

By the Committee on Transportation; and Senator Braynon

596-03276-14

2014244c1

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

23  
24   Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Paragraph (eeee) is added to subsection (4) of  
27       section 320.08056, Florida Statutes, and subsection (10) of that  
28       section is amended, to read:

29       320.08056 Specialty license plates.—

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

32 (eee) Sun, Sea, and Smiles license plate, \$25.

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

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

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

48 2. Bookkeeping and support services of the organization;

49 3. Office supplies and equipment not directly used for the  
50 specified program;

51 4. Travel time, per diem, mileage reimbursement, and  
52 lodging expenses not directly associated with a specified  
53 program purpose;

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

56 6. Miscellaneous expenses such as food, beverage,  
57 entertainment, and conventions.

58 Section 2. Subsection (83) is added to section 320.08058,

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59 Florida Statutes, to read:

60 320.08058 Specialty license plates.—

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

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

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

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

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

81 a. Sixty percent shall be used for a college scholarship  
82 program.

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

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

87 3. Twenty percent shall be distributed to the American

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

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

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

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

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

110 Section 3. Section 320.08062, Florida Statutes, is amended  
111 to read:

112 320.08062 Audits and attestations required; annual use fees  
113 of specialty license plates.—

114 (1) (a) All organizations that receive annual use fee  
115 proceeds from the department are responsible for ensuring that  
116 proceeds are used in accordance with ss. 320.08056 and

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117 320.08058.

118 (b) Any organization not subject to audit pursuant to s.  
119 215.97 shall annually attest, under penalties of perjury, that  
120 such proceeds were used in compliance with ss. 320.08056 and  
121 320.08058. The attestation shall be made annually in a form and  
122 format determined by the department.

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

128 (2)~~(a)~~ Within 120 ~~90~~ days after receiving an organization's  
129 audit or attestation, the department shall determine which  
130 recipients of revenues from specialty license plate annual use  
131 fees have not complied with subsection (1). In determining  
132 compliance, the department shall commission an independent  
133 actuarial consultant, or an independent certified public  
134 accountant, who has expertise in nonprofit and charitable  
135 organizations.

136 (a) The department must discontinue the distribution of  
137 revenues to an organization that fails to submit the  
138 documentation required in subsection (1), but may resume  
139 distribution of the revenues upon receipt of the required  
140 documentation.

141 (b) If the department or its designee determines that an  
142 organization has not complied or has failed to use the revenues  
143 in accordance with ss. 320.08056 and 320.08058, the department  
144 must discontinue the distribution of the revenues to the  
145 organization. The department must notify the organization of its

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146 findings and direct the organization to make the changes  
147 necessary in order to comply with this chapter. If the officers  
148 of the organization sign under penalties of perjury that they  
149 acknowledge the findings of the department and attest that they  
150 have taken corrective action and attest that the organization  
151 will submit to a follow-up review by the department, the  
152 department may resume the distribution of revenues until the  
153 department determines that the organization has complied.

154 (c) If an organization fails to comply with the  
155 department's directive requiring corrective actions as outlined  
156 in paragraph (b), the revenue distributions must be discontinued  
157 until completion of the next regular session of the Legislature.  
158 The department must notify the Legislature by the first day of  
159 the regular session of an organization whose revenues have been  
160 withheld pursuant to this paragraph. If the Legislature does not  
161 provide direction to the organization and the department  
162 regarding the status of the undistributed revenues, the  
163 department shall discontinue the plate, and undistributed  
164 revenues must within 12 months after the annual use fee proceeds  
165 are withheld by the department, the proceeds shall be  
166 immediately deposited into the Highway Safety Operating Trust  
167 Fund to offset department costs related to the issuance of  
168 specialty license plates.

169 ~~(b) In lieu of discontinuing revenue disbursement pursuant~~  
170 ~~to this subsection, upon determining that a recipient has not~~  
171 ~~complied or has failed to use the revenues in accordance with~~  
172 ~~ss. 320.08056 and 320.08058, and with the approval of the~~  
173 ~~Legislative Budget Commission, the department is authorized to~~  
174 ~~redirect previously collected and future revenues to an~~

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175 ~~organization that is able to perform the same or similar~~  
176 ~~purposes as the original recipient.~~

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

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

183 Section 5. Except for a specialty license plate proposal  
184 which has submitted a letter of intent to the Department of  
185 Highway Safety and Motor Vehicles before ~~prior to~~ May 2, 2008,  
186 and which has submitted a valid survey, marketing strategy, and  
187 application fee as required by s. 320.08053, Florida Statutes,  
188 before October 1, 2008 ~~prior to the effective date of this act,~~  
189 or which was included in a bill filed during the 2008  
190 Legislative Session, the Department of Highway Safety and Motor  
191 Vehicles may not issue any new specialty license plates pursuant  
192 to ss. 320.08056 and 320.08058, Florida Statutes, between July  
193 1, 2008, and July 1, 2016 ~~2011~~.

194 Section 6. This act shall take effect July 1, 2014.