

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 320.08053, F.S.; revising language with respect
4 to requirements for requests to establish
5 specialty license plates; amending s.
6 320.08056, F.S.; revising language with respect
7 to specialty license plates to provide criteria
8 for the discontinuance of the issuance of an
9 approved plate; amending s. 320.08062, F.S.;
10 revising language with respect to an annual
11 required audit or report; revising language
12 with respect to annual use fees of special
13 license plates; creating s. 320.023, F.S.;
14 revising language with respect to requirements
15 for requests to establish voluntary
16 contributions on motor vehicle registration
17 applications; providing criteria for the
18 discontinuance of the issuance of an approved
19 voluntary contribution; requiring an annual
20 audit or report; providing criteria for
21 discontinuing a voluntary contribution;
22 creating s. 322.081, F.S.; revising language
23 with respect to requirements for requests to
24 establish voluntary contributions on driver's
25 license applications; providing criteria for
26 the discontinuance of the issuance of an
27 approved voluntary contribution; requiring an
28 annual audit or report; providing criteria for
29 discontinuing a voluntary contribution;
30 amending s. 320.08056, F.S.; increasing the
31 annual use fee for manatee license plates;

1 amending s. 320.08058, F.S.; revising the
2 permitted use of such fees; amending s. 215.22,
3 F.S.; exempting the Save the Manatee Trust Fund
4 from certain required contributions to the
5 General Revenue Fund; providing an effective
6 date.

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

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

12 320.08053 Requirements for requests to establish
13 specialty license plates.--

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

18 (a) A request for the particular specialty license
19 plate being sought, describing the proposed specialty license
20 plate in general terms.

21 (b) The results of a scientific sample survey of
22 Florida motor vehicle owners that indicates at least 15,000
23 motor vehicle owners intend to purchase the proposed specialty
24 license plate at the increased cost. The sample survey of
25 registered motor vehicle owners must be performed
26 independently of the requesting organization by an
27 organization that conducts similar sample surveys as a normal
28 course of business. Prior to conducting a sample survey for
29 the purposes of this section, a requesting organization must
30 obtain a determination from the department that the
31 organization selected to conduct the survey performs similar

1 surveys as a normal course of business and is independent of
2 the requesting organization. ~~A petition, on a form approved by~~
3 ~~the department, signed by 10,000 or more residents who state~~
4 ~~their intent to purchase the requested specialty license~~
5 ~~plate.~~

6 (c) An application fee, not to exceed ~~\$60,000~~ \$30,000,
7 to defray the department's cost for reviewing the application
8 and developing the specialty license plate, if authorized.
9 State funds may not be used to pay the application fee, except
10 for collegiate specialty license plates authorized in s.
11 320.08058(3) and (13). The speciality license plate
12 application provisions of this act shall not apply to any
13 organization which has requested and received the required
14 forms for obtaining a specialty license plate authorization
15 from the Department of Highway Safety and Motor Vehicles, has
16 opened a bank account for the funds collected for the
17 specialty license tag and has made deposits to such an
18 account, and has obtained signatures toward completing the
19 requirements for the specialty license tag. All applications
20 requested on or after the effective date of this act must meet
21 the requirements of this act.

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

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

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, or from another state agency,
7 may annually report, under penalties of perjury, that such
8 proceeds were used in compliance with ss. 320.08056 and
9 320.08058. The attestation shall be made annually in a form
10 and format determined by the 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. Section 320.023, Florida Statutes, is
9 created to read:

10 320.023 Requests to establish voluntary check off on
11 motor vehicle registration application.--

12 (1) An organization that seeks authorization to
13 establish a voluntary contribution on a motor vehicle
14 registration application must submit to the department:

15 (a) A request for the particular voluntary
16 contribution being sought, describing the proposed voluntary
17 contribution in general terms.

18 (b) An application fee, not to exceed \$10,000 to
19 defray the department's cost for reviewing the application and
20 developing the voluntary contribution checkoff, if authorized.
21 State funds may not be used to pay the application fee.

22 (c) A marketing strategy outlining short-term and
23 long-term marketing plans for the requested voluntary
24 contribution and a financial analysis outlining the
25 anticipated revenues and the planned expenditures of the
26 revenues to be derived from the voluntary contribution.

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

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1 (2) If the voluntary contribution is not approved by
2 the Legislature, the application fee must be refunded to the
3 requesting organization.

4 (3) The department must include any voluntary
5 contributions approved by the Legislature on the motor vehicle
6 application form when the form is reprinted by the agency.

7 (4)(a) The department must discontinue the voluntary
8 contribution if:

9 1. Less than \$25,000 has been contributed by the end
10 of the 5th year.

11 2. Less than \$25,000 is contributed during any
12 subsequent 5-year period.

13 (b) The department is authorized to discontinue the
14 voluntary contribution and distribution of associated proceeds
15 if the organization no longer exists, if the organization has
16 stopped providing services that are authorized to be funded
17 from the voluntary contributions, or pursuant to an
18 organizational recipient's request.

19 (5) A voluntary contribution collected and distributed
20 under this chapter, or any interest earned from those
21 contributions, may not be used for commercial or for-profit
22 activities nor for general or administrative expenses, except
23 as authorized by law, or to pay the cost of the audit or
24 report required by law.

25 (a) All organizations that receive annual use fee
26 proceeds from the department are responsible for ensuring that
27 proceeds are used in accordance with law.

28 (b) All organizational recipients of any voluntary
29 contributions in excess of \$15,000, not otherwise subject to
30 annual audit by the Office of the Auditor General, shall
31 submit an annual audit of the expenditures of these

1 contributions and interest earned from these contributions, to
2 determine if expenditures are being made in accordance with
3 the specifications outlined by law. The audit shall be
4 prepared by a certified public accountant licensed under
5 chapter 473 at that organizational recipient's expense. The
6 notes to the financial statements should state whether
7 expenditures were made in accordance with law. Such audits
8 must be delivered to the department no later than December 31
9 of the calendar year in which the audit was performed.

10 (c) In lieu of an annual audit, any organization
11 receiving less than \$15,000 in voluntary contributions
12 directly from the department may annually report, under
13 penalties of perjury, that such proceeds were used in
14 compliance with law. The attestation shall be made annually in
15 a form and format determined by the department.

16 (d) Any voluntary contributions authorized by law
17 shall only be distributed to an organization under an
18 appropriation by the Legislature.

19 (6) By February 1 each year, the department shall
20 determine which recipients have not complied with subsection
21 (5). If the department determines that an organization has
22 not complied or has failed to use the revenues in accordance
23 with law the department must discontinue the distribution of
24 the revenues to the organization until the department
25 determines that the organization has complied. If an
26 organization fails to comply within 12 months after the
27 voluntary contributions are withheld by the department, the
28 proceeds shall be deposited into the Highway Safety Operating
29 Trust Fund to offset department costs.

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1 (7) The Auditor General and the department have the
2 authority to examine all records pertaining to the use of
3 funds from the voluntary contributions authorized.

4 Section 5. Section 322.081, Florida Statutes, is
5 created to read:

6 322.081 Requests to establish voluntary check off on
7 driver's license application.--

8 (1) An organization that seeks authorization to
9 establish a voluntary contribution on a driver's license
10 application must submit to the department:

11 (a) A request for the particular voluntary
12 contribution being sought, describing the proposed voluntary
13 contribution in general terms.

14 (b) An application fee, not to exceed \$10,000 to
15 defray the department's cost for reviewing the application and
16 developing the voluntary contribution checkoff, if authorized.
17 State funds may not be used to pay the application fee.

18 (c) A marketing strategy outlining short-term and
19 long-term marketing plans for the requested voluntary
20 contribution and a financial analysis outlining the
21 anticipated revenues and the planned expenditures of the
22 revenues to be derived from the voluntary contribution.

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

27 (2) If the voluntary contribution is not approved by
28 the Legislature, the application fee must be refunded to the
29 requesting organization.

30 (3) The department must include any voluntary
31 contributions approved by the Legislature on the driver's

1 license application form when the form is reprinted by the
2 agency.

3 (4)(a) The department must discontinue the voluntary
4 contribution if:

5 1. Less than \$25,000 has been contributed by the end
6 of the 5th year.

7 2. Less than \$25,000 is contributed during any
8 subsequent 5-year period.

9 (b) The department is authorized to discontinue the
10 voluntary contribution and distribution of associated proceeds
11 if the organization no longer exists, if the organization has
12 stopped providing services that are authorized to be funded
13 from the voluntary contributions, or pursuant to an
14 organizational recipient's request.

15 (5) A voluntary contribution collected and distributed
16 under this chapter, or any interest earned from those
17 contributions, may not be used for commercial or for-profit
18 activities nor for general or administrative expenses, except
19 as authorized by law, or to pay the cost of the audit or
20 report required by law.

21 (a) All organizations that receive annual use fee
22 proceeds from the department are responsible for ensuring that
23 proceeds are used in accordance with law.

24 (b) All organizational recipients of any voluntary
25 contributions in excess of \$15,000, not otherwise subject to
26 annual audit by the Office of the Auditor General, shall
27 submit an annual audit of the expenditures of these
28 contributions and interest earned from these contributions, to
29 determine if expenditures are being made in accordance with
30 the specifications outlined by law. The audit shall be
31 prepared by a certified public accountant licensed under

1 chapter 473 at that organizational recipient's expense. The
2 notes to the financial statements should state whether
3 expenditures were made in accordance with law. Such audits
4 must be delivered to the department no later than December 31
5 of the calendar year in which the audit was performed.

6 (c) In lieu of an annual audit, any organization
7 receiving less than \$15,000 in voluntary contributions
8 directly from the department may annually report, under
9 penalties of perjury, that such proceeds were used in
10 compliance with law. The attestation shall be made annually in
11 a form and format determined by the department.

12 (d) Any voluntary contributions authorized by law
13 shall only be distributed to an organization under an
14 appropriation by the Legislature.

15 (6) By February 1 each year, the department shall
16 determine which recipients have not complied with subsection
17 (5). If the department determines that an organization has
18 not complied or has failed to use the revenues in accordance
19 with law the department must discontinue the distribution of
20 the revenues to the organization until the department
21 determines that the organization has complied. If an
22 organization fails to comply within 12 months after the
23 voluntary contributions are withheld by the department, the
24 proceeds shall be deposited into the Highway Safety Operating
25 Trust Fund to offset department costs.

26 (7) The Auditor General and the department have the
27 authority to examine all records pertaining to the use of
28 funds from the voluntary contributions authorized.

29 Section 6. Effective July 1, 1999, paragraph (a) of
30 subsection (4) of section 320.08056, Florida Statutes, is
31 amended to read:

1 320.08056 Specialty license plates.--

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

4 (a) Manatee license plate, ~~\$20~~\$15.

5 Section 7. Effective July 1, 1999, paragraph (b) of
6 subsection (1) of section 320.08058, Florida Statutes, is
7 amended to read:

8 320.08058 Specialty license plates.--

9 (1) MANATEE LICENSE PLATES.--

10 (b)~~1~~. The manatee license plate annual use fee must be
11 deposited into the Save the Manatee Trust Fund, created within
12 the Department of Environmental Protection. The funds
13 deposited in the Save the Manatee Trust Fund may be used only
14 for manatee-related environmental education; manatee research;
15 facilities, as provided in s. 370.12(5)(b); and manatee
16 protection and recovery.

17 ~~2. For fiscal year 1996-1997, 25 percent of the~~
18 ~~manatee license plate annual use fee must be deposited into~~
19 ~~the Save the Manatee Trust Fund within the Department of~~
20 ~~Environmental Protection and shall be used for manatee~~
21 ~~facilities as provided in s. 370.12(5)(b).~~

22 Section 8. Effective July 1, 1999, paragraph (t) is
23 added to subsection (1) of section 215.22, Florida Statutes,
24 to read:

25 215.22 Certain income and certain trust funds
26 exempt.--

27 (1) The following income of a revenue nature or the
28 following trust funds shall be exempt from the deduction
29 required by s. 215.20(1):

30 (t) The Save the Manatee Trust Fund.

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1 Section 9. This act shall take effect upon becoming a
2 law.

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