

HB 1049

2004

1 A bill to be entitled

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

HB 1049

2004

30 Inc., to study the possibility of using direct-to-customer
 31 distribution; requiring an analysis of the impact of
 32 certain technologies; requiring the department to report
 33 its findings to the Legislature; providing an effective
 34 date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Section 320.08053, Florida Statutes, is amended
 39 to read:

40 320.08053 Requirements for requests to establish specialty
 41 license plates.--

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

45 (a) Submit a written request to the department for the
 46 particular specialty license plate being sought, describing the
 47 proposed specialty license plate in specific general terms,
 48 including a sample plate as it will appear in final form and
 49 conforming to the specifications set by the department and this
 50 chapter.

51 (b) Presell 15,000 specialty license plates within 1 year
 52 after submission of the request as a condition for seeking
 53 legislative authorization of the specialty license plate. The
 54 annual use fee for the proposed specialty license plate shall be
 55 collected in any of the local tax collectors' offices. Either
 56 the specialty license plate requesting organization or the
 57 prospective license plate purchaser may prepay the annual use
 58 fee. ~~The results of a scientific sample survey of Florida motor~~

HB 1049

2004

59 ~~vehicle owners that indicates at least 15,000 motor vehicle~~
 60 ~~owners intend to purchase the proposed specialty license plate~~
 61 ~~at the increased cost. The sample survey of registered motor~~
 62 ~~vehicle owners must be performed independently of the requesting~~
 63 ~~organization by an organization that conducts similar sample~~
 64 ~~surveys as a normal course of business. Prior to conducting a~~
 65 ~~sample survey for the purposes of this section, a requesting~~
 66 ~~organization must obtain a determination from the department~~
 67 ~~that the organization selected to conduct the survey performs~~
 68 ~~similar surveys as a normal course of business and is~~
 69 ~~independent of the requesting organization.~~

70 ~~(c) An application fee, not to exceed \$60,000, to defray~~
 71 ~~the department's cost for reviewing the application and~~
 72 ~~developing the specialty license plate, if authorized. State~~
 73 ~~funds may not be used to pay the application fee, except for~~
 74 ~~collegiate specialty license plates authorized in s.~~
 75 ~~320.08058(3) and (13). The specialty license plate application~~
 76 ~~provisions of this act shall not apply to any organization which~~
 77 ~~has requested and received the required forms for obtaining a~~
 78 ~~specialty license plate authorization from the Department of~~
 79 ~~Highway Safety and Motor Vehicles, has opened a bank account for~~
 80 ~~the funds collected for the specialty license tag and has made~~
 81 ~~deposits to such an account, and has obtained signatures toward~~
 82 ~~completing the requirements for the specialty license tag. All~~
 83 ~~applications requested on or after the effective date of this~~
 84 ~~act must meet the requirements of this act.~~

85 ~~(c)(d)~~ Submit a marketing strategy to the department
 86 outlining short-term and long-term marketing plans for the
 87 requested specialty license plate and a financial analysis

HB 1049

2004

88 outlining the anticipated revenues and the planned expenditures
 89 of the revenues to be derived from the sale of the requested
 90 specialty license plates.

91
 92 If, at least 90 days before the convening of the next regular
 93 session of the Legislature, 15,000 specialty license plates are
 94 presold and all other prequalification requirements are met, the
 95 department shall notify the organization that it is eligible to
 96 seek legislative authorization of the specialty license plate.
 97 ~~The information required under this subsection must be submitted~~
 98 ~~to the department at least 90 days before the convening of the~~
 99 ~~next regular session of the Legislature.~~

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

104 (3)~~(2)~~ If the specialty license plate requested by the
 105 organization is approved by law, the organization must submit
 106 the proposed art design for the specialty license plate to the
 107 department, in a form prescribed by the department, as soon as
 108 practicable, but no later than 60 days after the act approving
 109 the specialty license plate becomes a law. If the specialty
 110 license plate requested by the organization is not approved by
 111 the Legislature, the presale amounts ~~application fee~~ shall be
 112 credited toward the future registration of the registered motor
 113 vehicle owner who prepaid the annual use fee for the requested
 114 specialty license plate. If the registered motor vehicle owner
 115 does not conduct a future registration transaction within 1 year
 116 following the expiration of that owner's prior registration, the

HB 1049

2004

117 annual use fee shall be refunded by the department to the
 118 requesting organization or the prospective purchaser who
 119 submitted the presale payment.

120 (4) The department shall adopt rules providing viewpoint-
 121 neutral specifications for the design of specialty license
 122 plates that promote or enhance the readability of all specialty
 123 license plates and that discourage counterfeiting. The rules
 124 shall provide uniform specifications requiring inclusion of the
 125 word "Florida" in the same place on each specialty license
 126 plate, in such a size and location that it is clearly
 127 identifiable on each specialty license plate when mounted on a
 128 vehicle, and shall provide specifications for the size and
 129 location of any words or logos appearing on specialty license
 130 plates.

131 Section 2. Subsections (6), (7), and (8) of section
 132 320.08056, Florida Statutes, are amended to read:

133 320.08056 Specialty license plates.--

134 (6) Specialty license plates must bear the design required
 135 by law for the appropriate specialty license plate, and the
 136 designs and colors must conform to the department's design
 137 specifications ~~be approved by the department.~~ In addition to a
 138 design, the specialty license plates may bear the imprint of
 139 numerals from 1 to 999, inclusive, capital letters "A" through
 140 "Z," or a combination thereof. The department shall determine
 141 the maximum number of characters, including both numerals and
 142 letters. All specialty license plates must be otherwise of the
 143 same material and size as standard license plates issued for any
 144 registration period. ~~In small letters, the word "Florida" must~~
 145 ~~appear at either the bottom or top of the plate, depending upon~~

HB 1049

2004

146 ~~the design. In addition,~~ A specialty license plate may bear an
 147 appropriate slogan, emblem, or logo in a size and placement that
 148 conform to the department's design specifications.

149 (7) The department shall annually retain from the first
 150 proceeds derived from the annual use fees collected an amount
 151 sufficient to defray each specialty plate's pro rata share of
 152 the department's costs directly related to issuing the specialty
 153 plate. Such costs shall include distribution costs, direct costs
 154 to the department, costs associated with reviewing each
 155 organization's compliance with audit and attestation
 156 requirements of s. 320.08062, and any applicable increased costs
 157 of manufacturing the specialty license plate. Any cost increase
 158 to the department related to actual cost of the plate, including
 159 a reasonable vendor profit, shall be verified by the Department
 160 of Management Services. The balance of the proceeds from the
 161 annual use fees collected for that specialty license plate shall
 162 be distributed as provided by law.

163 (8)(a) The department shall issue a discontinuation
 164 warning for a must discontinue the issuance of an approved
 165 specialty license plate if, after 2 years of sales, the number
 166 of valid plates for that particular specialty license plate is
 167 less than 8,000. If the number of valid plates is less than
 168 8,000 12 months after the date on the discontinuation warning,
 169 the department shall discontinue the issuance of that specialty
 170 license plate.÷

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

HB 1049

2004

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

177 (b) The department is authorized to discontinue the
 178 issuance of a specialty license plate and distribution of
 179 associated annual use fee proceeds if the organization no longer
 180 exists, if the organization has stopped providing services that
 181 are authorized to be funded from the annual use fee proceeds, or
 182 pursuant to an organizational recipient's request. Organizations
 183 are required to notify the department immediately to stop all
 184 warrants for plate sales if any of the conditions in this
 185 section exist, and must meet the requirements of s. 320.08062
 186 for any period of operation during a fiscal year.

187 (c) The requirements of paragraph (a) shall not apply to
 188 collegiate specialty license plates authorized in s.
 189 320.08058(3), (13), (21), and (26).

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

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

194 (1)(a) All organizations and state agencies that receive
 195 annual use fee proceeds from the department are responsible for
 196 ensuring that proceeds are used in accordance with ss. 320.08056
 197 and 320.08058 and shall annually attest, under penalties of
 198 perjury, that such proceeds were used in compliance with such
 199 sections. The attestation shall be made annually in a form and
 200 format determined by the department, which shall include, at a
 201 minimum, identification of all revenue received by the agency or

HB 1049

2004

202 organization from sales of the specialty license plate and a
 203 categorical list of expenditures.

204 ~~(b) Any organization not subject to audit pursuant to s.~~
 205 ~~215.97 shall annually attest, under penalties of perjury, that~~
 206 ~~such proceeds were used in compliance with ss. 320.08056 and~~
 207 ~~320.08058. The attestation shall be made annually in a form and~~
 208 ~~format determined by the department.~~

209 (b)(e) Any organization subject to audit pursuant to s.
 210 215.97 shall submit an audit report in accordance with rules
 211 promulgated by the Auditor General in addition to the
 212 attestation required under paragraph (a). The annual attestation
 213 shall be submitted to the department for review within 9 months
 214 after the end of the organization's fiscal year.

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

217 320.20 Disposition of license tax moneys.--The revenue
 218 derived from the registration of motor vehicles, including any
 219 delinquent fees and excluding those revenues collected and
 220 distributed under the provisions of s. 320.081, must be
 221 distributed monthly, as collected, as follows:

222 (1)(a) The first proceeds, to the extent necessary to
 223 comply with the provisions of s. 18, Art. XII of the State
 224 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968
 225 revised constitution, and the additional provisions of s. 9(d)
 226 and s. 1010.57, must be deposited in the district Capital Outlay
 227 and Debt Service School Trust Fund.

228 (b) After the first proceeds are deposited pursuant to
 229 paragraph (a), \$1 of the license tax payment for each
 230 registration or renewal of registration provided for in s.

HB 1049

2004

231 320.08 shall be deposited into the Highway Safety Operating
 232 Trust Fund and shall be used to support state law enforcement
 233 officer recruitment and retention salary programs.

234 Section 5. The Department of Highway Safety and Motor
 235 Vehicles shall, in cooperation with representatives of the local
 236 tax collectors and with Prison Rehabilitative Industries and
 237 Diversified Enterprises, Inc., at Union Correctional Facility,
 238 study the operational and economic feasibility of direct-to-
 239 customer delivery of specialty license plates. The study shall
 240 include, but not be limited to, an analysis of the potential
 241 operational and economic impact of various manufacturing,
 242 inventory control, and product distribution technologies on the
 243 specialty license plate program. The department shall report its
 244 findings to the President of the Senate and the Speaker of the
 245 House of Representatives no later than December 31, 2004.

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