



Transportation & Infrastructure Subcommittee

January 23, 2018
9:00 AM – 11:00 AM
Reed Hall (102 HOB)

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Infrastructure Subcommittee

Start Date and Time: Tuesday, January 23, 2018 09:00 am
End Date and Time: Tuesday, January 23, 2018 11:00 am
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 457 Directional Signs for Veterans' Facilities by Jacobs, Moraitis
HB 633 Florida Smart City Challenge Grant Program by Fischer
HB 807 Metropolitan Planning Organizations by Diamond, Toledo
HB 963 Towing and Immobilizing Fees and Charges by Cortes, B.
HB 1263 Specialty License Plates by Miller, M.
HB 1281 Garcon Point Bridge by Williamson
HB 1359 License Plates by Grant, J., Mariano


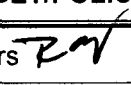
NOTICE FINALIZED on 01/19/2018 4:19PM by Larson.Lisa

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 457 Directional Signs for Veterans' Facilities

SPONSOR(S): Jacobs and others

TIED BILLS: IDEN./SIM. **BILLS:** SB 718

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson 	Vickers 
2) Transportation & Tourism Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The Department of Transportation's (DOT) Florida's Highway Guide Sign Program authorizes guide signs to various facilities, including United States Department of Veterans Affairs (USDVA) hospitals located within 10 miles of a limited-access facility, and authorizes local government agencies to request a permit authorizing it to maintain guide signs to national cemeteries and veterans community treatment centers.

The bill authorizes DOT to install directional signs for USDVA operated and maintained community-based outpatient clinics, centers, benefits offices, and national cemeteries on the rights-of-way of interstate highways and primary and secondary roads in accordance with Florida's Highway Guide Sign Program.

The bill authorizes, but does not require, DOT to install directional signs to certain USDVA facilities. There appears to be approximately 100 eligible facilities; however, it is unknown how many facilities DOT will install directional signs. Therefore, the fiscal impact is indeterminate at this time.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Regulation of Signs

Chapter 479, F.S., relates to outdoor advertising and authorizes the Department of Transportation (DOT) to regulate certain signs. The statute provide that the control of signs in areas adjacent to the state's highways is necessary to protect the public investment in the state highways; to attract visitors by conserving the state's natural beauty; to preserve and promote the recreational value of public travel; to assure that information in the specific interest of the traveling public is presented safely and aesthetically; to enhance the economic well-being of the state by promoting tourist-oriented businesses; and to promote points of scenic, historic, cultural, and educational interest.¹

Directional Sign Programs

Florida law currently authorizes directional sign programs for certain tourist oriented facilities, breweries, and craft distilleries.

Tourist-Oriented Directional Sign Program

Section 479.262, F.S., creates the tourist-oriented directional sign program, providing directions to rural tourist-oriented businesses, services, and activities. These signs may be placed at intersections on rural and conventional state, county, or municipal roads only when approved and permitted by county or local governmental entities within their respective jurisdictional areas. A county or local government that issues permits for a tourist-oriented directional sign program is responsible for sign construction, maintenance, and program operation for roads on the state highway system and may establish permit fees sufficient to offset associated costs.²

Florida Brewery/Craft Distillery Directional Signs

Sections 563.13 and 565.03(6) F.S., respectively provide for directional signs for breweries and craft distilleries. Upon the request of a licensed brewery or craft distillery meeting certain statutory criteria, DOT must install directional signs for the brewery or craft distillery on the rights-of-way of interstate highways and primary and secondary roads in accordance with Florida's Highway Guide Sign Program.³ A licensed brewery or craft distillery requesting a directional sign through DOT's permit process pays all costs associated with the sign.

Florida's Highway Guide Sign Program

Chapter 14-51, F.A.C., establishes rules governing the Florida's Highway Guide Sign Program. The rule provides for a system of guide signs that will perform the following functions:

- Inform and guide motorists to the needed signed facilities and motorist services.
- Improve traffic flow at interchanges or intersections that generate a large volume of traffic.
- Establish criteria for the erection of guide signs and general service signs.⁴

Rule 14-51.020(1), F.A.C., authorizes guide signs for Veteran's Administration (VA) hospitals located within 10 miles of an interchange on a limited-access facility.⁵ However, rule 14-51.020(4), F.A.C.,

¹ Section 479.015, F.S.

² Section 479.262(1), F.S.

³ Florida's Highway Guide Sign Program is provided for in Ch. 14-51, F.A.C.

⁴ Rule 14-51.010(1), F.A.C.

⁵ Section 334.03(12), F.S., defines "limited-access facility" as "a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be

provides that USDVA clinics and non-hospital facilities are not eligible for signs. It should be noted that, s. 120.542, F.S., authorizes waivers and variances from administrative rules, and on at least one occasion DOT has granted a petition for a sign variance.⁶

Rule 14-51.030(3)(s), F.A.C., authorizes local government⁷ agencies to request permits for destination guide signs on non-limited access facilities for certain facilities that do not have direct state road access. Included in the list of facilities are National Veterans Cemeteries and Veterans Community Treatment Centers.

Veteran's Facilities

According to the Florida Department of Veterans Affairs (FDVA), Florida is home to approximately 1.5 million veterans.⁸ In Florida, USDVA operates two health care systems, seven medical centers, 11 outpatient clinics, one community service program, 41 community based outpatient clinics, 26 vet centers, 14 benefits intake sites, and nine national cemeteries.⁹

Proposed Changes

The bill creates s. 295.25, F.S., authorizing DOT to install directional signs for USDVA operated and maintained community-based outpatient clinics, centers, benefits offices, and national cemeteries on interstate highways and primary and secondary roads in accordance with Florida's Highway Guide Sign Program.

B. SECTION DIRECTORY:

Section 1 creates s. 295.25, F.S., relating to directional signs.

Section 2 provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill authorizes, but does not require, DOT to install directional signs to certain USDVA facilities. There appears to be approximately 100 eligible facilities, if DOT opts to install these directional signs, it would be responsible for the costs associated with the signs. DOT's most recent cost estimate indicates that itw will cost approximately \$3,100 to fabricate and install each sign.¹⁰ However, it is not known how many signs DOT will install. Therefore, the fiscal impact is indeterminate at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic."

⁶ On October 9, 2017, DOT granted a variance to erect signs to the William Kling VA Clinic in Broward County.

⁷ Section 14-51.011(9), F.A.C., defines "local government" as the county or city having jurisdiction in the subject area, including the area involved in the state highway system.

⁸ <http://floridavets.org/our-veterans/profilefast-facts/> (Last visited November 1, 2017).

⁹ <https://www.va.gov/directory/guide/state.asp?dnum=ALL&STATE=FL> (Last visited November 1, 2017).

¹⁰ DOT E-mail, January 18, 2018. (Copy on file with Transportation & Infrastructure Subcommittee.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DOT will have to amend its rules regarding the Florida's Highway Guide Sign Program in Ch. 14-51, F.A.C., to reflect changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to directional signs for veterans'
 3 facilities; creating s. 295.25, F.S.; authorizing the
 4 Department of Transportation to install directional
 5 signs for specified facilities operated and maintained
 6 by the United States Department of Veterans Affairs;
 7 providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 295.25, Florida Statutes, is created to
 12 read:



13 295.25 Directional signs.—The Department of Transportation
 14 may install directional signs for community-based outpatient
 15 clinics, centers, benefits offices, and national cemeteries
 16 operated and maintained by the United States Department of
 17 Veterans Affairs on the rights-of-way of interstate highways and
 18 primary and secondary roads in accordance with Florida's Highway
 19 Guide Sign Program as provided in chapter 14-51, Florida
 20 Administrative Code.

21 Section 2. This act shall take effect July 1, 2018.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 633 Florida Smart City Challenge Grant Program
SPONSOR(S): Fischer and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 852

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson 	Vickers 
2) Transportation & Tourism Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

In 2017, the Legislature created the Florida Smart City Challenge Grant Program requiring the Department of Transportation (DOT), in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to, subject to appropriation, develop the Florida Smart City Challenge Grant Program and establish grant award requirements for municipalities or regions. Grant applicants must demonstrate and document the adoption of emerging technologies and their impact on the transportation system and must address certain focus areas. However, the Governor vetoed the accompanying appropriation. The program expires on July 1, 2018.

The bill creates a new Florida Smart City Challenge Grant Program within DOT. The bill provides certain goals of the program, along with eligibility requirements. By September 1, 2018, DOT is required to issue a request for proposal for the award of grants.

DOT may award grants of up to \$6 million to up to three recipients. Grant funds may fund up to 50 percent of the cost of the project.

The bill provides various reporting requirements and requires DOT to provide administrative support for the program.

For the 2018-2019 fiscal year, the bill appropriates \$15 million in nonrecurring funds in the State Transportation Trust Fund to DOT for the program.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Federal Program

The United States Department of Transportation (USDOT) launched a Smart City Challenge in December 2015. The challenge asked mid-sized cities “to develop ideas for an integrated, first-of-its-kind smart transportation system that would use data, applications, and technology to help people and goods move more quickly, cheaply, and efficiently.”¹ USDOT committed up to \$40 million to one winning city.² The USDOT received 78 applications from cities across the United States, including the following cities in Florida: Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, and Tampa.

Columbus, Ohio won the challenge by proposing “a comprehensive, integrated plan addressing challenges in residential, commercial, freight, and downtown districts using a number of new technologies, including connected infrastructure, an integrated data platform, autonomous vehicles, and more.”³ USDOT then worked with seven finalists to further develop the ideas proposed by the cities and, in October 2016, announced an additional \$65 million in grants to support advanced technology transportation projects.

State Law

In 2017, the Legislature created the Florida Smart City Challenge Grant Program⁴ and appropriated \$325,000 for the program.⁵ However, the Governor vetoed the appropriation.

The 2017 statute required the Department of Transportation (DOT), in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to, subject to appropriation, develop the Florida Smart City Challenge Grant Program and establish grant award requirements for municipalities or regions for the purpose of receiving grant awards. Grant applicants must demonstrate and document the adoption of emerging technologies and their impact on the transportation system and must address at least the following focus areas:

- Autonomous vehicles;
- Connected vehicles;
- Sensor-based infrastructure;
- Collecting and using data;
- Electric vehicles, including charging stations; and
- Developing strategic models and partnerships.⁶

The grant programs goals included, but were not limited to:

- Identifying transportation challenges and identifying how emerging technologies can address those challenges.
- Determining the emerging technologies and strategies that have the potential to provide the most significant impacts.
- Encouraging municipalities to take significant steps to integrate emerging technologies into their day-to-day operations.

¹See USDOT website available at: <https://www.transportation.gov/smartycity>. (Last visited April 21, 2017).

²See USDOT website available at:

<https://www.transportation.gov/sites/dot.gov/files/docs/Smart%20City%20Challenge%20Lessons%20Learned.pdf>. (Last visited April 21, 2017).

³See USDOT website available at: <https://www.transportation.gov/smartycity/winner>. (Last visited April 21, 2017).

⁴ Chapters 2017-42 and 2017-71, L.O.F.

⁵ Provisio language to Specific Appropriation 1869 (2017).

⁶ Section 316.08098(1), F.S.

- Identifying the barriers to implementing the grant program and communicating those barriers to the Legislature and appropriate agencies and organizations.
- Leveraging the initial grant to attract additional public and private investments.
- Increasing the state's competitiveness in the pursuit of grants from the United States Department of Transportation, the United States Department of Energy, and other federal agencies.
- Committing to the continued operation of programs implemented in connection with the grant.
- Serving as a model for municipalities nationwide.
- Documenting the costs and impacts of the grant program and lessons learned during implementation.
- Identifying solutions that will demonstrate local or regional economic impact.⁷

DOT was required to develop eligibility, application, and selection criteria for the receipt of grants and a plan for the promotion of the grant program to municipalities or regions of this state as an opportunity to compete for grant funding, including the award of grants to a single recipient and secondary grants to specific projects of merit within other applications. DOT may contract with a third party that demonstrates knowledge and expertise in the focuses and goals of the program to provide guidance in the development of the requirements of the program.⁸

On or before January 1, 2018, DOT must submit the grant program guidelines and plans for promotion of the grant program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.⁹

While the Governor vetoed the appropriated funds, the Program remain in statute. The program expires by its own terms on July 1, 2018.

Proposed Changes

The bill creates a new Florida Smart City Challenge Grant Program within DOT.

Program Goals

The grant program's goals include, but are not limited to:

- Providing opportunities to municipalities and other regions of the state to develop innovative smart mobility solutions to local transportation challenges.
- Deploying smart city technology that has an immediate impact on the safe and efficient movement of people and goods within municipalities and other regions of the state.
- Advancing autonomous, connected, and electric vehicle readiness and deployment throughout the state.
- Providing enhanced education and workforce development opportunities by deploying emerging technologies that support the state's future workforce.
- Meeting mobility needs of residents of this state, particularly transportation disadvantaged¹⁰ persons by increasing access to and convenience of transportation within municipalities and other regions of the state.
- Facilitating the efficient movement within the state, especially in and around airports and seaports.
- Supporting the reduction or elimination of fossil fuel consumption by relying on renewable energy sources and electronic technologies.

⁷ Section 316.08098(2), F.S.

⁸ Section 316.08098(3), F.S.

⁹ Section 316.08098(4), F.S.

¹⁰ Section 427.011(1), F.S., defines "transportation disadvantaged" as those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S.

- Creating a smart mobility demonstration community in the state that serves as a model for municipalities and other regions nationwide.

Eligibility Requirements

The following entities may apply to DOT for a grant to fund projects under the Florida Smart City Challenge Grant Program:

- A state, county, municipal, regional, or other agency that is responsible for the movement of persons, goods, or services within a defined geographical region, including an entity created pursuant to Chs. 343, 348, or 349, F.S.¹¹
- A metropolitan planning organization (MPO)¹² or transportation planning organization (TPO). Each entity responsible for deploying or operating the project on behalf of a MPO or TPO must submit a letter to DOT detailing its commitment to the implementation, operation, and maintenance of the project.
- A state university.

A grant application must have in place a plan or framework for the implementation of the proposed project in at least one of the following categories:

- Autonomous vehicle deployment or demonstration.
- Connected vehicle technology deployment.
- Shared mobility services innovation and deployment.
- Acceleration of the use for plug-in electric vehicles and electric charging infrastructure.

Proposals

By September 1, 2018, DOT must to issue a request for proposals for the award of a Florida Smart City Challenge Grant. Each submitted proposal must include:

- A statement by the applicant certifying that the project will be implemented and operational within two years after receiving the grant.
- A plan for fulfilling documentation requirements under DOT's Statewide Systems Engineering Management Plan within such two-year period.
- A description of how operation and maintenance costs for the project will be funded in order to ensure that DOT's investment in the project is sustained.
- A plan for evaluation of the projects and the methods by which such evaluation will be shared with residents of the area served by the project.
- The procedures for integrating the project's transportation-related data in to DOT's Data Integration and Video Aggregation System.

Award of Grants

DOT may award a grant to a maximum of three recipients. Each award may not exceed \$6 million. By January 1, 2019, DOT must distribute the award to each recipient.

The grant may fund up to 50 percent of the project's costs. Grant funds are exclusively for costs associated with implementing the project and may not be used for costs associated with operating, maintaining, or evaluating of the project.

In selecting grant recipients, DOT must prioritize proposals demonstrating the availability of matching funds from partner organizations to funds the remaining 50 percent of project costs and that include a plan for documenting the acquisition of matching funds. Matching funds includes in-kind services, goods, equipment, and other noncash contributions calculated at fair market value.

¹¹ Chapter 343, F.S. creates various regional transportation authorities. Chapter 348, F.S., creates various expressway and bridge authorities. Chapter 349, F.S., creates the Jacksonville Transportation Authority.

¹² Metropolitan planning organizations are federally-mandated transportation planning organizations in urban areas with populations of greater than 50,000.

DOT must further prioritize those proposals that include matching funds from private-sector partner organizations; however, local public funds may also be used.

Matching funds may be used for costs associated with the operation, maintenance, and evaluation of the project.

A grant recipient receiving matching funds must document the contribution of such funds in a quarterly report detailing the manner in which the value of such contribution is calculated.

Reporting Requirements

Each grant program recipient must submit a quarterly report to DOT regarding the development, implementation, and development of the project. The report must include information documenting matching funds.

DOT must submit a quarterly report to the President of the Senate and the Speaker of the House of Representatives regarding the overall status of the grant program.

After implementation of the project is complete, each grant recipient must submit an initial report to the President of the Senate and the Speaker of the House of Representatives detailing the project's impact on the transportation system within the area served by the project, the extent to which the goals of the grant program have been met, and recommendations for project revisions or improvements to guide future development activities. A final report must be submitted two years after submission of the initial report.

Administrative Support

The bill requires DOT to provide administrative support to the Florida Smart City Grant Program in order to facilitate the deployment of smart city technology within the state, including, but not limited to, expedited review of grant proposals.

Appropriations

For the 2018-2019 fiscal year, the bill appropriates \$15 million in nonrecurring funds from the State Transportation Trust Fund (STTF) to DOT to implement the Florida Smart City Grant Program.

B. SECTION DIRECTORY:

Section 1 creates s. 316.0899, F.S., creating the Florida Smart City Challenge Grant Program.

Section 2 provides an appropriation.

Section 3 provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$15 million from the STTF for the 2018-2019 Fiscal Year for the Florida Smart City Challenge Grant Program. DOT may also incur some administrative expenses associated with administering the program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill authorizes various local governments to apply to DOT for grants. To the extent that grants are distributed, specific local governments will see an increase in revenue.

2. Expenditures:

To the extent that local governments are required to provide matching funds to receive a grant, the local government will incur expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Users of a grant-funded project may experience increased mobility, reduced traffic congestion, reduced travel costs, and positive environmental benefits. Private-sector partners who invest in such projects may benefit to the extent that the project receives state grant funding.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures 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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
 An act relating to the Florida Smart City Challenge Grant Program; creating s. 316.0899, F.S.; creating the program within the Department of Transportation; providing program goals; providing grant eligibility requirements; requiring the department to issue a request for proposals; providing proposal requirements; providing requirements for award of grants and use of grant funds; providing reporting requirements; requiring administrative support by the department; providing an appropriation; providing an effective date.

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

Section 1. Section 316.0899, Florida Statutes, is created to read:

316.0899 Florida Smart City Challenge Grant Program.—
(1) CREATION; GOALS.—The Florida Smart City Challenge Grant Program is created within the Department of Transportation. The goals of the grant program include, but are not limited to:
(a) Providing opportunities to municipalities and other regions of the state to develop innovative smart mobility solutions to local transportation challenges.

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

26 (b) Deploying smart city technology that has an immediate
 27 impact on the safe and efficient movement of people and goods
 28 within municipalities and other regions of the state.

29 (c) Advancing autonomous, connected, and electric vehicle
 30 readiness and deployment throughout the state.

31 (d) Providing enhanced education and workforce development
 32 opportunities by deploying emerging technologies that support
 33 the state's future workforce.

34 (e) Meeting the mobility needs of residents of this state,
 35 particularly transportation disadvantaged persons as defined in
 36 s. 427.011, by increasing access to and convenience of
 37 transportation within municipalities and other regions of the
 38 state.

39 (f) Facilitating the efficient movement of freight within
 40 the state, especially in and around airports and seaports.

41 (g) Supporting the reduction or elimination of fossil fuel
 42 consumption by relying on renewable energy sources and electric
 43 technologies.

44 (h) Creating a smart mobility demonstration community in
 45 the state that serves as a model for municipalities and other
 46 regions nationwide.

47 (2) ELIGIBILITY REQUIREMENTS.—

48 (a) The following entities may apply to the Department of
 49 Transportation for a grant to fund projects under the Florida
 50 Smart City Challenge Grant Program:

51 1. A state, county, municipal, regional, or other agency
 52 that is responsible for the movement of persons, goods, or
 53 services within a defined geographical region, including an
 54 entity created pursuant to chapter 343, chapter 348, or chapter
 55 349.

56 2. A metropolitan planning organization or transportation
 57 planning organization. Each entity responsible for deploying or
 58 operating the project on behalf of a metropolitan planning
 59 organization or transportation planning organization must submit
 60 a letter to the department detailing its commitment to the
 61 implementation, operation, and maintenance of the project.

62 3. A state university.

63 (b) An applicant for a Florida Smart City Challenge Grant
 64 must have in place a plan or framework for the implementation of
 65 the proposed project in at least one of the following
 66 categories:

- 67 1. Autonomous vehicle deployment or demonstration.
- 68 2. Connected vehicle technology deployment.
- 69 3. Shared mobility services innovation and deployment.
- 70 4. Acceleration of the use of plug-in electric vehicles
 71 and electric charging infrastructure.

72 (3) PROPOSALS.—By September 1, 2018, the Department of
 73 Transportation shall issue a request for proposals for the award
 74 of a Florida Smart City Challenge Grant. Each proposal submitted
 75 to the department must include:

76 (a) A statement by the applicant certifying that the
 77 project will be implemented and operational within 2 years after
 78 receipt of the grant.

79 (b) A plan for fulfilling documentation requirements under
 80 the department's Statewide Systems Engineering Management Plan
 81 within such 2-year period.

82 (c) A description of how operation and maintenance costs
 83 for the project will be funded in order to ensure that the
 84 department's investment in the project is sustained.

85 (d) A plan for evaluation of the project and the methods
 86 by which such evaluation will be shared with residents of the
 87 area served by the project.

88 (e) The procedure for integrating the project's
 89 transportation-related data into the department's Data
 90 Integration and Video Aggregation System.

91 (4) AWARD OF GRANTS.—The Department of Transportation may
 92 award a Florida Smart City Challenge Grant to a maximum of three
 93 recipients. Each award may not exceed \$6 million. The department
 94 shall distribute the award to each recipient by January 1, 2019.

95 (a) The grant may fund up to 50 percent of project costs.
 96 Grant funds must be used exclusively for costs associated with
 97 implementation of the project and may not be used for costs
 98 associated with operation, maintenance, or evaluation of the
 99 project.

100 (b) In selecting grant recipients, the department shall

101 give priority to those proposals that demonstrate the
 102 availability of matching funds from partner organizations to
 103 fund the remaining 50 percent of project costs and that include
 104 a plan for documenting the acquisition and expenditure of such
 105 matching funds. For purposes of this paragraph, "matching funds"
 106 includes in-kind services, goods, equipment, or other noncash
 107 contributions calculated at fair market value.

108 1. The department shall give further priority to those
 109 proposals that include matching funds from private-sector
 110 partner organizations; however, local public funds may also be
 111 used.

112 2. Matching funds may be used for costs associated with
 113 operation, maintenance, and evaluation of the project.

114 3. A grant recipient that receives matching funds must
 115 document the contribution of such funds in a quarterly report
 116 that details the manner in which the value of such contribution
 117 is calculated.

118 (5) REPORTING REQUIREMENTS.-

119 (a) Each recipient of a Florida Smart City Challenge Grant
 120 must submit a quarterly report to the Department of
 121 Transportation regarding the development, implementation, and
 122 operation of the project. Such report must include information
 123 documented pursuant to subparagraph (4)(b)3.

124 (b) The Department of Transportation must submit a
 125 quarterly report to the President of the Senate and the Speaker

126 of the House of Representatives regarding the overall status of
 127 the grant program.

128 (c) After implementation of the project is complete, each
 129 recipient must submit an initial report to the President of the
 130 Senate and the Speaker of the House of Representatives which
 131 details the project's impact on the transportation system within
 132 the area served by the project, the extent to which the goals of
 133 the grant program have been met, and recommendations for project
 134 revisions or improvements to guide future deployment activities.
 135 A final report must be submitted 2 years after submission of the
 136 initial report.

137 (6) ADMINISTRATIVE SUPPORT.—The Department of
 138 Transportation shall provide administrative support to the
 139 Florida Smart City Challenge Grant Program in order to
 140 facilitate the deployment of smart city technology within the
 141 state, including, but not limited to, expedited review of
 142 proposals submitted under subsection (3).

143 Section 2. For the 2018-2019 fiscal year, the sum of \$15
 144 million in nonrecurring funds is appropriated from the State
 145 Transportation Trust Fund to the Department of Transportation
 146 for the purpose of implementing this act.

147 Section 3. This act shall take effect July 1, 2018.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Cortes, B. offered the following:

Amendment (with title amendment)

Remove lines 143-146

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

11 Remove line 11 and insert:
 12 department; providing an

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 807 Metropolitan Planning Organizations
SPONSOR(S): Diamond and Toledo
TIED BILLS: IDEN./SIM. **BILLS:** SB 984

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson <i>AS</i>	Vickers <i>ZW</i>
2) Local, Federal & Veterans Affairs Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

Metropolitan Planning Organizations (MPOs) are federally-mandated transportation planning organizations designated to develop and maintain transportation plans and to ensure that federal funds support local transportation priorities. Federal law requires MPOs be designated in urbanized areas with populations of greater than 50,000. Section 316.175, F.S., provides state requirements regarding MPOs, including requirements for membership of an MPO governing board.

Current law allows between five and 25 voting members on an MPO and provides requirements regarding who may be a member of an MPO.

The bill provides that for MPOs created after July 1, 2018, as a result of a combination or merger of an MPO, the voting membership will be at least five members. However, there is not a limit on the maximum number of voting members.

The bill also makes technical changes to the MPO statute.

The bill is not expected to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Federal Law

Metropolitan Planning Organizations (MPOs) are federally-mandated transportation planning organizations comprised of representatives from local governments and transportation authorities. The MPO's role is to develop and maintain the required transportation plans for a metropolitan area and to ensure that federal funds support local priorities. Federal law requires MPOs in urbanized areas with a population of more than 50,000 individuals.¹

State Law

Section 339.175, F.S., provides state law regarding MPOs and generally mirrors applicable federal law.

Role and Responsibilities

MPOs carry out four primary activities:

- Developing and maintaining a Long-Range Transportation Plan, addressing no less than a 20-year planning horizon.
- Updating and approving a Transportation Improvement Program, a four-year program for highway and transit improvements.
- Developing and adopting a Unified Planning Work Program, identifying the MPO's budget and planning activities to be undertaken in the metropolitan planning area.
- Preparing a Public Participation Plan, describing how the MPO involves the public and stakeholder communities in transportation planning.

Florida MPO Board Composition

Florida has 27 MPOs² ranging in size from six to 29 members, including both voting and nonvoting members. In Florida, the average size of an MPO's governing board is approximately 16 members, with 14 voting members and two nonvoting members. MPOs serving areas with a population greater than one million people generally have larger boards with an average of 18 voting members and four nonvoting advisors. MPOs serving populations below 200,000 people generally have the smallest boards with an average of 11 voting members and two nonvoting members.³

Federal law allows the state and units of local government to largely determine the MPO's composition.⁴ Florida law refers to this process as "apportionment."⁵ The Governor apportions the membership of the MPO with the agreement of the affected local governments.⁶ Each MPO reviews the composition of its membership in conjunction with each decennial census. Each existing and emerging MPO must submit a Membership Apportionment Plan meeting federal and state requirements.⁷

The MPO voting membership, as reflected in the Membership Apportionment Plan, must consist of at least five, but no more than 25 apportioned members. The exact number of members is determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the

¹ 23 U.S.C. s. 134

² A list of Florida's MPOs and links to each specific MPOs website is available at <https://www.mpoac.org/> (Last visited November 9, 2017).

³ Florida Department of Transportation *MPO Program Management Handbook*. Chapter 1.3.2. Available at: <http://www.fdot.gov/planning/policy/metrosupport/FDOT%202017%20MPO%20Handbook.pdf> (Last visited November 16, 2017).

⁴ 23 U.S.C. 134(d), 23 C.F.R. 450.310

⁵ Section 339.175(4), F.S.

⁶ Section 339.175(4)(a), F.S.

⁷ These requirements are contained in s. 339.175(3), F.S., s.339.175(4), F.S., and 23 C.F.R. 450.310.

affected units of general-purpose local government, as required by federal rules and regulations.⁸ In determining the composition of the MPO board:

- With the exception of instances in which all of the county commissioners in a single-county MPO are members of the MPO governing board, county commissioners must compose at least one-third of the MPO governing board membership. A multicounty MPO may satisfy this requirement by any combination of county commissioners from each of the counties constituting the MPO. In cases where the MPO has more than 15 voting members with a 5-member county commission, or the MPO comprises 19 members with a 6-member county commission, the county commissioners can comprise less than one-third of the voting members.
- All voting members must be elected officials⁹ of general purpose local governments, except that an MPO may include as part of its apportioned voting members a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, and/or an official of Space Florida.
- County commissioners must compose not less than 20 percent of the voting membership of the MPO governing board if an official of an agency that operates or administers a major mode of transportation has been appointed to the MPO.¹⁰
- Any authority or agency created by law to perform transportation functions that is not under the jurisdiction of a local government represented on the MPO may be provided voting membership on the MPO.¹¹
- Any county chartered under Subsection 6(e), Article VIII of the State Constitution¹² may elect to have its county commission serve as the MPO board if the MPO jurisdiction is wholly contained within the county. In addition, the voting membership of any MPO, whose geographical boundaries include any “county,” as defined in s.125.011(1), F.S.,¹³ must include an additional voting member appointed by that city’s governing body for each city with a population of 50,000 or more residents.¹⁴
- Florida law requires Department of Transportation (DOT) representatives to serve as nonvoting advisors to MPO governing boards. DOT is represented by the District Secretary or his or designee. The MPO may appoint additional nonvoting advisors as deemed necessary.

Membership Apportionment Plan Review and Governor Action

The MPO submits its Membership Apportionment Plan to DOT’s MPO Statewide Coordinator. The MPO at the same time provides copies of the plan to the appropriate DOT District Planning Manager or designee. Within 14 calendar days after the end of the 30-day review period, DOT provides a recommendation to the Executive Office of the Governor. The recommendation will be for the Governor to either approve or disapprove the proposed Membership Apportionment Plan.¹⁵ The Governor’s approval of the Membership Apportionment Plan constitutes official designation of the MPO as required by federal and state laws. The MPO must appoint representatives to serve on the board within 60 days after the Governor has approved the proposed Membership Apportionment Plan. If a governmental entity fails to fill an assigned appointment to an MPO within 60 days after notification by the Governor of its duty to appoint, that appointment must be made by the Governor from the eligible representatives of that governmental entity.¹⁶

⁸ Section 339.175(3)(a), F.S.

⁹ As used in s.339.175(3)(a), F.S., the term “elected official” excludes constitutional officers.

¹⁰ Section 339.175(3)(a), F.S.

¹¹ Section 339.175(3)(b), F.S.

¹² This provision generally applies to Miami-Dade County.

¹³ Section 125.011(1), F.S., defines “county” as any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word “county” within the above provisions shall include “board of county commissioners” of such county. This definition of county only applies to Miami-Dade County.

¹⁴ Section 339.175, F.S.

¹⁵ *MPO Program Management Handbook*. Chapter 2.

¹⁶ Section 339.175(4)(c), F.S.

Redesignation and Reapportionment

An existing MPO may be redesignated only by agreement between the Governor and units of local government that together represent at least 75 percent of the existing MPO population, including the largest incorporated city.¹⁷ Redesignation of an existing MPO is required whenever the MPO proposes to make a substantial change in the proportion of its voting members, or a substantial change in the decision-making authority or responsibility of the MPO or in decision-making procedures established in the MPO's bylaws.¹⁸

Interlocal Agreements

The interlocal agreement is a standard document drafted specifically to address the metropolitan transportation planning requirements identified in federal and state law and regulations. The parties to this interlocal agreement are DOT and the governmental entities designated by the Governor for MPO membership, including nonvoting members.¹⁹ After a new MPO has been designated by the Governor, or modifications to an existing MPO have been approved by the Governor, the DOT District meets with the responsible MPO staff to discuss the execution of a new or updated interlocal agreement.²⁰

Proposed Changes

The bill creates s. 339.175(3)(a)2., F.S., providing that for MPOs designated on or after July 1, 2018, as a result of a combination or merger of individual MPOs, the voting membership must consist of at least five members, with the exact number determined on an equitable geographic-population ratio basis, based on an agreement among the affected units of general-purpose local government and the Governor, as required by federal regulations.

In accordance with federal regulations,²¹ the Governor may also allow MPO members representing municipalities to alternate with representatives from other municipalities within the metropolitan planning area which do not have members on the MPO. Voting members must be elected officials of general-purpose local governments, one of whom may represent a group of general-purpose local governments through an entity created by an MPO for that purpose. An M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida.

The bill also makes technical and conforming changes to s. 339.175(3), F.S.

B. SECTION DIRECTORY:

Section 1 amends s. 339.175, F.S., relating to metropolitan planning organizations.

Section 2 provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

¹⁷ 23 C.F.R. 450.310(h)

¹⁸ 23 C.F.R. 450.310(j)

¹⁹ Section 339.175(2)(b), F.S.

²⁰ *MPO Program Management Handbook*. Chapter 2.

²¹ 23 U.S.C. s. 134

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures 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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to metropolitan planning
 3 organizations; amending s. 339.175, F.S.; providing
 4 voting membership requirements for certain
 5 metropolitan planning organizations designated on or
 6 after a specified date; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsection (3) of section 339.175, Florida
 11 Statutes, is amended to read:

12 339.175 Metropolitan planning organization.—
 13 (3) VOTING MEMBERSHIP.—

14 (a) 1. Except as provided in subparagraph 2., the voting
 15 membership of an M.P.O. shall consist of at least 5 but not more
 16 than 25 apportioned members, with the exact number determined on
 17 an equitable geographic-population ratio basis, based on an
 18 agreement among the affected units of general-purpose local
 19 government and the Governor, as required by federal regulations.
 20 In accordance with 23 U.S.C. s. 134, the Governor may also allow
 21 M.P.O. members who represent municipalities to alternate with
 22 representatives from other municipalities within the
 23 metropolitan planning area which do not have members on the
 24 M.P.O. With the exception of instances in which all of the
 25 county commissioners in a single-county M.P.O. are members of

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

26 the M.P.O. governing board, county commissioners shall compose
 27 at least one-third of the M.P.O. governing board membership. A
 28 multicounty M.P.O. may satisfy this requirement by any
 29 combination of county commissioners from each of the counties
 30 constituting the M.P.O. Voting members shall be elected
 31 officials of general-purpose local governments, one of whom may
 32 represent a group of general-purpose local governments through
 33 an entity created by an M.P.O. for that purpose. An M.P.O. may
 34 include, as part of its apportioned voting members, a member of
 35 a statutorily authorized planning board, an official of an
 36 agency that operates or administers a major mode of
 37 transportation, or an official of Space Florida. ~~As used in this~~
 38 ~~section, the term "elected officials of a general purpose local~~
 39 ~~government" excludes constitutional officers, including~~
 40 ~~sheriffs, tax collectors, supervisors of elections, property~~
 41 ~~appraisers, clerks of the court, and similar types of officials.~~
 42 County commissioners shall compose not less than 20 percent of
 43 the M.P.O. membership if an official of an agency that operates
 44 or administers a major mode of transportation has been appointed
 45 to an M.P.O.

46 2. For an M.P.O. designated on or after July 1, 2018, as a
 47 result of a combination or merger of individual M.P.O.'s, the
 48 voting membership shall consist of at least 5 members, with the
 49 exact number determined on an equitable geographic-population
 50 ratio basis, based on an agreement among the affected units of

51 general-purpose local government and the Governor, as required
 52 by federal regulations. In accordance with 23 U.S.C. s. 134, the
 53 Governor may also allow M.P.O. members who represent
 54 municipalities to alternate with representatives from other
 55 municipalities within the metropolitan planning area which do
 56 not have members on the M.P.O. Voting members shall be elected
 57 officials of general-purpose local governments, one of whom may
 58 represent a group of general-purpose local governments through
 59 an entity created by an M.P.O. for that purpose. An M.P.O. may
 60 include, as part of its apportioned voting members, a member of
 61 a statutorily authorized planning board, an official of an
 62 agency that operates or administers a major mode of
 63 transportation, or an official of Space Florida.

64
 65 For purposes of this section, the term "elected officials of a
 66 general-purpose local government" excludes constitutional
 67 officers, including sheriffs, tax collectors, supervisors of
 68 elections, property appraisers, clerks of the court, and similar
 69 types of officials.

70 (b) In metropolitan areas in which authorities or other
 71 agencies have been or may be created by law to perform
 72 transportation functions and are or will be performing
 73 transportation functions that are not under the jurisdiction of
 74 a general-purpose local government represented on the M.P.O.,
 75 such authorities or other agencies may be provided voting

76 membership on the M.P.O. In all other M.P.O.'s in which
 77 transportation authorities or agencies are to be represented by
 78 elected officials of ~~from~~ general-purpose local governments, the
 79 M.P.O. shall establish a process by which the collective
 80 interests of such authorities or other agencies are expressed
 81 and conveyed.

82 (c) Any other provision of this section to the contrary
 83 notwithstanding, a charter ~~chartered~~ county with a population of
 84 over 1 million ~~population~~ may elect to reapportion the
 85 membership of an M.P.O. if the M.P.O. ~~whose~~ jurisdiction is
 86 wholly contained within the county. The charter county may
 87 exercise the provisions of this paragraph if:

- 88 1. The M.P.O. approves the reapportionment plan by a
- 89 three-fourths vote of its membership;
- 90 2. The M.P.O. and the charter county determine that the
- 91 reapportionment plan is needed to fulfill specific goals and
- 92 policies applicable to that metropolitan planning area; and
- 93 3. The charter county determines the reapportionment plan
- 94 otherwise complies with all federal requirements pertaining to
- 95 M.P.O. membership.

96
 97 A ~~Any~~ charter county that elects to exercise the provisions of
 98 this paragraph shall notify the Governor in writing.

99 (d) Any other provision of this section to the contrary
 100 notwithstanding, a any county chartered under s. 6(e), Art. VIII

101 of the State Constitution may elect to have its county
102 commission serve as the M.P.O. if the M.P.O. jurisdiction is
103 wholly contained within the county. A ~~Any~~ charter county that
104 elects to exercise the provisions of this paragraph shall ~~so~~
105 notify the Governor in writing. Upon receipt of such
106 notification, the Governor must designate the county commission
107 as the M.P.O. The Governor must appoint four additional voting
108 members to the M.P.O., one of whom must be an elected official
109 representing a municipality within the county, one of whom must
110 be an expressway authority member, one of whom must be a person
111 who does not hold elected public office and who resides in the
112 unincorporated portion of the county, and one of whom must be a
113 school board member.

114 Section 2. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 963 Towing and Immobilizing Fees and Charges

SPONSOR(S): Cortes

TIED BILLS: IDEN./SIM. BILLS: SB 1632

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	10 Y, 0 N	Darden	Miller
2) Transportation & Infrastructure Subcommittee		Roth <i>DR</i>	Vickers <i>PV</i>
3) Government Accountability Committee			

SUMMARY ANALYSIS

County and municipal governments may contract with wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites within their jurisdiction. Counties and municipalities may establish a wrecker operator system to apportion towing services across multiple wrecker operators. Wrecker operators who participate in the wrecker operator system are known as authorized wrecker operators.

Counties and municipalities are authorized to establish maximum rates for the towing and storage of vehicles pursuant to an ordinance or rule adopted pursuant to s. 125.0103, F.S., or s. 166.043, F.S.

Some municipalities impose an administrative fee on vehicles towed by an authorized wrecker operator if the vehicle is seized or towed in connection with certain misdemeanors or felonies. The administrative fee is collected by the towing company on behalf of the municipal government and, in addition to towing and storage fees, must be paid before the vehicle is released to the registered owner or lienholder.

The bill requires a county or municipality to establish maximum rates for the towing and storage of vessels, as well as to place a cap on the maximum rate for immobilizing a vehicle or vessel.

The bill prohibits a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The bill does not prohibit a county or municipality from levying a local business tax on authorized wrecker operators and does not impact the ability of a county or municipality to impose a reasonable administrative fee on the legal owner, legally authorized user, or lienholder of a vehicle or vessel to cover the cost of enforcement actions. The bill provides that an authorized wrecker operator may impose and collect the administrative fee and is only required to remit the fee to the county or municipality after it has been collected.

The bill prohibits counties and municipalities from adopting or enforcing ordinances or rules that impose fees on the registered owner or lienholder of a vehicle or vessel removed and impounded by an authorized wrecker operator.

The bill provides that a wrecker operator who recovers, removes, or stores a vehicle or vessel shall have a lien on the vehicle or vessel that includes the value of the reasonable administrative fee or charge imposed by a county or municipality.

The bill appears to have an indeterminate fiscal impact on local governments.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

County and Municipal Wrecker Operator Systems

A county or municipal government may contract with one or more wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites.¹ After the establishment of such contract(s), the county or municipality must create a "wrecker operator system" to apportion towing assignments between the contracted wrecker services. This apportionment may occur through the creation of geographic zones, a rotation schedule, or a combination of those methods.² Any wrecker operator that is included in the wrecker operator system is an "authorized wrecker operator" in the jurisdiction, while any wrecker operation not included is an "unauthorized wrecker operator."³

Unauthorized wrecker operators are not permitted to initiate contact with the owner or operator of a wrecked or disabled vehicle.⁴ If the owner or operator initiates contact, the unauthorized wrecker operator must disclose in writing, before the vehicle is connected to the towing apparatus:

- His or her full name;
- Driver license number;
- That he or she is not a member of the wrecker operator system;
- That the vehicle is not being towed for the owner's or operator's insurance company or lienholder;
- Whether he or she has an insurance policy providing \$300,000 in liability coverage and \$50,000 in on-hook cargo coverage; and
- The maximum charges for towing and storage.⁵

The unauthorized wrecker operator must disclose this information to the owner or operator in the presence of a law enforcement officer if an officer is present at the scene of the accident.⁶

It is a second degree misdemeanor for an unauthorized wrecker operator to initiate contact or to fail to provide required information after contact has been initiated.⁷ An unauthorized wrecker operator misrepresenting his or her status as an authorized wrecker operator commits a first degree misdemeanor.⁸ In either instance, the unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during the offense may be immediately removed and impounded.⁹

Unauthorized wrecker operators also are prohibited from monitoring police radios to determine the location of wrecked or disabled vehicles.¹⁰

Counties must establish maximum rates for the towing of vehicles removed from private property, as well as the towing and storage of vehicles removed from the scene of an accident or where the vehicle

¹ Section 323.002(1)(c), F.S. The definition of "vehicle" does not include a vessel or trailer intended for the transport on land of a vessel. See s. 320.01, F.S. (defining "motor vehicle" for the purpose of issuance of motor vehicle licenses and separately defining a "marine boat trailer dealer" as a person engaged in "business of buying ... trailers specifically designed to be drawn by another vehicle and used for the transportation on land of vessels.")

² *Id.*

³ Section 323.002(1)(a)-(b), F.S.

⁴ Section 323.002(2)(b), F.S.

⁵ Section 323.002(2)(c), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 323.002(2)(d), F.S.

⁹ Section 323.002(2)(c) and (d), F.S.

¹⁰ Section 323.002(2)(a), F.S.

is towed at the request of a law enforcement officer. Municipalities are also authorized to adopt maximum rate ordinances. If a municipality enacts an ordinance to establish towing fees, the county ordinance will not apply within the municipality.¹¹ A county or municipality may not establish rates, including a maximum rate, for the towing of vessels.¹²

Vehicle Holds, Wrecker Operator Storage Facilities, and Liens

An investigating agency may place a hold on a motor vehicle stored within a wrecker operator's storage facility for up to five business days.¹³ A hold may be applied when the officer has probable cause to believe the vehicle:

- Should be seized under the Florida Contraband Forfeiture Act or Ch. 379, F.S.;
- Was used as the means of committing a crime;
- Is evidence that tends to show a crime has been committed; or
- Was involved in a traffic accident resulting in death or personal injury.¹⁴

An officer may also apply a hold when the vehicle is impounded pursuant to ss. 316.193 or 322.34, F.S., and when the officer is complying with a court order.¹⁵ The hold must be in writing and include the name and agency of the law enforcement officer placing the hold, the date and time the hold is placed on the vehicle, a general description of the vehicle, the specific reason for the hold, the condition of the vehicle, the location where the vehicle is being held, and the name and contact information for the wrecker operator and storage facility.¹⁶

The investigating agency must inform the wrecker operator within the five-day holding period if the agency intends to hold the vehicle for a longer period of time.¹⁷ The vehicle owner is liable for towing and storage charges for the first five days. If the vehicle will be held beyond five days, the investigating agency may choose to have the vehicle stored at a designated impound lot or to pay for storage at the wrecker operator's storage facility.¹⁸

A wrecker operator or other person engaged in the business of transporting vehicles or vessels who recovers, removes, or stores a vehicle or vessel, possesses a lien on the vehicle or vessel for a reasonable towing fee and storage fee, if the vehicle or vessel is removed upon instructions from:

- The owner of the vehicle or vessel,
- The owner, lessor, or authorized person acting on behalf of the owner/lessor of property on which the vehicle or vessel is wrongly parked (as long as the removal is performed pursuant to s. 715.07, F.S.),
- The landlord or authorized person acting on behalf of a landlord, when the vehicle or vessel remains on the property after the expiration of tenancy and the removal is performed pursuant to s. 83.806, F.S., or s. 715.104, F.S.), or
- Any law enforcement agency.¹⁹

Authority for Local Governments to Charge Fees

Counties and municipalities do not have authority to levy taxes, other than ad valorem taxes, except as provided by general law.²⁰ However, local governments possess the authority to impose user fees or assessments by local ordinance as such authority is within the constitutional and statutory home rule powers of local governments.²¹ The key distinction between a tax and a fee is that fees are voluntary

¹¹ Sections 125.0103(1)(c) and 166.043(1)(c), F.S.

¹² Compare 125.0103(1)(c), F.S. (requiring a county to establish maximum rates for towing of vehicles) with s. 715.07, F.S. (towing of vehicles or vessels parked on private property).

¹³ Section 323.001(1), F.S.

¹⁴ Section 323.001(4)(a)-(e), F.S.

¹⁵ Section 323.001(4)(f)-(g), F.S.

¹⁶ Section 323.001(5), F.S.

¹⁷ Section 323.001(2), F.S.

¹⁸ Section 323.001(2)(a)-(b), F.S.

¹⁹ Section 713.78(2), F.S.

²⁰ Art. VII, s. 1(a), Fla. Const.

²¹ *City of Boca Raton v. State*, 595 So. 2d 25, 30 (Fla. 1992).

and benefit particular individuals in a manner not shared by others in the public.²² On the other hand, a tax is a “forced charge or imposition, operating whether we like it or not and in no sense depends on the will or contract of the one on whom it is imposed.”²³ Usually a fee is applied for the use of a service and is tied directly to the cost of maintaining the service. Money collected from a fee is not applied to uses other than to provide the service for which the fee is applied. An administrative fee for towing and storage services may be permissible to the extent the fee provides a specific benefit to vehicle owners.²⁴

Administrative Fees Related to Towing and Storage

Some municipalities charge administrative fees when a vehicle is towed in connection with certain misdemeanors or felonies.

The City of Sarasota seizes the vehicle of those arrested for crimes related to drugs or prostitution.²⁵ The registered owner of the vehicle is then given two options:

- The registered owner may request a hearing where the city must show by a preponderance of the evidence that the vehicle was used to facilitate the commission of an act of prostitution or any violation of ch. 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act. The owner may post a bond equal to the civil penalty (\$500.00), hearing costs (\$50.00), and towing and storage fees (\$125.00 plus \$25.00 per day) to receive the vehicle back pending the outcome of the hearing, or the owner may leave the vehicle in impound, incurring additional fees.
- The registered owner may waive the right to a hearing and pay the civil penalty (\$500.00).

If the registered owner of the vehicle is unable to pay the administrative penalty within 35 days, the city disposes of the vehicle. The City of Bradenton uses the same process and rate structure.²⁶

Other municipalities have enacted ordinances charging an administrative fee for any vehicle impoundment associated with an arrest. For example, the City of Sweetwater imposes an “impoundment administrative fee” on all vehicles seized incident to an arrest. The fee is \$500 if the impoundment stems from a felony arrest and \$250 if the impoundment stems from a misdemeanor.²⁷

The City of Winter Springs imposes an administrative fee for impoundment arising from twelve offenses enumerated in the authorizing ordinance, ranging from prostitution to dumping litter weighing more than 15 pounds.²⁸ The registered owner may request a hearing, either accruing additional storage fees pending the hearing or posting a bond equal to the amount of the administrative fee (\$550.00). If the registered owner waives the right to hearing, the administrative fee is reduced to \$250.00. These fees are payable to the city but are collected by towing companies.²⁹

By contract, some municipalities require wrecker services to pay a monthly fee for serving as authorized wrecker operators. For example, the contract between the City of Sarasota and a wrecker operator requires the operator to pay the city \$10,151 per month for “the opportunity to provide” wrecker services, as well as \$500 for each impounded vehicle sold by the wrecker service.³⁰

²² *City of Miami v. Quik Cash Jewelry & Pawn, Inc.*, 811 So.2d 756, 758 (Fla. 3rd DCA 2002).

²³ *Id.* at 758-59.

²⁴ See *Jasinski v. City of Miami*, 269 F. Supp. 2d 1341, 1348 (S.D. Fla. 2003).

²⁵ Sarasota Police Department, *Vehicle Seizure Program*, available at <http://www.sarasotapd.org/vehicle-seizure-program/> (last accessed Jan. 17, 2018).

²⁶ Bradenton, Fla. Code of Ordinances, ch. 54, art. IV (2016).

²⁷ Sweetwater, Fla. Code of Ordinances, ch. 42-1, s. 42.1(c) (2017).

²⁸ Winter Springs, Fla. Ordinance No. 2016-01 (effective October 23, 2016).

²⁹ Winter Springs, Fla. Notice of Right to Hearing Form. A copy of this form is attached as Appendix A.

³⁰ Agreement for Wrecker Towing and Storage Services, City of Sarasota and J&G WFR, Inc. dba Direct Towing. A copy of the relevant portions of the contract is attached as Appendix B.

Effect of Proposed Changes

The bill authorizes a county or municipality to regulate the rates for the towing or immobilization of vessels. A county or municipality is required to establish a maximum rate that may be charged for the towing or immobilization of a vessel. The bill provides that the maximum rate to immobilize a vehicle or vessel may not exceed 20 percent of the maximum rate allowed by the county or municipality for towing a vehicle or vessel from private property. The bill defines immobilization as the act of rendering a vehicle or vessel inoperable by the use of a device such as a "boot," "club," "Barnacle," or any other device which renders the vehicle or vessel inoperable.

The bill prohibits a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The prohibition would not impact the ability of the county or municipality to levy a business tax under ss. 205.0315, 205.033, or 205.0535, F.S. It also would not impact the ability of the county to impose a reasonable administrative fee or charge by ordinance on the legal owner of a vehicle if a county or municipal law enforcement officer has caused the owner's vehicle to be towed to and impounded at a facility owned by the county or municipality. The administrative fee imposed under this section may not exceed 25 percent of the maximum towing rate.

The bill authorizes an authorized wrecker operator or towing business to impose and collect the administrative fee and provides that the authorized wrecker operator or towing business is not required to remit the fee to the county or municipality until it is actually collected. The bill provides that the administrative fee shall be included as part of the lien on the vehicle or vessel held by the towing operator.

The bill also prohibits a county or municipality from adopting or enforcing an ordinance that imposes any charge, cost, expense, fine, fee, or penalty, on the registered owner or lienholder of a vehicle removed and impounded by an authorized wrecker operator. This prohibition does not apply to a reasonable administrative fee or charge, limited to 25 percent of the maximum towing rate, to cover the cost of enforcement.

B. SECTION DIRECTORY:

- Section 1: Amends s. 125.0103, F.S., requiring counties to establish maximum rates for the towing of vessels and placing a cap on the maximum rate for immobilizing a vehicle or vessel.
- Section 2: Creates s. 125.01047, F.S., prohibiting counties from enacting ordinances imposing specific fees and charges on authorized wrecker operators.
- Section 3: Amends s. 166.043, F.S., requiring municipalities to establish maximum rates for the towing of vessels and placing a cap on the maximum rate for immobilizing a vehicle or vessel.
- Section 4: Creates s. 166.04465, F.S., prohibiting municipalities from enacting ordinances imposing specific fees and charges on authorized wrecker operators.
- Section 5: Amends s. 323.002, F.S., prohibiting counties and municipalities from imposing fees and charges on the registered owner or lienholder of a vehicle removed and impounded pursuant to Ch. 323, F.S.
- Section 6: Amends s. 713.78, F.S., providing that a wrecker operation has a lien for a reasonable administrative fee or charge imposed by a county or municipality.
- Section 7: Provides that the bill shall take effect July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill will have an indeterminate impact on local government revenue. The bill prohibits counties and municipalities from charging certain fees to authorized wrecker operators and towing companies which are currently charged by some jurisdictions, while authorizing the collection of administrative fees for the cost of enforcement.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will reduce expenses for towing companies that are located in counties or municipalities currently charging a fee.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. 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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 5 of the bill prohibits a county or municipality from adopting or maintaining an ordinance or rule that imposes a fee or charge other than a reasonable administrative fee for the costs of enforcement. This language appears to reference the administrative fee authorized by sections 2 and 4 of the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

APPENDIX A



NOTICE OF RIGHT TO HEARING

Case#: []
Dated this [] day of [], 20 []

HAND DELIVERED TO:

NAME: [] DOB []
ADDRESS: []
D/L # [] Sex: [] Race: []

SECTION 1:

The following property was taken on the [] day of [], 20 [], on or about [] hours by members of the Winter Springs Police in the vicinity of [] because the undersigned police officer has probable cause to believe that the vehicle:

- Was used to facilitate the commission or attempted commission of an act of prostitution, assignation or lewdness as defined in §796.07, F.S. or the exposure of sexual organs as set forth in section 800.03 F.S.
Was knowingly used in the commission of any misdemeanor act of possession or attempted possession of any controlled substance as defined in section 893.02 F.S.
Was used, intended or attempted to be used, to facilitate the commission of any misdemeanor violation of Chapter 893 F.S.
Was used, intended or attempted to be used, to facilitate the commission of any misdemeanor violation of section 316.061 F.S.
Was used, intended or attempted to be used, to facilitate the commission of any misdemeanor violation of section 322.34 F.S.
Was operated by a person driving under the influence defined in section 316.193 F.S. when such violation is a misdemeanor.
Was used in the commission of the offense of driving without a valid license or permit in violation of 322.03 F.S.
Was being operated on a public street and is not covered by liability insurance as required by Chapter 324 F.S.
Was used in the commission of the misdemeanor offense of criminal mischief in violation section 806.13 F.S.
Was used to dump litter in any manner prohibited by section 403.413(4) F.S. exceeding 15 lbs. or 27 cu. ft. in volume not exceeding 500 lbs. or 100 cu. ft. and not for commercial purposes.
Was being operated by a person presenting proof of insurance in violation of section 316.646(4) F.S. knowingly not in force.
Was parked in a way impeding traffic, creating a hazard, obstructing a street or city utility or left unattended because the driver was taken into custody by law enforcement.

Such property is being held pending civil proceedings under Winter Springs Code, Section 12 and is described as: YEAR [] MAKE [] MODEL [] COLOR [] TAG [] VIN/HIN [] STATE []

Other []

And is currently being held at:

Tri-County Towing
1155 Belle Ave.
Winter Springs, FL 32708
(407) 695-4400

Winter Springs Police Department
300 N. Moss Rd.
Winter Springs, FL 32708
(407) 327-1000

Received By (Operator/Owner) Signed

Received By (Operator/Owner) Print

Delivered By (Officer/Clerk) Signed

Delivered By (Officer/Clerk) Print

SECTION 2:

Pursuant to City Code, Section 12-100 the owner has the right to request a hearing in the following manner:

Within seven (7) business days of receipt of this notice, the owner, co-owner or lienholder may request a hearing by delivering to the Police Department, at 300 N. Moss Rd., Seminole County, Winter Springs, Florida 32708, a written request for a hearing.

Such request for a hearing shall include a valid telephone number and correct address where the owner, co-owner, or lienholder may be contacted.

The written notice must be received by the Police Department within the allotted time or the right to a hearing shall be deemed to be waived.

SECTION 3:

In order to retrieve the above described vehicle, the owner has the below options:

Owner, Co-Owner, or Lienholder Requesting a Hearing:

The Owner, Co-Owner, or Lienholder may secure release of the vehicle by posting a bond (cash, money order, or certified check payable to the City of Winter Springs) in the amount of \$550.00 submitted to the towing company. The Owner, Co-Owner, or Lienholder may then take possession of the vehicle from the towing company after payment of towing and storage charges payable to the towing company.

The Owner, Co-Owner, or Lienholder may leave the vehicle impounded and request a hearing directly from the police department Support Services Bureau.

Owner, Co-Owner, or Lienholder Waiving a Hearing and Submitting Civil Penalty:

The Owner, Co-Owner, or Lienholder may secure release of the vehicle by submitting a civil penalty (cash, money order, or certified check payable to the City of Winter Springs) in the amount of \$250.00 and submitted to the towing company during business hours.

The Owner, Co-Owner, or Lienholder then may receive the vehicle from the towing company after payment of towing and storage charges payable to the the towing company.

An executed written waiver shall bind both the owner and co-owner except as otherwise provided herein.

APPENDIX B

AGREEMENT FOR WRECKER TOWING AND STORAGE SERVICES

THIS AGREEMENT FOR WRECKER TOWING AND STORAGE SERVICES, made and entered into this 5 day of MAY, 2010 by and between the CITY OF SARASOTA, FLORIDA, a municipal corporation, hereinafter referred to as "CITY," and J & G WPR, INC. DBA DIRECT TOWING, a Florida corporation, hereinafter referred to as "DIRECT".

WITNESSETH:

WHEREAS, CITY has publicly announced an invitation to Bid to obtain annual wrecker towing and storage services on an as needed basis pursuant to Invitation to Bid No. 10-08MK; and

WHEREAS, DIRECT has submitted a responsive bid which has been accepted by CITY to provide the CITY with the annual wrecker towing and storage services on an as needed basis; and

WHEREAS, CITY and DIRECT desire to formalize the terms and conditions of DIRECT's performance of such services as set forth herein; and

WHEREAS, the City Manager, pursuant to Sarasota City Code Section 2-5 (3) v. is authorized to administratively approve and execute this Agreement on behalf of CITY so long as the total compensation paid to DIRECT during the entire term of this Agreement, as may be extended, does not exceed Two Hundred Thousand Dollars (\$200,000.00).

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE MUTUAL COVENANTS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

1. Definitions: The following terms shall have the meanings herein ascribed to them:

A. *City Manager* shall mean the City manager of the City of Sarasota, Florida, or his designee.

B. *Police Chief* shall mean the Chief of Police of the City of Sarasota, Florida, or his designee.

C. *Project* shall mean the Scope of Services to be performed by DIRECT in furtherance of this Agreement. The Scope of Services shall include all labor, materials, tools, equipment, insurance and the like required to perform vehicle and vessel towing and storage services within the boundaries of the towing area on an as needed basis for CITY. A more detailed description of the Scope of Services is set forth in the City of Sarasota Police Department Vehicle and Vessel Towing and Storage Services section found on pages 13 through 20, inclusive, of Invitation to Bid No. 10-08MK. A copy of Invitation to Bid No. 10-08MK, as well as the Bid Form submitted by DIRECT in response thereto, are on file in the offices of

the Financial Administration Purchasing Division of CITY. Invitation to Bid No. 10-08MK, as well as DIRECT's Bid Form submitted in response thereto are deemed incorporated by reference into this Agreement. DIRECT covenants to strictly comply with all of the terms and conditions of Bid No. 10-08MK as well as DIRECT's Bid Form submitted in response thereto. In the event of any conflict between the terms set forth in the main body of this Agreement and Invitation to Bid No. 10-08MK, the terms and conditions set forth in the main body of this Agreement shall control.

2. Scope of Services: DIRECT shall diligently and timely provide all labor, material and equipment required for the Scope of Services for the Project in strict conformance with Bid No. 10-08MK as well as DIRECT's Bid Form submitted in response thereto and in strict conformance with all the terms and conditions of this Agreement. The parties hereby agree to be bound by the terms and conditions set forth in Bid No. 10-08MK as well as DIRECT's Bid Form submitted in response thereto. The Police Chief will notify DIRECT when an assignment within the Project Scope of Services may be available. DIRECT covenants to provide the Project Scope of Services within the time limits set forth in Invitation to Bid No. 10-08MK.

3. Payment: In consideration for CITY providing DIRECT the opportunity to provide the Scope of Services, DIRECT agrees to pay CITY a fee in the amount of Ten Thousand One Hundred Fifty One and 00/100 Dollars (\$10,151.00) per month. Said payment shall be submitted to the CITY prior to the 10th day of each month. This monthly payment shall be due and payable by DIRECT to CITY in advance for each month during the term of this Agreement. Furthermore, in consideration of the CITY not placing, attempting to foreclose or foreclosing a vehicle impoundment lien upon a vehicle impounded pursuant to Section 35-271 of the Sarasota City Code, DIRECT agrees to waive any and all storage charges to which the CITY would be obligated to pay as a result of the operation of any provision of Chapter 823, Florida Statutes, on any vehicles impounded by the City and stored by DIRECT. As further

consideration, DIRECT shall pay CITY Five Hundred Dollars (\$500.00) for each sale by DIRECT of a vehicle that was sold subsequent to a seizure initiated by the police department of CITY. Said payment shall be made to CITY within thirty (30) days of DIRECT'S sale of a vehicle which had been seized.

4. Term: This Agreement shall be effective upon complete execution by each of the parties hereto. The initial term of this Agreement shall expire one year thereafter. This Agreement may be extended upon mutual agreement of the parties for up to two additional one year periods under the same terms and conditions pursuant to an amendment to this Agreement.

5. Public Records: DIRECT acknowledges that it shall be responsible to totally and fully comply with the Florida Public Records Law as set forth in Chapter 119, Florida Statutes and all other relevant laws, rules and regulations regarding public records.

6. Termination Without Default: The City Manager shall have the right at any time upon fifteen (15) days written notice to DIRECT to terminate the services of DIRECT hereunder for any reason whatsoever. If the City Manager terminates this Agreement pursuant to this Section 6, DIRECT shall be entitled to a pro-rated refund of the monthly payment required by Section 3 above. The amount of the refund shall be pro-rated based upon the number of days remaining in the calendar month starting with the day after the effective date of termination.

7. Termination With Default: DIRECT acknowledges that the conditions, covenants and requirements on its part to be kept, as set forth herein, are material inducements to CITY entering into this Agreement. Should DIRECT fail to perform any of the conditions, covenants and requirements on its part to be kept, the City Manager shall give written notice thereof to DIRECT specifying those acts or things which must occur in order to cure said default, including the time within which such cure shall occur. DIRECT shall have seventy two (72) hours measured from the date and time of the written notice within which to cure the default.

1 A bill to be entitled
 2 An act relating to towing and immobilizing fees and
 3 charges; amending ss. 125.0103 and 166.043, F.S.;
 4 establishing a maximum rate that counties or
 5 municipalities may charge to immobilize vehicles or
 6 vessels under certain conditions; defining the term
 7 "immobilize"; creating ss. 125.01047 and 166.04465,
 8 F.S.; prohibiting counties or municipalities from
 9 enacting certain ordinances or rules that impose fees
 10 or charges on authorized wrecker operators or towing
 11 businesses; defining the term "towing business";
 12 providing exceptions; amending s. 323.002, F.S.;
 13 prohibiting counties or municipalities from imposing
 14 charges, costs, expenses, fines, fees, or penalties on
 15 registered owners, other legally authorized persons in
 16 control, or lienholders of vehicles or vessels under
 17 certain conditions; providing an exception; amending
 18 s. 713.78, F.S.; authorizing certain persons to place
 19 liens on vehicles or vessels to recover specified fees
 20 or charges; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Paragraphs (b) and (c) of subsection (1) of
 25 section 125.0103, Florida Statutes, are amended to read:

26 125.0103 Ordinances and rules imposing price controls;
 27 findings required; procedures.—

28 (1)

29 (b) The provisions of this section shall not prevent the
 30 enactment by local governments of public service rates otherwise
 31 authorized by law, including water, sewer, solid waste, public
 32 transportation, taxicab, or port rates, rates for towing of
 33 vehicles or vessels from or immobilization of vehicles or
 34 vessels on private property, or rates for removal and storage of
 35 wrecked or disabled vehicles or vessels from an accident scene
 36 or the removal and storage of vehicles or vessels in the event
 37 the owner or operator is incapacitated, unavailable, leaves the
 38 procurement of wrecker service to the law enforcement officer at
 39 the scene, or otherwise does not consent to the removal of the
 40 vehicle or vessel.

41 (c) Counties must establish maximum rates which may be
 42 charged on the towing of vehicles or vessels from or
 43 immobilization of vehicles or vessels on private property,
 44 removal and storage of wrecked or disabled vehicles or vessels
 45 from an accident scene or for the removal and storage of
 46 vehicles or vessels, in the event the owner or operator is
 47 incapacitated, unavailable, leaves the procurement of wrecker
 48 service to the law enforcement officer at the scene, or
 49 otherwise does not consent to the removal of the vehicle or
 50 vessel. The maximum rate to immobilize a vehicle or vessel on

51 public or private property may not exceed 20 percent of the
 52 maximum rate to tow a vehicle or vessel from private property.
 53 However, if a municipality chooses to enact an ordinance
 54 establishing the maximum rates ~~fees~~ for the towing or
 55 immobilization of vehicles or vessels as described in paragraph
 56 (b), the county's ordinance shall not apply within such
 57 municipality. For purposes of this paragraph, the term
 58 "immobilize" means the act of rendering a vehicle or vessel
 59 inoperable by the use of a device such as a "boot" or "club,"
 60 the "Barnacle," or any other device which renders a vehicle or
 61 vessel inoperable.

62 Section 2. Section 125.01047, Florida Statutes, is created
 63 to read:

64 125.01047 Rules and ordinances relating to towing
 65 services.—

66 (1) A county may not enact an ordinance or rule that would
 67 impose a fee or charge on an authorized wrecker operator, as
 68 defined in s. 323.002(1), or on a towing business for towing,
 69 impounding, or storing a vehicle or vessel. As used in this
 70 section, the term "towing business" means a business that
 71 provides towing services for monetary gain.

72 (2) The prohibition set forth in subsection (1) does not
 73 affect a county's authority to:

74 (a) Levy a reasonable business tax under s. 205.0315, s.
 75 205.033, or s. 205.0535.

76 (b) Impose and collect a reasonable administrative fee or
 77 charge on the registered owner or other legally authorized
 78 person in control of a vehicle or vessel, or the lienholder of a
 79 vehicle or vessel, not to exceed 25 percent of the maximum
 80 towing rate, to cover the cost of enforcement, including parking
 81 enforcement, by the county when the vehicle or vessel is towed
 82 from public property. However, an authorized wrecker operator or
 83 towing business may impose and collect the administrative fee or
 84 charge on behalf of the county and shall remit such fee or
 85 charge to the county only after it is collected.

86 Section 3. Paragraphs (b) and (c) of subsection (1) of
 87 section 166.043, Florida Statutes, are amended to read:

88 166.043 Ordinances and rules imposing price controls;
 89 findings required; procedures.-

90 (1)

91 (b) The provisions of this section shall not prevent the
 92 enactment by local governments of public service rates otherwise
 93 authorized by law, including water, sewer, solid waste, public
 94 transportation, taxicab, or port rates, rates for towing of
 95 vehicles or vessels from or immobilization of vehicles or
 96 vessels on private property, or rates for removal and storage of
 97 wrecked or disabled vehicles or vessels from an accident scene
 98 or the removal and storage of vehicles or vessels in the event
 99 the owner or operator is incapacitated, unavailable, leaves the
 100 procurement of wrecker service to the law enforcement officer at

101 | the scene, or otherwise does not consent to the removal of the
 102 | vehicle or vessel.

103 | (c) Counties must establish maximum rates which may be
 104 | charged on the towing of vehicles or vessels from or
 105 | immobilization of vehicles or vessels on private property,
 106 | removal and storage of wrecked or disabled vehicles or vessels
 107 | from an accident scene or for the removal and storage of
 108 | vehicles or vessels, in the event the owner or operator is
 109 | incapacitated, unavailable, leaves the procurement of wrecker
 110 | service to the law enforcement officer at the scene, or
 111 | otherwise does not consent to the removal of the vehicle or
 112 | vessel. The maximum rate to immobilize a vehicle or vessel on
 113 | public or private property may not exceed 20 percent of the
 114 | maximum rate to tow a vehicle or vessel from private property.
 115 | However, if a municipality chooses to enact an ordinance
 116 | establishing the maximum rates ~~fees~~ for the towing or
 117 | immobilization of vehicles or vessels as described in paragraph
 118 | (b), the county's ordinance established under s. 125.0103 shall
 119 | not apply within such municipality. For purposes of this
 120 | paragraph, the term "immobilize" means the act of rendering a
 121 | vehicle or vessel inoperable by the use of a device such as a
 122 | "boot" or "club," the "Barnacle," or any other device which
 123 | renders a vehicle or vessel inoperable.

124 | Section 4. Section 166.04465, Florida Statutes, is created
 125 | to read:

126 166.04465 Rules and ordinances relating to towing
 127 services.-

128 (1) A municipality may not enact an ordinance or rule that
 129 would impose a fee or charge on an authorized wrecker operator,
 130 as defined in s. 323.002(1), or on a towing business for towing,
 131 impounding, or storing a vehicle or vessel. As used in this
 132 section, the term "towing business" means a business that
 133 provides towing services for monetary gain.

134 (2) The prohibition set forth in subsection (1) does not
 135 affect a municipality's authority to:

136 (a) Levy a reasonable business tax under s. 205.0315, s.
 137 205.043, or s. 205.0535.

138 (b) Impose and collect a reasonable administrative fee or
 139 charge on the registered owner or other legally authorized
 140 person in control of a vehicle or vessel, or the lienholder of a
 141 vehicle or vessel, not to exceed 25 percent of the maximum
 142 towing rate, to cover the cost of enforcement, including parking
 143 enforcement, by the municipality when the vehicle or vessel is
 144 towed from public property. However, an authorized wrecker
 145 operator or towing business may impose and collect the
 146 administrative fee or charge on behalf of the municipality and
 147 shall remit such fee or charge to the municipality only after it
 148 is collected.

149 Section 5. Subsection (4) of section 323.002, Florida
 150 Statutes, is renumbered as subsection (5), and a new subsection

151 (4) is added to that section to read:

152 323.002 County and municipal wrecker operator systems;
 153 penalties for operation outside of system.—

154 (4) (a) Except as provided in paragraph (b), a county or
 155 municipality may not adopt or maintain in effect an ordinance or
 156 rule that imposes a charge, cost, expense, fine, fee, or penalty
 157 on a registered owner or other legally authorized person in
 158 control of a vehicle or vessel, or the lienholder of a vehicle
 159 or vessel, when the vehicle or vessel is towed by an authorized
 160 wrecker operator under this chapter.

161 (b) A county or municipality may adopt or maintain an
 162 ordinance or rule that imposes a reasonable administrative fee
 163 or charge on the registered owner or other legally authorized
 164 person in control of a vehicle or vessel, or the lienholder of a
 165 vehicle or vessel, that is towed by an authorized wrecker
 166 operator, not to exceed 25 percent of the maximum towing rate,
 167 to cover the cost of enforcement, including parking enforcement,
 168 by the county or municipality when the vehicle or vessel is
 169 towed from public property. However, an authorized wrecker
 170 operator or towing business may impose and collect the
 171 administrative fee or charge on behalf of the county or
 172 municipality and shall remit such fee or charge to the county or
 173 municipality only after it is collected.

174 Section 6. Subsection (2) of section 713.78, Florida
 175 Statutes, is amended to read:

176 713.78 Liens for recovering, towing, or storing vehicles
 177 and vessels.—

178 (2) Whenever a person regularly engaged in the business of
 179 transporting vehicles or vessels by wrecker, tow truck, or car
 180 carrier recovers, removes, or stores a vehicle or vessel upon
 181 instructions from:

182 (a) The owner thereof;

183 (b) The owner or lessor, or a person authorized by the
 184 owner or lessor, of property on which such vehicle or vessel is
 185 wrongfully parked, and the removal is done in compliance with s.
 186 715.07;

187 (c) The landlord or a person authorized by the landlord,
 188 when such motor vehicle or vessel remained on the premises after
 189 the tenancy terminated and the removal is done in compliance
 190 with s. 83.806 or s. 715.104; or

191 (d) Any law enforcement agency,

192
 193 she or he shall have a lien on the vehicle or vessel for a
 194 reasonable towing fee, for a reasonable administrative fee or
 195 charge imposed by a county or municipality, and for a reasonable
 196 storage fee; except that no storage fee shall be charged if the
 197 vehicle or vessel is stored for less than 6 hours.

198 Section 7. This act shall take effect July 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1263 Specialty License Plates
SPONSOR(S): Miller
TIED BILLS: **IDEN./SIM. BILLS:** SB 1050

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth <i>AR</i>	Vickers <i>PV</i>
2) Transportation & Tourism Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The bill directs the Department of Highway Safety and Motor Vehicles to develop the Orlando City Soccer Club specialty license plate with an annual use fee of \$25.

The annual use fee 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. 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, and for additional authorized uses.

The bill will have a negative, but insignificant fiscal impact to state expenditures.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Specialty License Plates in General

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and ten Florida collegiate plates. Today, there are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically \$25 annually.¹ The collected fees are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to statutorily designated organizations in support of a particular cause or charity. A vehicle registered under the International Registration Plan, a commercial truck required to display two license plates, or a truck tractor are not eligible for specialty license plates.²

Only the Legislature may create new specialty license plates. If a specialty license plate is created by law, the following requirements must then be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.³
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.⁴
- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.⁵

DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations falls below 1,000 plates (this provision does not apply to collegiate license plates).⁶

Organizations in receipt of specialty license plate revenue must adhere to certain accountability requirements found in statute. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable statutes.⁷ 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.⁸

Professional Sports Team License Plate

Section 320.08058(9), F.S., provides that Florida Professional Sports Team license plates must bear the colors and design approved by the department 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.

¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 12, 2018).

² Section 320.08056(2), F.S.

³ Section 320.08053(1), F.S.

⁴ Section 320.08053(2)(a), F.S.

⁵ Section 320.08053(2)(b), F.S.

⁶ Section 320.08056 (8)(a), F.S.

⁷ Section 320.08062, F. S.

⁸ Section 320.08056(10)(a), F.S.

The annual use fee 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. 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., and financial support of the Sunshine State Games.

There are nine Florida Professional Sports Teams specialty license plates available for purchase: Florida Panthers, Miami Heat, Tampa Bay Buccaneers, Jacksonville Jaguars, Miami Marlins, Tampa Bay Lightning, Miami Dolphins, Orlando Magic, and Tampa Bay Rays.⁹

Orlando City Soccer Club

Orlando City Soccer Club was formed in 2010 and was awarded a Major League Soccer franchise in late November of 2013. On May 29, 2015, Orlando City Soccer Club announced they would be privately funding 100 percent of a new downtown stadium that would hold 25,500 people. The downtown stadium opened its doors for the first time to a sellout crowd on March 5, 2017.¹⁰

Proposed Changes

The bill directs DHSMV to develop the Orlando City Soccer Club specialty license plate with an annual use fee of \$25, bearing the colors and design approved by DHSMV. The new license plates will display the word "Florida" at the top of the plate and must include the official league or team logo, or both.

The annual use fee is distributed as follows:

- Fifty-five percent to the Professional Sports Development Trust Fund within 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. 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;

⁹ Department of Highway Safety and Motor Vehicles, *2016 Specialty License Plate Rankings*, available at <http://www.flhsmv.gov/specialtytags/tag-sales.pdf> (last visited January 16, 2018).

¹⁰ Orlando City Soccer Club, *History*, available at <https://www.orlandocitysc.com/club/history> (last visited January 12, 2018).

- 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., and financial support of the Sunshine State Games.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.08056, F.S., relating to specialty license plates.

Section 2: Amends s. 320.08058, F.S., relating to specialty license plates.

Section 3: Provides an effective date of October 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV estimates that 216 hours will be required for programming and implementation of the specialty license plate. The total estimated fiscal impact to DHSMV is \$7,680 in FTE resources.¹¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Revenue from the sale of the Orlando City Soccer Club specialty license plate will be used to benefit the residents of the state of Florida by promoting education programs in schools, developing programs that recognize schools whose students demonstrate excellent physical fitness or fitness improvement, and distributing funds to Florida-based charities.

D. FISCAL COMMENTS:

None.

¹¹ Florida Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2018 House Bill 913*, p. 4 (December 13, 2017).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 ss. 320.08056 and 320.08058, F.S.; directing the
 4 Department of Highway Safety and Motor Vehicles to
 5 develop an Orlando City Soccer Club license plate;
 6 establishing an annual use fee for the plate;
 7 providing for distribution and use of fees collected
 8 from the sale of the plates; providing an effective
 9 date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Paragraph (ffff) is added to subsection (4) of
 14 section 320.08056, Florida Statutes, to read:

15 320.08056 Specialty license plates.—

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

18 (ffff) Orlando City Soccer Club license plate, \$25.

19 Section 2. Subsection (84) is added to section 320.08058,
 20 Florida Statutes, to read:

21 320.08058 Specialty license plates.—

22 (84) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

23 (a) The department shall develop an Orlando City Soccer
 24 Club license plate as provided in paragraph (9) (a).



25 (b) The annual use fees from the sale of the plate shall

26 | be distributed and used as provided in paragraph (9) (b).

27 | Section 3. This act shall take effect October 1, 2018.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1281 Garcon Point Bridge
SPONSOR(S): Williamson
TIED BILLS: **IDEN./SIM. BILLS:** SB 1436

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson 	Vickers 
2) Transportation & Tourism Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The Santa Rosa Bay Bridge Authority (SRBBA) owns the Garcon Point Bridge (bridge) in Santa Rosa County. The bridge has never met its traffic and revenue projections and its bonds are currently in default. Additionally, SRBBA does not have a functioning governing board. Pursuant to a 1996 lease-purchase agreement, the Department of Transportation (DOT) has assumed responsibility for the operation and maintenance of the bridge. Florida's Turnpike Enterprise (Turnpike) provides toll operations, and maintenance functions are performed by DOT's District Three.

The bill authorizes DOT, subject to the verification of economic feasibility, to acquire the Garcon Point Bridge and purchase, as part of the acquisition, SRBBA's bonds. Following the acquisition, the bridge will become part of the Florida Turnpike System.

The bill provides that the acquisition price must first be used to settle all claims of SRBBA bondholders. Additionally, the bill provides that the bridge's toll may not be increased in connection with the acquisition of the bridge. However, following the acquisition, tolls may be increased as required by law or to meet bond covenants.

The bill stipulates that DOT and the state may not incur any financial obligation for acquiring the bridge in excess of its forecasted gross revenues. Therefore, the total acquisition price may not exceed anticipated toll revenues, calculated without any increase in the toll rate, anticipated to be collected from the operation of the bridge between the date of purchase and the projected remaining useful life of the bridge.

Upon the acquisition of the bridge, the lease-purchase agreement between SRBBA and DOT is terminated.

The bill provides that upon DOT's acquisition of the bridge, the Santa Rosa Bay Bridge Authority Act is repealed.

The fiscal impact of the bill is indeterminate, but likely to be significant. See fiscal analysis for details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

History

Creation of the Santa Rosa Bay Bridge Authority

Created in 1984,¹ the Santa Rosa Bay Bridge Authority (SRBBA) is an agency of the State located in Santa Rosa County. SRBBA was created to acquire, hold, construct, maintain, operate, own and lease all or any part of the Santa Rosa Bay Bridge System, consisting of the Garcon Point Bridge (bridge) and its related infrastructure.² Bridge construction began in December 1996 and the bridge opened to traffic in May 1999.³

Toll Facility Revolving Trust Fund Loans

Previously codified in s. 338.251, F.S., the Toll Facilities Revolving Trust Fund (TFRTF) was a loan program used to develop and enhance the financial feasibility of revenue-producing road projects. TFRTF loans could be awarded for project planning and design activities, and advanced right-of-way purchase activities. The trust fund provided interest free loans to pay the toll facility's initial project development costs. Loans of greater than \$1.5 million required specific legislative appropriation. In 2012, the Legislature repealed the TFRTF.⁴

Between 1989 and 1994, SRBBA received \$8.5 million in TFRTF loans. SRBBA used the loan proceeds to pay preliminary expenditures related to the bridge's planning, engineering, permitting, acquisition of right-of-way, and design. TFRTF loan repayment is subordinate to the SRBBA's debt service and administrative costs. As of June 30, 2016, SRBBA owed DOT \$7.9 million in TFRTF loans. Since August 1999, SRBBA has not made any payments on its TFRTF loans.⁵

In January 2001, SRBBA requested a TFRTF loan of over \$2.9 million, anticipated to be sufficient to cover revenue shortfalls in Fiscal Years 2001 and 2002. SRBBA's request was reduced to \$1.4 million after updated revenue estimates decreased the anticipated revenue shortfall. On May 4, 2001, the Legislature approved SRBBA's TFRTF loan.⁶ On June 15, 2001, Governor Bush vetoed the loan.⁷

Following the veto, SRBBA had to use its operating reserves to cover the revenue shortfall for its July 1, 2001, debt service payment. This temporarily allowed SRBBA to delay drawing on its \$9.2 million debt service reserve fund (DSRF). This also left SRBBA without funds for its day-to-day operations. By mid-2001, SRBBA was using all available toll revenues for debt service, leaving it without operating funds. By the end of 2001, due to lack of funds, SRBBA closed its office and ceased all administration services. DOT agreed to take possession of all SRBBA's records and provide administrative support for SRBBA's future board meetings.⁸

¹ Chapter 84-354, L.O.F.

² Department of Transportation/Division of Bond Finance; *Economic Feasibility Study: State Acquisition of the Garcon Point Bridge*. December 2017 (Economic Feasibility Study) p. 11.

³ *Id.* at B-2

⁴ Chapter 2012-128, L.O.F.

⁵ Economic Feasibility Study, p. 11.

⁶ Chapter 2001-253, L.O.F.

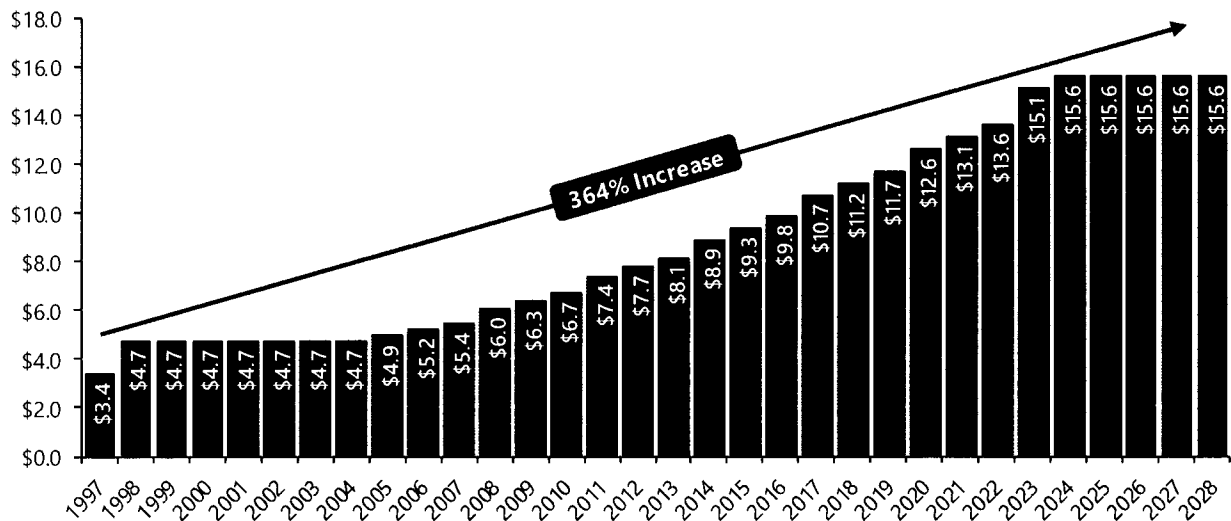
⁷ Economic Feasibility Study, p. B-3.

⁸ *Id.* at B-3 - B-4.

Financing and Construction

On October 16, 1996, SRBBA issued \$95.0 million in revenue bonds, with a final maturity in July 2028, to finance bridge construction. SRBBA's bonds are secured by the bridge's gross toll revenues and a DSRF funded with \$9.2 million from bond proceeds. SRBBA was able to pledge its gross toll revenues due to its lease-purchase agreement (LPA) with DOT.⁹

Santa Rosa Bay Bridge Authority
Revenue Bonds, Series 1996
Annual Debt Service Payment Schedule by Fiscal Year
(in millions of dollars)



Of SRBBA's \$95.0 million in bonds, \$75.5 million were issued as fixed-rate current-interest bonds. Fixed-rate current-interest bonds pay interest at a set rate on a periodic basis. At maturity, the final interest payment and the original principal amount is paid to the bondholder. This is the conventional debt structure in the municipal bond market and is utilized for the vast majority of the state's debt transactions.¹⁰

The remaining \$19.5 million in bonds were issued as Capital Appreciation Bonds. Capital Appreciation Bonds do not make periodic interest payments and instead increase in value at a compounded rate. At maturity, bondholders receive a single payment equal to their original principal and all compounded interest. The total amount due at maturity of SRBBA's in Capital Appreciation Bonds issued is \$73.8 million. Since the bonds only pay at maturity, Capital Appreciation Bonds are used to avoid periodic interest payments.¹¹

Lease-Purchase Agreement

Prior to 2011, various toll authorities were authorized to enter into LPAs with DOT. Section 334.044, F.S., authorized DOT to enter into these LPAs. Additionally, s. 339.08(1)(g), F.S., authorized DOT to lend or pay a portion of the operation and maintenance (O&M) and capital costs of any revenue-producing transportation project located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System. In 2011, the Legislature repealed DOT's authority to enter into LPAs.¹²

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

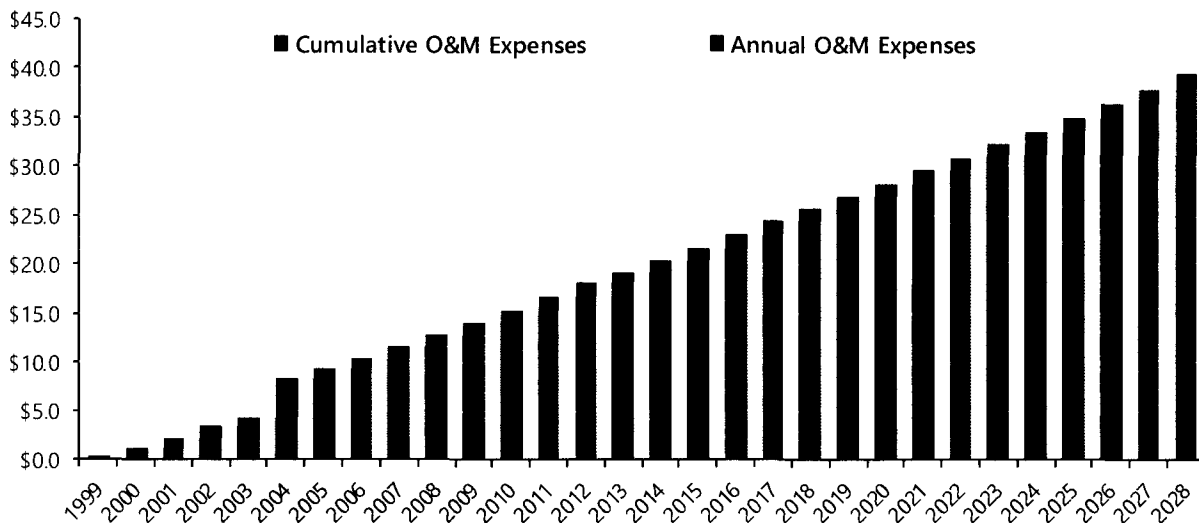
¹² Chapter 2011-64, L.O.F.

On October 23, 1996, SRBBA and DOT entered into an LPA, granting DOT exclusive possession and use of the bridge. Under the LPA, DOT pays the costs of operating, maintaining, repairing, and insuring the bridge. The LPA requires DOT to collect the tolls on the bridge and remit the revenues to the bond trustee as lease payments. The LPA's terms extends through the date upon which all of the bonds have been repaid and all amounts due to DOT, including the TFRTF loans and all operations and maintenance costs paid by DOT, have been repaid.¹³

The LPA was a mechanism for the state to provide credit support in connection with financing the bridge. With the state paying the operation and maintenance expenses, SRBBA was able to pledge its gross toll revenues as security for the bonds. The state's credit support reduced the financial risk to bondholders and was essential for the marketability of the bonds given the bridge's questionable financial feasibility.¹⁴

Pursuant to the LPA, SRBBA must reimburse DOT for all of the bridge's direct and indirect O&M costs. This liability is subordinate to all debt service, administrative costs, and repayment of the TFRTF loans. SRBBA has not reimbursed any of the O&M costs that DOT has incurred in relation to the bridge. As of June 30, 2017, the long-term liability owed to DOT under the LPA was \$25.3 million. DOT projects that it will incur an additional \$16.2 million of O&M costs over the next 11 years resulting in a total long-term liability of \$41.5 million in 2028, the LPA's original termination date. However, DOT is committed to pay O&M expenses through the final payoff of the bonds, which is anticipated to extend beyond 2028. On January 21, 2009, the LPA was amended with DOT agreeing to pay certain administrative expenses of the SRBBA. The LPA amendment stipulates that SRBBA will reimburse DOT for all administrative expenses in the same manner that it is required to reimburse its accrued O&M expenses. Set forth below is an illustration of the annual O&M costs and cumulative costs expected to be paid by DOT pursuant to the LPA through 2028.¹⁵

Santa Rosa Bay Bridge Authority
FDOT's Annual & Cumulative O&M Expenses
Actuals for FY 1999-2016 & Projected for FY 2017-2028
 (in millions of dollars)



Revenue Shortfalls, Toll Increases & Debt Default

Immediately after the bridge opened to traffic, the bridge's traffic and gross toll revenues began to come in well below the estimates used to justify the project and structure the financing. By the end of

¹³ Economic Feasibility Study, p. 14

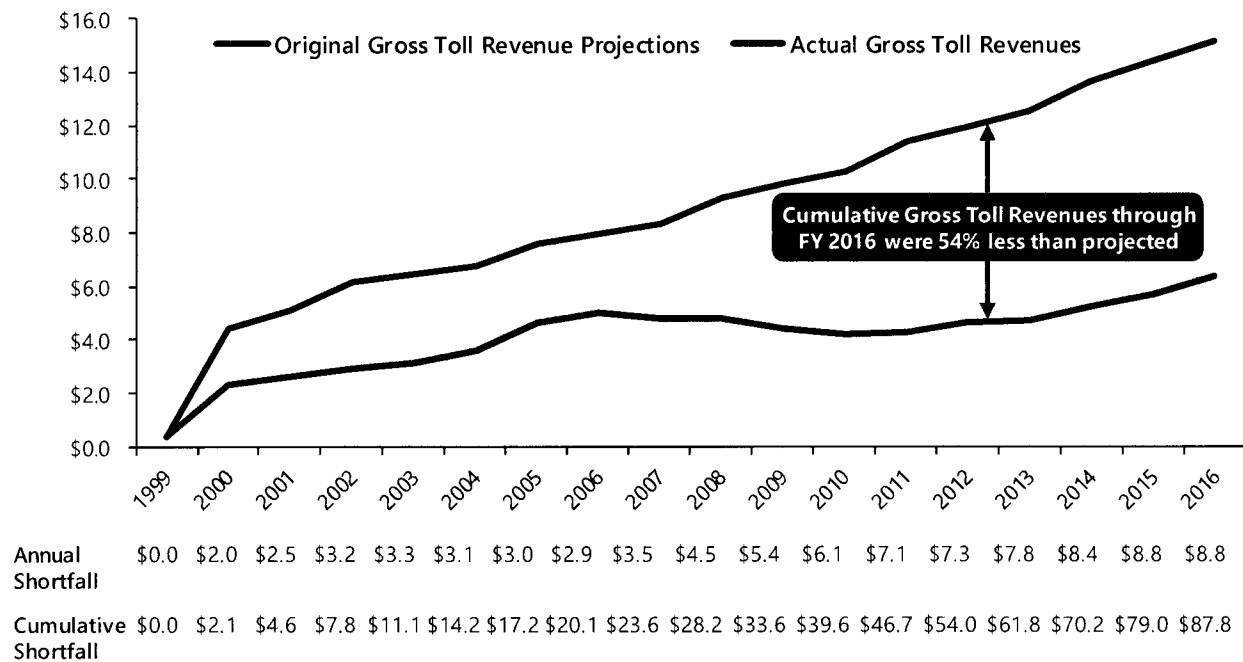
¹⁴ *Id.*

¹⁵ *Id.*

Fiscal Year 2000, the average annual daily traffic was approximately 42 percent of the projected levels, and total annual toll revenues were approximately 54 percent of the original projections¹⁶

By June 30, 2000, it had become clear that the traffic consultant and SRBBA had significantly overestimated the bridge's traffic demand.

Santa Rosa Bay Bridge Authority
Original Gross Toll Revenue Projections vs
Actual Gross Toll Revenues by Fiscal Year
 (in millions of dollars)



On August 15, 2000, SRBBA received updated estimates showing that toll revenues for Fiscal Year 2001 would not be sufficient to meet the rate covenant required by the bond resolution. In the bond documents, SRBBA had agreed that if gross toll revenues were expected to be less than 120 percent of the current year's debt service, it would engage its traffic consultants to make recommendations regarding toll increases or any other revenue enhancing strategies. If SRBBA failed to comply with the traffic consultant's recommendations, the bonds would be in technical default. SRBBA engaged a traffic consultant, and its recommendations would be provided in 2001.¹⁷

In April 2001, SRBBA adopted a schedule of toll rate increases designed to maximize the bridge's toll revenues. The toll rate plan was developed because of its anticipated failure to meet its toll rate covenant in Fiscal Year 2001, and by accepting and implementing the plan, SRBBA was able to avoid a technical default on its bonds. The schedule called for a toll increase on July 1, 2001, with incremental toll increases every three years from Fiscal Years 2002 to 2020.¹⁸

¹⁶ *Id.*
¹⁷ *Id.* at 16
¹⁸ *Id.* at 17

GARCON POINT BRIDGE PROPOSED TOLL RATES

Fiscal Year	Toll Rate
1999	\$2.00
2002	\$2.50
2005	\$3.00
2008	\$3.50
2011	\$3.75 (This is the current toll rate)
2014	\$4.00
2017	\$4.25
2020	\$4.50

The proposed toll increases in 2002, 2005, and 2008 went into effect as planned, while the 2011 increase went into effect on January 1, 2011, following six months delay due to the Deepwater Horizon oil spill. However, SRBBA has not implemented the proposed toll increases for Fiscal Years 2014 and 2017 since there is no governing board or administrative body to authorize or implement the toll rate increase. The bridge's toll is currently \$3.75.¹⁹

Draws on DSRF and Bond Default

In January 2002, SRBBA used its DSRF for the first time to make an interest payment. Funded with \$9.2 million of bond proceeds, the DSRF provides additional security to bondholders and protect against revenue shortfalls. While using the DSRF did not constitute a technical default, the bond resolution required SRBBA to replenish any draws. However, replenishing the DSRF is subordinate to the payment of debt service. Given that toll revenues were insufficient to cover all of the required debt service, SRBBA was unable to replenish the DSRF. As a result, in February 2002, SRBBA officially entered into a technical default.

Through the first half of Fiscal Year 2005, SRBBA continued to draw on its DSRF to make its annual debt service payments, reducing the DSRF's balance of funds in the DSRF to \$6.2 million.²⁰

From Fiscal Year 2007 to 2010, gross toll revenues suffered annual declines coinciding with the economic recession. At the same time, the bond's annual debt service due grew each year due to the ascending debt service structure. By Fiscal Year 2011, its annual debt service was \$2.6 million higher than its gross toll revenues, with that deficit continuing to grow in the years that followed.

On June 29, 2011, the bond trustee filed a material event notice indicating SRBBA did not have sufficient funds to make the July 1, 2011, debt service payment. As a result, the trustee withheld all funds and did not make the debt service payment. The notice also indicated that the trustee expected the payment default to continue indefinitely. On July 1, 2011, there was a payment default on the bonds.²¹

In March 2012, the trustee disbursed the remaining \$2.2 million in the DSRF fund making a pro-rata payment on interest that was due on July 1, 2011. While the trustee used the remaining DSRF to make this payment, it had not been utilizing the gross toll revenues that were being collected to make any payments on interest or principal coming due, and the trustee did not make the next three payments. Following those missed payments, the trustee received a request for acceleration from a majority of bondholders and all of the outstanding principal of the bonds was declared immediately due and payable on January 1, 2013. Following acceleration, the trustee has used all available gross toll revenues to make partial payments on each debt service payment date.²²

¹⁹ *Id.*

²⁰ *Id.* at 18

²¹ *Id.*

²² *Id.* at 18-19

Toll Increase Demand

In 2014, the bond trustee engaged a consultant to determine the optimal toll rates that would generate the highest revenues for bondholders. The consultant concluded that a toll increase would increase revenues, and proposed increasing cash tolls from \$3.75 to \$5.00 and SunPass²³ tolls from \$3.75 to \$4.00. It also recommended decreasing the SunPass discount for the bridge's frequent users from 50 percent to 25 percent. In November 2014, the bond trustee delivered to SRBBA's board its demand to raise tolls.²⁴

In March 2015, with no board in place to authorize the toll increases, the trustee sent notice to DOT demanding that DOT immediately implement a toll increase in the amounts recommended by the trustee's consultant. In September 2015, following DOT's refusal to implement the requested toll increase, the bond trustee filed a notice stating that it would sue DOT to force the toll increase if a majority of bondholders agreed to cover the potential costs of litigation. The bond trustee never filed suit, and in August 2016, the trustee was replaced. To date, the new trustee has not filed litigation.²⁵

Securities and Exchange Commission Investigation and Board Resignations

In November 2010, the Securities and Exchange Commission (SEC) sent a letter to the chair of SRBBA's board requesting that he appear for a deposition and provide the SEC with copies of SRBBA's records. After receiving the letter, the chairman resigned. At its December, 2010, board meeting, two additional board members resigned. In the weeks that followed, one additional board member resigned while another board member announced that he would not attend any future board meetings. By January 2011, SRBBA's board was unable to meet due to a lack of quorum. Over the next few months, the SEC's inquiry expanded, with additional requests for information sent to some of the former board members and a DOT staffer who was performing certain administrative functions pursuant to the LPA. SRBBA's attorney also received a letter from the SEC and resigned as a result.²⁶

While the SEC has not publically disclosed the reason for its inquiry, it was potentially related to the SRBBA's ongoing failure to meet its continuing disclosure requirements, which have not been provided since Fiscal Year 2000.²⁷

Financial Feasibility Report

In 2017, the Legislature required DOT, in consultation with the Division of Bond Finance (Division) to prepare an economic feasibility study related to a potential acquisition of the bridge by the Turnpike.²⁸

Analysis of Potential Acquisition

As previously described, the bridge's traffic and revenues have significantly underperformed the original estimates. As a result, SRBBA is currently insolvent, with unpaid liabilities due to both bondholders and the state.²⁹

²³ SunPass is the Turnpike Enterprise's electronic toll collection system.

²⁴ Economic Feasibility Study, p. 19.

²⁵ *Id.*

²⁶ *Id.* at B-4

²⁷ *Id.*

²⁸ Chapter 2017-42, L O.F.

²⁹ Economic Feasibility Study, p. 21

Summary of SRBBA's Liabilities

Liability Amount	Liability
\$7.9 Million	Outstanding TFRTF Loan as of June 30, 2017
\$25.3 Million	Outstanding O&M Costs as of June 30, 2017
\$33.2 Million	Total Owed to DOT
\$135.2 Million	Total Amount Due to Bondholders as of July 1, 2017
\$168.4 Million	Total Long-term Liabilities

State's Options

The Economic Feasibility Study identified the following three options for legislative consideration: maintain the status quo, tender a bond offer, or a direct acquisition of the bridge by the Turnpike.

STATUS QUO - Under the status quo scenario, DOT continues paying the bridge's O&M expenses under the LPA. All available gross toll revenues would continue to be transferred to the bond trustee, who would use the funds to pay as much of the debt service due on the bonds as possible. DOT is responsible for all of the bridge's O&M costs until the bonds are fully paid. Currently, DOT annually pays approximately \$1.5 million of O&M expenses; with DOT estimating that it will grow to approximately \$1.8 million per year by Fiscal Year 2027. This projection does not include amounts for capital renovations and repairs, which may be necessary as the bridge ages.³⁰

DOT would see a growing annual financial obligation because it is not clear when, or if, toll revenues will be sufficient to fully pay the bonds. Assuming toll revenues grow at one-percent annually, the Division estimates that the bonds would not be fully paid until Fiscal Year 2050. Assuming DOT's O&M expenses grow at two-percent annually, DOT will accrue approximately \$94 million in O&M costs by 2050. However, this may understate DOT's costs since the LPA requires DOT to make all necessary and proper repairs, renewals, and replacements so that the bridge remains operational.³¹

BOND TENDER OFFER - A bond tender offer is when a firm makes an offer to its bondholders to repurchase a predetermined number of bonds at a specified price and during a set period of time.³² Options for a bond tender offer include engaging a broker-dealer to purchase bonds on the secondary market, purchasing bonds directly from bondholders, or a formal published offer to purchase all outstanding bonds. However, a bond tender offer is not likely to produce the lowest price and optimal result for the state and puts the state in a weak bargaining position. Additionally, it is unlikely that the state could purchase 100 percent of the bonds.³³

DIRECT ACQUISITION OF THE BRIDGE - The Legislature could authorize the Turnpike to issue revenue bonds to purchase the bridge directly from bondholders at a negotiated price. With this option, the state would attempt to negotiate an agreeable purchase price limited to an amount that could be supported by the bridge's current revenues.³⁴

If the Legislature determines that acquiring the bridge is desirable, it may also desire the state to take precautions to insulate the Turnpike and the state from financial liability. The Turnpike could base its offer on the amount of proceeds that could be generated by a Turnpike bond issue backed solely by the bridge's toll revenues. The bonds issued to fund the acquisition can be structured so that current toll

³⁰ *Id.* at 22

³¹ *Id.* at 22

³² *Id.*

³³ *Id.* at 23

³⁴ *Id.*

revenues provide at least 1.30x-1.50x debt service coverage.³⁵ This would shield the Turnpike from the risk that future toll revenue growth underperforms projections.³⁶

The Turnpike would issue fixed-rate, current interest bonds with a traditional 10-year par call provision. The one exception to the State's Debt Management Policies that would be required is to extend the bond's final maturity. When refinancing debt, the state usually provides that the final maturity of the new debt is the same as the final maturity of the old debt. However, given the extraordinary circumstances, the Turnpike would need to issue new bonds with a 30-year final maturity. Depending on the acquisition's final timing, this would extend the final maturity by approximately 20 years. Prior to any acquisition, DOT would need to verify that the new final maturity does not extend beyond the bridge's anticipated useful life.³⁷

Turnpike bonds proceeds will not be sufficient to pay off all of the outstanding bonds. The proposed 30-year, level debt service, 1.30x-1.50x cover Turnpike bonds would generate approximately \$75 million to \$100 million in gross proceeds.³⁸ The balance of the bonds currently due and payable is \$135.2 million. This means the state's offer would represent a discount to bondholders of approximately \$35.2 million to \$60.2 million. Further, the \$75 million to \$100 million of proceeds is based on a bond issue sized using the bridge's gross toll revenues. Meaning that the state would also be committing to continue to incur the bridge's ongoing O&M costs.³⁹

In order to pay off the remaining amount due to bondholders, the Turnpike could issue a subordinate limited obligation series of bonds, exclusively secured by the bridge's excess toll revenues; to the extent any excess toll revenues are available after payment of debt service on the senior lien Turnpike acquisition bonds. The subordinated limited obligation debt essentially would be non-recourse, and if there are no residual revenues available in any given year, there would be no payment and neither the Turnpike nor the state would be obligated to make such payment. Failure to make a payment on the subordinate limited obligation bond as a result of inadequate residual revenues would not constitute a default.⁴⁰

Subordinate limited obligation bonds compensate existing bondholders for, and insulate the Turnpike from, the financial risks associated with the bridge. The subordinate bonds would serve to preserve the bondholder's position by requiring all tolls collected to be applied to their payment. If, in future years, the bridge's toll revenues see strong growth, the bondholders will have the right to all of those increased revenues until they have been made whole. After bondholders receive a sufficient amount of residual revenues, the subordinate limited obligation debt would be extinguished, and any further residual revenues could then be used to help cover ongoing O&M costs, reimburse DOT for previous O&M costs, and repay the outstanding TFRTF loans. However, there is no assurance that the residual revenues will be sufficient to pay off the subordinate limited obligation bonds, reimburse O&M costs, and repay the balance of the TFRTF loans prior to the exhaustion of the bridge's useful life. This means that the bondholders and the state may never be fully repaid.⁴¹

Economic Feasibility

Section 338.221(8), F.S., defines economic feasibility for turnpike projects. That statute defines "economic feasibility" as:

- For a proposed turnpike project, that, as determined by DOT before the issuance of revenue bonds for the project, the estimated net revenues of the proposed turnpike project, excluding feeder roads and turnpike improvements, will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of the 12th year of

³⁵ This means that the bridge's current revenues would represent at least 130 to 150 percent of the annual debt service requirements

³⁶ Economic Feasibility Study, p. 23

³⁷ *Id.* at 23-24

³⁸ This is based on DBF's October 2017 estimates.

³⁹ Economic Feasibility Study, p. 24.

⁴⁰ *Id.*

⁴¹ *Id.*

operation and to pay at least 100 percent of the debt service on the bonds by the end of the 30th year of operation. In implementing this provision, up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.

- For turnpike projects, except for feeder roads and turnpike improvements, financed from revenues of the turnpike system, such project, or such group of projects, originally financed from revenues of the turnpike system, that the project is expected to generate sufficient revenues to amortize project costs within 15 years of opening to traffic.

Proposed Changes

The bill provides that, subject to DOT's verification of economic feasibility, DOT may acquire the Garcon Point Bridge, including related assets, and as part of the acquisition may purchase outstanding SRBBA bonds. DOT may enter into any agreements necessary to implement the acquisition, including the purchase of SRBBA bonds, and may specify the terms and conditions thereof. Upon acquisition, the Garcon Point Bridge will become a part of the Florida Turnpike System. Pursuant to s. 11(f), Article VII of the State Constitution,⁴² the issuance of revenue bonds to finance DOT's acquisition of the Garcon Point Bridge is approved.

The bonds would be issued pursuant to the State Bond Act⁴³ as are all Turnpike bonds. DOT would request that the Division issue the bonds. A resolution authorizing the issuance of the bonds would then need to be approved by the Governor and Cabinet, sitting as the Division's Governing Board. The fiscal sufficiency of the bonds would also need to be approved by the State Board of Administration. The documents relating to the sale of the bonds would then be prepared by Division staff and the bonds would be sold via competitive sale, all in accordance with DBF's normal execution protocols and policies.⁴⁴

DOT's purchase price must first be used to settle all claims of bondholders of the Santa Rosa Bay Bridge Authority Revenue Bonds, Series 1996.

SRBBA, DOT, or the trustees for bondholders may not impose a toll rate increase in connection with DOT's acquisition of the bridge. Following any acquisition by DOT, an increase in tolls for use of the bridge is not permitted except as required by law⁴⁵ or as required to comply with the covenants contained in any resolution under which bonds have been issued.

DOT nor the state may incur any financial obligation for the acquisition of the Garcon Point Bridge in excess of forecasted gross revenues from the operation of the bridge. Therefore, DOT's total acquisition price may not exceed the present value of the gross revenues, calculated without any increase in the toll rate, anticipated to be collected from the operation of the bridge between the date of a purchase agreement and the end of the anticipated remaining useful life of the bridge as it exists as of the date of the purchase agreement.

Upon acquisition of the Garcon Point Bridge, the bill terminates the lease-purchase agreement between SRBBA and DOT dated October 23, 1996, as amended.

The bill also provides upon acquisition of the Garcon Point Bridge, the Santa Rosa Bay Bridge Authority Act in Part IV of Ch. 348, F.S., is repealed.

⁴² Section 11(f), Article VII of the State Constitution requires each project, building, or facility finance with revenue bonds to obtain legislative approval.

⁴³ Section 215.58 through 215.83, F.S.

⁴⁴ Email from Ben Watkins, Director, Division of Bond Finance, January 17, 2018. Copy on file with Transportation & Infrastructure Subcommittee.

⁴⁵ Section 338.165(3), F.S., requires DOT, including the Turnpike, to increase tolls to the Consumer Price Index at least once every five years.

B. SECTION DIRECTORY:

Section 1 provides for the acquisition of the Garcon Point Bridge by the Department of Transportation.

Section 2 provides for the repeal of the Santa Rosa Bay Bridge Authority.

Section 3 provides that the bill is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments below.

2. Expenditures:

See fiscal comments below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments below.

D. FISCAL COMMENTS:

The bill, upon a finding of economic feasibility, authorizes DOT, through the Turnpike, to acquire the Garcon Point Bridge and purchase SRBBA's bonds. If the transaction comes to fruition, it will be a complex transaction where the state could issue millions in revenue bonds. Not knowing the details of the transaction, actual costs to the state are indeterminate and likely significant. However, as previously stated, the value of the bonds that may be issued is estimated to be between \$75 million and \$100 million based on a bond issue sized using the bridge's gross toll revenues.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures 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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill repeals the Santa Rosa Bay Bridge Authority upon the Turnpike's acquisition of the Garcon Point Bridge. However, there is nothing in the bill to indicate that the acquisition has taken place and the repeal is in effect.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to the Garcon Point Bridge;
3 authorizing the Department of Transportation to
4 acquire the Garcon Point Bridge under certain
5 circumstances; authorizing the purchase of bonds;
6 authorizing certain agreements; approving the issuance
7 of revenue bonds; requiring settlement of claims of
8 certain bondholders; prohibiting certain toll rate
9 increases; prohibiting the department and the state
10 from incurring certain financial obligations;
11 providing for the termination of a lease-purchase
12 agreement; providing for the repeal of part IV of ch.
13 348, F.S., under certain circumstances; providing an
14 effective date.

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

Section 1. Acquisition of Garcon Point Bridge by Department of Transportation.-

(1) Subject to the verification of economic feasibility by the Department of Transportation in accordance with s. 338.221(8), Florida Statutes, the department may acquire the Garcon Point Bridge, including related assets, and as part of such acquisition may purchase outstanding Santa Rosa Bay Bridge Authority bonds. The department may enter into any agreements

26 necessary to implement the acquisition, including the purchase
 27 of Santa Rosa Bay Bridge Authority bonds, and may specify the
 28 terms and conditions thereof. Upon acquisition, the Garcon Point
 29 Bridge shall become a part of the Florida Turnpike System.
 30 Pursuant to s. 11(f), Article VII of the State Constitution, the
 31 issuance of revenue bonds to finance the department's
 32 acquisition of the Garcon Point Bridge is approved.

33 (2) The acquisition price paid by the department must
 34 first be used to settle all claims of bondholders of the Santa
 35 Rosa Bay Bridge Authority Revenue Bonds, Series 1996.

36 (3) A toll rate increase may not be imposed on the Garcon
 37 Point Bridge by the authority, the department, or the trustee
 38 for bondholders in connection with the acquisition of the bridge
 39 by the department. Following any acquisition by the department,
 40 an increase in tolls for use of the bridge shall not be
 41 permitted except as required by law or as required to comply
 42 with the covenants contained in any resolution under which bonds
 43 have been issued.

44 (4) The department or the state shall not incur any
 45 financial obligation for the acquisition of the Garcon Point
 46 Bridge in excess of forecasted gross revenues from the operation
 47 of the bridge. Therefore, the total acquisition price paid by
 48 the department may not exceed the present value of the gross
 49 revenues, calculated without any increase in the toll rate,
 50 anticipated to be collected from the operation of the bridge

51 between the date of a purchase agreement in accordance with this
 52 section and the end of the anticipated remaining useful life of
 53 the bridge as it exists as of the date of the purchase
 54 agreement.

55 (5) Upon acquisition of the Garcon Point Bridge as
 56 authorized by this section, the lease-purchase agreement between
 57 the authority and the department dated October 23, 1996, as
 58 amended, is terminated.

59 Section 2. Upon acquisition of the Garcon Point Bridge as
 60 authorized by section 1 of this act, part IV of chapter 348,
 61 Florida Statutes, consisting of ss. 348.965-348.9781, Florida
 62 Statutes, is repealed.

63 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1359 License Plates
SPONSOR(S): Grant and others
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson <i>AS</i>	Vickers <i>ZV</i>
2) Transportation & Tourism Appropriations Subcommittee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

There are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing pay the additional use fee for such plate. The collected fees are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to statutorily designated organizations in support of a particular cause or charity. DHSMV must discontinue the issuance of an approved specialty license plate if it fails to meet certain requirements.

The bill establishes a cap at 125 specialty license plates and provides a process for the discontinuation of low performing plates and the addition of new plates. It provides direction to DHSMV on the discontinuance of specialty license plates and establishes a timeframe of 180 days to distribute the remaining annual use fees held or collected by DHSMV. The bill authorizes a person with a discontinued specialty license plate to keep the plate for the remainder of the 10-year license plate replacement period.

Effective July 1, 2021, the bill requires DHSMV to discontinue the issuance of any specialty license plate where the number of valid registrations falls below 3,000, instead of the current 1,000. The bill also adds additional exceptions to the policy.

The bill authorizes the establishment of a specialty license plate for Auburn University and authorizes revenues from such plates to be expended outside of Florida.

The bill deauthorizes the following specialty license plates: American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers.

The bill amends certain provisions regarding the following existing specialty license plates: University of Central Florida, Special Olympics Florida, Invest in Children, and Fallen Law Enforcement Officer.

The bill creates the following new specialty license plates: Florida Lineman, Donate Life Florida, Florida State Beekeepers Association, Rotary, Beat Childhood Cancer, Florida Bay Forever, Bonefish and Tarpon Trust.

The bill requires DHSMV to conduct an audit every two years, of each specialty license plate recipient organizations that are not subject to the Florida Single Audit Act.

Additionally, the bill creates the Bronze Star special license plate for Bronze Star recipients.

The bill will likely have a negative fiscal impact on DHSMV related to programming hours associated with the design of the new specialty license plates. See Fiscal Analysis section for details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Specialty License Plates in General

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and 10 Florida collegiate plates. Today, there are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically \$25 annually.¹ There is currently no limit on the number of specialty license plates that the Department of Highway Safety and Motor Vehicles (DHSMV) may issue nor the number of specialty license plates that the Legislature may approve.

Requirements for the Establishment of Specialty License Plates

Current Situation

Section 320.08053, F.S., provides the statutory requirements to establish a specialty license plate. If a specialty license plate requested by an organization is approved by law, the organization submits its proposed art design to DHSMV, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.²

Within 120 days following the specialty license plate becoming law, DHSMV establishes a method to issue a specialty license plate voucher allowing for the presale of the specialty license plate. The \$5 processing fee,³ the service charge and branch fee,⁴ and the annual use fee for the specialty license plate⁵ are charged for the voucher. All other applicable fees are charged at the time the license plate is issued.⁶

Within 24 months after establishing a presale specialty license plate voucher, the approved specialty license plate organization must record with DHSMV a minimum of 1,000 voucher sales before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirements is not met, the specialty plate is deauthorized and DHSMV discontinues the plate's development and the issuance of the presale vouchers. Upon the license plate's deauthorization, 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 DHSMV-prescribed form.⁷

Proposed Changes

The bill creates s. 320.08053(3)(a), F.S., providing that if the Legislature has approved 125 or more specialty license plates, DHSMV may not make any new specialty license plates available for design, presale, or issuance until a sufficient number of plates are discontinued⁸ such that the number of plates being issued is reduced to fewer than 125.

The bill creates s. 320.08053(3)(b), F.S., providing that new specialty license plates that have been approved by law but are awaiting issuance are issued in the order they appear in s. 320.08056(4),

¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited January 11, 2018).

² Section 320.08053(1), F.S.

³ The processing fee is prescribed in s. 320.08056, F.S.

⁴ Service charges and branch fees are prescribed in s. 320.04, F.S.

⁵ The annual use fees for each specialty license plate are prescribed in s. 320.8056, F.S.

⁶ Section 320.08053(2)(a), F.S.

⁷ Section 320.08053(2)(b), F.S.

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

F.S.,⁹ provided that the plates have met the presale requirement and all other provisions of s. 320.08053, F.S.

Specialty License Plates

Current Situation

Section 320.08056, F.S., relates to specialty license plates. DHSMV is responsible for developing the specialty license plates authorized in s. 320.08053, F.S.¹⁰

DHSMV must 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,¹¹ or a truck tractor, upon request and payment of the appropriate license tax and fees.¹²

Each request must annually be made to DHSMV or its authorized agent¹³ accompanied by the following tax and fees:

- The vehicles required license tax.¹⁴
- A processing fee of \$5.¹⁵
- A license plate fee.¹⁶
- A license plate annual use fee as required for the specialty license plate.¹⁷

A request for a specialty license plate may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, the specialty license plate must be issued with the appropriate decals attached at no license tax for the plate, however all fees and service charges must be paid. If a request is made for a specialty license plate at the beginning of the registration period, the tax, together with all applicable fees and service charges, must be paid.

If a vehicle owner or lessee to whom DHSMV has issued a specialty license plate acquires a replacement vehicle within the owner's registration period, DHSMV authorizes a transfer of the specialty license plate to the replacement vehicle.¹⁸ The annual use fee or processing fee may not be refunded.¹⁹

Specialty license plates must bear the design required by law for the appropriate specialty license plate, and must conform to DHSMV's design specifications. All specialty license plates must be otherwise of the same material and size as standard license plates issued for any registration period. A specialty license plate may bear an appropriate slogan, emblem, or logo in a size and placement that conforms to DHSMV's design specifications.²⁰

DHSMV annually retains from the first proceeds derived from the annual use fees collected an amount sufficient to defray each specialty license plate's pro rata share of DHSMV's costs directly related to the specialty license plate program. Such costs include inventory costs, distribution costs, direct costs to the DHSMV, costs associated with reviewing each organization's compliance with audit and attestation

⁹ Section 320.08056(4), F.S., lists specific specialty license plates and their annual use fees.

¹⁰ Section 320.08056(1), F.S.

¹¹ Section 320.0706, F.S., requires certain commercial trucks to display two license plates.

¹² Section 320.08056(2), F.S.

¹³ DHSMV's authorized agents are the county tax collectors.

¹⁴ Motor vehicle license taxes are set forth in s. 320.08, F.S.

¹⁵ The \$5 processing fee is deposited into the Highway Safety Operating Trust Fund.

¹⁶ Section 320.06(1)(b), F.S., provides for a \$2.80 annual license plate replacement fee to defray the cost of replacing the license plate every 10 years.

¹⁷ Section 320.08056(3), F.S.

¹⁸ This is in accordance with s. 320.0609, F.S.

¹⁹ Section 320.08056(5), F.S.

²⁰ Section 320.08056(6), F.S.

requirements²¹ and any applicable increased costs of manufacturing the specialty license plate. The Department of Management Services must verify any cost increase to DHSMV related to actual cost of the plate, including a reasonable vendor profit. The balance of the proceeds from the annual use fees collected for that specialty license plate are distributed as provided by law.²²

DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations falls below 1,000 plates. This does not apply to collegiate license plates.^{23 24}

DHSMV may discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, if the organization does not meet the presale requirements,²⁵ or pursuant to an organizational recipient's request. Organizations must notify DHSMV immediately to stop all warrants for plate sales if any of the above conditions exist and must meet the requirements of s. 320.08062, F.S.,²⁶ for any period of operation during a fiscal year.²⁷

The organization that requested the specialty license plate may not redesign the specialty license plate unless the inventory of those plates has been depleted. However, the organization may purchase the remaining inventory of the specialty license plates from DHSMV at cost.²⁸

A specialty license plate annual use fee collected and distributed, 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, F.S. or to pay the cost of the audit or report required by s. 320.08062(1), F.S. 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.²⁹

The term "administrative expenses" means those expenditures which are considered as direct operating costs of the organization. Such costs include, but are not limited to, the following:

- Administrative salaries of employees and officers of the organization who do not or cannot prove, via detailed daily time sheets, that they actively participate in program activities.
- Bookkeeping and support services of the organization.
- Office supplies and equipment not directly utilized for the specified program.
- Travel time, per diem, mileage reimbursement, and lodging expenses not directly associated with a specified program purpose.
- Paper, printing, envelopes, and postage not directly associated with a specified program purpose.
- Miscellaneous expenses such as food, beverage, entertainment, and conventions.³⁰

The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by 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

²¹ Specialty license plate audit and attestations requirements are in s. 320.08062, F.S.

²² Section 320.08056(7), F.S.

²³ Collegiate license plates are established under s. 320.08058(3), F.S.

²⁴ Section 320.08056(8)(a), F.S.

²⁵ Presale requirements are prescribed in s. 320.08053, F.S.

²⁶ Section 320.08062, F.S., requires audits and attestations for specialty license plates.

²⁷ Section 320.08056(8)(b), F.S.

²⁸ Section 320.08056(9), F.S.

²⁹ Section 320.08056(10)(a), F.S.

³⁰ Section 320.08056(10)(b), F.S.

agency that is responsible for the sale and distribution of specialty license plates, or an elected member or employee of the Legislature.³¹

The application form for a specialty license plate must provide the applicant the option to instruct DHSMV to provide his or her name, address, and renewal date to the sponsoring organization.³²

Proposed Changes

The bill creates s. 320.08056(8)(c), F.S., providing that a vehicle owner or lessee issued a specialty license plate that has been discontinued by DHSMV may keep the discontinued specialty license plate for the remainder of the 10-year license plate replacement period and must pay all other applicable registration fees. However, the owner or lessee is exempt from paying the applicable specialty license plate fee for the remainder of the 10-year license plate replacement period.

The bill creates s. 320.08056(8)(d), F.S., providing that if DHSMV discontinues issuance of a specialty license plate, all annual use fees held or collected by DHSMV must be distributed within 180 days after the date the specialty license plate is discontinued. Of those fees, 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.³³

The bill creates s. 320.08056(8)(e), F.S., providing that if an organization that is the intended recipient of specialty license plate funds no longer exists, 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, DHSMV must discontinue the specialty license plate with the fewest number of plates in circulation over the previous 24 months. DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is the fewest in circulation over the previous 24 months.

The bill amends s. 320.08056(8)(a), F.S., providing that effective October 1, 2021, DHSMV must discontinue the issuance of approved specialty license plates if the number of valid registrations falls below 3,000 plates for 12 consecutive months, instead of the current 1,000 plates. In addition to the existing exemption from this requirement for collegiate license plate, the bill provides exceptions for institutions in and entities of the State University System, specialty license plates with statutory eligibility limitations for purchase, or Florida Professional Sports Team license plates.³⁴

The bill amends s. 320.08056(10)(a), F.S. authorizing specialty license plate fees for out of state college or university specialty license plates.

Discontinued Specialty License Plates

Current Situation

As previously stated, specialty license plates may be discontinued if the plate does not meet the 1,000 plate minimum sales threshold, the recipient organization ceases to exist, or it does not meet its statutorily required presale requirements.

Proposed Changes

The bill removes the American Red Cross plate, Donate Organs Pass It On plate, St. Johns River plate, and Hispanic Achievers plate from law as these plates have been discontinued.

³¹ Section 320.08056(11), F.S.

³² Section 320.08056(12), F.S.

³³ Distributions to organizations are pursuant to s. 320.08058, F.S.

³⁴ Florida Professional Sports Team license plates are established in s. 320.08058(9), F.S.

Changes to Existing Specialty License Plates

Collegiate License Plates

Current Situation

Section 320.08058(3), F.S., creates the collegiate specialty license plates with an annual use fee of \$25. DHSMV must develop a collegiate license plate for state and independent universities domiciled in this state. However, any collegiate license plate created or established after October 1, 2002, must comply with s. 320.08053, F.S.,³⁵ and be specifically authorized by an act of the Legislature. Collegiate license plates must bear DHSMV approved colors and design as appropriate for each state and independent university. The word "Florida" is stamped across the bottom of the plate in small letters.³⁶

The funds from collegiate license plates may only be used only for academic enhancement, including scholarships and private fundraising activities.³⁷

Proposed Changes

The bill amends s. 320.08058(3)(a), F.S., requiring the University of Central Florida specialty license plate to have "2017 National Champions" stamped across the bottom of the plate.

Special Olympics Florida License Plate

Current Situation

Section 320.08058(7), F.S., creates the Special Olympics Florida license plate with an annual use fee of \$15. The 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.³⁸

Proposed Changes

The bill amends s. 320.8058(7)(a), F.S., redesigning the Special Olympics Florida specialty license plate with "Florida" centered at the top of the plate and "Be a Fan" centered at the bottom of the plate.

Invest in Children License Plate

Current Situation

Section 320.08058(11), F.S., creates the Invest in Children license plate with an annual use fee of \$20.³⁹ The proceeds of the Invest in Children license plate annual use fee are deposited into the Juvenile Crime Prevention and Early Intervention Trust Fund within the Department of Juvenile Justice (DJJ). Based on the recommendations of the juvenile justice councils, DJJ uses the proceeds to fund programs and services designed to prevent juvenile delinquency. DJJ must allocate moneys for programs and services within each county based on that county's proportionate share of the license plate annual use fee collected in that county.⁴⁰

According to DJJ, specialty license plate proceeds collected by counties range from \$20 to \$30,000 and the statute requires funds to provide service within the county based upon the county's proportionate share of proceeds. When funds are available, counties apply for funding in a manner similar to grant distributions. Due to this distribution formula, much of the funding cannot be distributed despite a statewide need.⁴¹

³⁵ Section 320.08053, F.S., provides the statutory requirements for creating a specialty license plate.

³⁶ Section 320.08058(3)(a), F.S.

³⁷ Section 320.08058(3)(b), F.S.

³⁸ Section 320.08058(7)(a), F.S.

³⁹ Section 320.08058(11)(a), F.S.

⁴⁰ Section 320.08058(11)(b), F.S.

⁴¹ Department of Juvenile Justice Modify Invest In Children Disbursement. (Copy on file with Transportation & Infrastructure Subcommittee).

Proposed Changes

The bill amends s. 320.08058(11)(b), removing the requirement for DJJ to allocate specialty license plate moneys for programs and services within each county based on that county's proportionate share of license plate annual use fees collect in that county. This will allow DJJ to collectively use these funds in a meaningful way to better address prevention programming needs across the state.⁴²

Fallen Law Enforcement Officer License Plate

Current Situation

Section 320.08058(80), F.S., creates the Fallen Law Enforcement Officers license plate with an annual use fee of \$25. 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 shall be used for the operation of the Police and Kids Foundation, Inc.

Based in Brooksville, Florida, the Police and Kids Foundation, Inc., is a non-profit corporation with the objective of providing funding for responding police officers to help a child in need. This assistance may include items such as food, clothing, and the replacement of lost or damaged property. The foundation also created a scholarship for at least one senior student at the Pinellas Park High School Criminal Justice Academy.⁴³

Proposed Changes

The bill clarifies the distribution of the proceeds from the Fallen Law Enforcement Officer specialty license plate. The bill keeps the maximum of 10 percent of the proceeds for marketing the license plate. It provides that the remaining proceeds are to be used for the operations, activities, programs, and projects of the Police and Kids Foundation, Inc.

New Specialty License Plates

Auburn University License Plate

Current Situation

Florida has not authorized a specialty license plate for any college or university located outside of Florida.

The Tampa Bay Auburn Club is an officially chartered group of Auburn University Alumni and Friends. Its stated mission is to encourage more top Tampa Bay area students to attend Auburn University and to foster the spirit of Auburn University throughout the Tampa Bay Area.⁴⁴ The Tampa Bay Auburn Club, Inc., is an active corporation registered with the Department of State.

Proposed Changes

The bill creates the Auburn University specialty license plate with a fee of \$50. The license plate must bear a DHSMV approved color and design. The word "Florida" will appear at the top of the plate and "War Eagle" will appear at the bottom of the plate.

The bill provides that the Tampa Bay Auburn Club is the lead club on behalf of the state's Auburn clubs. The annual use fees are distributed to the Tampa Bay Auburn Club, along with statistics on sales of the license plate tabulated by county. The Tampa Bay Auburn Club must distribute to each of the state's Auburn clubs on a pro-rata basis the proceeds received for sales in the regions within the respective club's area for the purpose of awarding scholarships to Florida residents attending Auburn

⁴² *Id.*

⁴³ <http://www.policeandkids.com/about/> (Last visited January 12, 2018).

⁴⁴ <http://tampabayauburnclub.com/> (Last visited January 12, 2018).

University. Students receiving these scholarships are required to be eligible for the Florida Bright Futures Scholarship Program⁴⁵ and are required to use the scholarship funds for tuition and other expenses related to attending Auburn University.

Florida Lineman License Plate

Current Situation

Located in Edgewater, the Northwest Lineman College's Florida campus trains persons to become a lineworker.⁴⁶

Proposed Changes

The bill creates a Florida Lineman license plate with an annual use fee of \$25. The plate must bear a DHSMV-approved colors and design. The words "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 Florida Lineman license plates are distributed to the Northwest Lineman College Florida Campus, which may use up to 10 percent of the proceeds for administrative costs and marketing the plate. The Northwest Lineman College Florida Campus may distribute up to 20 percent of the proceeds to the American Red Cross for disaster relief efforts.

Donate Life Florida License Plate

Current Situation

Donate Life Florida is a non-profit organization contracted by the State of Florida, Agency for Health Care Administration to create the state's organ, tissue, and eye donor registry.⁴⁷

Proposed Changes

The bill creates the Donate Life Florida license plate with an annual use fee of \$25. The annual use fees are distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs associated with the plate. The remainder of the 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.

The new plate will display the words "Florida" must appear at the top of the plate, and the words "Donors Save Lives" at the bottom of the plate.

Florida State Beekeepers Association License Plate

Current Situation

The Florida State Beekeepers Association is dedicated to keeping Florida apiculture strong and healthy and is the major voice for the state's beekeeping industry. Its mission is to:

- To provide resources for the improvement of beekeeping by using proven techniques and procedures in the management of honey bees and to share this knowledge with everyone interested in the art of beekeeping.
- To promote the development of practical beekeeping methods in the state of Florida.
- To act in the interest of Florida beekeepers in advocating for and carrying on statewide beekeeping affairs.
- To act as a medium for and to aid in cooperative and mutual beekeeping methods.
- To act as the representative of the Florida beekeepers in state and national beekeeping affairs.⁴⁸

⁴⁵ The Florida Bright Futures Scholarship Program is created pursuant to s. 1009.531, F.S.

⁴⁶ <https://lineman.edu/lineman-school/florida-campus/> (Last visited January 12, 2018).

⁴⁷ <https://www.donatelifeflorida.org/content/about/> (Last visited January 12, 2018).

⁴⁸ <http://www.floridabeekeepers.org/> (Last visited January 12, 2018).

Proposed Changes

The bill creates the Florida State Beekeepers specialty license plate with a fee of \$25. The license plate must bear a DHSMV approved color and design. The word "Florida" will appear at the top of the plate and "Save the Bees" will appear at the bottom of the plate.

The annual use fees from the sale of the Florida State Beekeepers license plate are to be distributed to the Florida States Beekeepers Association, which may use up to 10 percent of the annual use fees for administrative, promotional, and marketing cost of the plate. The remainder of the funds must be used to fund outreach and education to raise awareness of the importance of beekeeping to Florida agriculture, and to fund honeybee research and husbandry. The association's board of managers must approve and is accountable for all such expenditures.

Rotary License Plate

Current Situation

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.⁴⁹

Founded in 1990, the Community Foundation of Tampa Bay is dedicated to helping individuals in Hillsborough, Pinellas, Pasco, and Hernando counties. The Foundation functions as a partnership between donors, nonprofits, community and business leaders, professional advisors, volunteers, and the residents of its four-county region.⁵⁰

Proposed Changes

The bill creates the Rotary license plate with an annual use fee of \$25. The annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., to be distributed as follows:

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

The new plate will display the words "Florida" must appear at the top of the plate, and the word "Rotary" at the bottom of the plate. The license plate will also bear the Rotary International wheel emblem.

Beat Childhood Cancer License Plate

Current Situation

Neuroblastoma (nb) is a cancer that affects children. It is among the most common childhood tumors, and typically affects children under five years old. It is not usually diagnosed until the tumor grows and presents symptoms. The majority of childhood neuroblastoma cases are aggressive, showing survival rates of less than 60 percent with standard chemotherapy, and a 50 percent relapse rate. Once relapsed, there is currently no curative treatment, and for those under five years old, the survival rate is less than 10 percent.⁵¹ The mission of Beat Nb is to drive neuroblastoma cancer research, and to raise awareness of the disease.⁵² The Beat Nb Cancer Foundation, Inc., is an active corporation with the Department of State.

⁴⁹ <https://www.rotary.org/en/about-rotary> (Last visited January 12, 2018).

⁵⁰ <https://www.cftampabay.org/about-2/> (Last visited January 12, 2018).

⁵¹ <https://beatnb.org/neuroblastoma/> (Last visited January 12, 2018).

⁵² <https://beatnb.org/about-us/> (Last visited January 12, 2018).

Proposed Changes

The bill creates the Beat Childhood Cancer specialty license plate with a fee of \$25. The license plate must bear a DHSMV approved color and design. The word "Florida" will appear at the top of the plate and "Beat Childhood Cancer" will appear at the bottom of the plate.

The annual use fees from the Beat Childhood Cancer license plate are to be distributed to Beat Nb, Inc., which may use a maximum of 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the specialty license plate. The remaining proceeds are to be used by the corporation to fund pediatric cancer treatment and research.

Florida Bay Forever License Plate

Current Situation

The Florida National Parks Association, Inc. (FNPA) is the official not for profit entity of Everglades National Park, Biscayne National Park, Dry Tortugas National Park and Big Cypress National Preserve. The purpose of the FNPA is to help generate additional revenues to help supplement the park service's budgets as well as support educational, interpretive, and historical and scientific research. The FNPA also operates the book stores within the Parks to help generate revenues as well as providing a visitor information services function on behalf of the National Park Service.⁵³

Proposed Changes

The bill directs DHSMV to develop a Florida Bay Forever license plate. The plate must bear DHSMV approved colors and design. The word "Florida" must appear at the top of the plate and "Florida Bay Forever" must appear at the bottom of the plate.

The annual use fees from the sale of the Florida Bay Forever license plate are distributed to the Florida National Parks Association, Inc., which may use up to 10 percent of the funds for administrative costs and marketing the plate. The remainder of the funds must 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.

Bonefish and Tarpon Trust License Plate

Current Situation

The Bonefish and Tarpon Trust's (BTT) mission is to conserve and restore bonefish and tarpon fisheries and habitats through research, stewardship, education and advocacy.⁵⁴

Proposed Changes

The bill directs DHSMV develop a Bonefish and Tarpon Trust license plate with an annual use fee of \$25. The word "Florida" must appear at the top of the plate, and "Bonefish and Tarpon Trust" must appear at the bottom of the plate.

The annual use fees from the sale of the Bonefish and Tarpon Trust license plate are 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 must be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

⁵³ Proposal for Florida Bay Forever Specialty License Plate. (Copy on file with Transportation & Infrastructure Subcommittee).

⁵⁴ <https://www.bonefishtarpontrust.org/btt-mission> (Last visited January 11, 2018).

Audits and Attestations

Current Situation

All organizations receiving annual use fee proceeds from DHSMV are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S.⁵⁵

Any organization not subject to audit pursuant to the Florida Single Audit Act⁵⁶ must annually attest, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058, F.S.⁵⁷

Any organization subject to audit pursuant to the Florida Single Audit Act must submit an audit report in accordance with the Auditor General's rules. The annual attestation must be submitted to DHSMV for review within 9 months after the end of the organization's fiscal year.⁵⁸

Within 120 days after receiving an organization's audit or attestation, DHSMV must determine which recipients of revenues from specialty license plate annual use fees have not complied with the provisions above. In determining compliance, DHSMV may commission an independent actuarial consultant, or an independent certified public accountant, who has expertise in nonprofit and charitable organizations.⁵⁹

DHSMV must discontinue the distribution of revenues to any organization failing to submit the required documentation, but may resume distribution of the revenues upon receipt of the required information.⁶⁰

If DHSMV or its designee determines that an organization has not complied with or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, F.S., DHSMV must discontinue the distribution of the revenues to the organization. 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 that they acknowledge the findings of DHSMV and attest that they have taken corrective action and that the organization will submit to a follow-up review by DHSMV, DHSMV may resume the distribution of revenues.⁶¹

If an organization fails to comply with 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. 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 DHSMV regarding the status of the undistributed revenues, DHSMV must deauthorize the plate and the undistributed revenues are immediately deposited into the Highway Safety Operating Trust Fund.⁶²

DHSMV or its designee has the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.⁶³

Proposed Changes

The bill amends s. 320.08062(1)(b), F.S., requiring DHSMV to audit any specialty license plate revenue recipient every two years if the organization is not subject to the Florida Single Audit Act. The purpose

⁵⁵ Section 320.08062(1)(a), F.S.

⁵⁶ Section 215.97, F.S.

⁵⁷ Section 320.08062(1)(b), F.S.

⁵⁸ Section 320.08062(1)(c), F.S.

⁵⁹ Section 320.08062(2)(a), F.S.

⁶⁰ Section 320.08062(2)(b), F.S.

⁶¹ Section 320.08062(2)(c), F.S.

⁶² Section 320.08062(2)(d), F.S.

⁶³ Section 320.08062(3), F.S.

of this audit is to ensure that specialty license plate proceeds have been used in compliance with Florida Statutes.

Bronze Star Special License Plate

Current Situation

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 Veterans. While anyone who pays the appropriate fees may purchase most specialty license plates, one must provide proof of eligibility to obtain a special license plate.

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 tax⁶⁴ 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.⁶⁵ 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.⁶⁶ 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.⁶⁷

The Bronze Star Medal is awarded to any person who, after December 6, 1941, while serving in any capacity with the Armed Forces of the United States, distinguishes himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight.⁶⁸

Proposed Change

The bill amends s. 320.089, F.S., authorizing DHSMV to create the Bronze Star special use license plate for recipients of the Bronze Star medal who provides 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 special use 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.

B. SECTION DIRECTORY:

Section 1 amends s. 320.08053, F.S., relating to the establishment of specialty license plates.

Section 2 amends s. 320.08056, F.S., relating to specialty license plates.

Section 3 amends s. 320.08056, F.S., relating to specialty license plates.

Section 4 amends s. 320.08058, F.S., relating to specialty license plates.

Section 5 amends s. 320.08062, F.S., relating to audits and attestations required; annual use fees of specialty license plates.

Section 6 amends s. 320.089, F.S., relating to special license plates.

⁶⁴ The annual license tax is provided in s. 320.08, F.S.

⁶⁵ Section 320.089(2)(a), F.S.

⁶⁶ Section 320.089(1)(b), F.S.

⁶⁷ *Id.*

⁶⁸ <https://www.thebalance.com/bronze-star-medal-3344939> (Last visited January 12, 2018).

Section 7 provides that except otherwise expressly provided, the bill takes effect on October 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV estimates that creating one new specialty license plate would have a negative fiscal impact of \$7,680.⁶⁹ Based on that information, the total negative fiscal impact to DHSMV for creating eight new specialty license plates is approximately \$61,440. Additionally, DHSMV may incur some costs associated with the redesign of the University of Central Florida and Special Olympics Florida specialty license plates and the creation of the Bronze Star special license plate.

Additionally, there will be a likely significant fiscal impact related to the provisions for auditing organizations that receive revenue from specialty license plate fees. According to DHSMV, there are a total of 123 existing specialty license plates and 250 recipient organizations. The department estimates that 105 hours, or the equivalent of \$2,520 in FTE costs is required for each individual audit. The bill requires all 250 recipient organizations to be audited every two years; therefore, the estimated impact of this provision would be approximately \$315,000 annually $((\$2,520 \times 250)/2 = \$315,000)$.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Organizations receiving specialty license plate revenue may see additional revenues associated with the sale of specialty license plates.

D. FISCAL COMMENTS:

Current law prohibits the redesign of a specialty license plate unless the inventory of the license plate has been depleted. However, the organization may purchase the remaining inventory of the specialty license plate from DHSMV at DHSMV's cost.⁷⁰ The University of Central Florida and Special Olympics Florida may be required to purchase the remaining inventory of its specialty license plate at DHSMV's cost prior to the redesign of the license plate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

⁶⁹ DHSMV Analysis of HB 671 (2018). Copy on file with Transportation & Infrastructure Subcommittee.

⁷⁰ Section 320.08056(9), F.S.

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures 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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

On lines 173 through 175, the bill requires specific wording on the bottom of the University of Central Florida license plate. However, on lines 172 and 173 current law requires "Florida" to be stamped on bottom of plate.

On lines 349 through 361, the Florida Lineman license plate may need clarification as to the use of license plate proceeds. Additionally, the Northwest Lineman College Florida Campus is not incorporated in Florida. It appears that Northwest Lineman College is incorporated in Idaho as an assumed business name for Grid Training Corporation.⁷¹

On line 444 the Bonefish and Tarpon Trust license plate is missing the language requiring the plate to consist of DHSMV approved design and colors.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

⁷¹ State of Idaho, Certificate of Assumed Business Name for Northwest Lineman College. Filed with the Idaho Secretary of State on February 28, 2013. Copy on file with the Transportation & Infrastructure Subcommittee.

1 A bill to be entitled
 2 An act relating to license plates; amending s.
 3 320.08053, F.S.; revising presale requirements for
 4 issuance of a specialty license plate; amending s.
 5 320.08056, F.S.; deleting certain specialty license
 6 plates; establishing an annual use fee for certain
 7 specialty license plates; revising provisions for
 8 discontinuing issuance of a specialty license plate;
 9 revising applicability; amending s. 320.08058, F.S.;
 10 revising the design of certain specialty license
 11 plates; deleting certain specialty license plates;
 12 revising the distribution of annual use fees for
 13 certain specialty license plates; directing the
 14 Department of Highway Safety and Motor Vehicles to
 15 develop certain specialty license plates; providing
 16 for distribution and use of fees collected from the
 17 sale of the plates; amending s. 320.08062, F.S.;
 18 directing the department to audit certain
 19 organizations that receive funds from the sale of
 20 specialty license plates; amending s. 320.089, F.S.;
 21 providing for a special license plate to be issued to
 22 a recipient of the Bronze Star; providing effective
 23 dates.

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

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Section 1. 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 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 before manufacture of the license plate may begin ~~commence~~. If, at the conclusion of the 24-month

51 presale period, the minimum sales requirement has ~~requirements~~
 52 ~~have~~ not been met, the specialty plate is deauthorized and the
 53 department shall discontinue development of the plate and
 54 discontinue issuance of the presale vouchers. Upon
 55 deauthorization of the license plate, a purchaser of the license
 56 plate voucher may use the annual use fee collected as a credit
 57 towards any other specialty license plate or apply for a refund
 58 on a form prescribed by the department.

59 (3) (a) If the Legislature has approved 125 or more
 60 specialty license plates, the department may not make any new
 61 specialty license plates available for design, presale, or
 62 issuance until a sufficient number of plates are discontinued
 63 pursuant to s. 320.08056(8) such that the number of plates being
 64 issued is reduced to fewer than 125.

65 (b) New specialty license plates that have been approved
 66 by law but are awaiting issuance under paragraph (a) shall be
 67 issued in the order they appear in s. 320.08056(4) provided that
 68 they have met the presale requirement. All other provisions of
 69 this section must also be met before a plate is issued.

70 Section 2. Paragraphs (ff) through (ddd), (fff) through
 71 (ppp), and (sss) through (eeee) of subsection (4) of section
 72 320.08056, Florida Statutes, are redesignated as paragraphs (ee)
 73 through (ccc), (ddd) through (nnn), and (ooo) through (aaaa),
 74 respectively, present paragraphs (ee), (eee), (qqq), and (rrr)
 75 of that subsection are amended, new paragraphs (bbbb) through

76 (iiii) are added to that subsection, paragraphs (c) through (f)
 77 are added to subsection (8), and paragraph (a) of subsection
 78 (10) of that section is amended, to read:

79 320.08056 Specialty license plates.-

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

82 ~~(cc) American Red Cross license plate, \$25.~~

83 ~~(ccc) Donate Organs Pass It On license plate, \$25.~~

84 ~~(qqq) St. Johns River license plate, \$25.~~

85 ~~(rrr) Hispanic Achievers license plate, \$25.~~

86 (bbbb) Auburn University license plate, \$50.

87 (cccc) Florida Lineman license plate, \$25.

88 (dddd) Donate Life Florida license plate, \$25.

89 (eeee) Florida State Beekeepers Association license plate,
 90 \$25.

91 (ffff) Rotary license plate, \$25.

92 (gggg) Beat Childhood Cancer license plate, \$25.

93 (hhhh) Florida Bay Forever license plate, \$25.

94 (iiii) Bonfish and Tarpon Trust license plate, \$25.

95 (8)

96 (c) A vehicle owner or lessee issued a specialty license
 97 plate that has been discontinued by the department may keep the
 98 discontinued specialty license plate for the remainder of the
 99 10-year license plate replacement period and must pay all other
 100 applicable registration fees. However, such owner or lessee is

101 exempt from paying the applicable specialty license plate fee
 102 under subsection (4) for the remainder of the 10-year license
 103 plate replacement period.

104 (d) If the department discontinues issuance of a specialty
 105 license plate, all annual use fees held or collected by the
 106 department shall be distributed within 180 days after the date
 107 the specialty license plate is discontinued. Of those fees, the
 108 department shall retain an amount sufficient to defray the
 109 applicable administrative and inventory closeout costs
 110 associated with discontinuance of the plate. The remaining funds
 111 shall be distributed to the appropriate organization or
 112 organizations pursuant to s. 320.08058.

113 (e) If an organization that is the intended recipient of
 114 the funds pursuant to s. 320.08058 no longer exists, the
 115 department shall deposit any undisbursed funds into the Highway
 116 Safety Operating Trust Fund.

117 (f) Notwithstanding paragraph (a), on January 1 of each
 118 year, the department shall discontinue the specialty license
 119 plate with the fewest number of plates in circulation over the
 120 previous 24 months. A warning letter shall be mailed to the
 121 sponsoring organization following the first month in which the
 122 total number of valid specialty license plate registrations is
 123 the fewest in circulation over the previous 24 months.

124 (10) (a) A specialty license plate annual use fee collected
 125 and distributed under this chapter, or any interest earned from

126 those fees, may not be used for commercial or for-profit
 127 activities nor for general or administrative expenses, except as
 128 authorized by s. 320.08058 or to pay the cost of the audit or
 129 report required by s. 320.08062(1). The fees and any interest
 130 earned from the fees may be expended only for use in this state
 131 unless the annual use fee is derived from the sale of United
 132 States Armed Forces and veterans-related specialty license
 133 plates pursuant to paragraphs (4)(d), (bb), (kk), (iii), and
 134 (uuu) ~~(ll), (kkk), and (yyy)~~ and s. 320.0891 or out-of-state
 135 college or university license plates pursuant to paragraph
 136 (4)(bbbb).

137 Section 3. Effective October 1, 2021, paragraph (a) of
 138 subsection (8) of section 320.08056, Florida Statutes, is
 139 amended to read:

140 320.08056 Specialty license plates.—

141 (8)(a) The department must discontinue the issuance of an
 142 approved specialty license plate if the number of valid
 143 specialty plate registrations falls below 3,000 ~~1,000~~ plates for
 144 at least 12 consecutive months. A warning letter shall be mailed
 145 to the sponsoring organization following the first month in
 146 which the total number of valid specialty plate registrations is
 147 below 3,000 ~~1,000~~ plates. This paragraph does not apply to
 148 collegiate license plates established under s. 320.08058(3),
 149 license plates of institutions in and entities of the State
 150 University System, specialty license plates that have statutory

151 eligibility limitations for purchase, or Florida Professional
 152 Sports Team license plates established under s. 320.08058(9).

153 Section 4. Subsections (32) through (56), (58) through
 154 (68), and (71) through (83) of section 320.08058, Florida
 155 Statutes, are renumbered as subsections (31) through (55), (56)
 156 through (66), and (67) through (79), respectively, paragraph (a)
 157 of subsection (3), paragraph (a) of subsection (7), paragraph
 158 (b) of subsection (11), present subsections (31), (57), (69),
 159 and (70), and paragraph (b) of present subsection (80) are
 160 amended, and new subsections (80) through (87) are added to that
 161 section, to read:

162 320.08058 Specialty license plates.—

163 (3) COLLEGIATE LICENSE PLATES.—

164 (a) The department shall develop a collegiate license
 165 plate as provided in this section for state and independent
 166 universities domiciled in this state. However, any collegiate
 167 license plate created or established after October 1, 2002, must
 168 comply with the requirements of s. 320.08053 and be specifically
 169 authorized by an act of the Legislature. Collegiate license
 170 plates must bear the colors and design approved by the
 171 department as appropriate for each state and independent
 172 university. The word "Florida" must be stamped across the bottom
 173 of the plate in small letters, except for the University of
 174 Central Florida specialty license plate, which shall have "2017
 175 National Champions" stamped across the bottom of the plate.

176 (7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

177 (a) Special Olympics Florida license plates must contain
 178 the official Special Olympics Florida logo and must bear the
 179 colors and a design ~~and colors that are~~ approved by the
 180 department. The word "Florida" must be centered at the top
 181 ~~bottom~~ of the plate, and the words "Be a Fan" "~~Everyone Wins~~"
 182 must be centered at the bottom ~~top~~ of the plate.

183 (11) INVEST IN CHILDREN LICENSE PLATES.—

184 (b) The proceeds of the Invest in Children license plate
 185 annual use fee must be deposited into the Juvenile Crime
 186 Prevention and Early Intervention Trust Fund within the
 187 Department of Juvenile Justice. Based on the recommendations of
 188 the juvenile justice councils, the Department of Juvenile
 189 Justice shall use the proceeds of the fee to fund programs and
 190 services that are designed to prevent juvenile delinquency. ~~The~~
 191 ~~department shall allocate moneys for programs and services~~
 192 ~~within each county based on that county's proportionate share of~~
 193 ~~the license plate annual use fee collected by the county.~~

194 ~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

195 ~~(a) Notwithstanding the provisions of s. 320.08053, the~~
 196 ~~department shall develop an American Red Cross license plate as~~
 197 ~~provided in this section. The word "Florida" must appear at the~~
 198 ~~top of the plate, and the words "American Red Cross" must appear~~
 199 ~~at the bottom of the plate.~~

200 ~~(b) The department shall retain all revenues from the sale~~

201 ~~of such plates until all startup costs for developing and~~
 202 ~~issuing the plates have been recovered. Thereafter, 50 percent~~
 203 ~~of the annual use fees shall be distributed to the American Red~~
 204 ~~Cross Chapter of Central Florida, with statistics on sales of~~
 205 ~~license plates, which are tabulated by county. The American Red~~
 206 ~~Cross Chapter of Central Florida must distribute to each of the~~
 207 ~~chapters in this state the moneys received from sales in the~~
 208 ~~counties covered by the respective chapters, which moneys must~~
 209 ~~be used for education and disaster relief in Florida. Fifty~~
 210 ~~percent of the annual use fees shall be distributed~~
 211 ~~proportionately to the three statewide approved poison control~~
 212 ~~centers for purposes of combating bioterrorism and other poison-~~
 213 ~~related purposes.~~

214 ~~(57) DONATE ORGANS PASS IT ON LICENSE PLATES.—~~

215 ~~(a) The department shall develop a Donate Organs Pass It~~
 216 ~~On license plate as provided in this section. The word "Florida"~~
 217 ~~must appear at the top of the plate, and the words "Donate~~
 218 ~~Organs Pass It On" must appear at the bottom of the plate.~~

219 ~~(b) The annual use fees shall be distributed to Transplant~~
 220 ~~Foundation, Inc., and shall use up to 10 percent of the proceeds~~
 221 ~~from the annual use fee for marketing and administrative costs~~
 222 ~~that are directly associated with the management and~~
 223 ~~distribution of the proceeds. The remaining proceeds shall be~~
 224 ~~used to provide statewide grants for patient services, including~~
 225 ~~preoperative, rehabilitative, and housing assistance; organ~~

226 ~~donor education and awareness programs; and statewide medical~~
 227 ~~research.~~

228 ~~(69) ST. JOHNS RIVER LICENSE PLATES.—~~

229 ~~(a) The department shall develop a St. Johns River license~~
 230 ~~plate as provided in this section. The St. Johns River license~~
 231 ~~plates must bear the colors and design approved by the~~
 232 ~~department. The word "Florida" must appear at the top of the~~
 233 ~~plate, and the words "St. Johns River" must appear at the bottom~~
 234 ~~of the plate.~~

235 ~~(b) The requirements of s. 320.08053 must be met prior to~~
 236 ~~the issuance of the plate. Thereafter, the license plate annual~~
 237 ~~use fees shall be distributed to the St. Johns River Alliance,~~
 238 ~~Inc., a s. 501(c)(3) nonprofit organization, which shall~~
 239 ~~administer the fees as follows:~~

240 ~~1. The St. Johns River Alliance, Inc., shall retain the~~
 241 ~~first \$60,000 of the annual use fees as direct reimbursement for~~
 242 ~~administrative costs, startup costs, and costs incurred in the~~
 243 ~~development and approval process. Thereafter, up to 10 percent~~
 244 ~~of the annual use fee revenue may be used for administrative~~
 245 ~~costs directly associated with education programs, conservation,~~
 246 ~~research, and grant administration of the organization, and up~~
 247 ~~to 10 percent may be used for promotion and marketing of the~~
 248 ~~specialty license plate.~~

249 ~~2. At least 30 percent of the fees shall be available for~~
 250 ~~competitive grants for targeted community-based or county-based~~

251 ~~research or projects for which state funding is limited or not~~
 252 ~~currently available. The remaining 50 percent shall be directed~~
 253 ~~toward community outreach and access programs. The competitive~~
 254 ~~grants shall be administered and approved by the board of~~
 255 ~~directors of the St. Johns River Alliance, Inc. A grant advisory~~
 256 ~~committee shall be composed of six members chosen by the St.~~
 257 ~~Johns River Alliance board members.~~

258 ~~3. Any remaining funds shall be distributed with the~~
 259 ~~approval of and accountability to the board of directors of the~~
 260 ~~St. Johns River Alliance, Inc., and shall be used to support~~
 261 ~~activities contributing to education, outreach, and springs~~
 262 ~~conservation.~~

263 ~~(70) HISPANIC ACHIEVERS LICENSE PLATES.—~~

264 ~~(a) Notwithstanding the requirements of s. 320.08053, the~~
 265 ~~department shall develop a Hispanic Achievers license plate as~~
 266 ~~provided in this section. The plate must bear the colors and~~
 267 ~~design approved by the department. The word "Florida" must~~
 268 ~~appear at the top of the plate, and the words "Hispanic~~
 269 ~~Achievers" must appear at the bottom of the plate.~~

270 ~~(b) The proceeds from the license plate annual use fee~~
 271 ~~shall be distributed to National Hispanic Corporate Achievers,~~
 272 ~~Inc., a nonprofit corporation under s. 501(c)(3) of the Internal~~
 273 ~~Revenue Code, to fund grants to nonprofit organizations to~~
 274 ~~operate programs and provide scholarships and for marketing the~~
 275 ~~Hispanic Achievers license plate. National Hispanic Corporate~~

276 ~~Achievers, Inc., shall establish a Hispanic Achievers Grant~~
 277 ~~Council that shall provide recommendations for statewide grants~~
 278 ~~from available Hispanic Achievers license plate proceeds to~~
 279 ~~nonprofit organizations for programs and scholarships for~~
 280 ~~Hispanic and minority Floridians. National Hispanic Corporate~~
 281 ~~Achievers, Inc., shall also establish a Hispanic Achievers~~
 282 ~~License Plate Fund. Moneys in the fund shall be used by the~~
 283 ~~grant council as provided in this paragraph. All funds received~~
 284 ~~under this subsection must be used in this state.~~

285 ~~(c) National Hispanic Corporate Achievers, Inc., may~~
 286 ~~retain all proceeds from the annual use fee until documented~~
 287 ~~startup costs for developing and establishing the plate have~~
 288 ~~been recovered. Thereafter, the proceeds from the annual use fee~~
 289 ~~shall be used as follows:~~

290 ~~1. Up to 5 percent of the proceeds may be used for the~~
 291 ~~cost of administration of the Hispanic Achievers License Plate~~
 292 ~~Fund, the Hispanic Achievers Grant Council, and related matters.~~

293 ~~2. Funds may be used as necessary for annual audit or~~
 294 ~~compliance affidavit costs.~~

295 ~~3. Up to 20 percent of the proceeds may be used to market~~
 296 ~~and promote the Hispanic Achievers license plate.~~

297 ~~4. Twenty-five percent of the proceeds shall be used by~~
 298 ~~the Hispanic Corporate Achievers, Inc., located in Seminole~~
 299 ~~County, for grants.~~

300 ~~5. The remaining proceeds shall be available to the~~

301 ~~Hispanic Achievers Grant Council to award grants for services,~~
 302 ~~programs, or scholarships for Hispanic and minority individuals~~
 303 ~~and organizations throughout Florida. All grant recipients must~~
 304 ~~provide to the Hispanic Achievers Grant Council an annual~~
 305 ~~program and financial report regarding the use of grant funds.~~
 306 ~~Such reports must be available to the public.~~

307 ~~(d) Effective July 1, 2014, the Hispanic Achievers license~~
 308 ~~plate will shift into the presale voucher phase, as provided in~~
 309 ~~s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc.,~~
 310 ~~shall have 24 months to record a minimum of 1,000 sales. Sales~~
 311 ~~include existing active plates and vouchers sold subsequent to~~
 312 ~~July 1, 2014. During the voucher period, new plates may not be~~
 313 ~~issued, but existing plates may be renewed. If, at the~~
 314 ~~conclusion of the 24-month presale period, the requirement of a~~
 315 ~~minimum of 1,000 sales has been met, the department shall resume~~
 316 ~~normal distribution of the Hispanic Achievers license plate. If,~~
 317 ~~after 24 months, the minimum of 1,000 sales has not been met,~~
 318 ~~the department shall discontinue the Hispanic Achievers license~~
 319 ~~plate. This subsection is repealed June 30, 2016.~~

320 ~~(76)(80)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.-

321 (b) The annual use fees shall be distributed to the Police
 322 and Kids Foundation, Inc., which may use up to a maximum of 10
 323 percent of the proceeds for marketing ~~to promote and market~~ the
 324 plate. All remaining ~~The remainder of the~~ proceeds shall be
 325 distributed to and used by the Police and Kids Foundation, Inc.,

326 for its operations, activities, programs, and projects ~~to invest~~
 327 ~~and reinvest, and the interest earnings shall be used for the~~
 328 ~~operation of the Police and Kids Foundation, Inc.~~

329 (80) AUBURN UNIVERSITY LICENSE PLATES.—

330 (a) The department shall develop an Auburn University
 331 license plate as provided in this section and s. 320.08053. The
 332 plate must bear the colors and design approved by the
 333 department. The word "Florida" must appear at the top of the
 334 plate, and the words "War Eagle" must appear at the bottom of
 335 the plate.

336 (b) The Tampa Bay Auburn Club is the lead club on behalf
 337 of the Auburn clubs in this state. The annual use fees from the
 338 sale of the plate shall be distributed to the Tampa Bay Auburn
 339 Club, together with statistics on sales of the license plates
 340 tabulated by county. The Tampa Bay Auburn Club must distribute
 341 to each of the state's Auburn clubs on a pro rata basis the
 342 moneys received from sales in the regions within the respective
 343 club's area for the purpose of awarding scholarships to Florida
 344 residents attending Auburn University. Students receiving these
 345 scholarships must be eligible for the Florida Bright Futures
 346 Scholarship Program pursuant to s. 1009.531 and shall use the
 347 scholarship funds for tuition and other expenses related to
 348 attending Auburn University.

349 (81) FLORIDA LINEMAN LICENSE PLATES.—

350 (a) The department shall develop a Florida Lineman license

351 plate as provided in this section and s. 320.08053. The plate
 352 must bear the colors and design approved by the department. The
 353 word "Florida" must appear at the top of the plate, and the
 354 words "Thank a Lineman" must appear at the bottom of the plate.

355 (b) The annual use fees from the sale of the plate shall
 356 be distributed to the Northwest Lineman College Florida Campus,
 357 which may use up to 10 percent of the proceeds for
 358 administrative costs and marketing of the plate. The Northwest
 359 Lineman College Florida Campus may distribute up to 20 percent
 360 of the proceeds to the American Red Cross to be used for
 361 disaster relief efforts.

362 (82) DONATE LIFE FLORIDA LICENSE PLATES.—

363 (a) The department shall develop a Donate Life Florida
 364 license plate as provided in this section and s. 320.08053. The
 365 plate must bear the colors and design approved by the
 366 department. The word "Florida" must appear at the top of the
 367 plate, and the words "Donors Save Lives" must appear at the
 368 bottom of the plate.

369 (b) The annual use fees from the sale of the plate shall
 370 be distributed to Donate Life Florida, which may use up to 10
 371 percent of the proceeds for marketing and administrative costs.
 372 The remaining proceeds of the annual use fees shall be used by
 373 Donate Life Florida to educate Florida residents on the
 374 importance of organ, tissue, and eye donation and for the
 375 continued maintenance of the Joshua Abbott Organ and Tissue

376 Donor Registry.

377 (83) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

378 (a) The department shall develop a Florida State
 379 Beekeepers Association license plate as provided in this section
 380 and s. 320.08053. The plate must bear the colors and design
 381 approved by the department. The word "Florida" must appear at
 382 the top of the plate, and the words "Save the Bees" must appear
 383 at the bottom of the plate.

384 (b) The annual use fees shall be distributed to the
 385 Florida State Beekeepers Association, a Florida nonprofit
 386 corporation. The Florida State Beekeepers Association may use up
 387 to 10 percent of the annual use fees for administrative,
 388 promotional, and marketing costs of the license plate.

389 (c) The remaining funds shall be distributed to the
 390 Florida State Beekeepers Association and shall be used to raise
 391 awareness of the importance of beekeeping to Florida agriculture
 392 by funding honeybee research, education, outreach, and
 393 husbandry. The Florida State Beekeepers Association board of
 394 managers must approve and is accountable for all such
 395 expenditures.

396 (84) ROTARY LICENSE PLATES.—

397 (a) The department shall develop a Rotary license plate as
 398 provided in this section and s. 320.08053. The plate must bear
 399 the colors and design approved by the department. The word
 400 "Florida" must appear at the top of the plate, and the word

401 "Rotary" must appear on the bottom of the plate. The license
 402 plate must bear the Rotary International wheel emblem.

403 (b) The annual use fees shall be distributed to the
 404 Community Foundation of Tampa Bay, Inc., to be used as follows:

405 1. Up to 10 percent may be used for administrative costs
 406 and for marketing of the plate.

407 2. Ten percent shall be distributed to Rotary's Camp
 408 Florida for direct support to all programs and services provided
 409 to children with special needs who attend the camp.

410 3. The remainder shall be distributed, proportionally
 411 based on sales, to each Rotary district in the state in support
 412 of Rotary youth programs in Florida.

413 (85) BEAT CHILDHOOD CANCER LICENSE PLATES.-

414 (a) The department shall develop a Beat Childhood Cancer
 415 license plate as provided in this section and s. 320.08053. The
 416 plate must bear the colors and design approved by the
 417 department. The word "Florida" must appear at the top of the
 418 plate, and the words "Beat Childhood Cancer" must appear at the
 419 bottom of the plate.

420 (b) The annual use fees from the sale of the plate shall
 421 be distributed to Beat Nb, Inc., which may use up to 10 percent
 422 of the proceeds for administrative costs directly associated
 423 with the operation of the corporation and for marketing and
 424 promoting the plate. The remaining proceeds shall be used by the
 425 corporation to fund pediatric cancer treatment and research.

426 (86) FLORIDA BAY FOREVER LICENSE PLATES.—

427 (a) The department shall develop a Florida Bay Forever
 428 license plate as provided in this section and s. 320.08053. The
 429 plate must bear the colors and design approved by the
 430 department. The word "Florida" must appear at the top of the
 431 plate, and the words "Florida Bay Forever" must appear at the
 432 bottom of the plate.

433 (b) The annual use fees from the sale of the plate shall
 434 be distributed to the Florida National Park Association, Inc.,
 435 which may use up to 10 percent of the proceeds for
 436 administrative costs and marketing of the plate. The remainder
 437 of the funds shall be used to supplement the Everglades National
 438 Park's budgets and to support educational, interpretive,
 439 historical, and scientific research relating to the Everglades
 440 National Park.

441 (87) BONEFISH AND TARPON TRUST LICENSE PLATES.—

442 (a) The department shall develop a Bonefish and Tarpon
 443 Trust license plate as provided in this section and s.
 444 320.08053. The word "Florida" must appear at the top of the
 445 plate, and the words "Bonefish and Tarpon Trust" must appear at
 446 the bottom of the plate.

447 (b) The annual use fees from the sale of the plate shall
 448 be distributed to the Bonefish and Tarpon Trust, which may use
 449 up to 10 percent of the proceeds to promote and market the
 450 license plate. The remainder of the proceeds shall be used to

451 conserve and enhance Florida bonefish and tarpon fisheries and
 452 their respective environments through stewardship, research,
 453 education, and advocacy.

454 Section 5. Section 320.08062, Florida Statutes, is amended
 455 to read:

456 320.08062 Audits and attestations required; annual use
 457 fees of specialty license plates.—

458 (1)(a) All organizations that receive annual use fee
 459 proceeds from the department are responsible for ensuring that
 460 proceeds are used in accordance with ss. 320.08056 and
 461 320.08058.

462 (b) Any organization not subject to audit pursuant to s.
 463 215.97 shall annually attest, under penalties of perjury, that
 464 such proceeds were used in compliance with ss. 320.08056 and
 465 320.08058. The attestation shall be made annually in a form and
 466 format determined by the department. In addition, the department
 467 shall audit any such organization every 2 years to ensure
 468 proceeds have been used in compliance with ss. 320.08056 and
 469 320.08058.

470 (c) Any organization subject to audit pursuant to s.
 471 215.97 shall submit an audit report in accordance with rules
 472 promulgated by the Auditor General. The annual attestation shall
 473 be submitted to the department for review within 9 months after
 474 the end of the organization's fiscal year.

475 (2) (a) Within 120 days after receiving an organization's
 476 audit or attestation, the department shall determine which
 477 recipients of revenues from specialty license plate annual use
 478 fees have not complied with subsection (1). In determining
 479 compliance, the department may commission an independent
 480 actuarial consultant, or an independent certified public
 481 accountant, who has expertise in nonprofit and charitable
 482 organizations.

483 (b) The department must discontinue the distribution of
 484 revenues to any organization failing to submit the required
 485 documentation as required in subsection (1), but may resume
 486 distribution of the revenues upon receipt of the required
 487 information.

488 (c) If the department or its designee determines that an
 489 organization has not complied or has failed to use the revenues
 490 in accordance with ss. 320.08056 and 320.08058, the department
 491 must discontinue the distribution of the revenues to the
 492 organization. The department shall notify the organization of
 493 its findings and direct the organization to make the changes
 494 necessary in order to comply with this chapter. If the officers
 495 of the organization sign an affidavit under penalties of perjury
 496 stating that they acknowledge the findings of the department and
 497 attest that they have taken corrective action and that the
 498 organization will submit to a followup review by the department,
 499 the department may resume the distribution of revenues.

500 (d) If an organization fails to comply with the
 501 department's recommendations and corrective actions as outlined
 502 in paragraph (c), the revenue distributions shall be
 503 discontinued until completion of the next regular session of the
 504 Legislature. The department shall notify the President of the
 505 Senate and the Speaker of the House of Representatives by the
 506 first day of the next regular session of any organization whose
 507 revenues have been withheld as a result of this paragraph. If
 508 the Legislature does not provide direction to the organization
 509 and the department regarding the status of the undistributed
 510 revenues, the department shall deauthorize the plate and the
 511 undistributed revenues shall be immediately deposited into the
 512 Highway Safety Operating Trust Fund.

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

516 Section 6. Paragraph (a) of subsection (1) of section
 517 320.089, Florida Statutes, is amended to read:

518 320.089 Veterans of the United States Armed Forces;
 519 members of National Guard; survivors of Pearl Harbor; Purple
 520 Heart medal recipients; Bronze Star recipients; active or
 521 retired United States Armed Forces reservists; Combat Infantry
 522 Badge, Combat Medical Badge, or Combat Action Badge recipients;
 523 Combat Action Ribbon recipients; Air Force Combat Action Medal
 524 recipients; Distinguished Flying Cross recipients; former

525 prisoners of war; Korean War Veterans; Vietnam War Veterans;
 526 Operation Desert Shield Veterans; Operation Desert Storm
 527 Veterans; Operation Enduring Freedom Veterans; Operation Iraqi
 528 Freedom Veterans; Women Veterans; World War II Veterans; and
 529 Navy Submariners; special license plates; fee.—

530 (1)(a) Each owner or lessee of an automobile or truck for
 531 private use or recreational vehicle as specified in s.
 532 320.08(9)(c) or (d), which is not used for hire or commercial
 533 use, who is a resident of the state and a veteran of the United
 534 States Armed Forces, a Woman Veteran, a World War II Veteran, a
 535 Navy Submariner, an active or retired member of the Florida
 536 National Guard, a survivor of the attack on Pearl Harbor, a
 537 recipient of the Purple Heart medal, a recipient of the Bronze
 538 Star, an active or retired member of any branch of the United
 539 States Armed Forces Reserve, or a recipient of the Combat
 540 Infantry Badge, Combat Medical Badge, Combat Action Badge,
 541 Combat Action Ribbon, Air Force Combat Action Medal, or
 542 Distinguished Flying Cross, upon application to the department,
 543 accompanied by proof of release or discharge from any branch of
 544 the United States Armed Forces, proof of active membership or
 545 retired status in the Florida National Guard, proof of
 546 membership in the Pearl Harbor Survivors Association or proof of
 547 active military duty in Pearl Harbor on December 7, 1941, proof
 548 of being a Purple Heart medal recipient, proof of being a Bronze
 549 Star recipient, proof of active or retired membership in any

550 branch of the United States Armed Forces Reserve, or proof of
 551 membership in the Combat Infantrymen's Association, Inc., proof
 552 of being a recipient of the Combat Infantry Badge, Combat
 553 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air
 554 Force Combat Action Medal, or Distinguished Flying Cross, and
 555 upon payment of the license tax for the vehicle as provided in
 556 s. 320.08, shall be issued a license plate as provided by s.
 557 320.06 which, in lieu of the serial numbers prescribed by s.
 558 320.06, is stamped with the words "Veteran," "Woman Veteran,"
 559 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl
 560 Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S.
 561 Reserve," "Combat Infantry Badge," "Combat Medical Badge,"
 562 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat
 563 Action Medal," or "Distinguished Flying Cross," as appropriate,
 564 and a likeness of the related campaign medal or badge, followed
 565 by the serial number of the license plate. Additionally, the
 566 Purple Heart plate may have the words "Purple Heart" stamped on
 567 the plate and the likeness of the Purple Heart medal appearing
 568 on the plate.

569 Section 7. Except as otherwise expressly provided in this
 570 act, this act shall take effect October 1, 2018.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation &
2 Infrastructure Subcommittee
3 Representative Grant, J. offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Paragraph (a) of subsection (3) of section
8 320.06, Florida Statutes, is amended to read:

9 320.06 Registration certificates, license plates, and
10 validation stickers generally.-

11 (3) (a) Registration license plates must be made of metal
12 specially treated with a retroreflection material, as specified
13 by the department. The registration license plate is designed to
14 increase nighttime visibility and legibility and must be at
15 least 6 inches wide and not less than 12 inches in length,
16 unless a plate with reduced dimensions is deemed necessary by

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17 the department to accommodate motorcycles, mopeds, or similar
18 smaller vehicles. Validation stickers must also be treated with
19 a retroreflection material, must be of such size as specified by
20 the department, and must adhere to the license plate. The
21 registration license plate must be imprinted with a combination
22 of bold letters and numerals or numerals, not to exceed seven
23 digits, to identify the registration license plate number. The
24 license plate must be imprinted with the word "Florida" at the
25 top and the name of the county in which it is sold, the state
26 motto, or the words "Sunshine State" at the bottom. Apportioned
27 license plates must have the word "Apportioned" at the bottom
28 and license plates issued for vehicles taxed under s.
29 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have
30 the word "Restricted" at the bottom. License plates issued for
31 vehicles taxed under s. 320.08(12) must be imprinted with the
32 word "Florida" at the top and the word "Dealer" at the bottom
33 unless the license plate is a specialty license plate as
34 authorized in s. 320.08056. Manufacturer license plates issued
35 for vehicles taxed under s. 320.08(12) must be imprinted with
36 the word "Florida" at the top and the word "Manufacturer" at the
37 bottom. License plates issued for vehicles taxed under s.
38 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at
39 the bottom. Any county may, upon majority vote of the county
40 commission, elect to have the county name removed from the
41 license plates sold in that county. The state motto or the words

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42 "Sunshine State" shall be printed in lieu thereof. A license
43 plate issued for a vehicle taxed under s. 320.08(6) may not be
44 assigned a registration license number, or be issued with any
45 other distinctive character or designation, that distinguishes
46 the motor vehicle as a for-hire motor vehicle.

47 Section 2. Subsection (5) of section 320.0607, Florida
48 Statutes, is amended to read:

49 320.0607 Replacement license plates, validation decal, or
50 mobile home sticker.—

51 (5) Upon the issuance of an original license plate, the
52 applicant shall pay a fee of \$28 to be deposited in the Highway
53 Safety Operating Trust Fund. Beginning October 1, 2019, this
54 subsection does not apply to a vehicle registered under the
55 International Registration Plan.

56 Section 3. Paragraph (b) of subsection (2) of section
57 320.0657, Florida Statutes, is amended to read:

58 320.0657 Permanent registration; fleet license plates.—

59 (2)

60 (b) The plates, which shall be of a distinctive color,
61 shall have the word "Fleet" appearing at the bottom and the word
62 "Florida" appearing at the top unless the license plate is a
63 specialty license plate as authorized in s. 320.08056. The
64 plates shall conform in all respects to the provisions of this
65 chapter, except as specified herein. For additional fees as set
66 forth in s. 320.08056, fleet companies may purchase specialty

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67 license plates in lieu of the standard fleet license plates.
68 Fleet companies shall be responsible for all costs associated
69 with the specialty license plate, including all annual use fees,
70 processing fees, fees associated with switching license plate
71 types, and any other applicable fees.

72 Section 4. Subsection (12) of section 320.08, Florida
73 Statutes, is amended to read:

74 320.08 License taxes.—Except as otherwise provided herein,
75 there are hereby levied and imposed annual license taxes for the
76 operation of motor vehicles, mopeds, motorized bicycles as
77 defined in s. 316.003(3), tri-vehicles as defined in s. 316.003,
78 and mobile homes as defined in s. 320.01, which shall be paid to
79 and collected by the department or its agent upon the
80 registration or renewal of registration of the following:

81 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
82 motor vehicle dealer, independent motor vehicle dealer, marine
83 boat trailer dealer, or mobile home dealer and manufacturer
84 license plate: \$17 flat, of which \$4.50 shall be deposited into
85 the General Revenue Fund. For additional fees as set forth in s.
86 320.08056, dealers may purchase specialty license plates in lieu
87 of the standard graphic dealer license plates. Dealers shall be
88 responsible for all costs associated with the specialty license
89 plate, including all annual use fees, processing fees, fees
90 associated with switching license plate types, and any other
91 applicable fees.

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92 Section 5. Section 320.08053, Florida Statutes, is amended
93 to read:

94 320.08053 Establishment of Requirements for requests to
95 ~~establish~~ specialty license plates.-

96 (1) If a specialty license plate requested by an
97 organization is approved by law, the organization must submit
98 the proposed art design for the specialty license plate to the
99 department, in a medium prescribed by the department, as soon as
100 practicable, but no later than 60 days after the act approving
101 the specialty license plate becomes a law.

102 (2)(a) Within 120 days after ~~following~~ the specialty
103 license plate becomes ~~becoming~~ law, the department shall
104 establish a method to issue a specialty license plate voucher to
105 allow for the presale of the specialty license plate. The
106 processing fee as prescribed in s. 320.08056, the service charge
107 and branch fee as prescribed in s. 320.04, and the annual use
108 fee as prescribed in s. 320.08056 shall be charged for the
109 voucher. All other applicable fees shall be charged at the time
110 of issuance of the license plates.

111 (b) Within 24 months after the presale specialty license
112 plate voucher is established, the approved specialty license
113 plate organization must record with the department a minimum of
114 3,000 ~~1,000~~ voucher sales before manufacture of the license
115 plate may begin ~~commence~~. If, at the conclusion of the 24-month
116 presale period, the minimum sales requirement ~~has requirements~~

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117 have not been met, the specialty plate is deauthorized and the
118 department shall discontinue development of the plate and
119 discontinue issuance of the presale vouchers. Upon
120 deauthorization of the license plate, a purchaser of the license
121 plate voucher may use the annual use fee collected as a credit
122 towards any other specialty license plate or apply for a refund
123 on a form prescribed by the department.

124 (3) (a) If the Legislature has approved 125 or more
125 specialty license plates, the department may not make any new
126 specialty license plates available for design, presale, or
127 issuance until a sufficient number of plates are discontinued
128 pursuant to s. 320.08056(8) such that the number of plates being
129 issued is reduced to fewer than 125.

130 (b) New specialty license plates that have been approved
131 by law but are awaiting issuance under paragraph (a) shall be
132 issued in the order they appear in s. 320.08056(4) provided that
133 they have met the presale requirement. All other provisions of
134 this section must also be met before a plate is issued. If the
135 next awaiting specialty license plate has not met the presale
136 requirement, the department shall proceed in the order provided
137 in s. 320.08056(4) to identify the next qualified specialty
138 license plate that has met the presale requirement. The
139 department shall cycle through the list in statutory order.

140 Section 6. Subsection (2) of section 320.08056, Florida
141 Statutes, is amended, paragraphs (ff) through (ddd), (fff)

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142 through (ppp), and (sss) through (eeee) of subsection (4) of
143 that section are redesignated as paragraphs (ee) through (ccc),
144 (ddd) through (nnn), and (ooo) through (aaaa), respectively,
145 present paragraphs (ee), (eee), (qqq), and (rrr) of that
146 subsection are amended, new paragraphs (bbbb) through (hhhh) are
147 added to that subsection, paragraphs (c) through (f) are added
148 to subsection (8), and paragraph (a) of subsection (10) of that
149 section is amended, to read:

150 320.08056 Specialty license plates.—

151 (2) (a) The department shall issue a specialty license
152 plate to the owner or lessee of any motor vehicle, except a
153 vehicle registered under the International Registration Plan, a
154 commercial truck required to display two license plates pursuant
155 to s. 320.0706, or a truck tractor, upon request and payment of
156 the appropriate license tax and fees.

157 (b) The department may authorize dealer and fleet
158 specialty license plates. With the permission of the sponsoring
159 specialty license plate organization, a dealer or fleet company
160 may purchase specialty license plates to be used on dealer and
161 fleet vehicles.

162 (c) Notwithstanding s. 320.08058, a dealer or fleet
163 specialty license plate must include the letters "DLR" or "FLT"
164 on the right side of the license plate. Dealer and fleet
165 specialty license plates must be ordered directly through the
166 department.

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

169 ~~(ee) American Red Cross license plate, \$25.~~

170 ~~(eee) Donate Organs Pass It On license plate, \$25.~~

171 ~~(qqq) St. Johns River license plate, \$25.~~

172 ~~(rrr) Hispanic Achievers license plate, \$25.~~

173 (bbbb) Auburn University license plate, \$50.

174 (cccc) Donate Life Florida license plate, \$25.

175 (dddd) Florida State Beekeepers Association license plate,
176 \$25.

177 (eeee) Rotary license plate, \$25.

178 (ffff) Beat Childhood Cancer license plate, \$25.

179 (gggg) Florida Bay Forever license plate, \$25.

180 (hhhh) Bonfish and Tarpon Trust license plate, \$25.

181 (8)

182 (c) A vehicle owner or lessee issued a specialty license
183 plate that has been discontinued by the department may keep the
184 discontinued specialty license plate for the remainder of the
185 10-year license plate replacement period and must pay all other
186 applicable registration fees. However, such owner or lessee is
187 exempt from paying the applicable specialty license plate fee
188 under subsection (4) for the remainder of the 10-year license
189 plate replacement period.

190 (d) If the department discontinues issuance of a specialty
191 license plate, all annual use fees held or collected by the

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192 department shall be distributed within 180 days after the date
193 the specialty license plate is discontinued. Of those fees, the
194 department shall retain an amount sufficient to defray the
195 applicable administrative and inventory closeout costs
196 associated with discontinuance of the plate. The remaining funds
197 shall be distributed to the appropriate organization or
198 organizations pursuant to s. 320.08058.

199 (e) If an organization that is the intended recipient of
200 the funds pursuant to s. 320.08058 no longer exists, the
201 department shall deposit any undisbursed funds into the Highway
202 Safety Operating Trust Fund.

203 (f) Notwithstanding paragraph (a), on January 1 of each
204 year, the department shall discontinue the specialty license
205 plate with the fewest number of plates in circulation. A warning
206 letter shall be mailed to the sponsoring organizations of the 10
207 percent of specialty license plates with the lowest number of
208 valid, active registrations as of December 1 of each year.

209 (10)(a) A specialty license plate annual use fee collected
210 and distributed under this chapter, or any interest earned from
211 those fees, may not be used for commercial or for-profit
212 activities nor for general or administrative expenses, except as
213 authorized by s. 320.08058 or to pay the cost of the audit or
214 report required by s. 320.08062(1). The fees and any interest
215 earned from the fees may be expended only for use in this state
216 unless the annual use fee is derived from the sale of United

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217 States Armed Forces and veterans-related specialty license
218 plates pursuant to paragraphs (4)(d), (bb), (kk), (iii), and
219 (uuu) ~~(ll), (kkk), and (yyy)~~ and s. 320.0891 or out-of-state
220 college or university license plates pursuant to paragraph
221 (4)(bbbb).

222 Section 7. Effective October 1, 2021, paragraph (a) of
223 subsection (8) of section 320.08056, Florida Statutes, is
224 amended to read:

225 320.08056 Specialty license plates.-

226 (8)(a) The department must discontinue the issuance of an
227 approved specialty license plate if the number of valid
228 specialty plate registrations falls below 3,000 ~~1,000~~ plates for
229 at least 12 consecutive months. A warning letter shall be mailed
230 to the sponsoring organization following the first month in
231 which the total number of valid specialty plate registrations is
232 below 3,000 ~~1,000~~ plates. This paragraph does not apply to
233 collegiate license plates established under s. 320.08058(3),
234 license plates of institutions in and entities of the State
235 University System, specialty license plates that have statutory
236 eligibility limitations for purchase, or Florida Professional
237 Sports Team license plates established under s. 320.08058(9).

238 Section 8. Subsections (32) through (56), (58) through
239 (68), and (71) through (83) of section 320.08058, Florida
240 Statutes, are renumbered as subsections (31) through (55), (56)
241 through (66), and (67) through (79), respectively, paragraph (a)

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242 of subsection (3), paragraph (a) of subsection (7), paragraph
243 (b) of subsection (11), present subsections (31), (57), (69),
244 and (70), and paragraph (b) of present subsection (80) are
245 amended, and new subsections (80) through (86) are added to that
246 section, to read:

247 320.08058 Specialty license plates.—

248 (3) COLLEGIATE LICENSE PLATES.—

249 (a) The department shall develop a collegiate license
250 plate as provided in this section for state and independent
251 universities domiciled in this state. However, any collegiate
252 license plate created or established after October 1, 2002, must
253 comply with the requirements of s. 320.08053 and be specifically
254 authorized by an act of the Legislature. Collegiate license
255 plates must bear the colors and design approved by the
256 department as appropriate for each state and independent
257 university. The word "Florida" must be stamped across the bottom
258 of the plate in small letters, except for the University of
259 Central Florida specialty license plate, which shall have "2017
260 National Champions" stamped across the bottom of the plate.

261 (7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

262 (a) Special Olympics Florida license plates must contain
263 the official Special Olympics Florida logo and must bear the
264 colors and a design ~~and colors that~~ are approved by the
265 department. The word "Florida" must be centered at the top

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266 ~~bottom~~ of the plate, and the words "Be a Fan" "~~Everyone Wins~~"
267 must be centered at the bottom ~~top~~ of the plate.

268 (11) INVEST IN CHILDREN LICENSE PLATES.—

269 (b) The proceeds of the Invest in Children license plate
270 annual use fee must be deposited into the Juvenile Crime
271 Prevention and Early Intervention Trust Fund within the
272 Department of Juvenile Justice. Based on the recommendations of
273 the juvenile justice councils, the Department of Juvenile
274 Justice shall use the proceeds of the fee to fund programs and
275 services that are designed to prevent juvenile delinquency. The
276 ~~department shall allocate moneys for programs and services~~
277 ~~within each county based on that county's proportionate share of~~
278 ~~the license plate annual use fee collected by the county.~~

279 ~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

280 ~~(a) Notwithstanding the provisions of s. 320.08053, the~~
281 ~~department shall develop an American Red Cross license plate as~~
282 ~~provided in this section. The word "Florida" must appear at the~~
283 ~~top of the plate, and the words "American Red Cross" must appear~~
284 ~~at the bottom of the plate.~~

285 ~~(b) The department shall retain all revenues from the sale~~
286 ~~of such plates until all startup costs for developing and~~
287 ~~issuing the plates have been recovered. Thereafter, 50 percent~~
288 ~~of the annual use fees shall be distributed to the American Red~~
289 ~~Cross Chapter of Central Florida, with statistics on sales of~~
290 ~~license plates, which are tabulated by county. The American Red~~

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291 ~~Cross Chapter of Central Florida must distribute to each of the~~
292 ~~chapters in this state the moneys received from sales in the~~
293 ~~counties covered by the respective chapters, which moneys must~~
294 ~~be used for education and disaster relief in Florida. Fifty~~
295 ~~percent of the annual use fees shall be distributed~~
296 ~~proportionately to the three statewide approved poison control~~
297 ~~centers for purposes of combating bioterrorism and other poison-~~
298 ~~related purposes.~~

299 ~~(57) DONATE ORGANS PASS IT ON LICENSE PLATES.—~~

300 ~~(a) The department shall develop a Donate Organs Pass It~~
301 ~~On license plate as provided in this section. The word "Florida"~~
302 ~~must appear at the top of the plate, and the words "Donate~~
303 ~~Organs Pass It On" must appear at the bottom of the plate.~~

304 ~~(b) The annual use fees shall be distributed to Transplant~~
305 ~~Foundation, Inc., and shall use up to 10 percent of the proceeds~~
306 ~~from the annual use fee for marketing and administrative costs~~
307 ~~that are directly associated with the management and~~
308 ~~distribution of the proceeds. The remaining proceeds shall be~~
309 ~~used to provide statewide grants for patient services, including~~
310 ~~preoperative, rehabilitative, and housing assistance; organ~~
311 ~~donor education and awareness programs; and statewide medical~~
312 ~~research.~~

313 ~~(69) ST. JOHNS RIVER LICENSE PLATES.—~~

314 ~~(a) The department shall develop a St. Johns River license~~
315 ~~plate as provided in this section. The St. Johns River license~~

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316 ~~plates must bear the colors and design approved by the~~
317 ~~department. The word "Florida" must appear at the top of the~~
318 ~~plate, and the words "St. Johns River" must appear at the bottom~~
319 ~~of the plate.~~

320 ~~(b) The requirements of s. 320.08053 must be met prior to~~
321 ~~the issuance of the plate. Thereafter, the license plate annual~~
322 ~~use fees shall be distributed to the St. Johns River Alliance,~~
323 ~~Inc., a s. 501(c)(3) nonprofit organization, which shall~~
324 ~~administer the fees as follows:~~

325 ~~1. The St. Johns River Alliance, Inc., shall retain the~~
326 ~~first \$60,000 of the annual use fees as direct reimbursement for~~
327 ~~administrative costs, startup costs, and costs incurred in the~~
328 ~~development and approval process. Thereafter, up to 10 percent~~
329 ~~of the annual use fee revenue may be used for administrative~~
330 ~~costs directly associated with education programs, conservation,~~
331 ~~research, and grant administration of the organization, and up~~
332 ~~to 10 percent may be used for promotion and marketing of the~~
333 ~~specialty license plate.~~

334 ~~2. At least 30 percent of the fees shall be available for~~
335 ~~competitive grants for targeted community based or county based~~
336 ~~research or projects for which state funding is limited or not~~
337 ~~currently available. The remaining 50 percent shall be directed~~
338 ~~toward community outreach and access programs. The competitive~~
339 ~~grants shall be administered and approved by the board of~~
340 ~~directors of the St. Johns River Alliance, Inc. A grant advisory~~

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341 ~~committee shall be composed of six members chosen by the St.~~
342 ~~Johns River Alliance board members.~~

343 ~~3. Any remaining funds shall be distributed with the~~
344 ~~approval of and accountability to the board of directors of the~~
345 ~~St. Johns River Alliance, Inc., and shall be used to support~~
346 ~~activities contributing to education, outreach, and springs~~
347 ~~conservation.~~

348 ~~(70) HISPANIC ACHIEVERS LICENSE PLATES.—~~

349 ~~(a) Notwithstanding the requirements of s. 320.08053, the~~
350 ~~department shall develop a Hispanic Achievers license plate as~~
351 ~~provided in this section. The plate must bear the colors and~~
352 ~~design approved by the department. The word "Florida" must~~
353 ~~appear at the top of the plate, and the words "Hispanic~~
354 ~~Achievers" must appear at the bottom of the plate.~~

355 ~~(b) The proceeds from the license plate annual use fee~~
356 ~~shall be distributed to National Hispanic Corporate Achievers,~~
357 ~~Inc., a nonprofit corporation under s. 501(c)(3) of the Internal~~
358 ~~Revenue Code, to fund grants to nonprofit organizations to~~
359 ~~operate programs and provide scholarships and for marketing the~~
360 ~~Hispanic Achievers license plate. National Hispanic Corporate~~
361 ~~Achievers, Inc., shall establish a Hispanic Achievers Grant~~
362 ~~Council that shall provide recommendations for statewide grants~~
363 ~~from available Hispanic Achievers license plate proceeds to~~
364 ~~nonprofit organizations for programs and scholarships for~~
365 ~~Hispanic and minority Floridians. National Hispanic Corporate~~

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366 ~~Achievers, Inc., shall also establish a Hispanic Achievers~~
367 ~~License Plate Fund. Moneys in the fund shall be used by the~~
368 ~~grant council as provided in this paragraph. All funds received~~
369 ~~under this subsection must be used in this state.~~

370 ~~(c) National Hispanic Corporate Achievers, Inc., may~~
371 ~~retain all proceeds from the annual use fee until documented~~
372 ~~startup costs for developing and establishing the plate have~~
373 ~~been recovered. Thereafter, the proceeds from the annual use fee~~
374 ~~shall be used as follows:~~

375 ~~1. Up to 5 percent of the proceeds may be used for the~~
376 ~~cost of administration of the Hispanic Achievers License Plate~~
377 ~~Fund, the Hispanic Achievers Grant Council, and related matters.~~

378 ~~2. Funds may be used as necessary for annual audit or~~
379 ~~compliance affidavit costs.~~

380 ~~3. Up to 20 percent of the proceeds may be used to market~~
381 ~~and promote the Hispanic Achievers license plate.~~

382 ~~4. Twenty five percent of the proceeds shall be used by~~
383 ~~the Hispanic Corporate Achievers, Inc., located in Seminole~~
384 ~~County, for grants.~~

385 ~~5. The remaining proceeds shall be available to the~~
386 ~~Hispanic Achievers Grant Council to award grants for services,~~
387 ~~programs, or scholarships for Hispanic and minority individuals~~
388 ~~and organizations throughout Florida. All grant recipients must~~
389 ~~provide to the Hispanic Achievers Grant Council an annual~~

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390 ~~program and financial report regarding the use of grant funds.~~
391 ~~Such reports must be available to the public.~~

392 ~~(d) Effective July 1, 2014, the Hispanic Achievers license~~
393 ~~plate will shift into the presale voucher phase, as provided in~~
394 ~~s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc.,~~
395 ~~shall have 24 months to record a minimum of 1,000 sales. Sales~~
396 ~~include existing active plates and vouchers sold subsequent to~~
397 ~~July 1, 2014. During the voucher period, new plates may not be~~
398 ~~issued, but existing plates may be renewed. If, at the~~
399 ~~conclusion of the 24 month presale period, the requirement of a~~
400 ~~minimum of 1,000 sales has been met, the department shall resume~~
401 ~~normal distribution of the Hispanic Achievers license plate. If,~~
402 ~~after 24 months, the minimum of 1,000 sales has not been met,~~
403 ~~the department shall discontinue the Hispanic Achievers license~~
404 ~~plate. This subsection is repealed June 30, 2016.~~

405 ~~(76)-(80) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.-~~

406 ~~(b) The annual use fees shall be distributed to the Police~~
407 ~~and Kids Foundation, Inc., which may use up to a maximum of 10~~
408 ~~percent of the proceeds for marketing to promote and market the~~
409 ~~plate. All remaining ~~The remainder of the~~ proceeds shall be~~
410 ~~distributed to and used by the Police and Kids Foundation, Inc.,~~
411 ~~for its operations, activities, programs, and projects ~~to invest~~~~
412 ~~~~and reinvest, and the interest earnings shall be used for the~~~~
413 ~~~~operation of the Police and Kids Foundation, Inc.~~~~

414 ~~(80) AUBURN UNIVERSITY LICENSE PLATES.-~~

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415 (a) The department shall develop an Auburn University
416 license plate as provided in this section and s. 320.08053. The
417 plate must bear the colors and design approved by the
418 department. The word "Florida" must appear at the top of the
419 plate, and the words "War Eagle" must appear at the bottom of
420 the plate.

421 (b) The Tampa Bay Auburn Club is the lead club on behalf
422 of the Auburn clubs in this state. The annual use fees from the
423 sale of the plate shall be distributed to the Tampa Bay Auburn
424 Club, together with statistics on sales of the license plates
425 tabulated by county. The Tampa Bay Auburn Club must distribute
426 to each of the state's Auburn clubs on a pro rata basis the
427 moneys received from sales in the regions within the respective
428 club's area for the purpose of awarding scholarships to Florida
429 residents attending Auburn University. Students receiving these
430 scholarships must be eligible for the Florida Bright Futures
431 Scholarship Program pursuant to s. 1009.531 and shall use the
432 scholarship funds for tuition and other expenses related to
433 attending Auburn University.

434 (81) DONATE LIFE FLORIDA LICENSE PLATES.-

435 (a) The department shall develop a Donate Life Florida
436 license plate as provided in this section and s. 320.08053. The
437 plate must bear the colors and design approved by the
438 department. The word "Florida" must appear at the top of the

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439 plate, and the words "Donors Save Lives" must appear at the
440 bottom of the plate.

441 (b) The annual use fees from the sale of the plate shall
442 be distributed to Donate Life Florida, which may use up to 10
443 percent of the proceeds for marketing and administrative costs.
444 The remaining proceeds of the annual use fees shall be used by
445 Donate Life Florida to educate Florida residents on the
446 importance of organ, tissue, and eye donation and for the
447 continued maintenance of the Joshua Abbott Organ and Tissue
448 Donor Registry.

449 (82) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.-

450 (a) The department shall develop a Florida State
451 Beekeepers Association license plate as provided in this section
452 and s. 320.08053. The plate must bear the colors and design
453 approved by the department. The word "Florida" must appear at
454 the top of the plate, and the words "Save the Bees" must appear
455 at the bottom of the plate.

456 (b) The annual use fees shall be distributed to the
457 Florida State Beekeepers Association, a Florida nonprofit
458 corporation. The Florida State Beekeepers Association may use up
459 to 10 percent of the annual use fees for administrative,
460 promotional, and marketing costs of the license plate.

461 (c) The remaining funds shall be distributed to the
462 Florida State Beekeepers Association and shall be used to raise
463 awareness of the importance of beekeeping to Florida agriculture

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464 by funding honeybee research, education, outreach, and
465 husbandry. The Florida State Beekeepers Association board of
466 managers must approve and is accountable for all such
467 expenditures.

468 (83) ROTARY LICENSE PLATES.—

469 (a) The department shall develop a Rotary license plate as
470 provided in this section and s. 320.08053. The plate must bear
471 the colors and design approved by the department. The word
472 "Florida" must appear at the top of the plate, and the word
473 "Rotary" must appear on the bottom of the plate. The license
474 plate must bear the Rotary International wheel emblem.

475 (b) The annual use fees shall be distributed to the
476 Community Foundation of Tampa Bay, Inc., to be used as follows:

477 1. Up to 10 percent may be used for administrative costs
478 and for marketing of the plate.

479 2. Ten percent shall be distributed to Rotary's Camp
480 Florida for direct support to all programs and services provided
481 to children with special needs who attend the camp.

482 3. The remainder shall be distributed, proportionally
483 based on sales, to each Rotary district in the state in support
484 of Rotary youth programs in Florida.

485 (84) BEAT CHILDHOOD CANCER LICENSE PLATES.—

486 (a) The department shall develop a Beat Childhood Cancer
487 license plate as provided in this section and s. 320.08053. The
488 plate must bear the colors and design approved by the

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489 department. The word "Florida" must appear at the top of the
490 plate, and the words "Beat Childhood Cancer" must appear at the
491 bottom of the plate.

492 (b) The annual use fees from the sale of the plate shall
493 be distributed to Beat Nb, Inc., which may use up to 10 percent
494 of the proceeds for administrative costs directly associated
495 with the operation of the corporation and for marketing and
496 promoting the plate. The remaining proceeds shall be used by the
497 corporation to fund pediatric cancer treatment and research.

498 (85) FLORIDA BAY FOREVER LICENSE PLATES.—

499 (a) The department shall develop a Florida Bay Forever
500 license plate as provided in this section and s. 320.08053. The
501 plate must bear the colors and design approved by the
502 department. The word "Florida" must appear at the top of the
503 plate, and the words "Florida Bay Forever" must appear at the
504 bottom of the plate.

505 (b) The annual use fees from the sale of the plate shall
506 be distributed to the Florida National Park Association, Inc.,
507 which may use up to 10 percent of the proceeds for
508 administrative costs and marketing of the plate. The remainder
509 of the funds shall be used to supplement the Everglades National
510 Park's budgets and to support educational, interpretive,
511 historical, and scientific research relating to the Everglades
512 National Park.

513 (86) BONEFISH AND TARPON TRUST LICENSE PLATES.—

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514 (a) The department shall develop a Bonefish and Tarpon
515 Trust license plate as provided in this section and s.
516 320.08053. The plate must bear the colors and design approved by
517 the department. The word "Florida" must appear at the top of the
518 plate, and the words "Bonefish and Tarpon Trust" must appear at
519 the bottom of the plate.

520 (b) The annual use fees from the sale of the plate shall
521 be distributed to the Bonefish and Tarpon Trust, which may use
522 up to 10 percent of the proceeds to promote and market the
523 license plate. The remainder of the proceeds shall be used to
524 conserve and enhance Florida bonefish and tarpon fisheries and
525 their respective environments through stewardship, research,
526 education, and advocacy.

527 Section 9. Section 320.08062, Florida Statutes, is amended
528 to read:

529 320.08062 Audits and attestations required; annual use
530 fees of specialty license plates.—

531 (1)(a) All organizations that receive annual use fee
532 proceeds from the department are responsible for ensuring that
533 proceeds are used in accordance with ss. 320.08056 and
534 320.08058.

535 (b) Any organization not subject to audit pursuant to s.
536 215.97 shall annually attest, under penalties of perjury, that
537 such proceeds were used in compliance with ss. 320.08056 and
538 320.08058. The attestation shall be made annually in a form and

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539 format determined by the department. In addition, the department
540 shall audit any such organization every 3 years to ensure
541 proceeds have been used in compliance with ss. 320.08056 and
542 320.08058.

543 (c) Any organization subject to audit pursuant to s.
544 215.97 shall submit an audit report in accordance with rules
545 promulgated by the Auditor General. The annual attestation shall
546 be submitted to the department for review within 9 months after
547 the end of the organization's fiscal year.

548 (2) (a) Within 120 days after receiving an organization's
549 audit or attestation, the department shall determine which
550 recipients of revenues from specialty license plate annual use
551 fees have not complied with subsection (1). In determining
552 compliance, the department may commission an independent
553 actuarial consultant, or an independent certified public
554 accountant, who has expertise in nonprofit and charitable
555 organizations.

556 (b) The department must discontinue the distribution of
557 revenues to any organization failing to submit the required
558 documentation as required in subsection (1), but may resume
559 distribution of the revenues upon receipt of the required
560 information.

561 (c) If the department or its designee determines that an
562 organization has not complied or has failed to use the revenues
563 in accordance with ss. 320.08056 and 320.08058, the department

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564 must discontinue the distribution of the revenues to the
565 organization. The department shall notify the organization of
566 its findings and direct the organization to make the changes
567 necessary in order to comply with this chapter. If the officers
568 of the organization sign an affidavit under penalties of perjury
569 stating that they acknowledge the findings of the department and
570 attest that they have taken corrective action and that the
571 organization will submit to a followup review by the department,
572 the department may resume the distribution of revenues.

573 (d) If an organization fails to comply with the
574 department's recommendations and corrective actions as outlined
575 in paragraph (c), the revenue distributions shall be
576 discontinued until completion of the next regular session of the
577 Legislature. The department shall notify the President of the
578 Senate and the Speaker of the House of Representatives by the
579 first day of the next regular session of any organization whose
580 revenues have been withheld as a result of this paragraph. If
581 the Legislature does not provide direction to the organization
582 and the department regarding the status of the undistributed
583 revenues, the department shall deauthorize the plate and the
584 undistributed revenues shall be immediately deposited into the
585 Highway Safety Operating Trust Fund.

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

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589 Section 10. Paragraph (b) of subsection (4) of section
590 320.08068, Florida Statutes, is amended to read:

591 320.08068 Motorcycle specialty license plates.—

592 (4) A license plate annual use fee of \$20 shall be
593 collected for each motorcycle specialty license plate. Annual
594 use fees shall be distributed as follows:

595 (b) Twenty percent to Preserve Vision Prevent Blindness
596 Florida.

597 Section 11. Section 320.0875, Florida Statutes, is created
598 to read:

599 320.0875 Purple Heart special motorcycle license plate.—

600 (1) Upon application to the department and payment of the
601 license tax for the motorcycle as provided in s. 320.08, a
602 resident of the state who owns or leases a motorcycle that is
603 not used for hire or commercial use shall be issued a Purple
604 Heart special motorcycle license plate if he or she provides
605 documentation acceptable to the department that he or she is a
606 recipient of the Purple Heart medal.

607 (2) The Purple Heart special motorcycle license plate
608 shall be stamped with the term "Combat-wounded Veteran" followed
609 by the serial number of the license plate. The Purple Heart
610 special motorcycle license plate may have the term "Purple
611 Heart" stamped on the plate and the likeness of the Purple Heart
612 medal appearing on the plate.

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613 Section 12. Paragraph (a) of subsection (1) of section
614 320.089, Florida Statutes, is amended to read:

615 320.089 Veterans of the United States Armed Forces;
616 members of National Guard; survivors of Pearl Harbor; Purple
617 Heart medal recipients; Bronze Star recipients; active or
618 retired United States Armed Forces reservists; Combat Infantry
619 Badge, Combat Medical Badge, or Combat Action Badge recipients;
620 Combat Action Ribbon recipients; Air Force Combat Action Medal
621 recipients; Distinguished Flying Cross recipients; former
622 prisoners of war; Korean War Veterans; Vietnam War Veterans;
623 Operation Desert Shield Veterans; Operation Desert Storm
624 Veterans; Operation Enduring Freedom Veterans; Operation Iraqi
625 Freedom Veterans; Women Veterans; World War II Veterans; and
626 Navy Submariners; special license plates; fee.—

627 (1)(a) Each owner or lessee of an automobile or truck for
628 private use or recreational vehicle as specified in s.
629 320.08(9)(c) or (d), which is not used for hire or commercial
630 use, who is a resident of the state and a veteran of the United
631 States Armed Forces, a Woman Veteran, a World War II Veteran, a
632 Navy Submariner, an active or retired member of the Florida
633 National Guard, a survivor of the attack on Pearl Harbor, a
634 recipient of the Purple Heart medal, a recipient of the Bronze
635 Star, an active or retired member of any branch of the United
636 States Armed Forces Reserve, or a recipient of the Combat
637 Infantry Badge, Combat Medical Badge, Combat Action Badge,

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638 Combat Action Ribbon, Air Force Combat Action Medal, or
639 Distinguished Flying Cross, upon application to the department,
640 accompanied by proof of release or discharge from any branch of
641 the United States Armed Forces, proof of active membership or
642 retired status in the Florida National Guard, proof of
643 membership in the Pearl Harbor Survivors Association or proof of
644 active military duty in Pearl Harbor on December 7, 1941, proof
645 of being a Purple Heart medal recipient, proof of being a Bronze
646 Star recipient, proof of active or retired membership in any
647 branch of the United States Armed Forces Reserve, or proof of
648 membership in the Combat Infantrymen's Association, Inc., proof
649 of being a recipient of the Combat Infantry Badge, Combat
650 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air
651 Force Combat Action Medal, or Distinguished Flying Cross, and
652 upon payment of the license tax for the vehicle as provided in
653 s. 320.08, shall be issued a license plate as provided by s.
654 320.06 which, in lieu of the serial numbers prescribed by s.
655 320.06, is stamped with the words "Veteran," "Woman Veteran,"
656 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl
657 Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S.
658 Reserve," "Combat Infantry Badge," "Combat Medical Badge,"
659 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat
660 Action Medal," or "Distinguished Flying Cross," as appropriate,
661 and a likeness of the related campaign medal or badge, followed
662 by the serial number of the license plate. Additionally, the

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663 Purple Heart plate may have the words "Purple Heart" stamped on
664 the plate and the likeness of the Purple Heart medal appearing
665 on the plate.

666 Section 13. Except as otherwise expressly provided in this
667 act, this act shall take effect October 1, 2018.

668

669

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

670
671 Remove everything before the enacting clause and insert:

672 A bill to be entitled

673 An act relating to license plates; amending s. 320.06,
674 F.S.; providing an exception to the design of dealer
675 license plates; amending s. 320.0607, F.S.; providing
676 an exemption from a certain fee for vehicles
677 registered under the International Registration Plan;
678 amending s. 320.0657, F.S.; providing an exception to
679 the design of fleet license plates; authorizing fleet
680 companies to purchase specialty license plates in lieu
681 of standard fleet license plates; requiring fleet
682 companies to be responsible for certain costs;
683 amending s. 320.08, F.S.; authorizing dealers to
684 purchase specialty license plates in lieu of standard
685 graphic dealer license plates; requiring dealers to be
686 responsible for certain costs; amending s. 320.08053,
687 F.S.; revising presale requirements for issuance of a

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688 specialty license plate; amending s. 320.08056, F.S.;

689 allowing the Department of Highway Safety and Motor

690 Vehicles to authorize dealer and fleet specialty

691 license plates; providing requirements for such

692 plates; deleting certain specialty license plates;

693 establishing an annual use fee for certain specialty

694 license plates; revising provisions for discontinuing

695 issuance of a specialty license plate; revising

696 applicability; amending s. 320.08058, F.S.; revising

697 the design of certain specialty license plates;

698 deleting certain specialty license plates; revising

699 the distribution of annual use fees for certain

700 specialty license plates; directing the department to

701 develop certain specialty license plates; providing

702 for distribution and use of fees collected from the

703 sale of the plates; amending s. 320.08062, F.S.;

704 directing the department to audit certain

705 organizations that receive funds from the sale of

706 specialty license plates; amending s. 320.08068, F.S.;

707 requiring distribution of a specified percentage of

708 motorcycle specialty license plate annual use fees to

709 Preserve Vision Florida; creating s. 320.0875, F.S.;

710 providing for a special motorcycle license plate to be

711 issued to a recipient of the Purple Heart; providing

712 requirements for the plate; amending s. 320.089, F.S.;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1359 (2018)

Amendment No.

713 providing for a special license plate to be issued to
714 a recipient of the Bronze Star; providing effective
715 dates.