

HB 1375

2017

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 or Florida Professional Sports Team license plates established
 105 under s. 320.08058(9).

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

109 320.08058 Specialty license plates.—

110 (66) IN GOD WE TRUST LICENSE PLATES.—

111 (b) The license plate annual use fees shall be distributed
 112 to the In God We Trust Foundation, Inc., which may expend a
 113 maximum of 10 percent of the proceeds to offset administrative
 114 costs, promotion, and marketing of the license plate directly
 115 associated with the operations of the foundation. The remaining
 116 proceeds may be used to address the needs of the military
 117 community and the public safety community; provide educational
 118 grants and scholarships to foster self-reliance and stability in
 119 Florida's youth; and provide education in ~~to fund educational~~
 120 ~~scholarships for the children of Florida residents who are~~
 121 ~~members of the United States Armed Forces, the National Guard,~~
 122 ~~and the United States Armed Forces Reserve and for the children~~
 123 ~~of public safety employees who have died in the line of duty who~~
 124 ~~are not covered by existing state law. Funds shall also be~~
 125 ~~distributed to other s. 501(c)(3) organizations that may apply~~

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

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

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

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

143 (84) AUBURN UNIVERSITY LICENSE PLATES.—

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

150 (b) The Tampa Bay Auburn Club is the lead club on behalf

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

163 (85) BEAT CHILDHOOD CANCER LICENSE PLATES.—

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

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

176 pediatric cancer treatment and research.

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

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

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

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

191 320.08062 Audits ~~and attestations~~ required; annual use
 192 fees of specialty license plates.—

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

197 (b) Any organization not subject to audit pursuant to s.
 198 215.97 shall annually attest, under penalties of perjury, that
 199 such proceeds were used in compliance with ss. 320.08056 and
 200 320.08058. The attestation shall be made annually in a form and

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

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

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

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

223 | (c) If the department or its designee determines that an
224 | organization has not complied or has failed to use the revenues
225 | in accordance with ss. 320.08056 and 320.08058, the department

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

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

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

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

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

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

275 Section 8. Except as otherwise expressly provided in this

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276 | act, this act shall take effect October 1, 2017. |