

By Senator Lynn

7-1598-04

See HB 1049

1 A bill to be entitled
2 An act relating to license plates; amending s.
3 320.08053, F.S.; revising requirements for
4 establishing a specialty license plate;
5 requiring submission of a sample plate;
6 requiring a certain number of plates to be sold
7 prior to seeking legislative approval;
8 providing for collection of the use fee for the
9 proposed plate in the local tax collector's
10 office; providing for retention of presale
11 amounts by the Department of Highway Safety and
12 Motor Vehicles to offset costs; providing for
13 refund of annual use fees in the event a
14 proposed specialty license plate is not
15 approved by law; requiring the department to
16 adopt rules relating to design specifications
17 for specialty license plates; amending s.
18 320.08056, F.S.; revising provisions for the
19 issuance of specialty license plates; revising
20 design requirements; revising the retention and
21 distribution requirements for annual use fees;
22 revising conditions and procedures for
23 discontinuation of specialty license plates;
24 amending s. 320.08062, F.S.; revising
25 provisions for audits and attestations required
26 of entities receiving specialty license plate
27 annual use fees; requiring all state agencies
28 and organizations receiving use fee proceeds to
29 make annual attestations; providing for form
30 and content of attestations; amending s.
31 320.20, F.S.; providing for a portion of

1 license tax revenue to be deposited into the
2 Highway Safety Operating Trust Fund for certain
3 purposes; requiring the department, in
4 cooperation with local tax collectors and the
5 Prison Rehabilitative Industries and
6 Diversified Enterprises, Inc., to study the
7 possibility of using direct-to-customer
8 distribution; requiring an analysis of the
9 impact of certain technologies; requiring the
10 department to report its findings to the
11 Legislature; providing an effective date.

12

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

14

15 Section 1. Section 320.08053, Florida Statutes, is
16 amended to read:

17 320.08053 Requirements for requests to establish
18 specialty license plates.--

19 (1) An organization that seeks authorization to
20 establish a new specialty license plate for which an annual
21 use fee is to be charged must ~~submit to the department:~~

22 (a) Submit a written request to the department for the
23 particular specialty license plate being sought, describing
24 the proposed specialty license plate in specific ~~general~~
25 terms, including a sample plate as it will appear in final
26 form and conforming to the specifications set by the
27 department and this chapter.

28 (b) Presell 15,000 specialty license plates within 1
29 year after submission of the request as a condition for
30 seeking legislative authorization of the specialty license
31 plate. The annual use fee for the proposed specialty license

1 plate shall be collected in any of the local tax collectors'
2 offices. Either the specialty license plate requesting
3 organization or the prospective license plate purchaser may
4 prepay the annual use fee.~~The results of a scientific sample~~
5 ~~survey of Florida motor vehicle owners that indicates at least~~
6 ~~15,000 motor vehicle owners intend to purchase the proposed~~
7 ~~specialty license plate at the increased cost. The sample~~
8 ~~survey of registered motor vehicle owners must be performed~~
9 ~~independently of the requesting organization by an~~
10 ~~organization that conducts similar sample surveys as a normal~~
11 ~~course of business. Prior to conducting a sample survey for~~
12 ~~the purposes of this section, a requesting organization must~~
13 ~~obtain a determination from the department that the~~
14 ~~organization selected to conduct the survey performs similar~~
15 ~~surveys as a normal course of business and is independent of~~
16 ~~the requesting organization.~~

17 ~~(c) An application fee, not to exceed \$60,000, to~~
18 ~~defray the department's cost for reviewing the application and~~
19 ~~developing the specialty license plate, if authorized. State~~
20 ~~funds may not be used to pay the application fee, except for~~
21 ~~collegiate specialty license plates authorized in s.~~
22 ~~320.08058(3) and (13). The specialty license plate application~~
23 ~~provisions of this act shall not apply to any organization~~
24 ~~which has requested and received the required forms for~~
25 ~~obtaining a specialty license plate authorization from the~~
26 ~~Department of Highway Safety and Motor Vehicles, has opened a~~
27 ~~bank account for the funds collected for the specialty license~~
28 ~~tag and has made deposits to such an account, and has obtained~~
29 ~~signatures toward completing the requirements for the~~
30 ~~specialty license tag. All applications requested on or after~~
31

1 ~~the effective date of this act must meet the requirements of~~
2 ~~this act.~~

3 (c)(d) Submit a marketing strategy to the department
4 outlining short-term and long-term marketing plans for the
5 requested specialty license plate and a financial analysis
6 outlining the anticipated revenues and the planned
7 expenditures of the revenues to be derived from the sale of
8 the requested specialty license plates.

9
10 If, at least 90 days before the convening of the next regular
11 session of the Legislature, 15,000 specialty license plates
12 are presold and all other prequalification requirements are
13 met, the department shall notify the organization that it is
14 eligible to seek legislative authorization of the specialty
15 license plate.~~The information required under this subsection~~
16 ~~must be submitted to the department at least 90 days before~~
17 ~~the convening of the next regular session of the Legislature.~~

18 (2) After 15,000 specialty license plates have been
19 presold, the department may retain up to \$60,000 of the
20 presale amounts collected to defray the department's cost for
21 reviewing the request and developing the specialty license
22 plate.

23 (3)(2) If the specialty license plate requested by the
24 organization is approved by law, the organization must submit
25 the proposed art design for the specialty license plate to the
26 department, in a form prescribed by the department, as soon as
27 practicable, but no later than 60 days after the act approving
28 the specialty license plate becomes a law. If the specialty
29 license plate requested by the organization is not approved by
30 the Legislature, the presale amounts ~~application fee~~ shall be
31 credited toward the future registration of the registered

1 motor vehicle owner who prepaid the annual use fee for the
2 requested specialty license plate. If the registered motor
3 vehicle owner does not conduct a future registration
4 transaction within 1 year following the expiration of that
5 owner's prior registration, the annual use fee shall be
6 refunded by the department to the requesting organization or
7 the prospective purchaser who submitted the presale payment.

8 (4) The department shall adopt rules providing
9 viewpoint-neutral specifications for the design of specialty
10 license plates that promote or enhance the readability of all
11 specialty license plates and that discourage counterfeiting.
12 The rules shall provide uniform specifications requiring
13 inclusion of the word "Florida" in the same place on each
14 specialty license plate, in such a size and location that it
15 is clearly identifiable on each specialty license plate when
16 mounted on a vehicle, and shall provide specifications for the
17 size and location of any words or logos appearing on specialty
18 license plates.

19 Section 2. Subsections (6), (7), and (8) of section
20 320.08056, Florida Statutes, are amended to read:

21 320.08056 Specialty license plates.--

22 (6) Specialty license plates must bear the design
23 required by law for the appropriate specialty license plate,
24 and the designs and colors must conform to the department's
25 design specifications ~~be approved by the department.~~ In
26 addition to a design, the specialty license plates may bear
27 the imprint of numerals from 1 to 999, inclusive, capital
28 letters "A" through "Z," or a combination thereof. The
29 department shall determine the maximum number of characters,
30 including both numerals and letters. All specialty license
31 plates must be otherwise of the same material and size as

1 standard license plates issued for any registration period. ~~In~~
2 ~~small letters, the word "Florida" must appear at either the~~
3 ~~bottom or top of the plate, depending upon the design. In~~
4 ~~addition,~~A specialty license plate may bear an appropriate
5 slogan, emblem, or logo in a size and placement that conform
6 to the department's design specifications.

7 (7) The department shall annually retain from the
8 first proceeds derived from the annual use fees collected an
9 amount sufficient to defray each specialty plate's pro rata
10 share of the department's costs directly related to issuing
11 the specialty plate. Such costs shall include distribution
12 costs, direct costs to the department, costs associated with
13 reviewing each organization's compliance with audit and
14 attestation requirements of s. 320.08062,and any applicable
15 increased costs of manufacturing the specialty license plate.
16 Any cost increase to the department related to actual cost of
17 the plate, including a reasonable vendor profit, shall be
18 verified by the Department of Management Services. The balance
19 of the proceeds from the annual use fees collected for that
20 specialty license plate shall be distributed as provided by
21 law.

22 (8)(a) The department shall issue a discontinuation
23 warning for a ~~must discontinue the issuance of an approved~~
24 specialty license plate if, after 2 years of sales, the number
25 of valid plates for that particular specialty license plate is
26 less than 8,000. If the number of valid plates is less than
27 8,000 12 months after the date on the discontinuation warning,
28 the department shall discontinue the issuance of that
29 specialty license plate.+

1 ~~1. Less than 8,000 plates, including annual renewals,~~
2 ~~are issued for that specialty license plate by the end of the~~
3 ~~5th year of sales.~~

4 ~~2. Less than 8,000 plates, including annual renewals,~~
5 ~~are issued for that specialty license plate during any~~
6 ~~subsequent 5-year period.~~

7 (b) The department is authorized to discontinue the
8 issuance of a specialty license plate and distribution of
9 associated annual use fee proceeds if the organization no
10 longer exists, if the organization has stopped providing
11 services that are authorized to be funded from the annual use
12 fee proceeds, or pursuant to an organizational recipient's
13 request. Organizations are required to notify the department
14 immediately to stop all warrants for plate sales if any of the
15 conditions in this section exist, and must meet the
16 requirements of s. 320.08062 for any period of operation
17 during a fiscal year.

18 (c) The requirements of paragraph (a) shall not apply
19 to collegiate specialty license plates authorized in s.
20 320.08058(3), (13), (21), and (26).

21 Section 3. Subsection (1) of section 320.08062,
22 Florida Statutes, is amended to read:

23 320.08062 Audits and attestations required; annual use
24 fees of specialty license plates.--

25 (1)(a) All organizations and state agencies that
26 receive annual use fee proceeds from the department are
27 responsible for ensuring that proceeds are used in accordance
28 with ss. 320.08056 and 320.08058 and shall annually attest,
29 under penalties of perjury, that such proceeds were used in
30 compliance with such sections. The attestation shall be made
31 annually in a form and format determined by the department,

1 which shall include, at a minimum, identification of all
2 revenue received by the agency or organization from sales of
3 the specialty license plate and a categorical list of
4 expenditures.

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

10 (b)(c) Any organization subject to audit pursuant to
11 s. 215.97 shall submit an audit report in accordance with
12 rules promulgated by the Auditor General in addition to the
13 attestation required under paragraph (a). The annual
14 attestation shall be submitted to the department for review
15 within 9 months after the end of the organization's fiscal
16 year.

17 Section 4. Subsection (1) of section 320.20, Florida
18 Statutes, is amended to read:

19 320.20 Disposition of license tax moneys.--The revenue
20 derived from the registration of motor vehicles, including any
21 delinquent fees and excluding those revenues collected and
22 distributed under the provisions of s. 320.081, must be
23 distributed monthly, as collected, as follows:

24 (1)(a) The first proceeds, to the extent necessary to
25 comply with the provisions of s. 18, Art. XII of the State
26 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968
27 revised constitution, and the additional provisions of s. 9(d)
28 and s. 1010.57, must be deposited in the district Capital
29 Outlay and Debt Service School Trust Fund.

30 (b) After the first proceeds are deposited pursuant to
31 paragraph (a), \$1 of the license tax payment for each

1 registration or renewal of registration provided for in s.
2 320.08 shall be deposited into the Highway Safety Operating
3 Trust Fund and shall be used to support state law enforcement
4 officer recruitment and retention salary programs.

5 Section 5. The Department of Highway Safety and Motor
6 Vehicles shall, in cooperation with representatives of the
7 local tax collectors and with Prison Rehabilitative Industries
8 and Diversified Enterprises, Inc., at Union Correctional
9 Facility, study the operational and economic feasibility of
10 direct-to-customer delivery of specialty license plates. The
11 study shall include, but not be limited to, an analysis of the
12 potential operational and economic impact of various
13 manufacturing, inventory control, and product distribution
14 technologies on the specialty license plate program. The
15 department shall report its findings to the President of the
16 Senate and the Speaker of the House of Representatives no
17 later than December 31, 2004.

18 Section 6. This act shall take effect July 1, 2004.
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