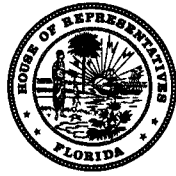


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# **Transportation & Tourism Appropriations Subcommittee**

**Tuesday, March 28, 2017  
12:00 PM –3:00 PM  
Reed Hall (102 HOB)**

**Meeting Packet**



**The Florida House of Representatives**  
**Appropriations Committee**  
**Transportation & Tourism Appropriations Subcommittee**

**Richard Corcoran**  
Speaker

**Clay Ingram**  
Chair

**AGENDA**

Tuesday, March 28, 2017  
Reed Hall (102 HOB)  
12:00 PM – 3:00 PM

- I. Call to Order/Roll Call
- II. Opening Remarks by Chair Ingram
- III. **Consideration of the following bills:**

**HB 1239** School Bus Safety by Eagle

**CS/HB 1375** Specialty License Plates by Transportation & Infrastructure Subcommittee, Grant, J.

**Consideration of the following proposed committee bill(s):**

**PCB TTA 17-01** -- Displaced Homemaker Program

- IV. Closing Remarks/Adjournment



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1239 School Bus Safety  
**SPONSOR(S):** Eagle  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1622

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	11 Y, 0 N	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Cobb <i>PC</i>	Davis <i>GD</i>
3) Government Accountability Committee			

### SUMMARY ANALYSIS

Current law provides that passing a stopped school bus is a moving violation with a base fine of \$100. With additional fees and surcharges the fine can total up to \$363, depending upon which side of the bus a motorist passes. However, there are no enhanced penalties for passing a stopped school bus causing serious bodily injury or death of another person.

The bill creates the Cameron Mayhew Act, providing that in addition to any other civil, criminal, or administrative penalty, a person who fails to stop for a school bus causing or resulting in the serious bodily injury or death of another person is required to:

- Serve 120 hours of community service in a trauma center or hospital.
- Participate in a victim's impact panel session in a judicial circuit or attend a driver improvement course approved by the Department of Highway Safety and Motor Vehicles (DHSMV) relating to the rights of vulnerable road users relative to vehicles on the roadway.

The bill provides for a fine of \$1,500, and a one-year driver license suspension, for failing to stop for a school bus resulting in the serious bodily injury or death of another.

The bill provides that additional points are added to a driver license record for passing a stopped school bus.

The bill may have an indeterminate, though likely insignificant positive fiscal impact to state and local government revenues. See fiscal section for additional details.

The bill provides an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Section 316.172, F.S., requires vehicles to stop for any school bus displaying stop signal. Section 316.172(1)(a), F.S., provides that any person using, operating, or driving a vehicle upon approaching any school bus which displays a stop signal, is required to bring the vehicle to a full stop while the bus is stopped, and the vehicle may not pass the school bus until the signal has been withdrawn. A person who violates s. 316.172(1)(a), F.S., commits a moving violation, punishable as provided in Ch. 318, F.S.<sup>1</sup>

Section 316.172(1)(b), F.S., provides that any person using, operating, or driving a vehicle that passes a school bus on the side that children enter and exit when the school bus displays a stop signal commits a moving violation, punishable as provided in Ch. 318, F.S., and is subject to a mandatory hearing.<sup>2</sup>

Section 316.027, F.S., relates to crashes involving death or personal injuries. Section 316.027(4), F.S., provides that in addition to any other civil, criminal, or administrative penalty imposed, a person who commits a noncriminal traffic infraction or a violation of Ch. 316, F.S.,<sup>3</sup> or s. 1006.66, F.S.,<sup>4</sup> causing or resulting in the death of another person may be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

Section 318.18, F.S., provides the amount of penalties for various traffic infractions. Section 318.18(5), F.S., provides the penalties for failing to stop for a school bus. Section 318.18(5)(a), F.S., provides a penalty of \$100 for failing to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court imposes a minimum civil penalty of \$100. In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV is directed to suspend the driver license of the person for not less than 90 days and not more than 6 months. Including various service charges, the total fine for this violation is \$263, which is distributed to various funds.<sup>5</sup>

Section 318.18(5)(b), F.S., provides a penalty of \$200 for passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed this offense, the court imposes a minimum civil penalty of \$200. In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV suspends the driver license of the person for not less than 180 days and not more than 1 year. Including various service charges, the total fine for this violation is \$363, which is distributed to various funds.<sup>6</sup>

Section 318.18(5)(c), F.S., provides that in addition to the penalties provided above, a \$65 penalty is imposed for a violation of s. 316.172(1)(a) or (b), F.S. If the alleged offender is found to have committed the offense, the court imposes the above penalty plus an additional \$65. The additional \$65 collected is

<sup>1</sup> Chapter 318, F.S., relates to the disposition of traffic infractions.

<sup>2</sup> Mandatory hearings are subject to the provisions of s. 318.19, F.S.

<sup>3</sup> Chapter 316, F.S., is the Florida Uniform Traffic Control Law.

<sup>4</sup> Section 1006.66, F.S., relates to the regulation of traffic at universities.

<sup>5</sup> Florida Association of Clerks of Court:

[http://archive.flclerks.com/Pub\\_info/2015\\_Pub\\_info/2015\\_Distribution\\_Schedule\\_with\\_codes-7-1-2015\\_final.pdf](http://archive.flclerks.com/Pub_info/2015_Pub_info/2015_Distribution_Schedule_with_codes-7-1-2015_final.pdf) (Last visited March 15, 2017).

<sup>6</sup> Id.

remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036, F.S.

Section 322.27, F.S., provides DHSMV's authority to suspend or revoke a driver license. Section 322.27(3), F.S., establishes a points system to evaluate convictions for violations of motor vehicle laws and the continuing qualification of a person to operate a motor vehicle. The points system is a graduated scale of points assigning relative values to convictions for various violations. Currently a violation for passing a school bus is 4 points on a driver license.<sup>7</sup>

According to DHSMV data, in 2016, 2,418 traffic citations were issued for failing to stop for a school bus or passing a stopped school bus. DHSMV's data does not differentiate which side of the school bus the motor vehicle passed on.<sup>8</sup>

### **Proposed Changes**

The bill creates the Cameron Mayhew Act. Cameron Mayhew was a 16 year old boy in Ft. Myers who was struck and killed by a driver improperly passing a school bus on June 1, 2016.

The bill creates s. 316.027(4)(b), F.S., providing that notwithstanding s. 316.027(4)(a), F.S., in addition to any other civil, criminal, or administrative penalty, a person who fails to stop for a school bus causing or resulting in the serious bodily injury or death of another person must be required by the court to:

- Serve 120 hours of community service in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.
- Participate in a victim's impact panel session in a judicial circuitry if such panel exists, or if such panel does not exist, attend a DHSMV-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway.<sup>9</sup>

The bill creates s. 318.18(5)(d), F.S., providing, notwithstanding any other provision of law to the contrary, a fine of \$1,500 for failing to stop for a school bus resulting in the serious bodily injury or death of another. The person may enter into a payment plan with the clerk of the court.<sup>10</sup> In addition to this penalty, DHSMV is required to suspend the driver license of the person for at least one year.

The bill amends s. 322.27(3)(d)4., F.S., providing that passing a school bus, where there is no resulting serious bodily injury or death, will result in the imposition of four points on a driving record; and, where there is a resulting serious bodily injury or death, will result in the imposition of six points on a driving record.

### **B. SECTION DIRECTORY:**

Section 1 provides a short title.

Section 2 amends s. 316.027, F.S., relating to crashes involving death or personal injuries.

Section 3 amends s. 318.18, F.S., proving the amount of penalties.

Section 4 amends s. 322.27, F.S., relating to the authority for DHSMV to suspend or revoke a driver license.

Section 5 provides an effective date of July 1, 2017.

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<sup>77</sup> Section 322.27(3)(d)4. F.S.

<sup>8</sup> Email from DHSMV, March 15, 2017. (Copy on file with Transportation & Infrastructure Subcommittee).

<sup>9</sup> This is provided in s. 322.0261(2), F.S.

<sup>10</sup> Payment plans with the clerk of the court are pursuant to s. 28.246, F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill may have a positive fiscal impact to general revenue and various state trust funds. The number of individuals who will be subjected to the additional \$1,500 fine, license suspension, and subsequent reinstatement fees is unknown at this time; therefore, the impact is indeterminate, though likely insignificant.

#### 2. Expenditures:

The bill does not appear to impact state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill may have a positive fiscal impact to local government revenues. The number of individuals who will be subjected to the additional \$1,500 fine, license suspension, and subsequent reinstatement fees is unknown at this time; therefore, the impact is indeterminate, though likely insignificant.

#### 2. Expenditures:

The bill does not appear to impact local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill increases penalties for persons failing to stop for a school bus and causing the serious bodily injury or death of a person.

### 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**

None.



1                                   A bill to be entitled  
 2           An act relating to school bus safety; providing a  
 3           short title; amending s. 316.027, F.S.; providing  
 4           mandatory noncriminal penalties for certain violations  
 5           resulting in serious bodily injury to or death of  
 6           another person; amending s. 318.18, F.S.; requiring a  
 7           fine and driver license suspension for such a  
 8           violation; amending s. 322.27, F.S.; requiring  
 9           imposition of points against a driver license for such  
 10          a violation; providing an effective date.

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

13  
 14           Section 1. This act may be cited as the "Cameron Mayhew  
 15 Act."

16           Section 2. Subsection (4) of section 316.027, Florida  
 17 Statutes, is amended to read:

18           316.027 Crash involving death or personal injuries.—

19           (4) (a) In addition to any other civil, criminal, or  
 20 administrative penalty imposed, a person whose commission of a  
 21 noncriminal traffic infraction or a violation of this chapter or  
 22 s. 1006.66 causes or results in the death of another person may  
 23 be required by the court to serve 120 community service hours in  
 24 a trauma center or hospital that regularly receives victims of  
 25 vehicle accidents, under the supervision of a registered nurse,

26 an emergency room physician, or an emergency medical technician  
 27 pursuant to a voluntary community service program operated by  
 28 the trauma center or hospital.

29 (b) Notwithstanding paragraph (a), in addition to any  
 30 other civil, criminal, or administrative penalty imposed, a  
 31 person whose commission of a violation of s. 316.172(1)(a) or  
 32 (b) causes or results in serious bodily injury to or death of  
 33 another person shall be required by the court to:

34 1. Serve 120 community service hours in a trauma center or  
 35 hospital that regularly receives victims of vehicle accidents,  
 36 under the supervision of a registered nurse, an emergency room  
 37 physician, or an emergency medical technician pursuant to a  
 38 voluntary community service program operated by the trauma  
 39 center or hospital.

40 2. Participate in a victim's impact panel session in a  
 41 judicial circuit if such a panel exists, or if such a panel does  
 42 not exist, attend a department-approved driver improvement  
 43 course relating to the rights of vulnerable road users relative  
 44 to vehicles on the roadway as provided in s. 322.0261(2).

45 Section 3. Paragraph (d) is added to subsection (5) of  
 46 section 318.18, Florida Statutes, to read:

47 318.18 Amount of penalties.—The penalties required for a  
 48 noncriminal disposition pursuant to s. 318.14 or a criminal  
 49 offense listed in s. 318.17 are as follows:

50 (5)

51        (d) Notwithstanding any other provision of law to the  
 52 contrary, \$1,500 for a violation of s. 316.172(1)(a) or (b) that  
 53 causes or results in serious bodily injury to or death of  
 54 another. The person may enter into a payment plan with the clerk  
 55 of court pursuant to s. 28.246. In addition to this penalty, the  
 56 department shall suspend the driver license of the person for  
 57 not less than 1 year.

58        Section 4. Paragraph (d) of subsection (3) of section  
 59 322.27, Florida Statutes, is amended to read:

60        322.27 Authority of department to suspend or revoke driver  
 61 license or identification card.—

62        (3) There is established a point system for evaluation of  
 63 convictions of violations of motor vehicle laws or ordinances,  
 64 and violations of applicable provisions of s. 403.413(6)(b) when  
 65 such violations involve the use of motor vehicles, for the  
 66 determination of the continuing qualification of any person to  
 67 operate a motor vehicle. The department is authorized to suspend  
 68 the license of any person upon showing of its records or other  
 69 good and sufficient evidence that the licensee has been  
 70 convicted of violation of motor vehicle laws or ordinances, or  
 71 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 72 more points as determined by the point system. The suspension  
 73 shall be for a period of not more than 1 year.

74        (d) The point system shall have as its basic element a  
 75 graduated scale of points assigning relative values to

76 | convictions of the following violations:

77 |       1. Reckless driving, willful and wanton-4 points.

78 |       2. Leaving the scene of a crash resulting in property

79 | damage of more than \$50-6 points.

80 |       3. Unlawful speed, or unlawful use of a wireless

81 | communications device, resulting in a crash-6 points.

82 |       4. Passing a stopped school bus:

83 |       a. Not causing or resulting in serious bodily injury to or

84 | death of another-4 points.

85 |       b. Causing or resulting in serious bodily injury to or

86 | death of another-6 points.

87 |       5. Unlawful speed:

88 |       a. Not in excess of 15 miles per hour of lawful or posted

89 | speed-3 points.

90 |       b. In excess of 15 miles per hour of lawful or posted

91 | speed-4 points.

92 |       6. A violation of a traffic control signal device as

93 | provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.

94 | However, no points shall be imposed for a violation of s.

95 | 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

96 | stop at a traffic signal and when enforced by a traffic

97 | infraction enforcement officer. In addition, a violation of s.

98 | 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

99 | stop at a traffic signal and when enforced by a traffic

100 | infraction enforcement officer may not be used for purposes of

101 setting motor vehicle insurance rates.

102 7. All other moving violations (including parking on a  
 103 highway outside the limits of a municipality)—3 points. However,  
 104 no points shall be imposed for a violation of s. 316.0741 or s.  
 105 316.2065(11); and points shall be imposed for a violation of s.  
 106 316.1001 only when imposed by the court after a hearing pursuant  
 107 to s. 318.14(5).

108 8. Any moving violation covered in this paragraph,  
 109 excluding unlawful speed and unlawful use of a wireless  
 110 communications device, resulting in a crash—4 points.

111 9. Any conviction under s. 403.413(6)(b)—3 points.

112 10. Any conviction under s. 316.0775(2)—4 points.

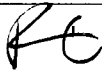
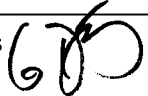
113 11. A moving violation covered in this paragraph which is  
 114 committed in conjunction with the unlawful use of a wireless  
 115 communications device within a school safety zone—2 points, in  
 116 addition to the points assigned for the moving violation.

117 Section 5. This act shall take effect July 1, 2017.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1375 Specialty License Plates  
**SPONSOR(S):** Transportation & Infrastructure Subcommittee, Grant, J.  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	12 Y, 0 N, As CS	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Cobb 	Davis 
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The bill is a comprehensive bill relating to specialty license plates. In summary the bill:

- Revises the pre-sale voucher requirement for specialty license plates from 1,000 to 4,000 before manufacture of that specialty license plate can begin.
- Authorizes a person with a discontinued specialty license plate to keep the plate for the remainder of the 10-year license plate replacement period.
- Provides direction to the Department of Highway Safety and Motor Vehicles (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 the Department.
- Authorizes revenues from specialty license plates for an out-of-state institution to be expended outside of Florida.
- Revises the minimum active specialty license plate requirement from 1,000 to 4,000. Effective July 1, 2019, if the number of valid specialty plate registrations falls below 4,000 for at least 12 consecutive months the Department must discontinue the issuance of that specialty plate.
- Maintains the exemption for collegiate specialty plates from the active specialty plate minimum and adds license plates of institutions in the State University System, Florida professional sports team license plates and license plates with a statutory eligibility limitation for purchase.
- Revises the distribution of revenues for the In God We Trust specialty license plate.
- Creates the following specialty license plates with \$25 annual use fees:
  - Auburn University
  - Beat Childhood Cancer
  - Florida State Beekeepers Association
- Directs DHSMV to audit, every two years, all organizations that receive funds from the specialty license plate program which are not already subject to the Florida Single Audit Act.
- Requires DHSMV to submit a report regarding the total cost per unit of producing each specialty license plate.
- Requires DHSMV to review and make preparations for issuing specialty license plates as a standard plate with a location for the appropriate logo of the recipient cause or charity.

The bill will likely have an insignificant fiscal impact to DHSMV related to programming hours associated with the design of the new specialty license plates, and a significant negative fiscal impact related to audits of specialty license plates and reviews and reports required by the bill. See Fiscal Analysis for details.

The bill has an effective date of October 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1375b.TTA.DOCX

DATE: 3/27/2017

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

###### 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.<sup>1</sup> 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. Vehicles registered under the International Registration Plan, a commercial truck required to display two license plates, or truck tractors are not eligible for specialty license plates.<sup>2</sup>

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.<sup>3</sup>
- 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.<sup>4</sup>
- 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.<sup>5</sup>

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 (does not apply to collegiate license plates).<sup>6</sup>

Organizations receiving 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.<sup>7</sup>

##### HB 1375

The bill creates new specialty license plates, revises current plates, and makes changes to the specialty license plate process. For ease of understanding, this analysis is arranged by topic.

###### Establishment of Specialty License Plates (Section 1)

###### *Current Situation*

Section 320.08053, F.S., provides for the establishment of specialty license plates. If the Legislature approves a specialty license plate, the organization submits the proposed art design for the specialty license plate to DHSMV as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes law.

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<sup>1</sup> Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited December 21, 2016)

<sup>2</sup> s. 320.08056(2), F.S.

<sup>3</sup> s. 320.08053(1), F.S.

<sup>4</sup> s. 320.08053(2)(a), F.S.

<sup>5</sup> s. 320.08053(2)(b), F.S.

<sup>6</sup> s. 320.08056 (8)(a), F.S.

<sup>7</sup> s. 320.08062, F. S.



Within 120 days following a specialty license plate becoming law, DHSMV establishes a method for issuing a specialty license plate voucher allowing for the presale of the specialty license plate. The processing fee,<sup>8</sup> the service charge and branch fee,<sup>9</sup> and the annual use fee<sup>10</sup> are charged for the voucher. All other applicable fees are charged at the time of issuance of the license plates.

Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization is required to have a minimum of 1,000 voucher sales prior to the commencement of the manufacture of the license plate. If, at the conclusion of the 24-month presale period, the minimum sales requirements have not been met, the specialty plate is deauthorized and the DHSMV discontinues development of the plate and discontinues issuing presale vouchers. Upon 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.

#### *Proposed Changes*

The bill amends s. 320.08053(2)(b), F.S., providing that once the specialty license plate is authorized it must presell 4,000 license plates, instead of the current 1,000 license plates within two years in order for DHSMV to begin manufacture of the license plate.

#### Discontinued License Plates (Sections 2 and 3)

##### *Current Situation*

Section 320.08056(8), F.S., discusses the discontinuance of specialty license plates. DHSMV is required to 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 is below 1,000 plates. This provision does not apply to collegiate license plates.<sup>11</sup>

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<sup>12</sup> or pursuant to an organizational recipient's request. Organizations are required to immediately notify DHSMV 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., for any period of operation during a fiscal year.

##### *Proposed Changes*

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

The bill creates s. 320.08056(8)(d), F.S., providing that if DHSMV discontinues a specialty license plate, all annual use fees currently held or collected by DHSMV are required to be distributed within 180 days after the discontinuance of the specialty license plate. Of those fees, DHSMV is required to retain an amount sufficient to defray the applicable administrative and inventory closeout costs

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<sup>8</sup> The process fee is prescribed s. 320.08056, F.S.

<sup>9</sup> The service charge and branch fee is prescribed in s. 320.04, F.S.

<sup>10</sup> The annual use fee is prescribed in s. 320.08056, F.S.

<sup>11</sup> Collegiate license plates are established under s. 320.08058(3), F.S.

<sup>12</sup> The presale requirements are provided in s. 320.08053, F.S.

associated with discontinuing the plate. The remaining funds are distributed to the specified organization or organizations for the discontinued specialty license plate.<sup>13</sup>

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 is required to deposit any undisbursed funds into the Highway Safety Operating Trust Fund.

Effective July 1, 2020, the bill amends s. s. 320.08056(8)(a), F.S., requiring DHSMV to discontinue the issuance of an approved specialty license plate if the number of valid specialty license plate registrations falls below 4,000 for at least 12 consecutive months. DHSMV is required to mail a warning letter if the number of valid registrations falls below 4,000. This does not apply to collegiate license plates, license plates of institutions in the State University System, Florida professional sports team license plates,<sup>14</sup> or license plates with statutory requirements to receive the license plate.

### Use of Specialty License Plate Fees (Section 2)

#### *Current Situation*

Section 320.02056(10)(a), F.S., provides that specialty license plate annual use fees and any interest earned from specialty license plate fees may not be used for commercial or for-profit activities or for general or administrative expenses, except those specifically authorized, or to pay for the cost of the audit or report.<sup>15</sup> The fees and any interest earned from the fees may be expended only for use in Florida unless the annual use fee is derived from the sale of specialty license plates related to the United States Armed Forces or specialty license plates related to veterans.

#### *Proposed Changes*

The bill adds an additional exception from the requirement that specialty license plate fees be expended in Florida for specialty license plates for out-of-state institutions. This would allow fees from the Auburn University specialty license plate discussed below to be expended outside of Florida.

### In God We Trust License Plate (Section 4)

#### *Current Situation*

Created in 2008, s. 320.08058(66), F.S., creates the "In God we Trust" specialty license plate. The statute provides that the license plate annual use fees are distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds are also distributed to provide grants and scholarships to other s. 501(c)(3) organizations, and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., distributes the license plate annual use fees in the following manner:

- The In God We Trust Foundation, Inc., retains all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.
- Ten percent of the funds received by the In God We Trust Foundation, Inc., are expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.
- All remaining funds are expended by the In God We Trust Foundation, Inc., for programs.

#### *Proposed Changes*

The bill amends s. 230.08058(66)(b), F.S., providing that the annual use fees from the In God We Trust specialty license plate are distributed to the In God We Trust Foundation, Inc., which may use up to 10

<sup>13</sup> The distributions for each specialty license plate are proved in s. 320.08058, F.S.

<sup>14</sup> Florida Professional Sports Team License Plates are Established under s. 320.08058(9), F.S.

<sup>15</sup> The audit or report are required by s. 320.08062(1), F.S.

percent of the proceeds to offset administrative costs, promoting, and marketing of the specialty license plate directly associated with the operations of the foundation. The remaining proceeds may be used to address the needs of the military community and the public safety community; provide educational grants and scholarships to foster self-reliance and stability in Florida's youth and provide education in public and private schools regarding the historical significance of religion in American and Florida history. The In God We Trust Foundation, Inc., is required to create an advisory council comprised of persons with knowledge in the above program areas to make funding recommendations.

#### Auburn University Specialty License Plate (Sections 2 and 4)

##### *Current Situation*

There is currently not a specialty license plate for Auburn University or any other college or university not located in 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.<sup>16</sup> The Tampa Bay Auburn Club, Inc., is an active corporation with the Department of State.

##### *Proposed Changes*

The bill creates s. 320.08056(4)(fff) and 320.08058(84), F.S., creating the Auburn University 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 "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 moneys received for sales in the regions within the respective club's area for the purpose of awarding scholarships to Florida residents attending Auburn University. Students receiving these scholarships are required to be eligible for the Florida Bright Futures Scholarship Program<sup>17</sup> and are required to use the scholarship funds for tuition and other expenses related to attending Auburn University.

#### Beat Childhood Cancer License Plate (Sections 2 and 4)

##### *Current Situation*

Current law does not provide for a Beat Childhood Cancer specialty license plate.

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 ten percent.<sup>18</sup>

The mission of Beat Nb is to drive neuroblastoma cancer research, and to raise awareness of the disease.<sup>19</sup> The Beat Nb Cancer Foundation, Inc., is an active corporation with the Department of State.

##### *Proposed Changes*

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<sup>16</sup> <http://tampabayauburnclub.com/> (Last visited March 13, 2017).

<sup>17</sup> The Florida Bright Futures Scholarship Program is created pursuant to s. 1009.531, F.S.

<sup>18</sup> <https://beatnb.org/neuroblastoma/> (Last visited March 13, 2017)

<sup>19</sup> <https://beatnb.org/about-us/> (Last visited March 13, 2017)

The bill creates s. 320.08056(4)(gggg) and 320.08058(85), F.S., creating 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 State Beekeepers Association License Plate (Sections 2 and 4)

##### *Current Situation*

There is currently no specialty license plate for the Florida State Beekeepers Association.

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.<sup>20</sup>

The Florida State Beekeepers Association, Inc., is an active corporation registered with the Department of State.

##### *Proposed Changes*

The bill creates s. 320.08056(4)(hhhh) and 320.08058(86), F.S., creating 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 to 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.

#### Specialty License Plate Audits (Section 5)

Section 320.08062, F.S., requires audits and attestations regarding the annual use fee of specialty license plates. The statute provides 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.<sup>21</sup>

Any organization not subject to audit pursuant to the Florida Single Audit Act<sup>22</sup> must annually attest, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058, F.S. The attestation is made in a form and format determined by DHSMV.<sup>23</sup>

<sup>20</sup> <http://www.floridabeekeepers.org/> (Last visited March 13, 2017).

<sup>21</sup> Section 320.08062(1)(a), F.S.

<sup>22</sup> Section 215.97, F.S.

Any organization subject to audit pursuant to the Florida Single Audit Act submits an audit report in accordance with rules promulgated by the Auditor General. The annual attestation is submitted for review by DHSMV within 9 months after the end of the organization's fiscal year.<sup>24</sup>

Within 120 days after receiving an organization's audit or attestation, DHSMV determines which recipients of specialty license plate annual use fees have not complied with s. 320.08062(1), F.S. In determining compliance, DHSMV may commission an independent actuarial consultant, or an independent certified public accountant, with expertise in nonprofit and charitable organizations.<sup>25</sup>

DHSMV is required to 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.<sup>26</sup>

If the DHSMV or its designee determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, F.S., DHSMV is required to 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 with Ch. 320, F.S.<sup>27</sup> If the officers of the organization sign an affidavit under penalties of perjury stating that they acknowledge DHSMV's findings, and attest that they have taken corrective action and that the organization will submit to a follow-up review, DHSMV may resume the distribution of revenues.<sup>28</sup>

If an organization fails to comply with DHSMV's recommendations and corrective actions, the revenue distributions are discontinued until completion of the next regular session of the Legislature. DHSMV notifies 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.<sup>29</sup>

DHSMV or its designee may examine all records pertaining to the use of funds from the sale of specialty license plates.<sup>30</sup>

#### *Proposed Changes*

The bill amends s. 320.08062(1)(b), F.S., requiring in addition to the annual audit or attestation requirement, DHSMV to audit any organization receiving specialty license plate revenues every two years to ensure compliance with ss. 320.08056 and 320.08058, F.S.

#### Unit Cost of Specialty License Plates (Section 6)

The bill requires that by January 1, 2018, DHSMV report to the Governor, the President of the Senate and the Speaker of the House of Representatives the total cost per unit of producing each specific specialty license plate. The cost per unit includes the cost per license plate, including the cost of the physical license plate, stamping costs, and costs associated with inventorying the license plate. The report is also required to provide a calculation of the break-even point in number of plates for each specialty license plate.

#### Standard License Plates (Section 7)

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<sup>23</sup> Section 320.08062(1)(b), F.S.

<sup>24</sup> Section 320.08062,(1)(c), F.S.

<sup>25</sup> Section 320.08062(2)(a), F.S.

<sup>26</sup> Section 320.08062(2)(b), F.S.

<sup>27</sup> Chapter 320, F.S., relates to motor vehicle licenses.

<sup>28</sup> Section 320.08062(2)(c), F.S.

<sup>29</sup> Section 320.08062(2)(d), F.S.

<sup>30</sup> Section 320.08062(3), F.S.

The bill requires DHSMV to review and make preparations for the transition from the existing process of creating specialty license plates to using a new template design that is readily recognizable by applying the appropriate logo or graphic to a standard license plate identifying the specialty license plate. The new specialty license plates are required to be of the same size and design as a standard license plate, with a designated area for including a unique design and identifying number.

**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 effective July 1, 2020, 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 of annual use fees for specialty license plates.

Sections 6 and 7 require DHMSV to conduct specified studies.

Section 8 provides for an effective date of October 1, 2017, unless otherwise provided.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

DHSMV estimates that 612 hours, or the equivalent of \$26,700 in FTE and contracted resources will be required in order to design and implement the three new specialty license plates.<sup>31</sup> These costs can be absorbed within existing resources.

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 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 organizations to be audited every 2 years; therefore, the 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:**

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<sup>31</sup> Department of Highway Safety and Motor Vehicles Bill Analysis of HB 309. Page 4.  
STORAGE NAME: h1375b.TTA.DOCX  
DATE: 3/27/2017

The organizations designated to receive funds from the newly created specialty license plates may see additional revenue associated with the sale of the specialty license plates.

With the new 4,000 license plate minimum threshold for specialty license plates, some of the existing specialty license plate recipient organizations may see a reduction in funds if they are not able to meet the 4,000 license plate threshold within 12 months of the effective date.

**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:**

The bill requires the proceeds from the "Beat Childhood Cancer" specialty license plate to go to Beat Nb, Inc. However, on the Department of State website the organization is listed as the Beat Nb Cancer Foundation, Inc.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 21, 2017, the Transportation & Infrastructure Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provided that specialty license plates with statutory eligibility requirements for purchase from the 4,000 license plate requirement to keep the license plate active.

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.

1                                   A bill to be entitled  
 2           An act relating to specialty license plates; amending  
 3           s. 320.08053, F.S.; revising presale requirements for  
 4           issuance of a specialty license plate; amending s.  
 5           320.08056, F.S.; establishing annual use fees for  
 6           certain specialty license plates; revising provisions  
 7           for discontinuing issuance of a specialty license  
 8           plate; providing an exception to the requirement that  
 9           certain fees and interest be expended only for use in  
 10          this state; providing applicability; amending s.  
 11          320.08058, F.S.; revising distribution of the proceeds  
 12          from the sale of the In God We Trust license plate;  
 13          directing the Department of Highway Safety and Motor  
 14          Vehicles to create certain specialty license plates;  
 15          providing for the distribution of use fees received  
 16          from the sale of such plates; amending s. 320.08062,  
 17          F.S.; directing the department to audit certain  
 18          organizations that receive funds from the sale of  
 19          specialty license plates; requiring the department to  
 20          report certain specialty license plate information to  
 21          the Governor and Legislature; requiring the department  
 22          to transition to a revised process for creating  
 23          specialty license plates; providing effective dates.

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



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Section 1. Paragraph (b) of subsection (2) of section 320.08053, Florida Statutes, is amended to read:

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

(2)

(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 4,000 ~~1,000~~ voucher sales before manufacture of the license plate may begin ~~commence~~. If, at the conclusion of the 24-month presale period, the minimum sales requirement has ~~requirements have~~ not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

Section 2. Paragraph (a) of subsection (10) of section 320.08056, Florida Statutes, is amended, paragraphs (ffff), (gggg), and (hhhh) are added to subsection (4), and paragraphs (c), (d), and (e) are added to subsection (8) of that section, to read:

320.08056 Specialty license plates.-

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

53 (ffff) Auburn University license plate, \$25.

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

55 (hhhh) Florida State Beekeepers Association license plate,  
 56 \$25.

57 (8)

58 (c) A person issued a specialty license plate that has  
 59 been discontinued by the department may keep the discontinued  
 60 specialty license plate for the remainder of the 10-year license  
 61 plate replacement period and must pay all other applicable  
 62 registration fees. However, such person is exempt from paying  
 63 the applicable specialty license plate fee under subsection (4)  
 64 for the remainder of the 10-year license plate replacement  
 65 period.

66 (d) If the department discontinues issuance of a specialty  
 67 license plate, all annual use fees currently held or collected  
 68 by the department shall be distributed within 180 days after the  
 69 date the specialty license plate is discontinued. Of those fees,  
 70 the department shall retain an amount sufficient to defray the  
 71 applicable administrative and inventory closeout costs  
 72 associated with discontinuance of the plate. The remaining funds  
 73 shall be distributed to the specified organization or  
 74 organizations as provided in s. 320.08058.

75 (e) If an organization that is the intended recipient of

76 | the funds pursuant to s. 320.08058 no longer exists, the  
 77 | department shall deposit any undisbursed funds into the Highway  
 78 | Safety Operating Trust Fund.

79 | (10)(a) A specialty license plate annual use fee collected  
 80 | and distributed under this chapter, or any interest earned from  
 81 | those fees, may not be used for commercial or for-profit  
 82 | activities nor for general or administrative expenses, except as  
 83 | authorized by s. 320.08058 or to pay the cost of the audit or  
 84 | report required by s. 320.08062(1). The fees and any interest  
 85 | earned from the fees may be expended only for use in this state  
 86 | unless the annual use fee is derived from the sale of United  
 87 | States Armed Forces and veterans-related specialty license  
 88 | plates pursuant to paragraphs (4)(d), (bb), (ll), (kkk), and  
 89 | (yyy) and s. 320.0891 or out-of-state institution license plates  
 90 | pursuant to paragraph (4)(ffff).

91 | Section 3. Effective July 1, 2020, paragraph (a) of  
 92 | subsection (8) of section 320.08056, Florida Statutes, is  
 93 | amended to read:

94 | 320.08056 Specialty license plates.-

95 | (8)(a) The department must discontinue the issuance of an  
 96 | approved specialty license plate if the number of valid  
 97 | specialty plate registrations falls below 4,000 ~~1,000~~ plates for  
 98 | at least 12 consecutive months. A warning letter shall be mailed  
 99 | to the sponsoring organization following the first month in  
 100 | which the total number of valid specialty plate registrations is

101 | below 4,000 ~~1,000~~ plates. This paragraph does not apply to  
 102 | collegiate license plates established under s. 320.08058(3),  
 103 | license plates of institutions in the State University System,  
 104 | Florida Professional Sports Team license plates established  
 105 | under s. 320.08058(9), or specialty license plates that have  
 106 | statutory eligibility limitations for purchase.

107 | Section 4. Paragraph (b) of subsection (66) of section  
 108 | 320.08058, Florida Statutes, is amended, and subsections (84),  
 109 | (85), and (86) are added to that section, to read:

110 | 320.08058 Specialty license plates.—

111 | (66) IN GOD WE TRUST LICENSE PLATES.—

112 | (b) The license plate annual use fees shall be distributed  
 113 | to the In God We Trust Foundation, Inc., which may expend a  
 114 | maximum of 10 percent of the proceeds to offset administrative  
 115 | costs, promotion, and marketing of the license plate directly  
 116 | associated with the operations of the foundation. The remaining  
 117 | proceeds may be used to address the needs of the military  
 118 | community and the public safety community; provide educational  
 119 | grants and scholarships to foster self-reliance and stability in  
 120 | Florida's youth; and provide education in ~~to fund educational~~  
 121 | ~~scholarships for the children of Florida residents who are~~  
 122 | ~~members of the United States Armed Forces, the National Guard,~~  
 123 | ~~and the United States Armed Forces Reserve and for the children~~  
 124 | ~~of public safety employees who have died in the line of duty who~~  
 125 | ~~are not covered by existing state law. Funds shall also be~~

126 ~~distributed to other s. 501(c)(3) organizations that may apply~~  
 127 ~~for grants and scholarships and to provide educational grants to~~  
 128 public and private schools regarding to promote the historical  
 129 ~~and religious~~ significance of religion in American and Florida  
 130 history. The In God We Trust Foundation, Inc., shall create an  
 131 advisory council comprised of persons with knowledge in these  
 132 program areas to make funding recommendations ~~distribute the~~  
 133 ~~license plate annual use fees in the following manner:~~

134 ~~1. The In God We Trust Foundation, Inc., shall retain all~~  
 135 ~~revenues from the sale of such plates until all startup costs~~  
 136 ~~for developing and establishing the plate have been recovered.~~

137 ~~2. Ten percent of the funds received by the In God We~~  
 138 ~~Trust Foundation, Inc., shall be expended for administrative~~  
 139 ~~costs, promotion, and marketing of the license plate directly~~  
 140 ~~associated with the operations of the In God We Trust~~  
 141 ~~Foundation, Inc.~~

142 ~~3. All remaining funds shall be expended by the In God We~~  
 143 ~~Trust Foundation, Inc., for programs.~~

144 (84) AUBURN UNIVERSITY LICENSE PLATES.-

145 (a) The department shall develop an Auburn University  
 146 license plate as provided in this section and s. 320.08053. The  
 147 plate must bear the colors and design approved by the  
 148 department. The word "Florida" must appear at the top of the  
 149 plate, and the words "War Eagle" must appear at the bottom of  
 150 the plate.

151 | (b) The Tampa Bay Auburn Club is the lead club on behalf  
 152 | of the Auburn clubs in this state. The annual use fees from the  
 153 | sale of the plate shall be distributed to the Tampa Bay Auburn  
 154 | Club, together with statistics on sales of the license plates  
 155 | tabulated by county. The Tampa Bay Auburn Club must distribute  
 156 | to each of the state Auburn clubs on a pro-rata basis the moneys  
 157 | received from sales in the regions within the respective club's  
 158 | area for the purpose of awarding scholarships to Florida  
 159 | residents attending Auburn University. Students receiving these  
 160 | scholarships must be eligible for the Florida Bright Futures  
 161 | Scholarship Program pursuant to s. 1009.531 and shall use the  
 162 | scholarship funds for tuition and other expenses related to  
 163 | attending Auburn University.

164 | (85) BEAT CHILDHOOD CANCER LICENSE PLATES.-

165 | (a) The department shall develop a Beat Childhood Cancer  
 166 | license plate as provided in this section and s. 320.08053. The  
 167 | plate must bear the colors and design approved by the  
 168 | department. The word "Florida" must appear at the top of the  
 169 | plate, and the words "Beat Childhood Cancer" must appear at the  
 170 | bottom of the plate.

171 | (b) The annual use fees from the sale of the plate shall  
 172 | be distributed to Beat Nb, Inc., which may use a maximum of 10  
 173 | percent of the proceeds for administrative costs directly  
 174 | associated with the operation of the corporation and for  
 175 | marketing and promoting the Beat Childhood Cancer license plate.

176 The remaining proceeds shall be used by the corporation to fund  
 177 pediatric cancer treatment and research.

178 (86) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

179 (a) The department shall develop a Florida State  
 180 Beekeepers Association license plate as provided in this section  
 181 and s. 320.08053. The plate must bear the colors and design  
 182 approved by the department. The word "Florida" must appear at  
 183 the top of the plate, and the words "Save the Bees" must appear  
 184 at the bottom of the plate.

185 (b) The annual use fees from the sale of the plate shall  
 186 be distributed to the Florida State Beekeepers Association, a  
 187 nonprofit corporation, and shall be used to fund outreach and  
 188 education to raise awareness of the importance of beekeeping to  
 189 Florida agriculture and to fund honeybee research and husbandry.

190 Section 5. Section 320.08062, Florida Statutes, is amended  
 191 to read:

192 320.08062 Audits ~~and attestations~~ required; annual use  
 193 fees of specialty license plates.—

194 (1)(a) All organizations that receive annual use fee  
 195 proceeds from the department are responsible for ensuring that  
 196 proceeds are used in accordance with ss. 320.08056 and  
 197 320.08058.

198 (b) Any organization not subject to audit pursuant to s.  
 199 215.97 shall annually attest, under penalties of perjury, that  
 200 such proceeds were used in compliance with ss. 320.08056 and

201 | 320.08058. The attestation shall be made annually in a form and  
 202 | format determined by the department. In addition, the department  
 203 | shall audit any such organization every 2 years to ensure  
 204 | proceeds have been used in compliance with ss. 320.08056 and  
 205 | 320.08058.

206 | (c) Any organization subject to audit pursuant to s.  
 207 | 215.97 shall submit an audit report in accordance with rules  
 208 | promulgated by the Auditor General. The annual attestation shall  
 209 | be submitted to the department for review within 9 months after  
 210 | the end of the organization's fiscal year.

211 | (2)(a) Within 120 days after receiving an organization's  
 212 | audit or attestation, the department shall determine which  
 213 | recipients of revenues from specialty license plate annual use  
 214 | fees have not complied with subsection (1). In determining  
 215 | compliance, the department may commission an independent  
 216 | actuarial consultant, or an independent certified public  
 217 | accountant, who has expertise in nonprofit and charitable  
 218 | organizations.

219 | (b) The department must discontinue the distribution of  
 220 | revenues to any organization failing to submit the required  
 221 | documentation as required in subsection (1), but may resume  
 222 | distribution of the revenues upon receipt of the required  
 223 | information.

224 | (c) If the department or its designee determines that an  
 225 | organization has not complied or has failed to use the revenues



226 | in accordance with ss. 320.08056 and 320.08058, the department  
 227 | must discontinue the distribution of the revenues to the  
 228 | organization. The department shall notify the organization of  
 229 | its findings and direct the organization to make the changes  
 230 | necessary in order to comply with this chapter. If the officers  
 231 | of the organization sign an affidavit under penalties of perjury  
 232 | stating that they acknowledge the findings of the department and  
 233 | attest that they have taken corrective action and that the  
 234 | organization will submit to a followup review by the department,  
 235 | the department may resume the distribution of revenues.

236 |         (d) If an organization fails to comply with the  
 237 | department's recommendations and corrective actions as outlined  
 238 | in paragraph (c), the revenue distributions shall be  
 239 | discontinued until completion of the next regular session of the  
 240 | Legislature. The department shall notify the President of the  
 241 | Senate and the Speaker of the House of Representatives by the  
 242 | first day of the next regular session of any organization whose  
 243 | revenues have been withheld as a result of this paragraph. If  
 244 | the Legislature does not provide direction to the organization  
 245 | and the department regarding the status of the undistributed  
 246 | revenues, the department shall deauthorize the plate and the  
 247 | undistributed revenues shall be immediately deposited into the  
 248 | Highway Safety Operating Trust Fund.

249 |         (3) The department or its designee has the authority to  
 250 | examine all records pertaining to the use of funds from the sale

251 | of specialty license plates.

252 |       Section 6. By January 1, 2018, the Department of Highway  
 253 | Safety and Motor Vehicles shall report to the Governor, the  
 254 | President of the Senate, and the Speaker of the House of  
 255 | Representatives the total cost per unit of producing each  
 256 | specialty license plate listed in s. 320.08056(4), Florida  
 257 | Statutes. The cost per unit shall include the cost per license  
 258 | plate, including the cost of the physical license plate,  
 259 | stamping costs, and the cost associated with inventorying the  
 260 | license plate. The report shall also provide a calculation of  
 261 | the break-even point in number of plates for each specialty  
 262 | license plate.

263 |       Section 7. (1) The Department of Highway Safety and Motor  
 264 | Vehicles shall review and make preparations for the transition  
 265 | from the existing process of creating specialty license plates  
 266 | to using a new template design that is readily recognizable by  
 267 | applying to a standard license plate an appropriate logo or  
 268 | graphic that identifies the specialty license plate. New  
 269 | specialty license plates must be of the same size and design as  
 270 | a standard license plate issued by the department, with a  
 271 | designated area for including a unique design and identifying  
 272 | number.

273 |       (2) Upon completion of the review, the department may  
 274 | begin the process of transitioning by attrition to the new  
 275 | specialty license plate template design.

276           Section 8. Except as otherwise expressly provided in this  
277 act, this act shall take effect October 1, 2017.

Amendment No. 1

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 & Tourism  
 2 Appropriations Subcommittee  
 3 Representative Grant, J. offered the following:  
 4

**Amendment (with title amendment)**

6 Remove lines 27-105 and insert:

7 Section 1. Subsection (3) is added to section 320.08053,  
 8 Florida Statutes, to read:

9 320.08053 Establishment of Requirements for requests to  
 10 establish specialty license plates.-

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

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Amendment No. 1

17        (b) New specialty license plates that have been approved  
18 by law but are awaiting issuance under paragraph (a) shall be  
19 issued in the order they appear in s. 320.08056(4). However, no  
20 more than five additional specialty license plates approved by  
21 law may be issued in a given calendar year. New specialty  
22 license plates issued must presell two times the cost per unit  
23 sold before entering circulation. All other provisions of this  
24 section must also be met before a plate is issued.

25        Section 2. Paragraph (a) of subsection (10) of section  
26 320.08056, Florida Statutes, is amended, paragraphs (ffff),  
27 (gggg), and (hhhh) are added to subsection (4), and paragraphs  
28 (c), (d), and (e) are added to subsection (8) of that section,  
29 to read:

30        320.08056 Specialty license plates.—

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

33        (ffff) Auburn University license plate, \$25.

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

35        (hhhh) Florida State Beekeepers Association license plate,  
36 \$25.

37        (8)

38        (c) A person issued a specialty license plate that has  
39 been discontinued by the department may keep the discontinued  
40 specialty license plate for the remainder of the 10-year license  
41 plate replacement period and must pay all other applicable

Amendment No. 1

42 registration fees. However, such person is exempt from paying  
43 the applicable specialty license plate fee under subsection (4)  
44 for the remainder of the 10-year license plate replacement  
45 period.

46 (d) If the department discontinues issuance of a specialty  
47 license plate, all annual use fees currently held or collected  
48 by the department shall be distributed within 180 days after the  
49 date the specialty license plate is discontinued. Of those fees,  
50 the department shall retain an amount sufficient to defray the  
51 applicable administrative and inventory closeout costs  
52 associated with discontinuance of the plate. The remaining funds  
53 shall be distributed to the specified organization or  
54 organizations as provided in s. 320.08058.

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

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

Amendment No. 1

67 States Armed Forces and veterans-related specialty license  
68 plates pursuant to paragraphs (4)(d), (bb), (ll), (kkk), and  
69 (yyy) and s. 320.0891 or out-of-state institution license plates  
70 pursuant to paragraph (4)(ffff).

71 Section 3. Effective July 1, 2020, paragraph (a) of  
72 subsection (8) of section 320.08056, Florida Statutes, is  
73 amended to read:

74 320.08056 Specialty license plates.—

75 (8)(a) The department must discontinue the issuance of an  
76 approved specialty license plate if the number of valid  
77 specialty plate registrations falls below 1,000 plates for at  
78 least 12 consecutive months. A warning letter shall be mailed to  
79 the sponsoring organization following the first month in which  
80 the total number of valid specialty plate registrations is below  
81 1,000 plates. This paragraph does not apply to collegiate  
82 license plates established under s. 320.08058(3) or specialty  
83 license plates that have

84

85

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

87 Remove lines 3-4 and insert:

88 s. 320.08053, F.S.; prohibiting development of new specialty  
89 license plates except under certain circumstances; providing  
90 requirements for issuance of such plates; amending s.

Amendment No. 2

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	_____	

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1 Committee/Subcommittee hearing bill: Transportation & Tourism  
 2 Appropriations Subcommittee  
 3 Representative Grant, J. offered the following:  
 4

**Amendment (with title amendment)**

Remove lines 190-251

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

Remove lines 16-19 and insert:


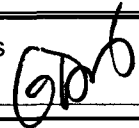
from the sale of such plates; requiring the department to





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB TTA 17-01 Displaced Homemaker Program  
**SPONSOR(S):** Transportation & Tourism Appropriations Subcommittee  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Tourism Appropriations Subcommittee		Proctor 	Davis 

### SUMMARY ANALYSIS

The Florida Displaced Homemaker Program is a state program designed to assist displaced homemakers - individuals who are not adequately employed and have been dependent on the income of another family member, but are no longer supported by such income. The services provided by the Displaced Homemaker Program are also provided through 106 CareerSource career centers statewide.

The proposed committee bill (PCB) amends statutes to conform to the funding decisions included in the proposed House General Appropriations Act for Fiscal Year 2017-18, relating to the Displaced Homemaker Program.

The PCB eliminates the Displaced Homemaker Program and terminates the Displaced Homemaker Trust Fund. The PCB further eliminates a portion of the fees that provided revenue for the program by reducing the surcharge on marriage license applications by \$7.50. The fee for the issuance of a marriage license will be reduced from \$59.50 to \$52.00. The balance of the revenue source is deposited into the General Revenue Fund. According to the Revenue Estimating Conference, which met on February 16, 2017, those redirected fees for Fiscal Year 2017-18 are estimated to be approximately \$800,000.

The PCB is anticipated to have a negative recurring impact to state revenue of approximately \$1.2 million through the fee reduction on marriage license applications.

The PCB provides an effective date of July, 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Displaced Homemaker Program**

The Florida Displaced Homemaker Program is a state program designed to assist displaced homemakers - individuals who are not adequately employed and have been dependent on the income of another family member, but are no longer supported by such income. To qualify for the Displaced Homemaker Program, the individual must be 35 years of age or older, have worked in the home providing unpaid household services for family members or been dependent on federal assistance, and has had difficulty in securing adequate employment.<sup>1</sup> The Displaced Homemaker Program is funded through the Displaced Homemaker Trust Fund within the Department of Economic Opportunity (DEO). The trust fund is a depository for a portion of fees on both marriage license applications and dissolution of marriage filings; \$7.50<sup>2</sup> and \$12.50<sup>3</sup> respectively. The Trust Fund can also receive funds from other public or private sources.<sup>4</sup>

##### **Present Situation**

During Fiscal Year 2015-16, Florida enrolled 386 participants in the Displaced Homemaker Program.<sup>5</sup> As the state fiscal entity, DEO is required to enter into contracts with public and nonprofit private entities. Those entities are then responsible for establishing multi-purpose programs aimed at enhancing self-sufficiency through employment and training. The programs assist participants in attaining independence, economic security and self-sufficiency and include counseling, career interest and assessment testing, resume and job search assistance, career planning and placement services, interviewing and skills training and case management. These services, however, are also offered to all Floridians through Florida's 24 local CareerSource Networks which have 106 career centers located throughout the state. These services include: employment and career resources; testing and assessments; employment search skills; career development seminars; resume/interview preparation; job-matching referrals; access to local, state and national salary and labor market information; education and training programs; financial aid information and screening for training programs; scholarship and training information; and computer, fax, telephone and copy services.

DEO monitors contract performance toward meeting participant enrollment, program completion and job placement numbers. In Fiscal Year 2015-16, the program met 83 percent of its projected enrollments, 77 percent of its projected program completions and 42 percent of its projected job placements.<sup>6</sup> To further enhance the program and ensure the attainment of projected goals with a focus on placement into employment, program contractors provide training on career services and assistance in leveraging the resources of their local career centers which include the local CareerSource Networks.

DEO has also been working to increase the number of program contractors throughout the state. For Fiscal Year 2014-15, there were only three contracts awarded under the Displaced Homemaker Program: the Centre for Women, Inc., Santa Fe State College and the Women's Resource Center of Sarasota County.<sup>7</sup> To increase the statewide coverage and availability of the program, DEO initiated a new procurement for Fiscal Year 2015-16. This procurement resulted in awards to two additional

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<sup>1</sup> <http://www.floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/displaced-homemaker-program>

<sup>2</sup> Section 741.01, Florida Statutes

<sup>3</sup> Section 28.101, Florida Statutes

<sup>4</sup> Section 446.50, Florida Statutes

<sup>5</sup> The Department of Economic Opportunity's 2015-16 Annual Report available at [http://www.floridajobs.org/docs/default-source/reports-and-legislation/2016\\_deoannualreport.pdf?sfvrsn=4](http://www.floridajobs.org/docs/default-source/reports-and-legislation/2016_deoannualreport.pdf?sfvrsn=4)

<sup>6</sup> *Id*

<sup>7</sup> *Id*

contractors, Deaf and Hard of Hearing Services of the Emerald Coast, Inc. and South Brevard Women's Center.<sup>8</sup>

- The Centre for Women, Inc. serves Hillsborough and Pinellas Counties. In its second year of operations, the contractor was awarded \$260,467 to enroll 187 participants and place 42 of those participants in jobs. As of June 30, 2016, the contractor had enrolled 47 percent of its projected number of participants and placed 65 percent of its planned participants in jobs.<sup>9</sup>
- Santa Fe State College serves Alachua, Bradford, Columbia, Gilchrist, Levy and Putnam Counties. In its second year of operations, the contractor was awarded \$165,915 to enroll 90 participants and place 42 of those participants in jobs. As of June 30, 2016, the contractor had enrolled 100 percent of its projected number of participants and placed 83 percent of its planned participants in jobs.<sup>10</sup>
- The Women's Resource Center of Sarasota County serves Manatee and Sarasota Counties. In its second year of operations, the contractor was awarded \$87,136 to enroll 95 participants and place 95 of those participants in jobs. As of June 30, 2016, the contractor had enrolled 95 percent of its projected number of participants and placed 11 percent of its planned participants in jobs.<sup>11</sup>
- Deaf and Hard of Hearing Services of the Emerald Coast, Inc. serve Escambia, Okaloosa, Santa Rosa and Walton Counties. In its first year of operations, the contractor was awarded \$102,012 to enroll 50 participants and place 26 of those participants in jobs. As of June 30, 2016, the contractor had enrolled 102 percent of its projected number of participants and placed four percent of its planned participants in jobs.<sup>12</sup>
- South Brevard Women's Center serves Brevard County. In its first year of operations, the contractor was awarded \$54,000 to enroll 45 participants and place 15 of those participants in jobs. As of June 30, 2016, the contractor had enrolled 149 percent of its projected number of participants and placed 93 percent of its planned participants in jobs.<sup>13</sup>

#### Recent Displaced Homemaker Program Funding History

Fiscal Year	Appropriation	Funds Expended
2014-15	\$2,000,000	\$7,766
2015-16	\$2,000,000	\$452,723
2016-17*	\$2,000,000	\$379,997

\*Fiscal Year is not yet complete and additional expenditures may take place.

As indicated in DEO's Fiscal Year 2015-16 Annual Report, the department has been working to increase the number of program contractors throughout the state to provide services. However, DEO continues to face challenges in receiving bids from entities to provide services through this program, and is unable to fully utilize annual appropriations. One observation offered by the department for this challenge is the population served through the Displaced Homemaker Program is also served through the local career centers of the CareerSource Networks, which highlights the duplication and overlap of services being offered to the targeted population.<sup>14</sup> The CareerSource Networks, through the Regional Workforce Boards, are provided a recurring annual appropriation through the General Appropriations Act of \$283,359,445.

<sup>8</sup> The Department of Economic Opportunity's 2015-16 Annual Report available at [http://www.floridajobs.org/docs/default-source/reports-and-legislation/2016\\_deoannualreport.pdf?sfvrsn=4](http://www.floridajobs.org/docs/default-source/reports-and-legislation/2016_deoannualreport.pdf?sfvrsn=4)

<sup>9</sup> *Id*

<sup>10</sup> *Id*

<sup>11</sup> *Id*

<sup>12</sup> *Id*

<sup>13</sup> *Id*

<sup>14</sup> Proctor, Cissy. "FY 2017-18 Priority Listing of Agency Budget Issues for Possible Reduction" Presentation at the House Transportation & Tourism Appropriations Subcommittee, Tallahassee, FL, January 25, 2017. Accessed February 24, 2017.

## **Effect of Proposed Changes**

The PCB repeals the Displaced Homemaker Program.

Eligible program participants will still be able to access these services through any of the 106 CareerSource centers located throughout the state that are already utilized by the contracting entities under the Displaced Homemaker Program. The centers will continue to offer these same services: employment and career resources; testing and assessments; employment search skills; career development seminars; resume/interview preparation; job-matching referrals; access to local, state and national salary and labor market information; education and training programs; financial aid information and screening for training programs; scholarship and training information; and computer, fax, telephone and copy services.

The PCB terminates the Displaced Homemaker Trust Fund. The PCB further eliminates a portion of fees that provided revenue for the program by reducing the surcharge on marriage license applications by \$7.50. The fee for the issuance of a marriage license will be reduced from \$59.50<sup>15</sup> to \$52.00.

The PCB redirects \$12.50 of the fees on dissolution of marriage filings to be deposited in the General Revenue Fund instead of the Displaced Homemaker Trust Fund, which is being terminated. According to the Revenue Estimating Conference, which met on February 16, 2017, those redirected fees for Fiscal Year 2017-18 are estimated to be \$800,000.

### **B. SECTION DIRECTORY:**

Section 1: Disposition of the Displaced Homemaker Trust Fund balance.

Section 2: Repeals s. 446.50, F.S.

Section 3: Repeals s. 446.51, F.S.

Section 4: Repeals s. 446.52, F.S.

Section 5: Repeals s. 1010.84, F.S.

Section 6: Amends s. 20.60, F.S.

Section 7: Amends s. 28.101, F.S.

Section 8: Amends s. 187.201, F.S.

Section 9: Amends s. 445.003, F.S.

Section 10: Amends s. 445.004, F.S.

Section 11: Amends s. 741.01, F.S.

Section 12: Amends s. 741.011, F.S.

Section 13: Provides for an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

The reduction of the fee under s. 741.01, F.S., for the issuance of a marriage license from \$59.50 to \$52.00, is anticipated to have a negative recurring impact to state revenue of approximately \$1.2 million.

See fiscal comments.

#### **2. Expenditures:**

The PCB amends statutes to conform to the funding decisions included in the proposed House General Appropriations Act for Fiscal Year 2017-18, relating to the Displaced Homemaker Program, which reflects an elimination of a \$2 million recurring appropriation.

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<sup>15</sup> Section 741.01, Florida Statutes  
STORAGE NAME: pcb01.TTA.DOCX  
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**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None

2. Expenditures:

None

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The entities currently contracting with DEO to provide services through the Displaced Homemaker Program will no longer receive funding from the state under the program. These same services may be obtained through existing local CareerSource Centers.

**D. FISCAL COMMENTS:**

The PCB redirects \$12.50 of the fees on dissolution of marriage filings to be deposited in the General Revenue Fund instead of the Displaced Homemaker Trust Fund, which is being terminated. According to the Revenue Estimating Conference, which met on February 16, 2017, those redirected fees for Fiscal Year 2017-18 are estimated to be \$800,000.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

None

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1  
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A bill to be entitled  
An act relating to displaced homemakers; terminating  
the Displaced Homemaker Trust Fund within the  
Department of Economic Opportunity; providing for the  
disposition of balances in and revenues of such trust  
fund; provides procedures for the termination of the  
trust fund; repealing ss. 446.50, 446.51, 446.52, and  
1010.84, F.S., relating to displaced homemaker  
programs, prohibited discrimination and  
confidentiality of information related to such  
programs, and the Displaced Homemaker Trust Fund,  
respectively; amending ss. 20.60, 28.101, 187.201,  
445.003, 445.004, 741.01, and 741.011, F.S.;  
conforming provisions to changes made by the act;  
providing an effective date.

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

- Section 1. (1) The Displaced Homemaker Trust Fund, FLAIR number 40-2-160, within the Department of Economic Opportunity is terminated.
- (2) All current balances remaining in, and all revenues of, the trust fund shall be transferred to the General Revenue Fund.
- (3) The Department of Economic Opportunity shall pay any

26 outstanding debts and obligations of the terminated fund as soon  
 27 as practicable, and the Chief Financial Officer shall close out  
 28 and remove the terminated fund from various state accounting  
 29 systems using generally accepted accounting principles  
 30 concerning warrants outstanding, assets, and liabilities.

31 Section 2. Section 446.50, Florida Statutes, is repealed.

32 Section 3. Section 446.51, Florida Statutes, is repealed.

33 Section 4. Section 446.52, Florida Statutes, is repealed.

34 Section 5. Section 1010.84, Florida Statutes, is repealed.

35 Section 6. Paragraph (b) of subsection (10) of section  
 36 20.60, Florida Statutes, is amended to read:

37 20.60 Department of Economic Opportunity; creation; powers  
 38 and duties.—

39 (10) The department, with assistance from Enterprise  
 40 Florida, Inc., shall, by November 1 of each year, submit an  
 41 annual report to the Governor, the President of the Senate, and  
 42 the Speaker of the House of Representatives on the condition of  
 43 the business climate and economic development in the state.

44 (b) The report must incorporate annual reports of other  
 45 programs, including:

46 ~~1. The displaced homemaker program established under s.~~  
 47 ~~446.50.~~

48 1.2. Information provided by the Department of Revenue  
 49 under s. 290.014.

50 2.3. Information provided by enterprise zone development



51 agencies under s. 290.0056 and an analysis of the activities and  
 52 accomplishments of each enterprise zone.

53 3.4. The Economic Gardening Business Loan Pilot Program  
 54 established under s. 288.1081 and the Economic Gardening  
 55 Technical Assistance Pilot Program established under s.  
 56 288.1082.

57 4.5. A detailed report of the performance of the Black  
 58 Business Loan Program and a cumulative summary of quarterly  
 59 report data required under s. 288.714.

60 5.6. The Rural Economic Development Initiative established  
 61 under s. 288.0656.

62 6.7. The Florida Unique Abilities Partner Program.

63 Section 7. Subsection (1) of section 28.101, Florida  
 64 Statutes, is amended to read:

65 28.101 Petitions and records of dissolution of marriage;  
 66 additional charges.—

67 (1) When a party petitions for a dissolution of marriage,  
 68 in addition to the filing charges in s. 28.241, the clerk shall  
 69 collect and receive:

70 (a) A charge of \$5. On a monthly basis, the clerk shall  
 71 transfer the moneys collected pursuant to this paragraph to the  
 72 Department of Revenue for deposit in the Child Welfare Training  
 73 Trust Fund created in s. 402.40.

74 ~~(b) A charge of \$5. On a monthly basis, the clerk shall~~  
 75 ~~transfer the moneys collected pursuant to this paragraph to the~~

76 ~~Department of Revenue for deposit in the Displaced Homemaker~~  
 77 ~~Trust Fund created in s. 446.50. If a petitioner does not have~~  
 78 ~~sufficient funds with which to pay this fee and signs an~~  
 79 ~~affidavit so stating, all or a portion of the fee shall be~~  
 80 ~~waived subject to a subsequent order of the court relative to~~  
 81 ~~the payment of the fee.~~

82 (b) ~~(e)~~ A charge of \$55. On a monthly basis, the clerk  
 83 shall transfer the moneys collected pursuant to this paragraph  
 84 to the Department of Revenue for deposit in the Domestic  
 85 Violence Trust Fund. Such funds which are generated shall be  
 86 directed to the Department of Children and Families for the  
 87 specific purpose of funding domestic violence centers.

88 (c) ~~(d)~~ A charge of \$37.50 ~~32.50~~. On a monthly basis, the  
 89 clerk shall transfer the moneys collected pursuant to this  
 90 paragraph ~~as follows:~~

91 ~~1. An amount of \$7.50 to the Department of Revenue for~~  
 92 ~~deposit in the Displaced Homemaker Trust Fund.~~

93 ~~2. An amount of \$25 to the Department of Revenue for~~  
 94 ~~deposit in the General Revenue Fund.~~

95 Section 8. Paragraph (b) of subsection (2) of section  
 96 187.201, Florida Statutes, is amended to read:

97 187.201 State Comprehensive Plan adopted.—The Legislature  
 98 hereby adopts as the State Comprehensive Plan the following  
 99 specific goals and policies:

100 (2) FAMILIES.—

- 101 (b) Policies.—
- 102 1. Eliminate state policies which cause voluntary family
- 103 separations.
- 104 2. Promote concepts to stabilize the family unit to
- 105 strengthen bonds between parents and children.
- 106 3. Promote home care services for the sick and disabled.
- 107 4. Provide financial support for alternative child care
- 108 services.
- 109 5. Increase direct parental involvement in K-12 education
- 110 programs.
- 111 6. Promote family dispute resolution centers.
- 112 ~~7. Support displaced homemaker programs.~~
- 113 7.8. Provide increased assurance that child support
- 114 payments will be made.
- 115 8.9. Actively develop job opportunities, community work
- 116 experience programs, and job training programs for persons
- 117 receiving governmental financial assistance.
- 118 9.10. Direct local law enforcement authorities and
- 119 district mental health councils to increase efforts to prevent
- 120 family violence and to adequately punish the guilty party.
- 121 10.11. Provide financial, mental health, and other support
- 122 for victims of family violence.
- 123 Section 9. Paragraph (a) of subsection (3) of section
- 124 445.003, Florida Statutes, is amended to read:
- 125 445.003 Implementation of the federal Workforce Innovation

126 and Opportunity Act.—

127 (3) FUNDING.—

128 (a) Title I, Workforce Innovation and Opportunity Act  
 129 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be  
 130 expended based on the 4-year plan of CareerSource Florida, Inc.  
 131 The plan must outline and direct the method used to administer  
 132 and coordinate various funds and programs that are operated by  
 133 various agencies. The following provisions apply to these funds:

134 1. At least 50 percent of the Title I funds for Adults and  
 135 Dislocated Workers which are passed through to local workforce  
 136 development boards shall be allocated to and expended on  
 137 Individual Training Accounts unless a local workforce  
 138 development board obtains a waiver from CareerSource Florida,  
 139 Inc. Tuition, books, and fees of training providers and other  
 140 training services prescribed and authorized by the Workforce  
 141 Innovation and Opportunity Act qualify as Individual Training  
 142 Account expenditures.

143 2. Fifteen percent of Title I funding shall be retained at  
 144 the state level and dedicated to state administration and shall  
 145 be used to design, develop, induce, and fund innovative  
 146 Individual Training Account pilots, demonstrations, and  
 147 programs. Of such funds retained at the state level, \$2 million  
 148 shall be reserved for the Incumbent Worker Training Program  
 149 created under subparagraph 3. Eligible state administration  
 150 costs include the costs of funding for the board and staff of

151 CareerSource Florida, Inc.; operating fiscal, compliance, and  
152 management accountability systems through CareerSource Florida,  
153 Inc.; conducting evaluation and research on workforce  
154 development activities; and providing technical and capacity  
155 building assistance to local workforce development areas at the  
156 direction of CareerSource Florida, Inc. Notwithstanding s.  
157 445.004, such administrative costs may not exceed 25 percent of  
158 these funds. An amount not to exceed 75 percent of these funds  
159 shall be allocated to Individual Training Accounts and other  
160 workforce development strategies for other training designed and  
161 tailored by CareerSource Florida, Inc., including, but not  
162 limited to, programs for incumbent workers, ~~displaced~~  
163 ~~homemakers~~, nontraditional employment, and enterprise zones.  
164 CareerSource Florida, Inc., shall design, adopt, and fund  
165 Individual Training Accounts for distressed urban and rural  
166 communities.

167 3. The Incumbent Worker Training Program is created for  
168 the purpose of providing grant funding for continuing education  
169 and training of incumbent employees at existing Florida  
170 businesses. The program will provide reimbursement grants to  
171 businesses that pay for preapproved, direct, training-related  
172 costs.

173 a. The Incumbent Worker Training Program will be  
174 administered by CareerSource Florida, Inc., which may, at its  
175 discretion, contract with a private business organization to

176 | serve as grant administrator.

177 |       b. The program shall be administered pursuant to s.  
178 | 134(d)(4) of the Workforce Innovation and Opportunity Act.  
179 | Priority for funding shall be given to businesses with 25  
180 | employees or fewer, businesses in rural areas, businesses in  
181 | distressed inner-city areas, businesses in a qualified targeted  
182 | industry, businesses whose grant proposals represent a  
183 | significant upgrade in employee skills, or businesses whose  
184 | grant proposals represent a significant layoff avoidance  
185 | strategy.

186 |       c. All costs reimbursed by the program must be preapproved  
187 | by CareerSource Florida, Inc., or the grant administrator. The  
188 | program may not reimburse businesses for trainee wages, the  
189 | purchase of capital equipment, or the purchase of any item or  
190 | service that may possibly be used outside the training project.  
191 | A business approved for a grant may be reimbursed for  
192 | preapproved, direct, training-related costs including tuition,  
193 | fees, books and training materials, and overhead or indirect  
194 | costs not to exceed 5 percent of the grant amount.

195 |       d. A business that is selected to receive grant funding  
196 | must provide a matching contribution to the training project,  
197 | including, but not limited to, wages paid to trainees or the  
198 | purchase of capital equipment used in the training project; must  
199 | sign an agreement with CareerSource Florida, Inc., or the grant  
200 | administrator to complete the training project as proposed in

201 the application; must keep accurate records of the project's  
 202 implementation process; and must submit monthly or quarterly  
 203 reimbursement requests with required documentation.

204 e. All Incumbent Worker Training Program grant projects  
 205 shall be performance-based with specific measurable performance  
 206 outcomes, including completion of the training project and job  
 207 retention. CareerSource Florida, Inc., or the grant  
 208 administrator shall withhold the final payment to the grantee  
 209 until a final grant report is submitted and all performance  
 210 criteria specified in the grant contract have been achieved.

211 f. CareerSource Florida, Inc., may establish guidelines  
 212 necessary to implement the Incumbent Worker Training Program.

213 g. No more than 10 percent of the Incumbent Worker  
 214 Training Program's total appropriation may be used for overhead  
 215 or indirect purposes.

216 4. At least 50 percent of Rapid Response funding shall be  
 217 dedicated to Intensive Services Accounts and Individual Training  
 218 Accounts for dislocated workers and incumbent workers who are at  
 219 risk of dislocation. CareerSource Florida, Inc., shall also  
 220 maintain an Emergency Preparedness Fund from Rapid Response  
 221 funds, which will immediately issue Intensive Service Accounts,  
 222 Individual Training Accounts, and other federally authorized  
 223 assistance to eligible victims of natural or other disasters. At  
 224 the direction of the Governor, these Rapid Response funds shall  
 225 be released to local workforce development boards for immediate

226 use after events that qualify under federal law. Funding shall  
 227 also be dedicated to maintain a unit at the state level to  
 228 respond to Rapid Response emergencies and to work with state  
 229 emergency management officials and local workforce development  
 230 boards. All Rapid Response funds must be expended based on a  
 231 plan developed by CareerSource Florida, Inc., and approved by  
 232 the Governor.

233 Section 10. Paragraph (b) of subsection (5) of section  
 234 445.004, Florida Statutes, is amended to read:

235 445.004 CareerSource Florida, Inc.; creation; purpose;  
 236 membership; duties and powers.—

237 (5) CareerSource Florida, Inc., shall have all the powers  
 238 and authority not explicitly prohibited by statute which are  
 239 necessary or convenient to carry out and effectuate its purposes  
 240 as determined by statute, Pub. L. No. 113-128, and the Governor,  
 241 as well as its functions, duties, and responsibilities,  
 242 including, but not limited to, the following:

243 (b) Providing oversight and policy direction to ensure  
 244 that the following programs are administered by the department  
 245 in compliance with approved plans and under contract with  
 246 CareerSource Florida, Inc.:

247 1. Programs authorized under Title I of the Workforce  
 248 Innovation and Opportunity Act, Pub. L. No. 113-128, with the  
 249 exception of programs funded directly by the United States  
 250 Department of Labor under Title I, s. 167.



251           2. Programs authorized under the Wagner-Peyser Act of  
252 1933, as amended, 29 U.S.C. ss. 49 et seq.

253           3. Activities authorized under Title II of the Trade Act  
254 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
255 Adjustment Assistance Program.

256           4. Activities authorized under 38 U.S.C. chapter 41,  
257 including job counseling, training, and placement for veterans.

258           5. Employment and training activities carried out under  
259 funds awarded to this state by the United States Department of  
260 Housing and Urban Development.

261           6. Welfare transition services funded by the Temporary  
262 Assistance for Needy Families Program, created under the  
263 Personal Responsibility and Work Opportunity Reconciliation Act  
264 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
265 of the Social Security Act, as amended.

266           ~~7. Displaced homemaker programs, provided under s. 446.50.~~

267           7.8. The Florida Bonding Program, provided under Pub. L.  
268 No. 97-300, s. 164(a)(1).

269           8.9. The Food Assistance Employment and Training Program,  
270 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
271 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
272 and the Hunger Prevention Act, Pub. L. No. 100-435.

273           9.10. The Quick-Response Training Program, provided under  
274 ss. 288.046-288.047. Matching funds and in-kind contributions  
275 that are provided by clients of the Quick-Response Training

276 Program shall count toward the requirements of s. 288.904,  
 277 pertaining to the return on investment from activities of  
 278 Enterprise Florida, Inc.

279 10.11. The Work Opportunity Tax Credit, provided under the  
 280 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
 281 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

282 11.12. Offender placement services, provided under ss.  
 283 944.707-944.708.

284 Section 11. Subsections (3), (4), and (5) of section  
 285 741.01, Florida Statutes, are amended to read:

286 741.01 County court judge or clerk of the circuit court to  
 287 issue marriage license; fee.-

288 ~~(3) Further, the fee charged for each marriage license~~  
 289 ~~issued in the state shall be increased by an additional sum of~~  
 290 ~~\$7.50 to be collected upon receipt of the application for the~~  
 291 ~~issuance of a marriage license. The clerk shall transfer such~~  
 292 ~~funds monthly to the Department of Revenue for deposit in the~~  
 293 ~~Displaced Homemaker Trust Fund created in s. 446.50.~~

294 (3)(4) An additional fee of \$25 shall be paid to the clerk  
 295 upon receipt of the application for issuance of a marriage  
 296 license. The moneys collected shall be remitted by the clerk to  
 297 the Department of Revenue, monthly, for deposit in the General  
 298 Revenue Fund.

299 (4)(5) The fee charged for each marriage license issued in  
 300 the state shall be reduced by a sum of \$25 ~~32.50~~ for all couples

301 who present valid certificates of completion of a premarital  
 302 preparation course from a qualified course provider registered  
 303 under s. 741.0305(5) for a course taken no more than 1 year  
 304 prior to the date of application for a marriage license. For  
 305 each license issued that is subject to the fee reduction of this  
 306 subsection, the clerk is not required to transfer the sum of  
 307 ~~\$7.50 to the Department of Revenue for deposit in the Displaced~~  
 308 ~~Homemaker Trust Fund pursuant to subsection (3) or to transfer~~  
 309 ~~the sum of \$25 to the Department of Revenue for deposit in the~~  
 310 General Revenue Fund.

311           Section 12. Section 741.011, Florida Statutes, is amended  
 312 to read:

313           741.011 Installment payments.—An applicant for a marriage  
 314 license who is unable to pay the fees required under s. 741.01  
 315 in a lump sum may make payment in not more than three  
 316 installments over a period of 90 days. The clerk shall accept  
 317 installment payments upon receipt of an affidavit that the  
 318 applicant is unable to pay the fees in a lump-sum payment. Upon  
 319 receipt of the third or final installment payment, the marriage  
 320 license application shall be deemed filed, and the clerk shall  
 321 issue the marriage license to the applicant and distribute the  
 322 fees as provided in s. 741.01. In the event that the marriage  
 323 license fee is paid in installments, the clerk shall retain \$1  
 324 from the additional fee imposed pursuant to s. 741.01(3)  
 325 ~~741.01(4)~~, as a processing fee.

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326 Section 13. This act shall take effect July 1, 2017.