

CHAMBER ACTION

1 The Committee on Finance & Tax recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to specialty license plates; amending s.
7 320.08053, F.S.; revising requirements for establishing a
8 specialty license plate; requiring submission of a sample
9 plate; revising sample survey requirements; defining
10 "scientific sample survey"; requiring the Department of
11 Highway Safety and Motor Vehicles to adopt rules for
12 design specifications; amending s. 320.08056, F.S.;
13 revising requirements for the design of specialty license
14 plates; revising provisions for the department to retain
15 certain proceeds to defray costs; revising conditions and
16 procedures for the discontinuation of specialty license
17 plates; amending s. 320.08062, F.S.; revising provisions
18 for audits and attestations required of entities receiving
19 specialty license plate annual use fees; requiring all
20 organizations and state agencies receiving annual use fee
21 proceeds to make annual attestations; providing for form
22 and content of attestations; requiring the department, in
23 cooperation with local tax collectors and Prison

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24 Rehabilitative Industries and Diversified Enterprises,
25 Inc., to study the possibility of using direct-to-customer
26 distribution; requiring an analysis of the impact of
27 certain technologies; requiring the department to report
28 its findings to the Legislature; providing an effective
29 date.

30
31 Be It Enacted by the Legislature of the State of Florida:

32
33 Section 1. Section 320.08053, Florida Statutes, is amended
34 to read:

35 320.08053 Requirements for requests to establish specialty
36 license plates.--

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

40 (a) A request for the particular specialty license plate
41 being sought, describing the proposed specialty license plate in
42 specific ~~general~~ terms, including a sample plate that conforms
43 to the specifications set by the department and this chapter and
44 that is in substantially final form.

45 (b) The results of a scientific sample survey of Florida
46 motor vehicle owners that indicates at least 30,000 ~~15,000~~ motor
47 vehicle owners intend to purchase the proposed specialty license
48 plate at the increased cost. As used in this paragraph, the term
49 "scientific sample survey" means information that is gathered
50 from a representative subset of the population as a whole. The
51 sample survey of registered motor vehicle owners must be

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52 performed independently of the requesting organization by an
53 organization that conducts similar sample surveys as a normal
54 course of business. Prior to conducting a sample survey for the
55 purposes of this section, a requesting organization must obtain
56 a determination from the department that the organization
57 selected to conduct the survey performs similar surveys as a
58 normal course of business and is independent of the requesting
59 organization. The methodology, results, and any evaluation by
60 the department of the scientific sample survey shall be
61 validated by the Auditor General as a condition precedent to
62 submission of the specialty license plate for approval by the
63 Legislature.

64 (c) An application fee, not to exceed \$60,000, to defray
65 the department's cost for reviewing the application and
66 developing the specialty license plate, if authorized. State
67 funds may not be used to pay the application fee, except for
68 collegiate specialty license plates authorized in s.
69 320.08058(3) and (13). The specialty license plate application
70 provisions of this act shall not apply to any organization which
71 has requested and received the required forms for obtaining a
72 specialty license plate authorization from the Department of
73 Highway Safety and Motor Vehicles, has opened a bank account for
74 the funds collected for the specialty license tag and has made
75 deposits to such an account, and has obtained signatures toward
76 completing the requirements for the specialty license tag. All
77 applications requested on or after the effective date of this
78 act must meet the requirements of this act.

79 (d) A marketing strategy outlining short-term and long-
 80 term marketing plans for the requested specialty license plate
 81 and a financial analysis outlining the anticipated revenues and
 82 the planned expenditures of the revenues to be derived from the
 83 sale of the requested specialty license plates.

84
 85 The information required under this subsection must be submitted
 86 to the department at least 90 days before the convening of the
 87 next regular session of the Legislature.

88 (2) If the specialty license plate requested by the
 89 organization is approved by law, the organization must submit
 90 the proposed art design for the specialty license plate to the
 91 department, in a medium prescribed by the department, as soon as
 92 practicable, but no later than 60 days after the act approving
 93 the specialty license plate becomes a law. If the specialty
 94 license plate requested by the organization is not approved by
 95 the Legislature, the application fee shall be refunded to the
 96 requesting organization.

97 (3) The department shall adopt rules providing viewpoint-
 98 neutral specifications for the design of specialty license
 99 plates that promote or enhance the readability of all specialty
 100 license plates and that discourage counterfeiting. The rules
 101 shall provide uniform specifications requiring inclusion of the
 102 word "Florida" in the same location on each specialty license
 103 plate, in such a size and location that is clearly identifiable
 104 on the specialty license plate when mounted on a vehicle, and
 105 shall provide specifications for the size and location of any
 106 words or logos appearing on a specialty license plate.

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107 Section 2. Subsections (6), (7), and (8) of section
108 320.08056, Florida Statutes, are amended to read:

109 320.08056 Specialty license plates.--

110 (6) Specialty license plates must bear the design required
111 by law for the appropriate specialty license plate, and the
112 designs and colors must conform to the department's design
113 specifications ~~be approved by the department~~. In addition to a
114 design, the specialty license plates may bear the imprint of
115 numerals from 1 to 999, inclusive, capital letters "A" through
116 "Z," or a combination thereof. The department shall determine
117 the maximum number of characters, including both numerals and
118 letters. All specialty license plates must be otherwise of the
119 same material and size as standard license plates issued for any
120 registration period. ~~In small letters, the word "Florida" must~~
121 ~~appear at either the bottom or top of the plate, depending upon~~
122 ~~the design. In addition,~~ A specialty license plate may bear an
123 appropriate slogan, emblem, or logo in a size and placement that
124 conforms to the department's design specifications.

125 (7) The department shall annually retain from the first
126 proceeds derived from the annual use fees collected an amount
127 sufficient to defray each specialty plate's pro rata share of
128 the department's costs directly related to ~~issuing~~ the specialty
129 license plate program. Such costs shall include inventory costs,
130 distribution costs, direct costs to the department, costs
131 associated with reviewing each organization's compliance with
132 the audit and attestation requirements of s. 320.08062, and any
133 applicable increased costs of manufacturing the specialty
134 license plate. Any cost increase to the department related to

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135 actual cost of the plate, including a reasonable vendor profit,
 136 shall be verified by the Department of Management Services. The
 137 balance of the proceeds from the annual use fees collected for
 138 that specialty license plate shall be distributed as provided by
 139 law.

140 (8)(a) The department must discontinue the issuance of an
 141 approved specialty license plate if the number of valid
 142 specialty plate registrations falls below 2,000 for at least 12
 143 consecutive months. A warning letter shall be mailed to the
 144 sponsoring organization following the first month in which the
 145 total number of valid specialty plate registrations is below
 146 2,000.÷

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

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

153 (b) The department is authorized to discontinue the
 154 issuance of a specialty license plate and distribution of
 155 associated annual use fee proceeds if the organization no longer
 156 exists, if the organization has stopped providing services that
 157 are authorized to be funded from the annual use fee proceeds, or
 158 pursuant to an organizational recipient's request. Organizations
 159 are required to notify the department immediately to stop all
 160 warrants for plate sales if any of the conditions in this
 161 section exist, and must meet the requirements of s. 320.08062
 162 for any period of operation during a fiscal year.

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163 (c) The requirements of paragraph (a) shall not apply to
 164 collegiate specialty license plates authorized in s.
 165 320.08058(3), (13), (21), and (26).

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

168 320.08062 Audits and attestations required; annual use
 169 fees of specialty license plates.--

170 (1)(a) All organizations and state agencies that receive
 171 annual use fee proceeds from the department are responsible for
 172 ensuring that proceeds are used in accordance with ss. 320.08056
 173 and 320.08058 and shall annually attest, under penalties of
 174 perjury, that such proceeds were used in compliance with ss.
 175 320.08056 and 320.08058. The attestation shall be made annually
 176 in a form and format determined by the department and must
 177 include, at a minimum, identification of all revenue received by
 178 the organization or agency from sales of the specialty license
 179 plate and a categorical list of expenditures.

180 ~~(b) Any organization not subject to audit pursuant to s.~~
 181 ~~215.97 shall annually attest, under penalties of perjury, that~~
 182 ~~such proceeds were used in compliance with ss. 320.08056 and~~
 183 ~~320.08058. The attestation shall be made annually in a form and~~
 184 ~~format determined by the department.~~

185 (b)(e) Any organization subject to audit pursuant to s.
 186 215.97 shall submit an audit report in accordance with rules
 187 promulgated by the Auditor General in addition to the
 188 attestation required under paragraph (a). The annual attestation
 189 shall be submitted to the department for review within 9 months
 190 after the end of the organization's fiscal year.

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191 Section 4. The Department of Highway Safety and Motor
192 Vehicles shall, in cooperation with representatives of the local
193 tax collectors and with Prison Rehabilitative Industries and
194 Diversified Enterprises, Inc., at Union Correctional Facility,
195 study the operational and economic feasibility of direct-to-
196 customer delivery of specialty license plates. The study shall
197 include, but not be limited to, an analysis of the potential
198 operational and economic impact of various manufacturing,
199 inventory control, and product distribution technologies on the
200 specialty license plate program. The department shall report its
201 findings to the President of the Senate and the Speaker of the
202 House of Representatives no later than December 31, 2004.

203 Section 5. This act shall take effect July 1, 2004.