.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Solar Trek, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2-3-2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

956 ~~155~~  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Richard Pinsky

Job Title \_\_\_\_\_

Address 106 E. College Ave #1200

Phone \_\_\_\_\_

Street

Tallahassee

FL

32301

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Solar Energy Industry Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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## THE FLORIDA SENATE

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

956

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title \_\_\_\_\_

Address 104-2 Crest StPhone 941-323-2404

Street

TELFL32301

City

State

Zip

Email cullenasea@aol.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)Representing SIERRA CLUB FLORIDAAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/10

Meeting Date

956

Bill Number (if applicable)

Topic SOLAR SPECIALTY TAX

Amendment Barcode (if applicable)

Name JEFFREY SHARKEY

Job Title Pres. CAO

Address 100 E. Caliente, #640

Street

City

Tallah

State

FL

Zip

32301

Phone 850 443-3355

Email jsharkey@tesla.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing TESLA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 958

INTRODUCER: Senator Perry

SUBJECT: Fees/Solar Power License Plate

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 968 provides for an annual use fee of \$25 for the Solar Power specialty license plate.

CS/SB 956 (2020), which this CS is linked to, creates the Solar Power specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date on the same date that CS/SB 956 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## II. Present Situation:

### Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup>

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### *DHSMV Costs Defrayed*

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 27, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates 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 specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Florida Solar Energy Research and Education Foundation**

The Florida Solar Energy Research and Education Foundation was created in 1991.<sup>10</sup> The foundation was established to further the development and use of solar energy. Under a grant from the Florida Department of Community Affairs Energy Office, the Foundation began to develop strategic alliances with sectors influencing the use of solar energy, such as home builder, utility, financial, and institutional.

### ***Florida Solar Energy Center***

The mission of the Florida Solar Energy Center (center) is to research and develop energy technologies that enhance Florida's and the nation's economy and environment and educate the public, students and practitioners on the results of the research. The Florida Solar Energy Center is administered by the University of Central Florida.<sup>11</sup> The center was created by the Florida Legislature in 1976 to serve as the state's energy research institute.<sup>12</sup> The main responsibilities of the center are to:

- Develop and adopt standards for solar energy systems manufactured or sold in this state; and
- Establish criteria for testing performance of solar energy systems.

The center may receive a testing fee for any testing performed.

All solar energy systems manufactured or sold in the state must meet the standards established by the center and must display accepted results of an approved performance test in a manner prescribed by the center.<sup>13</sup>

## **III. Effect of Proposed Changes:**

The CS provides for an annual fee of \$25 for the Solar Power specialty license plate.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Department of State, Division of Corporations, Sunbiz, Florida Solar Energy Research and Education Foundation, Inc. <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 29, 2020).

<sup>11</sup> FSEC Energy Research Center. *About Us*, available at <https://energyresearch.ucf.edu/about-us/> (last visited January 31, 2020).

<sup>12</sup> Ch. 76-246, Law of Fla.

<sup>13</sup> Section 377.705(4), F.S.



This CS has an effective date of October 1, 2020, but only if CS/SB 956 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>14</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>15</sup>

The \$25 annual use fee for the Solar Power specialty license plate may be a new state fee for purposes of requiring a supermajority vote and a separate CS containing no other subject.

**E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

Individuals who choose to purchase a Solar Power specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

**B. Private Sector Impact:**

Revenue from the sale of the Solar Power specialty license plate will benefit the Florida Solar Energy Center, federal veteran support facilities, and not-for-profit, educational, or charitable organizations that further the growth of the use of solar energy in this state.

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<sup>14</sup> FLA. CONST. art. VII, s. 19(a).

<sup>15</sup> FLA. CONST. art. VII, s. 19(d)(1).

**C. Government Sector Impact:**

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.<sup>16</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08056

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 956.

**B. Amendments:**

None.

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

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<sup>16</sup> Section 320.08056(7), F.S.



886678

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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The Committee on Infrastructure and Security (Perry) recommended the following:

**Senate Amendment**

Delete line 15  
and insert:  
SB 956 or similar legislation takes effect, if such  
legislation

By Senator Perry

8-01071-20

2020958\_\_

1                           A bill to be entitled  
2       An act relating to fees; amending s. 320.08056, F.S.;  
3       creating a fee for a certain specialty license plate;  
4       providing a contingent effective date.  
5  
6   Be It Enacted by the Legislature of the State of Florida:  
7  
8       Section 1. Paragraph (ffff) is added to subsection (4) of  
9       section 320.08056, Florida Statutes, to read:  
10      320.08056 Specialty license plates.—  
11      (4) The following license plate annual use fees shall be  
12      collected for the appropriate specialty license plates:  
13      (ffff) Solar Power license plate, \$25.  
14      Section 2. This act shall take effect on the same date that  
15      SB \_\_ or similar legislation takes effect, if such legislation  
16      is adopted in the same legislative session or an extension  
17      thereof and becomes a law.

185

## THE FLORIDA SENATE

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/3/20

Meeting Date

958

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title \_\_\_\_\_

Address 10412 Crest StPhone 941-323-2404

Street

TLH

City

FL

State

32301

Zip

Email cullenasea@aol.comSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing

SIERRA CLUB FLORIDAAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 1454

INTRODUCER: Senator Powell

SUBJECT: Specialty License Plates/Highwaymen

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u></u>	<u></u>	<u>ATD</u>	<u></u>
3.	<u></u>	<u></u>	<u>AP</u>	<u></u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1454 creates the Highwaymen specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

CS/SB 1456 (2020), which this CS is linked to, provides for an annual use fee of \$25 for the Highwaymen specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date of October 1, 2020, but only if CS/SB 1456 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

## II. Present Situation:

### Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup> In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### *DHSMV Costs Defrayed*

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

### *Discontinuance of Specialty Plates*

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 24, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Highwaymen**

From the early 1950s through the 1980s, a group of 26 African-American artists known as the "Florida Highwaymen" used vivid and bright colors to display the beautiful untouched Florida landscape. The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately \$25 apiece. Currently, the market for an original work of art by a Florida Highwayman can bring \$5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.<sup>10</sup>

### **Education Foundation**

In 1990, the St. Lucie County Education Foundation<sup>11</sup> was organized as a direct support organization of the St. Lucie County School Board to raise private funds for programs to support students, teachers and public schools. The St. Lucie County Education Foundation is a non-profit organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.<sup>12</sup>

## **III. Effect of Proposed Changes:**

The CS directs the DHSMV to develop the Highwaymen specialty license plate bearing the colors and design approved by the DHSMV. The new license plates will display the word "Florida" at the top of the plate and "Highwaymen" at the bottom of the plate. The annual use fees will be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the license plate.

The CS directs the annual use fees to be distributed as follows:

- Before completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - Up to ten percent may be used for administrative and marketing costs of the license plate;
  - A minimum of 15 percent shall be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County; and

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited January 24, 2020).

<sup>11</sup> Florida Department of State, Division of Corporations, Sunbiz, St. Lucie County Education Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 24, 2020).

<sup>12</sup> Education Foundation, *About Us*, available at <https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk> (last visited January 24, 2020).



- The remainder of the fees shall be used to fund the construction of the Highwaymen Museum and African-American Cultural Center.
- Upon completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - Up to ten percent may be used for administrative and marketing costs of the license plate;
  - A minimum of ten percent shall be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County; and
  - The remainder of the fees shall be used to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

The CS has an effective date of October 1, 2020, but only if CS/SB 1456 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

Revenue from the sale of the Highwaymen specialty license plate will benefit the St. Lucie Education Foundation, Inc., and the construction and operation of the Highwaymen Museum and African American Cultural Center.

**C. Government Sector Impact:**

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming.<sup>13</sup> 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.<sup>14</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08058

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 1456.

**B. Amendments:**

None.

---

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

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<sup>13</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 1454*, (January 27, 2020).

<sup>14</sup> Section 320.08056(7), F.S.



191476

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
	.	
	.	
	.	

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The Committee on Infrastructure and Security (Powell)  
recommended the following:

**Senate Amendment**

Delete line 40  
and insert:  
only if SB 1456 or similar legislation takes effect, if  
such

By Senator Powell

30-01445-20

20201454\_\_

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Highwaymen license plate; providing for distribution and use of fees collected from the sale of the plates; providing a contingent effective date.

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

Section 1. Subsection (85) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(85) HIGHWAYMEN LICENSE PLATES.—

(a) The department shall develop a Highwaymen license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Highwaymen" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the license plate. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate and shall use the remainder of the fees as follows:

1. Before completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 15 percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the

30-01445-20

20201454\_\_

fees shall be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.

2. Upon completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 10 percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

Section 2. This act shall take effect October 1, 2020, but only if SB \_\_\_\_ or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**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.)

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Prepared By: The Professional Staff of the Committee on Infrastructure and Security

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BILL: CS/SB 1456

INTRODUCER: Senator Powell

SUBJECT: Specialty License Plate Fees/Highwaymen

DATE: February 5, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ATD</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1456 provides for an annual use fee of \$25 for the Highwaymen specialty license plate.

CS/SB 1454 (2020), which this CS is linked to, creates the Highwaymen specialty license plate and provides for the design of the plate and the use of the annual fees associated with the specialty license plate.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the CS will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The CS has an effective date on the same date that CS/SB 1454 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## II. Present Situation:

### Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida<sup>1</sup>. 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.<sup>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup>

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- 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 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 of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. 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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

### *DHSMV Costs Defrayed*

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of 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.<sup>7</sup>

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 24, 2020).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

### ***Discontinuance of Specialty Plates***

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates 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 specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate 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.<sup>9</sup>

### **Highwaymen**

From the early 1950s through the 1980s, a group of 26 African-American artists known as the "Florida Highwaymen" used vivid and bright colors to display the beautiful untouched Florida landscape. The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately \$25 apiece. Currently, the market for an original work of art by a Florida Highwayman can bring \$5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.<sup>10</sup>

### **Education Foundation**

In 1990, the St. Lucie County Education Foundation<sup>11</sup> was organized as a direct support organization of the St. Lucie County School Board to raise private funds for programs to support students, teachers and public schools. The St. Lucie County Education Foundation is a non-profit organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.<sup>12</sup>

## **III. Effect of Proposed Changes:**

The CS provides for an annual use fee of \$25 for the Highwaymen specialty license plate.

The CS has an effective date on the same date that CS/SB 1454 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited January 24, 2020).

<sup>11</sup> Florida Department of State, Division of Corporations, Sunbiz, St. Lucie County Education Foundation, Inc., <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited January 24, 2020).

<sup>12</sup> Education Foundation, *About Us*, available at <https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk> (last visited January 24, 2020).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>13</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>14</sup>

The \$25 annual use fee for the Highwaymen specialty license plate may be a new state fee for purposes of requiring a supermajority vote and a separate CS containing no other subject.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

Individuals who choose to purchase a Highwayman specialty license plate will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

**B. Private Sector Impact:**

Revenue from the sale of the Highwaymen specialty license plate will benefit the St. Lucie Education Foundation, Inc., and the construction and operation of the Highwaymen Museum and African American Cultural Center.

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<sup>13</sup> FLA. CONST. art. VII, s. 19(a).

<sup>14</sup> FLA. CONST. art. VII, s. 19(d)(1).



**C. Government Sector Impact:**

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.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This CS substantially amends the following section of the Florida Statutes: 320.08056

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

**CS by Infrastructure and Security on February 3, 2020:**

- Incorporates the linked bill number of SB 1454.

**B. Amendments:**

None.

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

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<sup>15</sup> Section 320.08056(7), F.S.



475934

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2020	.	
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	.	
	.	

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The Committee on Infrastructure and Security (Powell)  
recommended the following:

**Senate Amendment**

Delete line 16  
and insert:  
SB 1454 or similar legislation takes effect, if such  
legislation

By Senator Powell

30-01446-20

20201456\_\_

1                   A bill to be entitled  
2       An act relating to specialty license plate fees;  
3       amending s. 320.08056, F.S.; establishing a fee for a  
4       certain specialty license plate; providing a  
5       contingent effective date.  
6  
7   Be It Enacted by the Legislature of the State of Florida:  
8  
9       Section 1. Paragraph (ffff) is added to subsection (4) of  
10      section 320.08056, Florida Statutes, to read:  
11       320.08056 Specialty license plates.-  
12       (4) The following license plate annual use fees shall be  
13      collected for the appropriate specialty license plates:  
14       (ffff) Highwaymen license plate, \$25.  
15      Section 2. This act shall take effect on the same date that  
16      SB \_\_\_\_ or similar legislation takes effect, if such legislation  
17      is adopted in the same legislative session or an extension  
18      thereof and becomes a law.

AMS-030

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Laurel M. Lee, Secretary of State,  
do hereby certify that

***Richard Burke***

is duly appointed a member of the

**Florida Transportation Commission**

for a term beginning on the First day of October, A.D., 2019,  
until the Thirtieth day of September, A.D., 2023 and is subject to  
be confirmed by the Senate during the next regular session of the  
Legislature.



*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Ninth day of January, A.D., 2020.*

*Laurel M. Lee*

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



RON DESANTIS  
GOVERNOR

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DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

August 23, 2019

Secretary Laurel M. Lee  
Department of State  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment:

Richard Burke

as a member of the Florida Transportation Commission, for a term beginning October 1, 2019 and ending September 30, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis  
Governor

RD/jf

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

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DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

STATE OF FLORIDA

County of St. Johns

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Transportation Commissioner

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]

Signature

Sworn to and subscribed before me this 10<sup>th</sup> day of December, 2019.

Michelle K. Schluter

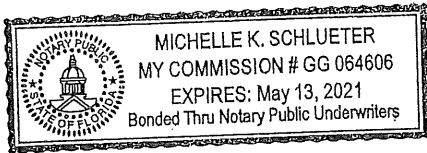
Signature of Officer Administering Oath or of Notary Public

Michelle K. Schluter

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced \_\_\_\_\_



## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

77 S. Roscoe Blvd

Street or Post Office Box

Ponte Vedra Beach, FL 32082

City, State, Zip Code

Richard Burke

Print Name

[Signature]

Signature

123158

## QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate.

Please type or print in blue or black ink.

12/5/2019

Date Completed

1. Name: Mr. Burke Richard L.  
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 90 Fort Wade Road Suite 200 Ponte Vedra  
Street Office # City  
FL 32081 904-737-7900  
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 77 S. Roscoe Blvd. Ponte Vedra Beach St. Johns  
Street City County  
FL 32082  
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business ☐ Residence ☒ Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
77 S. Roscoe Blvd.	Ponte Vedra Beach, FL	2013	Current

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
67 Foxbriar Drive	Mechanicsville, VA	1989	1994
17 Highland Road	Roanoke, VA	1994	1995
12 Nevelle Court	Rochester, NY	1995	1999
N139W156 Red Hawk Road Delafield, WI		1999	2013

5. Date of Birth: \_\_\_\_\_ Place of Birth: Front Royal, VA

6. Social Security Number \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ State: Florida

8. Have you ever used or been known by any other legal name? Yes ☐ No ☒ If "Yes" Explain

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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9. Are you a United States citizen? Yes ☒ No ☐ If "No" explain:

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If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? November 2012

11. Are you a registered Florida voter? Yes ☒ No ☐ If "Yes" list:

A. County of Registration: St. Johns B. Current Party Affiliation: Republican

12. Education

A. High School: Rappahamock County High School, VA Year Graduated: 1982  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>Randolph Macon College</u>	<u>1982 - 1986</u>	<u>Bachelors of Science</u>
<u>Ashland, VA</u>		

13. Are you or have you ever been a member of the armed forces of the United States? Yes ☐ No ☒ If "Yes" list:

A. Dates of Service: \_\_\_\_\_

B. Branch or Component: \_\_\_\_\_

C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes ☐ No ☒ If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Advanced Disposal</u>	<u>Waste/Recycling</u>	<u>CEO</u>	<u>2012 - Current</u>
<u>90 Fort Wade Road</u>			
<u>Ponte Vedra, FL 32081</u>			

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes ☐ No ☒

If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>



17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

\* 31 Years Private Industry Growing Business

\* Employee base in excess of 10,000

\* Budget, Planning, Forecast of \$2 Billion Business

\* Regulatory Experience across 17 States / Canada

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes ☐ No ☒ If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes ☐ No ☒ If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

None

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes ☐ No ☒ If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes ☐ No ☒ If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title

Date of Election or Appointment

Term of Office

Level of Government

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

Meetings Attended

Meetings Missed

Reason for Absence


20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes ☐ No ☒ If "Yes", give details:

Date

Nature of Violation

Disposition


21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes ☐ No ☒ If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated ☐ Removed ☐ Resigned ☐

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes ☐ No ☒ If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes ☐ No ☒ If "Yes", explain:


24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes ☐ No ☒ If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

License/Certificate  
Title & Number

Original  
Issue Date

Issuing Authority

Disciplinary Action/Date


25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

Name of Business

Your Relationship to Business

Business' Relationship to Agency


B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes ☐ No ☒ If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes ☐ No ☒

A. Did you receive any compensation other than reimbursement for expenses? Yes ☐ No ☐

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
John Spegal,			
Joby Martin,			
BJ Ibach			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
EREF	3301 Benson Drive, Ste. 101	Board Member	2007-Now
	Raleigh, NC 27609	Chairman - 2010 to 2012	
K9s for Warriors	114 Camp K9 Road	Board Member	2017-Now
	Ponte Vedra, FL 32081		

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes ☐ No ☒ If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes ☒ No ☐

CERTIFICATION

STATE OF FLORIDA  
COUNTY OF

St. Johns

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DEPARTMENT OF STATE  
DIVISION OF ELECTIONS

Before me, the undersigned Notary Public of Florida, personally appeared

Richard L. Burke

who, after being duly sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]

Signature of Applicant-Affiant

Sworn to and subscribed before me this 5<sup>th</sup> day of December, 2019.

Michelle K. Schluter

Signature of Notary Public-State of Florida

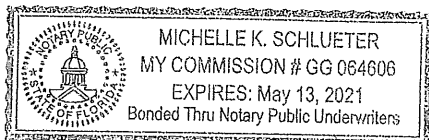
Michelle K. Schluter

(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: May 13, 2021

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced \_\_\_\_\_



(seal)

## **MEMORANDUM**

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

☒ Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) Social Security # - Identity Theft

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

## Senate Confirmation Questionnaire

*Please mail to: Room316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250*

The information from this page has been requested and will be used exclusively for Minority Statistics.

**Please type or use blue ink.**

1. Board of Interest: Florida Transportation Commission

2. Current Employer and Occupation: Advanced Disposal - CEO

3. Are you applying for reappointment: Yes ☒ No ☐

4. \*Do you have a disability? Yes ☐ No ☒ If "Yes", please describe your disability that would qualify you for this appointment, if applicable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. \*Sex: Male ☒ Female ☐

6. \*Race: White ☒ African-American ☐  
Hispanic-American ☐ Asian/Pacific Islander ☐  
Native-American/Alaskan Native ☐

7. Do you now, or have you, within the last three years, been a member of any club or organization that, to your knowledge, in practice or policy, restricts membership or restricted membership during the time that you belonged on the basis of race, religion, national origin, or gender? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and state whether you intend to continue as a member if you appointed by the Governor.

8. One of the Governor's top priorities is to improve the conditions of the children living in our state. Would you be willing to spend an hour a week with a child in need in your community? If so, please identify the type of program and/or activity you would be willing to participate in as a mentor.

Richard Burke

Applicant's Name, including name commonly used  
(Please print)

\* This information will be used to provide demographic statistics and is not requested for the purpose of discriminating on any basis

# CourtSmart Tag Report

**Room:** EL 110

**Case No.:**

**Type:**

**Caption:** Senate Infrastructure and Committee

**Judge:**

**Started:** 2/3/2020 4:10:01 PM

**Ends:** 2/3/2020 5:50:56 PM **Length:** 01:40:56

4:10:00 PM Meeting called to order by Chair Lee  
4:10:03 PM Roll call by AA Marilyn Hudson  
4:10:12 PM Quorum present  
4:10:22 PM Introduction of Tab 19 by Chair Lee  
4:10:35 PM Explanation of SB 1454, Specialty License/Highwaymen by Senator Powell  
4:11:46 PM Introduction of Amendment by Chair Lee  
4:12:00 PM Explanation of Amendment Barcode No. 191476 by Senator Powell  
4:12:14 PM Amendment adopted  
4:12:31 PM Closure waived  
4:12:35 PM Roll call by AA  
4:12:43 PM CS/SB 14524 reported favorably  
4:13:01 PM Introduction of Tab 20 by Chair Lee  
4:13:09 PM Explanation of SB 1456, Specialty License Plate Fees/Highwaymen by Senator Powell  
4:13:28 PM Amendment adopted  
4:13:38 PM Closure waived  
4:13:46 PM Roll call by AA  
4:13:48 PM CS/SC 1456 reported favorably  
4:14:13 PM Comments by Chair Lee  
4:14:33 PM Introduction of Tab 5 by Chair Lee  
4:14:46 PM Explanation of SB 7040, Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission by Senator Diaz  
4:21:36 PM Question by Chair Lee  
4:21:43 PM Response from Senator Diaz  
4:21:58 PM Follow-up question from Chair Lee  
4:22:07 PM Response from Senator Diaz  
4:22:54 PM Follow-up question from Chair Lee  
4:23:05 PM Response from Senator Diaz  
4:23:51 PM Follow-up question from Chair Lee  
4:24:02 PM Response from Senator Diaz  
4:25:21 PM Question from Senator Cruz  
4:25:32 PM Response from Senator Diaz  
4:27:57 PM Comments from Chair Lee  
4:28:16 PM Chair turned over to Senator Hooper  
4:28:34 PM Question from Senator Hooper  
4:28:46 PM Introduction of Late-filed Amendment Barcode No. 747134 by Chair Hooper  
4:28:53 PM Explanation of Amendment by Senator Lee  
4:31:19 PM Senator Stewart in debate  
4:31:38 PM Senator Diaz in debate  
4:32:34 PM Senator Lee in closure  
4:33:28 PM Amendment adopted  
4:33:42 PM Chair returned to Senator Lee  
4:33:52 PM Elizabeth Moya, Florida Department of Education waives in support  
4:34:02 PM Comments by Chair Lee  
4:34:25 PM Senator Diaz in Closure  
4:34:36 PM Roll call by AA  
4:34:58 PM CS/SB 7040 reported favorably  
4:35:14 PM Introduction of Tab 17 by Chair Lee  
4:35:41 PM Explanation of SB 965, Specialty License Plates/Solar Power by Senator Bean  
4:36:30 PM Question by Chair Lee  
4:36:39 PM Introduction of Amendment Barcode No. 672970 by Chair Lee  
4:36:47 PM Amendment adopted  
4:37:04 PM Speaking Patrick Altier, Solar Trek, Inc. in support

4:38:22 PM Richard Pinsky, Florida Solar Energy Industry Association waives in support  
4:38:29 PM David Cullen, Sierra Club Florida waives in support  
4:38:39 PM Jeffery Sharky, Tesla waives in support  
4:39:04 PM Closure waived  
4:39:13 PM Roll call by AA  
4:39:17 PM CS/SB 956 reported favorably  
4:39:32 PM Introduction of Tab 18 by Chair Lee  
4:39:38 PM Introduction of Amendment by Chair Lee  
4:39:52 PM Amendment adopted  
4:39:58 PM David Cullen, Sierra Club Florida waives in support  
4:40:09 PM Closure waived  
4:40:12 PM Roll call by AA  
4:40:17 PM CS/SC 958 reported favorably  
4:40:35 PM Introduction of Tab 9 by Chair Lee  
4:40:50 PM Explanation of SB 108, Specialty License Plates/ Florida State Beekeepers Association by Senator Rader  
4:41:25 PM Introduction of Amendment Barcode No. 582674 by Chair Lee  
4:41:31 PM Explanation of Amendment by Senator Rader  
4:41:40 PM Amendment adopted  
4:41:53 PM Closure by Senator Rader  
4:42:16 PM Roll call by AA  
4:42:59 PM CS/SB 108 reported favorably  
4:43:14 PM Introduction of Tab 10 by Chair Lee  
4:43:22 PM Explanation of SB 110, Fees/Florida State Beekeepers Association License Plate by Senator Rader  
4:43:37 PM Introduction of Amendment Barcode No. 587356 by Chair Lee  
4:43:43 PM Explanation of Amendment by Senator Rader  
4:43:53 PM Amendment adopted  
4:44:07 PM Closure waived  
4:44:10 PM Roll call by AA  
4:44:15 PM CS/SB 110 reported favorably  
4:44:32 PM Introduction of Tab 7 by Chair Lee  
4:44:41 PM  
4:44:51 PM Explanation of SB 412, License Plates by Senator Bean  
4:48:25 PM Introduction of Amendment Barcode No. 850180 by Chair Lee  
4:50:22 PM Introduction of Amendment to Amendment  
4:50:49 PM Explanation of Amendment by Senator Taddeo  
4:51:34 PM Rana Brown, Best Buddies waives in support  
4:51:49 PM Senator Bean in debate  
4:52:13 PM Closure waived  
4:52:18 PM Amendment adopted  
4:52:35 PM Jeffery Sharky, Margaritaville/ Singing for Change waives in support  
4:53:04 PM Amy Zubaly, Florida Municipal Electric Association in support  
4:53:13 PM Kevin M. Noonian, Orlando Utilities Commission waives in support  
4:53:19 PM Senator Hooper in debate  
4:53:50 PM Senator Stewart in debate  
4:54:18 PM Question from Senator Stewart  
4:54:31 PM Response from Senator Bean  
4:54:38 PM Comments by Chair Lee  
4:55:08 PM Senator Bean in closure  
4:55:54 PM Amendment adopted  
4:56:04 PM John Haynes, Chairman Ameritus waives in support  
4:56:24 PM Jim DeBeaugine, Special Olympics Florida waives in support  
4:56:41 PM Sue Mullins, Florida Native Plant Society waives in support  
4:56:44 PM Lew Wilson, Florida Veterans Foundation waives in support  
4:56:58 PM Alan Abramowitz, Statewide Guardian Ad Litem Program waives in support  
4:57:10 PM Trip Aukeman, Coastal Conservation Association waives in support  
4:57:19 PM Chris Cochran, Florida Department of Veterans Affairs waives in support  
4:57:26 PM Erin Ballas, The Palm Beach Zoo waives in support  
4:57:29 PM Dan Hendrickson, Tallahassee Veterans Legal Collaborative waives in support  
4:57:45 PM Jon Custello, Florida Off Road Foundation waives in support  
4:57:51 PM John Haynes, Military Order of the Purple Heart waives in support  
4:58:15 PM Senator Bean in closure  
4:58:29 PM Roll call by AA



<b>4:58:36 PM</b>	CS/SB 412 reported favorably
<b>4:58:47 PM</b>	Introduction of Tab 8 by Chair Lee
<b>4:59:17 PM</b>	Explanation of SB 414, Fees/ Specialty License Plates and Amendment Barcode No.221034 by Senator Bean
<b>4:59:21 PM</b>	Amendment adopted
<b>4:59:31 PM</b>	Closure waived
<b>4:59:35 PM</b>	Roll call by AA
<b>4:59:40 PM</b>	CS/SB 414 reported favorably
<b>4:59:50 PM</b>	Introduction of Tab 3 by Chair Lee
<b>5:00:02 PM</b>	Explanation of SB 1148, Electric Bicycles by Senator Brandes
<b>5:00:27 PM</b>	Introduction of Amendment Barcode No. 237532 by Chair Lee
<b>5:01:09 PM</b>	Explanation of Amendment by Senator Brandes
<b>5:01:37 PM</b>	Question by Chair Lee
<b>5:01:57 PM</b>	Response from Senator Brandes
<b>5:02:45 PM</b>	Comments from Cindy Price
<b>5:03:25 PM</b>	Comments from Senator Brandes
<b>5:03:37 PM</b>	Comments from Chair Lee
<b>5:03:46 PM</b>	Speaker Becky Afonso, Florida Bicycle Association in support
<b>5:05:10 PM</b>	Amendment adopted
<b>5:05:21 PM</b>	Introduction of Amendment Barcode No. 905948 by Chair Lee
<b>5:05:31 PM</b>	Explanation of Amendment by Senator Brandes
<b>5:06:46 PM</b>	Introduction of Amendment Barcode No. 341430 by Chair Lee
<b>5:07:04 PM</b>	Explanation of Amendment by Cindy Price
<b>5:09:06 PM</b>	Question by Chair Lee
<b>5:09:19 PM</b>	Response from Cindy Price
<b>5:09:30 PM</b>	Comments by Chair Lee
<b>5:09:49 PM</b>	Comments from Senator Brandes
<b>5:10:03 PM</b>	Comments from Chair Lee
<b>5:10:14 PM</b>	Chair turned to Senator Perry
<b>5:10:40 PM</b>	Introduction of Late-filed Amendment Barcode No. 770776 by Chair Perry
<b>5:10:52 PM</b>	Explanation of Late-filed Amendment by Senator Lee
<b>5:11:57 PM</b>	Senator Lee in closure
<b>5:12:13 PM</b>	Amendment adopted
<b>5:12:18 PM</b>	Chair returned to Senator Lee
<b>5:12:33 PM</b>	Closure waived
<b>5:12:43 PM</b>	Amendment adopted
<b>5:12:47 PM</b>	
<b>5:13:10 PM</b>	
<b>5:13:36 PM</b>	Jeff Branch, Florida League of Cities waives in support
<b>5:13:48 PM</b>	Question by Senator Taddeo
<b>5:14:13 PM</b>	Response from Chair Lee
<b>5:14:22 PM</b>	Amendment adopted
<b>5:14:38 PM</b>	Speaker Harry van den Berg in opposition
<b>5:20:21 PM</b>	Comments from Chair Lee
<b>5:21:33 PM</b>	Becky Afonso, Florida Bicycle Association waives in support
<b>5:21:41 PM</b>	Jeff Branch, Florida League of Cities waives in support
<b>5:21:49 PM</b>	Senator Bean in debate
<b>5:22:08 PM</b>	Senator Brandes in closure
<b>5:23:31 PM</b>	Roll call by AA
<b>5:23:36 PM</b>	CS/SB 1148 reported favorably
<b>5:23:47 PM</b>	Introduction of Tab 2 by Chair Lee
<b>5:24:07 PM</b>	Explanation of CS/SB 754, School Crossing Guards by Senator Baxley
<b>5:25:55 PM</b>	Introduction of Amendment Barcode No. 304932 by Chair Lee
<b>5:26:07 PM</b>	Explanation of Amendment by Senator Baxley
<b>5:26:24 PM</b>	Amendment adopted
<b>5:26:29 PM</b>	Mary-Lynn Cullen, Advocacy Institute For Children waives in support
<b>5:26:47 PM</b>	Closure waived
<b>5:26:54 PM</b>	Roll call by AA
<b>5:26:54 PM</b>	CS/SB 754 reported favorably
<b>5:27:09 PM</b>	Introduction of Tab 4 by Chair Lee
<b>5:27:16 PM</b>	Explanation of SB 1272 by Senator Hooper
<b>5:27:37 PM</b>	Introduction of Tab 1 by Chair Lee

5:27:44 PM Explanation of SB 306, State Funds by Senator Mayfield  
 5:29:26 PM Doug Leever, Mortgage Banker Association of Florida waives in support  
 5:29:30 PM Ken Pruitt, Florida Association of Local Finance Housing Authorities in support  
 5:29:34 PM Georgia McKeown, Florida Association of Centers for Independent Living waives in support  
 5:29:41 PM David Hilmom, Habitat For Humanity Alachua County waives in support  
 5:29:50 PM Scott Zellak, FWBA waives in support  
 5:30:02 PM Kevin Cleary, Coalition of Affordable Housing Providers waives in support  
 5:30:07 PM Shannon Belmont waives in support  
 5:30:12 PM Lauren Storch, Hillsborough County waives in support  
 5:30:19 PM Mike Azzarello, Mortgage Bankers Association of Florida waives in support  
 5:30:34 PM Mark Hendrickson, Florida Association of Local Housing Finance Authorities waives in support  
 5:30:44 PM Dorene Baker, AARP FL waives in support  
 5:30:54 PM Ron Lieberman, Florida Housing Finance Corporation waives in support  
 5:30:58 PM Mark Jeffries, Orange County waives in support  
 5:31:05 PM Kenneth Pratt, Florida Bankers Association waives in support  
 5:31:12 PM B.D. Jogerst, Associated Industries of Florida waives in support  
 5:31:21 PM Bryan Cherry, FL Coalition to End Homelessness waives in support  
 5:31:31 PM Christopher Emmanuel, Florida Chamber of Commerce waives in support  
 5:31:37 PM Jaimie Ross, Florida Housing Coalition waives in support  
 5:31:40 PM Barbara Beck, Habitat for Humanity of Florida  
 5:31:45 PM Shawn Noles, Volunteers of America of Florida waives in support  
 5:31:50 PM Candice Ericks, Palm Beach County waives in support  
 5:31:55 PM Tonnette Graham, Florida Association of Counties waives in support  
 5:32:06 PM Lisa Hurley, Collier County waives in support  
 5:32:12 PM Jeff Branch, Florida League of Cities waives in support  
 5:32:16 PM Paul Owens, 1000 Friends of Florida waives in support  
 5:32:23 PM Karen Koch, Florida Supportive Housing Coalition waives in support  
 5:32:29 PM David Hall, Realtor waives in support  
 5:32:37 PM Ron Lieberman, Florida Housing Finance Corporation waives in support  
 5:32:42 PM Dane Bennett, Florida Home Builders Association waives in support  
 5:32:48 PM Grace Lovett, Volunteers of America, Florida Retail Federation waives in support  
 5:32:53 PM Ida Eskamani, Organize Florida waives in support  
 5:33:02 PM Daphnee Sainvil, Broward County Board of County Commissioners waives in support  
 5:33:11 PM French Brown, Florida Realtors waives in support  
 5:33:16 PM Martha Edenfield, The City of Clearwater waives in support  
 5:33:21 PM Kirk Hall, The Arc of Florida waives in support  
 5:33:23 PM Ingrid Delgado, Florida Conference of Catholic Bishops waives in support  
 5:33:50 PM Senator Taddeo in debate  
 5:34:15 PM Senator Cruz in debate  
 5:35:03 PM Senator Stewart in debate  
 5:35:38 PM Chair Lee in debate  
 5:36:43 PM Senator Mayfield in closure  
 5:36:56 PM Roll call by AA  
 5:37:57 PM SB 306 reported favorably  
 5:38:07 PM Introduction of Tab 4 by Chair Lee  
 5:38:21 PM Explanation of SB 1272, Statewide Emergency Shelter Task Force by Senator Hooper  
 5:39:19 PM Closure waived  
 5:39:23 PM Roll call by AA  
 5:39:24 PM SB 1272 reported favorably  
 5:39:35 PM Introduction of Tab 11 by Chair Lee  
 5:39:49 PM Explanation of SB 314, Specialty License Plates/Toastmasters by Senator Stewart  
 5:40:32 PM Introduction of Amendment Barcode No. 953522 by Chair Lee  
 5:40:44 PM Amendment adopted  
 5:40:57 PM Closure waived  
 5:41:03 PM Roll call by AA  
 5:41:04 PM CS/SB 314 reported favorably  
 5:41:22 PM Introduction of Tab 12, SB 316, Fees/Toastmasters License Plate and Amendment Barcode No. 508462  
 by Chair Lee  
 5:41:37 PM Amendment adopted  
 5:41:41 PM Closure waived  
 5:41:45 PM Roll call by AA  
 5:41:50 PM C/SB 316 reported favorably

**5:42:07 PM** Introduction of Tab 13 by Chair Lee  
**5:42:13 PM** Explanation of SB 322, Specialty License Plates/Gopher Tortoise by Senator Stewart  
**5:42:29 PM** Introduction of Amendment Barcode No. 790106 by Chair Lee  
**5:42:38 PM** Amendment adopted  
**5:42:43 PM** Closure waived  
**5:42:44 PM** Roll call by AA  
**5:42:49 PM** CS/SB 322 reported favorably  
**5:42:59 PM** Introduction of Tab 14 by Chair Lee  
**5:43:06 PM** Explanation of SB 324, Fees/Gopher Tortoise License Plate and Amendment Barcode No. 398586 by Senator Stewart  
**5:43:11 PM** Amendment adopted  
**5:43:19 PM** Closure waived  
**5:43:25 PM** Roll call by AA  
**5:43:27 PM** CS/SB 324 reported favorably  
**5:43:37 PM** Introduction of Tab 15 by Chair Lee  
**5:43:50 PM** Explanation of SB 328, Specialty License Plates/Orlando United by Senator Stewart  
**5:44:09 PM** Introduction of Amendment Barcode No. 178712 by Chair Lee  
**5:44:18 PM** Amendment adopted  
**5:44:22 PM** Closure waived  
**5:44:32 PM** Roll call by AA  
**5:44:36 PM** CS/SB 328 reported favorably  
**5:44:46 PM** Introduction of Tab 16 by Chair Lee  
**5:44:51 PM** Explanation of SB 330, Fees/Orlando United License Plate by Senator Stewart  
**5:45:01 PM** Introduction of Amendment Barcode No. 205928 by Chair Lee  
**5:45:07 PM** Amendment adopted  
**5:45:15 PM** Closure waived  
**5:45:20 PM** Roll call by AA  
**5:45:23 PM** CS/SB 330 reported favorably  
**5:45:34 PM** Introduction of Tab 21 by Chair Lee  
**5:46:17 PM** Senator Bean moves for Confirmation of Richard Burke, Florida Transportation Commission  
**5:46:28 PM** Roll call by AA  
**5:46:43 PM** Confirmation reported favorably  
**5:46:50 PM** Introduction of Tab 6 by Chair Perry  
**5:47:01 PM** Explanation of SPB 7048, Public Records/Public Shelter Space by Senator Lee  
**5:48:16 PM** Laura Youmans, Florida Association of Counties waives in support  
**5:48:20 PM** Lisa Hurley, Collier County waives in support  
**5:48:26 PM** Rebecca Delarosa, Palm Beach County waives in support  
**5:48:32 PM** Daphne Sainvil, Broward County waives in support  
**5:48:41 PM** Senator Cruz moves that SPB 7048 be submitted as a Committee Bill  
**5:48:52 PM** Roll call by AA  
**5:48:53 PM** SPB 7048 reported favorably  
**5:49:04 PM** Chair returned to Senator Lee  
**5:49:24 PM** Senator Perry would like to be shown as voting in the affirmative on SB, 1454, 1456, 7040, 956, 958, 108, 110, 412, 414  
**5:49:43 PM** Senator Hutson would like to be shown as voting in the affirmative on SB 956, 958, 108, 110, 412, 414, 1148, 754, 306, 1272, 314, 316, 322, 324, 328, 330  
**5:50:10 PM** Senator Cruz would like to be shown voting in the affirmative on SB 1454, 1456, 956, 958, 108, 110, 412  
**5:50:34 PM** Senator Hooper moves to adjourn, meeting adjourned