

By Senator Burt

16-1232-98

See HB 3509

1 A bill to be entitled
2 An act relating to motor vehicle specialty
3 license plates; amending s. 320.08053, F.S.;
4 revising language with respect to requirements
5 for requests to establish specialty license
6 plates; amending s. 320.08056, F.S.; revising
7 language with respect to specialty license
8 plates to provide criteria for the
9 discontinuance of the issuance of an approved
10 plate; amending s. 320.08062, F.S.; revising
11 language with respect to an annual required
12 audit or report; revising language with respect
13 to annual use fees of special license plates;
14 providing an effective date.

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

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18 Section 1. Subsection (1) of section 320.08053,
19 Florida Statutes, is amended to read:

20 320.08053 Requirements for requests to establish
21 specialty license plates.--

22 (1) An organization that seeks authorization to
23 establish ~~the establishment of~~ a new specialty license plate
24 for which an annual use fee is to be charged must submit to
25 the department:

26 (a) A request for the particular specialty license
27 plate being sought, describing the proposed specialty license
28 plate in general terms.

29 (b) The results of a scientific sample survey of
30 Florida motor vehicle owners which indicate at least 15,000
31 motor vehicle owners intend to purchase the proposed specialty

1 license plate at the increased cost. The sample survey of
2 registered motor vehicle owners must be performed
3 independently of the requesting organization by an
4 organization that conducts similar sample surveys as a normal
5 course of business. Prior to conducting a sample survey for
6 the purposes of this section, a requesting organization must
7 obtain a determination from the department that the
8 organization selected to conduct the survey performs similar
9 surveys as a normal course of business and is independent of
10 the requesting organization.~~A petition, on a form approved by~~
11 ~~the department, signed by 10,000 or more residents who state~~
12 ~~their intent to purchase the requested specialty license~~
13 ~~plate.~~

14 (c) An application fee, not to exceed ~~\$60,000~~\$30,000,
15 to defray the department's cost for reviewing the application
16 and developing the specialty license plate, if authorized.
17 State funds may not be used to pay the application fee, except
18 for collegiate specialty license plates authorized in s.
19 320.08058(3) and (13).

20 (d) A marketing strategy outlining short-term and
21 long-term marketing plans for the requested specialty license
22 plate and a financial analysis outlining the anticipated
23 revenues and the planned expenditures of the revenues to be
24 derived from the sale of the requested specialty license
25 plates.

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27 The information required under this subsection must be
28 submitted to the department at least 90 days before the
29 convening of the next regular session of the Legislature.

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1 Section 2. Subsections (8) and (9) of section
2 320.08056, Florida Statutes, are amended, and subsection (10)
3 is added to said section, to read:

4 320.08056 Specialty license plates.--

5 (8)(a) The department must discontinue the issuance of
6 an approved specialty license plate if:

7 1. Less than 8,000 plates are issued for that
8 specialty license plate by the end of the 5th year of sales.

9 2. Less than 8,000 plates are issued for that
10 specialty license plate during any subsequent 5-year period.

11 (b) The department is authorized to discontinue the
12 issuance of a specialty license plate and distribution of
13 associated annual use fee proceeds if the organization no
14 longer exists, if the organization has stopped providing
15 services that are authorized to be funded from the annual use
16 fee proceeds, or pursuant to an organizational recipient's
17 request.

18 (c) The requirements of paragraph (a) shall not apply
19 to collegiate specialty license plates authorized in s.
20 320.08058(3) and (13).~~If annual use-fee revenues from the~~
21 ~~sale of a specialty license plate exceed the department's~~
22 ~~costs by the 5th year of sales, that specialty license plate~~
23 ~~may be issued for an additional period of 5 years. However, if~~
24 ~~in the 5th year of each additional 5-year period, the~~
25 ~~department determines that annual use-fee revenues from the~~
26 ~~sale of a specialty license plate are insufficient to defray~~
27 ~~all of the department's costs related to that specialty~~
28 ~~license plate, the department shall discontinue issuing that~~
29 ~~specialty license plate.~~

30 (9) The organization that requested the specialty
31 license plate may not redesign the specialty license plate

1 ~~before the end of the 5th year~~ unless the inventory of those
2 plates has been depleted. However, the organization may
3 purchase the remaining inventory of the specialty license
4 plates from the department at cost.

5 (10) A specialty license plate annual use fee
6 collected and distributed under this chapter, or any interest
7 earned from those fees, may not be used for commercial or
8 for-profit activities nor for general or administrative
9 expenses, except as authorized by s. 320.08058 or to pay the
10 cost of the audit or report required by s. 320.08062(1).

11 Section 3. Section 320.08062, Florida Statutes, is
12 amended to read:

13 320.08062 Audits required; annual use fees of special
14 license plates.--

15 (1)(a) All organizations that receive annual use fee
16 proceeds from the department are responsible for ensuring that
17 proceeds are used in accordance with ss. 320.08056 and
18 320.08058.

19 (b) All organizational recipients of any specialty
20 license plate annual use fee authorized in this chapter, not
21 otherwise subject to annual audit by the Office of the Auditor
22 General, shall submit ~~either~~ an annual ~~or biennial~~ audit of
23 the expenditures of annual use fees and interest earned from
24 these fees, to determine if expenditures are being made in
25 accordance with the specifications outlined by law. The audit
26 shall be prepared by a certified public accountant licensed
27 under chapter 473 at that organizational recipient's expense.
28 The notes to the financial statements should state whether
29 expenditures were made in accordance with ss. 320.08056 and
30 320.08058.~~Such audits shall be delivered to the President of~~
31 ~~the Senate, the Speaker of the House of Representatives, the~~

1 ~~Office of the Governor, and the department no later than~~
2 ~~December 31 of the calendar year in which the audit was~~
3 ~~performed.~~

4 (c) In lieu of an annual audit, any organization
5 receiving less than \$25,000 in annual use fee proceeds
6 directly from the department may annually report, under
7 penalties of perjury, that such proceeds were used in
8 compliance with ss. 320.08056 and 320.08058. The attestation
9 shall be made annually in a form and format determined by the
10 department.

11 (d) The annual audit or report shall be submitted to
12 the department for review within 180 days after the end of the
13 organization's fiscal year.

14 ~~(2) A specialty license plate annual use fee collected~~
15 ~~and distributed under this chapter, or any interest earned~~
16 ~~from those fees, may not be used for commercial or for-profit~~
17 ~~activities nor for general or administrative expenses, except~~
18 ~~to pay the cost of the independent audit required by~~
19 ~~subsection (1).~~

20 (2)(3) Within 90 days after receiving an
21 organization's audit or report ~~By February 1 of each year, the~~
22 ~~department shall determine which recipients of revenues from~~
23 ~~specialty license plate annual use fees have not complied with~~
24 ~~subsection (1). If the department determines that an~~
25 ~~organization has not complied with subsection (1) or has~~
26 ~~failed to use the revenues in accordance with ss. 320.08056~~
27 ~~and s-320.08058, the department must may~~ discontinue the
28 distribution of the revenues to the organization until the
29 department determines that the organization has complied is
30 complying with those provisions. If an organization fails to
31 comply within 12 months after the annual use fee proceeds are

1 withheld by the department, the proceeds shall be deposited
2 into the Highway Safety Operating Trust Fund to offset
3 department costs related to the issuance of specialty license
4 plates.

5 (3)(4) The Auditor General and the department have ~~has~~
6 the authority to examine all records pertaining to the use of
7 funds from the sale of specialty license plates.

8 Section 4. This act shall take effect upon becoming a
9 law.

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11 LEGISLATIVE SUMMARY

12 Revises provisions of law governing the issuance of
13 specialty license plates to require scientific sample
14 surveys of registered motor vehicle owners prior to the
15 issuance of such plates, to authorize an increase in the
16 initial application fee by an organization for the
17 issuance of such plates, and to revise provisions
18 relating to the discontinuance of such plates. Revises
19 provisions relating to an annual audit or report. (See
20 bill for details.)
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