

By Senator Campbell

32-1238A-04

1 A bill to be entitled
2 An act relating to the specialty license plate
3 program; amending s. 320.08053, F.S.; revising
4 requirements for establishing a specialty
5 license plate; requiring the submission of a
6 sample plate; requiring a financial analysis of
7 anticipated revenues and expenditures;
8 requiring the submission of prepaid
9 applications; providing for the retention by
10 the Department of Highway Safety and Motor
11 Vehicles of amounts sufficient to offset
12 application and development costs; providing
13 for the refund of annual use fees if a
14 specialty license plate is not authorized or
15 enacted; requiring the department to adopt
16 rules, including rules specifying
17 viewpoint-neutral design specifications for
18 specialty license plates; amending s.
19 320.08056, F.S.; revising requirements for
20 issuing specialty license plates; revising
21 design requirements for such plates; revising
22 the retention and distribution requirements for
23 annual use fees; revising conditions and
24 procedures for the discontinuation of specialty
25 license plates; amending s. 320.08062, F.S.;
26 revising provisions for audits and attestations
27 required of entities receiving annual use fees
28 from specialty license plates; requiring the
29 department, in cooperation with local tax
30 collectors and PRIDE, to study the possibility
31 of using direct-to-customer distribution;

1 requiring the department to report the results
2 to the Legislature by a specified date;
3 providing an effective date.

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

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7 Section 1. Section 320.08053, Florida Statutes, is
8 amended to read:

9 320.08053 Requirements for requests to establish
10 specialty license plates.--

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

14 (a) Submit to the department a written request for the
15 particular specialty license plate being sought, describing
16 the proposed specialty license plate in specific general
17 terms, including a sample plate as it will appear in final
18 form, which must conform to the specifications set by the
19 department and this chapter.

20 (b) Presell 15,000 specialty license plates within 1
21 year as a condition for seeking legislative authorization of
22 the specialty license plate. The annual use fee for the
23 proposed specialty license plate shall be collected in any of
24 the local tax collectors' offices. Either the organization
25 applying for the specialty license plate or the prospective
26 purchaser of the license plate may prepay the annual use fee.
27 ~~The results of a scientific sample survey of Florida motor~~
28 ~~vehicle owners that indicates at least 15,000 motor vehicle~~
29 ~~owners intend to purchase the proposed specialty license plate~~
30 ~~at the increased cost. The sample survey of registered motor~~
31 ~~vehicle owners must be performed independently of the~~

1 ~~requesting organization by an organization that conducts~~
2 ~~similar sample surveys as a normal course of business. Prior~~
3 ~~to conducting a sample survey for the purposes of this~~
4 ~~section, a requesting organization must obtain a determination~~
5 ~~from the department that the organization selected to conduct~~
6 ~~the survey performs similar surveys as a normal course of~~
7 ~~business and is independent of the requesting organization.~~

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

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

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1 If, at least 90 days before the convening of the next regular
2 session of the Legislature, at least 15,000 specialty license
3 plates have been presold, and all other prequalification
4 requirements have been met, the department shall notify the
5 organization that it is eligible to seek legislative
6 authorization of the specialty license plate.

7 (2) After 15,000 specialty license plates have been
8 presold, the department may retain up to \$60,000 of the
9 presales amounts collected to defray the department's cost for
10 reviewing the application and developing the specialty license
11 plate.

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13 ~~The information required under this subsection must be~~
14 ~~submitted to the department at least 90 days before the~~
15 ~~convening of the next regular session of the Legislature.~~

16 (3)(2) If the specialty license plate requested by the
17 organization is approved by law, the organization must submit
18 the proposed art design for the specialty license plate to the
19 department, in a form prescribed by the department, as soon as
20 practicable, but no later than 60 days after the act approving
21 the specialty license plate becomes a law. If the specialty
22 license plate requested by the organization is not approved by
23 the Legislature, the presales amount ~~application fee~~ shall be
24 credited toward the future registration of the registered
25 motor vehicle owner who paid the annual use fee for the
26 requested specialty license plate ~~refunded to the requesting~~
27 organization. If the registered motor vehicle owner does not
28 conduct a future registration transaction within 1 year after
29 the expiration of that owner's previous registration, the
30 annual use fee must be refunded by the department to the
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1 applicant organization or to the prospective purchaser who
2 submitted the presales payment.

3 (4) The department shall adopt, under chapter 120,
4 rules that provide viewpoint-neutral specifications for the
5 design of specialty license plates, that promote or enhance
6 the readability of all specialty license plates, and that
7 discourage counterfeiting. The rules must provide uniform
8 specifications, must require the inclusion of the word
9 "Florida" in the same place on each specialty license plate
10 and in such a size and location that it is clearly
11 identifiable on each specialty license plate when the plate is
12 mounted on a vehicle, and must provide specifications for the
13 size and location of any words or logos appearing on specialty
14 license plates.

15 Section 2. Subsections (6), (7), and (8) of section
16 320.08056, Florida Statutes, are amended to read:

17 320.08056 Specialty license plates.--

18 (6) Specialty license plates must bear the design
19 required by law for the appropriate specialty license plate,
20 and the designs and colors must conform to the department's
21 design specifications ~~be approved by the department.~~ In
22 addition to a design, the specialty license plates may bear
23 the imprint of numerals from 1 to 999, inclusive, capital
24 letters "A" through "Z," or a combination thereof. The
25 department shall determine the maximum number of characters,
26 including both numerals and letters. All specialty license
27 plates must be otherwise of the same material and size as
28 standard license plates issued for any registration period.
29 ~~In small letters, the word "Florida" must appear at either the~~
30 ~~bottom or top of the plate, depending upon the design. In~~
31 ~~addition,~~A specialty license plate may bear an appropriate

1 slogan, emblem, or logo in a size and placement that conforms
2 to the department's design specifications.

3 (7) The department shall annually retain from the
4 first proceeds derived from the annual use fees collected an
5 amount sufficient to defray each specialty plate's pro rata
6 share of the department's costs directly related to issuing
7 the specialty plate. Such costs shall include distribution
8 costs, direct costs to the department, costs associated with
9 reviewing each organization's compliance with the audit and
10 attestation requirements of s. 320.08062, and any applicable
11 increased costs of manufacturing the specialty license plate.
12 Any cost increase to the department related to actual cost of
13 the plate, including a reasonable vendor profit, shall be
14 verified by the Department of Management Services. Thereafter,
15 10 percent of the proceeds from the annual use fees collected
16 for each specialty license plate enacted after October 1,
17 2004, shall be deposited into the Highway Safety Operating
18 Trust Fund and shall be used to support the department's
19 Florida Highway Patrol Recruitment and Retention Salary
20 Program.The balance of the proceeds from the annual use fees
21 collected for that specialty license plate shall be
22 distributed as provided by law.

23 (8)(a) The department shall issue a discontinuation
24 warning for a ~~must discontinue the issuance of an approved~~
25 specialty license plate if, 2 years after the date of
26 enactment, the number of valid plates for that specialty
27 license plate is fewer than 8,000. If the number of valid
28 plates is fewer than 8,000 12 months after the date of the
29 discontinuation warning, the department shall discontinue
30 issuing that specialty license plate.†

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1 1. ~~Less than 8,000 plates, including annual renewals,~~
2 ~~are issued for that specialty license plate by the end of the~~
3 ~~5th year of sales.~~

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

7 (b) The department may ~~is authorized~~ to discontinue
8 the issuance of a specialty license plate and distribution of
9 associated annual use fee proceeds if the organization no
10 longer exists, if the organization has stopped providing
11 services that are authorized to be funded from the annual use
12 fee proceeds, or pursuant to an organizational recipient's
13 request. Organizations shall ~~are required to~~ notify the
14 department immediately to stop all warrants for plate sales if
15 any of the conditions in this section exist, and must meet the
16 requirements of s. 320.08062 for any period of operation
17 during a fiscal year.

18 (c) ~~The requirements of~~ Paragraph (a) does ~~shall~~ not
19 apply to collegiate specialty license plates authorized in s.
20 320.08058(3), (13), (21), and (26).

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

23 320.08062 Audits and attestations required; annual use
24 fees of specialty license plates.--

25 (1)(a) All organizations and state agencies that
26 receive annual use fee proceeds from the department are
27 responsible for ensuring that the proceeds are used in
28 accordance with ss. 320.08056 and 320.08058, and must annually
29 attest, under penalty of perjury that such proceeds were used
30 in compliance with such sections. The attestation must be made
31 annually in a form and format determined by the department,

1 which includes, at a minimum, identification of all revenues
2 received by the organization from the specialty license plate
3 program and a categorical list of expenditures.

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

9 (b)(c) Any organization subject to audit pursuant to
10 s. 215.97 shall submit an audit report in accordance with
11 rules adopted promulgated by the Auditor General, in addition
12 to the attestation made in the form and format required by the
13 department. The annual attestation shall be submitted to the
14 department for review within 9 months after the end of the
15 organization's fiscal year.

16 Section 4. The Department of Highway Safety and Motor
17 Vehicles, in cooperation with representatives of the local tax
18 collectors and with PRIDE at Union Correctional Facility,
19 shall study the operational and economic feasibility of
20 direct-to-customer delivery of specialty license plates and
21 shall report its findings to the Legislature by December 31,
22 2004. The study must include, but need not be limited to, an
23 analysis of the potential operational and economic effect of
24 various manufacturing, inventory control, and product
25 distribution technologies on the specialty license plate
26 program.

27 Section 5. This act shall take effect upon becoming a
28 law.

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SENATE SUMMARY

Revises the requirements for establishing a specialty license plate. Requires the submission of a sample plate. Requires a financial analysis of anticipated revenues and expenditures. Requires the submission of prepaid applications. Provides for the retention by the Department of Highway Safety and Motor Vehicles of amounts sufficient to offset application and development costs. Provides for the refund of annual use fees if a specialty license plate is not authorized or enacted. Requires the department to specify viewpoint-neutral design specifications for specialty license plates. Amends provisions for the issuance of specialty license plates. Revises design requirements for such plates. Revises the retention and distribution requirements for annual use fees. Revises conditions and procedures for the discontinuation of specialty license plates. Revises provisions for audits and attestations required of entities receiving specialty license plate annual use fees. Requires the department, in cooperation with local tax collectors and PRIDE, to study the possibility of using direct-to-customer distribution. Requires the department to report the results to the Legislature by December 31, 2004.