

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: SB 412

INTRODUCER: Senators Bean and Harrell

SUBJECT: License Plates

DATE: January 31, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Pre-meeting
2.			AP	
3.			RC	

I. Summary:

SB 412 creates 24 specialty license plates (SLP) and provides for the design and the use of the annual fees associated with the SLPs. The bill also makes additional changes to the license plate laws:

- Revises five existing SLPs and repeals provisions related to four 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 bill also creates two new SLPs for recipients of the Purple Heart and the Bronze Star.

SB 414 (2020), which this bill is linked to, provides for an annual use fee of \$25 for a SLP and \$50 for out of state collegiate SLPs.

The bill will have a negative indeterminate fiscal impact associated with programming costs to the DHSMV. These costs can be absorbed within existing resources.

The bill 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.¹ 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.² 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.³

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.⁴

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.⁵ 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.⁶

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.⁷

¹ 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).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ 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.⁸ 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.⁹

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 \$17.¹⁰ These license plates are imprinted with the word "Dealer" at the bottom of the plate.¹¹ 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.¹²

Fleet license plates¹³ are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.¹⁴ 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.¹⁵ 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.¹⁶ 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.¹⁷

Neither dealer license plates nor fleet license plates are eligible to be specialty license plates.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

¹⁰ Section 320.08(12), F.S.

¹¹ Section 320.06(3), F.S.

¹² Section 320.13, F.S.

¹³ The term "fleet" means nonapportioned motor vehicles owned or leased by a company and used for business purposes. Section 320.0657(1), F.S.

¹⁴ 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).

¹⁵ 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).

¹⁶ *Id.*

¹⁷ 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 \$15.¹⁸ 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. Any additional fees must be deposited into the General Revenue Fund.¹⁹

Live the Dream License Plate

Section 320.08058(48), F.S., creates the Live the Dream SLP with an annual use fee of \$25.²⁰ 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 4 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.²¹

¹⁸ Section 320.08056(4)(g), F.S.

¹⁹ Section 393.002, F.S.

²⁰ Section 320.08056(4)(vv), F.S.

²¹ 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

Lighthouse Association License Plate

Section 320.08058(65), F.S., creates the Lighthouse Association SLP with an annual use fee of \$25.²² The license plate currently features the words “Visit Our Lights” on the bottom of the plate. The annual use fees are distributed to the Florida Lighthouse Association, Inc. A maximum of 10 percent may be used to promote and market the plates and the remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses in the state.²³

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 \$25.²⁴ 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 \$25.²⁵ 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 10 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.

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.

²² Section 320.08056(4)(mmm), F.S.

²³ Section 320.08058(65)(b)

²⁴ Section 320.08056(4)(nnn), F.S.

²⁵ Section 320.08056(4)(bbbb), F.S.

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.

Applicants for special license plates are required to pay the annual license tax²⁶ 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.²⁷ 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.²⁸

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.²⁹

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).³⁰

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

²⁶ The annual license tax is provided in s. 320.08, F.S.

²⁷ Section 320.089(2)(a), F.S.

²⁸ Section 320.089(1)(b), F.S.

²⁹ The Balance Careers, *Bronze Star Medal*, <https://www.thebalance.com/bronze-star-medal-3344939> (last visited January 31, 2020).

³⁰ Section 320.08068(4), F.S.

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.³¹

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.³²

Ducks Unlimited

Ducks Unlimited is a waterfowl and wetlands conservation organization founded in 1937. The mission of Ducks Unlimited is habitat conservation.³³ Since 1985, Ducks Unlimited has worked to conserve more than 26,000 acres of Florida wetlands.³⁴

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.³⁵ Opened in 2013, Marino Campus is a 10-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."³⁶

³¹ Preserve Vision Florida, *About Us*, <http://www.pvfla.org/about-us/> (last visited January 31, 2020).

³² 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).

³³ Ducks Unlimited, *About Ducks Unlimited*, <http://www.ducks.org/about-du?poe=hometxt> (last visited January 31, 2020).

³⁴ Ducks Unlimited, *Florida Conservation Projects*, <http://www.ducks.org/florida/florida-conservation-projects> (last visited January 31, 2020).

³⁵ Dan Marino Foundation, *About*, <https://danmarinofoundation.org/> (last visited January 31, 2020).

³⁶ Donate Life Florida, *About the Joshua Abbott Organ and Tissue Donor Registry*, <https://www.donateliflorida.org/content/about/> (last visited January 31, 2020).

Florida State Beekeepers Association

The Florida State Beekeepers Association³⁷ 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.”³⁸

America the Beautiful Fund

The America the Beautiful Fund is the fictitious name of Live Laugh Love Give, Inc.,³⁹ which is based in Tampa and registered as a Florida nonprofit corporation in 2015.⁴⁰

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 no curative treatment, and for those under five years old, the survival rate is less than ten percent.⁴¹ Beat Nb, Inc., is a nonprofit organization that has the mission to drive neuroblastoma cancer research and to raise awareness of the disease.⁴²

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.⁴³

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.”⁴⁴

³⁷ Department of State, Sunbiz.org, *Detail by Entity Name, Florida State Beekeepers Association, Incorporated*, Document No. 721237.

³⁸ Florida State Beekeepers Association, *Mission Statement*, <http://apisenterprises.com/fsba/fsbamiission.htm> (last visited January 31, 2020).

³⁹ Department of State, Sunbiz.org, *Fictitious Name Detail, America the Beautiful Fund*, Registration No. G15000109272.

⁴⁰ Department of State, Sunbiz.org, *Detail by Entity Name, Live Laugh Love Give, Inc.*, Document No. N15000007314.

⁴¹ Beat Nb, Inc. *Neuroblastoma*, <https://beatnb.org/neuroblastoma/> (last visited January 31, 2020).

⁴² Beat Nb, Inc. *Our Mission and Vision*, <https://beatnb.org/about-us/> (last visited January 31, 2020).

⁴³ Department of State, Sunbiz.org, *Detail by Entity Name, St. Lucie County Education Foundation, Inc.*, Document No. N17000002637.

⁴⁴ Pensacola Bama Club, *About*, <https://www.pensacolabamaclub.org/about> (last visited January 31, 2020).

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.⁴⁵

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.⁴⁶

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.⁴⁷

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.⁴⁸

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.⁴⁹

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.⁵⁰ In 1988, the club established the Vince Dooley Scholarship Fund to award scholarships to attend the

⁴⁵ Rotary, *Who We Are*, <https://www.rotary.org/en/about-rotary> (last visited January 31, 2020).

⁴⁶ Community Foundation of Tampa Bay, *What We Do*, <https://cftampabay.org/about/what-we-do/> (last visited January 31, 2020).

⁴⁷ Florida National Parks Association, *About The Florida National Parks Association*, <https://floridanationalparksassociation.com/about-florida-national-parks-association> (last visited January 31, 2020).

⁴⁸ Bonefish and Tarpon Trust, *BTT Mission*, <https://www.bonefishtarpontrust.org/btt-mission> (last visited January 31, 2020).

⁴⁹ Florida Benevolent Group, *About*, <https://www.floridabenevolentgroup.org/> (last visited January 31, 2020).

⁵⁰ Georgia Bulldog Club of Jacksonville, *Welcome to the Home of the Georgia Bulldog Club of Jacksonville*, <https://jaxbulldogs.com/> (last visited January 31, 2020)

University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker counties, based on academic and economic need.⁵¹

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.⁵²

St. Lucie County Education Foundation

In 1990, the St. Lucie County Education Foundation⁵³ 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 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.⁵⁴

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 fee⁵⁵ 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.

⁵¹ Georgia Bulldog Club of Jacksonville, *Scholarship*, <https://jaxbulldogs.com/scholarship-fund/> (last visited January 31, 2020).

⁵² Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited January 31, 2020).

⁵³ Department of State, Sunbiz.org, *Detail by Entity Name, St. Lucie County Education Foundation, Inc.*, Document No. N36808.

⁵⁴ St. Lucie County Education Foundation, *About Us*, available at <https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk> (last visited January 31, 2020).

⁵⁵ Section 320.08056(4)(i), F.S.

- 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.⁵⁶

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 2017.⁵⁷

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.⁵⁸

⁵⁶ DHSMV, *Specialty License Plates Images, Professional Sports*, available at <https://www.flhsmv.gov/dmv/specialtytags/> (last visited January 31, 2020).

⁵⁷ Orlando City Soccer Club, *History*, available at <https://www.orlandocitysc.com/club/history> (last visited January 31, 2020).

⁵⁸ Coastal Conservation Association Florida, <https://www.ccaflorida.org/> (last visited January 31, 2020).

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.⁵⁹

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.⁶⁰

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.⁶¹ The Florida Society for Ethical Ecotourism, Inc., is registered as an active nonprofit corporation with the DOS.⁶²

Paddle Florida, Inc.

Paddle Florida, Inc., is a nonprofit corporation⁶³ 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.⁶⁴

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,

⁵⁹ Palm Beach Zoo & Conservation Society, *About Us*, <https://www.palmbeachzoo.org/about-us> (last visited January 31, 2020).

⁶⁰ 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).

⁶¹ Id.

⁶² Department of State, Sunbiz.org, *Detail by Entity Name, Florida Society for Ethical Ecotourism, Inc.*, Document No. N01000000235.

⁶³ Department of State, Sunbiz.org, *Detail by Entity Name, Paddle Florida, Inc.*, Document No. N11000000503.

⁶⁴ Paddle Florida, <http://www.paddleflorida.org/> (last visited January 31, 2020).

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.⁶⁵ 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.⁶⁶

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.⁶⁷

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."⁶⁸

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.⁶⁹

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.⁷⁰

⁶⁵ Knights of Columbus, *Learn About Us*, <https://www.kofc.org/un/en/todays-knights/about-us.html> (last visited January 31, 2020).

⁶⁶ 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).

⁶⁷ Daughters of the American Revolution, *DAR History*, <https://www.dar.org/national-society/about-dar/dar-history> (last visited January 31, 2020).

⁶⁸ Florida Guardian Ad Litem Foundation, *About Us*, <https://flgal.org/about/> (last visited January 31, 2020).

⁶⁹ *Id.*

⁷⁰ St. Johns Riverkeeper, *About Us*, <https://www.stjohnsriverkeeper.org/about-us/> (last visited January 31, 2020).

Florida Veterans Foundation

The Florida Veterans Foundation is a direct-support organization of the Department of Veterans' Affairs established by the Legislature in 2008.⁷¹

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.⁷²

K9s United, Inc.

K9s United, Inc.⁷³ 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.⁷⁴

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 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.⁷⁵

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.⁷⁶ Any organization not subject to audit pursuant to the Florida Single Audit Act⁷⁷ must annually attest, under penalties of perjury, that such proceeds were used in compliance with applicable state laws.⁷⁸

⁷¹ Ch. 2008-84, Laws of Fla.

⁷² Florida Veterans Foundation, *About Florida Veterans Foundation*, available at <https://helpflvets.org/about/> (last visited January 31, 2020).

⁷³ Department of State, Sunbiz.org, *Detail by Entity Name, K9S United Inc.*, Document No. N15000004235.

⁷⁴ K9s United, *We're here for the officers who are here for you*, available at <https://www.k9sunited.org/about> (last visited January 31, 2020).

⁷⁵ Department of State, Sunbiz.org, *Detail by Entity Name, Florida Off Road Foundation, Inc.*, Document No. N19000001532.

⁷⁶ Section 320.08062(1)(a), F.S.

⁷⁷ Section 215.97, F.S.

⁷⁸ Section 320.08062(1)(b), F.S.

Any organization subject to audit pursuant to the Florida Single Audit Act⁷⁹ 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.⁸⁰

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 independent actuarial consultant, or an independent certified public accountant, who has expertise in nonprofit and charitable organizations.⁸¹

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.⁸²

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.⁸³

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.⁸⁴

The DHSMV has the authority to examine all records pertaining to the use of funds from the sale of SLPs.⁸⁵

⁷⁹ 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.

⁸⁰ Section 320.08062(1)(c), F.S.

⁸¹ Section 320.08062(2)(a), F.S.

⁸² Section 320.08062(2)(b), F.S.

⁸³ Section 320.08062(2)(c), F.S.

⁸⁴ Section 320.08062(2)(d), F.S.

⁸⁵ Section 320.08062(3), F.S.

III. Effect of Proposed Changes:

Establishing Specialty License Plates (section 4)

The bill 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 bill 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.,⁸⁶ 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 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 bill 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.⁸⁷ 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 bill 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 bill 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.⁸⁸

The bill 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 period⁸⁹ 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 bill 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

⁸⁶ Section 320.08058, F.S., lists specific specialty license plates.

⁸⁷ Specialty license plates will be discontinued pursuant to s. 320.08056(8), F.S.

⁸⁸ Florida Professional Sports Team license plates are established in s. 320.08058(9), F.S.

⁸⁹ License plates are issued for a 10-year period pursuant to s. 320.06(1)(b)1., F.S.

discontinuing the plate. The remaining funds are distributed to the appropriate organization or organizations.⁹⁰

The bill 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 bill 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 10 percent of SLPs with the lowest number of valid, active registrations as of December 1 of each year.

Specialty License Plates – Other Provisions (section 5)

The bill 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 bill 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 bill amends s. 320.08056(11), F.S., prohibiting any entity from using SLP revenue for lobbying. The current prohibition is limited to agencies.

The bill 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 6-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.”⁹¹

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.

⁹⁰ Distributions to recipient organizations are pursuant to s. 320.08058, F.S.

⁹¹ 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/Dealer Specialty License Plates (sections 1, 2, 3, and 5)

The bill 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 bill 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 bill amends ss. 320.0657(2)(b) and 320.08(12), F.S., authorizing the purchase of dealer and fleet SLPs. The bill 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 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 bill 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 bill 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.

Live the Dream License Plate

The bill 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.⁹²
- 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 bill 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

⁹² In 2011, Community Partnership for the Homeless changed its name to Chapman Partnership.

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.

Lighthouse Association License Plate

The bill changes the wording on the bottom of the Lighthouse Association SLP from "Visit Our Lights" to "SaveOurLighthouses.org."

In God We Trust License Plate

The bill 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 10 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.

Fallen Law Enforcement Officer License Plate

The bill amends the uses of the annual use fees from the Fallen Law Enforcement Officer SLP. The bill provides that the Police and Kids Foundation, Inc., may use up to 10 of the proceeds for marketing. The bill 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 bill 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 bill 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 bill creates s. 320.0875, F.S., creating the Purple Heart motorcycle SLP. Upon application to the DHSMV and payment of the motorcycle license tax,⁹³ 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 bill 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.

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 bill 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 10 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 bill 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

⁹³ The license tax is provided in s. 320.08, F.S.,

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 bill 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 bill 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.

America the Beautiful License Plate

The bill creates the America the Beautiful license plate. The word "Florida" appears at the top of the plate and "America the Beautiful" appears at the bottom of the plate.

The annual use fees are distributed to the America the Beautiful Fund and used as follows:

- Ten percent to offset administrative, marketing, and promotion costs.
- Ninety percent for projects and programs teaching character, leadership, and service to Florida youth; the provision of well-being and assistance in the military community; outdoor education advancing 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.

Beat Childhood Cancer License Plate

The bill 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 bill 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 Program⁹⁴ and use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

Rotary License Plate

The bill 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
- 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 bill 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.

⁹⁴ Section 1009.531, F.S.

Bonefish and Tarpon Trust License Plate

The bill 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 bill 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 bill 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 Program⁹⁵ and use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

Highwaymen License Plate

The bill 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:

⁹⁵ *Id.*

- 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 bill 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.⁹⁶

Coastal Conservation Association License Plate

The bill 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 future availability of those coastal resources for the benefit and enjoyment of the general public.

Palm Beach Zoo and Conservation Society License Plate

The bill 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

⁹⁶ See discussion in the Present Situation under the heading Florida Professional Sports Team License Plates.

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 bill 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 bill 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 bill 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 bill 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 bill 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 bill 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 bill 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 bill 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.

Audits and Attestations (section 8)

The bill 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 bill 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 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 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.⁹⁷ Special Olympics Florida and the Florida Lighthouse Association 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 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.⁹⁸

Additionally, the DHSMV states the cost to perform an audit every three years of each SLP may result in an insignificant workload impact that can be absorbed within existing resources.

VI. Technical Deficiencies:

There is a technical mistake in the bill in the changes to s. 320.08(12), F.S., because the bill language refers to "fleet" instead of "dealer."

VII. Related Issues:

None.

⁹⁷ Section 320.08056(9), F.S.

⁹⁸ Section 320.08056(7), F.S.

VIII. Statutes Affected:

This bill 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.)

None.

B. Amendments:

None.

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