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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/19/2010	.	
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	.	
	.	

The Committee on Transportation and Economic Development
Appropriations (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1439 - 1447
and insert:

offense, as shown by a fingerprint-based criminal
background check, the cost of which must be borne by the
applicant, instructor, agent, or employee;

(3) Committed any fraud or willful misrepresentation in
applying for or obtaining a license; or

(4) Solicited business on any premises, including parking
areas, used by the department or a tax collector for the purpose
of licensing drivers.



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13
14 For purposes of subsection (2), fingerprints shall be submitted
15 by the Department of Highway Safety and Motor Vehicles to the
16 Florida Department of Law Enforcement for state processing, and
17 the Florida Department of Law Enforcement shall forward them to
18 the Federal Bureau of Investigation for national processing. The
19 Department of Highway Safety and Motor Vehicles shall screen the
20 background check results to determine if an applicant,
21 instructor, agency or employee meets licensure or certification
22 requirements.

23 Section 28. Section 45 of chapter 2008-176, Laws of
24 Florida, is amended to read:

25 Section 45. Except for a specialty license plate proposal
26 which has submitted a letter of intent to the Department of
27 Highway Safety and Motor Vehicles prior to May 2, 2008, and
28 which has submitted a valid survey, marketing strategy, and
29 application fee as required by s. 320.08053, Florida Statutes,
30 prior to October 1, 2008 ~~the effective date of this act,~~ or
31 which was included in a bill filed during the 2008 Legislative
32 Session, the Department of Highway Safety and Motor Vehicles may
33 not issue any new specialty license plates pursuant to ss.
34 320.08056 and 320.08058, Florida Statutes, between July 1, 2008,
35 and July 1, 2014 ~~2011~~.

36 Section 29. Section 320.08053, Florida Statutes, is amended
37 to read:

38 320.08053 Requirements for requests to establish specialty
39 license plates.—

40 (1) An organization that seeks authorization to establish a
41 new specialty license plate for which an annual use fee is to be



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42 charged must submit to the department:

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

48 ~~(b) The results of a scientific sample survey of Florida~~
49 ~~motor vehicle owners that indicates at least 30,000 motor~~
50 ~~vehicle owners intend to purchase the proposed specialty license~~
51 ~~plate at the increased cost. As used in this paragraph, the term~~
52 ~~"scientific sample survey" means information that is gathered~~
53 ~~from a representative subset of the population as a whole. The~~
54 ~~sample survey of registered motor vehicle owners must be~~
55 ~~performed independently of the requesting organization by an~~
56 ~~organization that conducts similar sample surveys as a normal~~
57 ~~course of business. Prior to conducting a sample survey for the~~
58 ~~purposes of this section, a requesting organization must obtain~~
59 ~~a determination from the department that the organization~~
60 ~~selected to conduct the survey performs similar surveys as a~~
61 ~~normal course of business and is independent of the requesting~~
62 ~~organization. The methodology, results, and any evaluation by~~
63 ~~the department of the scientific sample survey shall be~~
64 ~~validated by the Auditor General as a condition precedent to~~
65 ~~submission of the specialty license plate for approval by the~~
66 ~~Legislature.~~

67 (b) ~~(e)~~ An application fee, not to exceed \$60,000, to defray
68 the department's cost for reviewing the application and
69 developing the specialty license plate, if authorized. State
70 funds may not be used to pay the application fee, except for



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71 collegiate specialty license plates authorized in s.
72 320.08058(3) and (13). ~~The specialty license plate application~~
73 ~~provisions of this act shall not apply to any organization which~~
74 ~~has requested and received the required forms for obtaining a~~
75 ~~specialty license plate authorization from the Department of~~
76 ~~Highway Safety and Motor Vehicles, has opened a bank account for~~
77 ~~the funds collected for the specialty license tag and has made~~
78 ~~deposits to such an account, and has obtained signatures toward~~
79 ~~completing the requirements for the specialty license tag.~~ All
80 applications requested on or after the effective date of this
81 act must meet the requirements of this act.

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

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

91 (2) If the specialty license plate requested by the
92 organization is approved by law, the organization must submit
93 the proposed art design for the specialty license plate to the
94 department, in a medium prescribed by the department, as soon as
95 practicable, but no later than 60 days after the act approving
96 the specialty license plate becomes a law. If the specialty
97 license plate requested by the organization is not approved by
98 the Legislature or does not meet the presale requirements in
99 subsection (3), the application fee shall be refunded to the



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100 requesting organization.

101 (3) (a) Within 120 days following the specialty license
102 plate becoming law, the department shall establish a method to
103 issue a specialty license plate voucher to allow for the presale
104 of the specialty license plate. The processing fee as prescribed
105 in s. 320.08056, the service charge and branch fee as prescribed
106 in s. 320.04, and the annual use fee as prescribed in s.
107 320.08056 shall be charged for the voucher. All other applicable
108 fees shall be charged at the time of issuance of the license
109 plates.

110 (b) Within 24 months after the presale specialty license
111 plate voucher is established, the approved specialty license
112 plate organization must record with the department a minimum of
113 1,000 voucher sales before manufacture of the license plate may
114 commence. If, at the conclusion of the 24-month presale period,
115 the minimum sales requirements have not been met, the specialty
116 plate is deauthorized and the department shall discontinue
117 development of the plate and discontinue issuance of the presale
118 vouchers. Upon deauthorization of the license plate, a purchaser
119 of the license plate voucher may use the annual use fee
120 collected as a credit towards any other specialty license plate
121 or apply for a refund on a form prescribed by the department.

122 (c) An organization that meets the requirements of this
123 subsection shall be deemed to have submitted a valid survey for
124 purposes of s. 45 of chapter 2008-176, Laws of Florida, as
125 amended.

126 Section 30. Subsection (1) and paragraph (b) of subsection
127 (8) of section 320.08056, Florida Statutes, are amended, and
128 paragraph (rrr) is added to subsection (4) of that section, to



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129 read:

130 320.08056 Specialty license plates.—

131 (1) The department is responsible for developing the
132 specialty license plates authorized in s. 320.08053. ~~The~~
133 ~~department shall begin production and distribution of each new~~
134 ~~specialty license plate within 1 year after approval of the~~
135 ~~specialty license plate by the Legislature.~~

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

138 (rrr) Hispanic Achievers license plate, \$25.

139 (8)

140 (b) The department is authorized to discontinue the
141 issuance of a specialty license plate and distribution of
142 associated annual use fee proceeds if the organization no longer
143 exists, if the organization has stopped providing services that
144 are authorized to be funded from the annual use fee proceeds, if
145 the organization does not meet the presale requirements as
146 prescribed in s. 320.08053(3), or pursuant to an organizational
147 recipient's request. Organizations shall ~~are required to~~ notify
148 the department immediately to stop all warrants for plate sales
149 if any of the conditions in this section exist, and must meet
150 the requirements of s. 320.08062 for any period of operation
151 during a fiscal year.

152 Section 31. Subsection (70) is added to section 320.08058,
153 Florida Statutes, to read:

154 320.08058 Specialty license plates.—

155 (70) HISPANIC ACHIEVERS LICENSE PLATES.—

156 (a) Upon the National Hispanic Corporate Achievers, Inc.,
157 meeting the requirements of s. 320.08053, the department shall



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158 develop a Hispanic Achievers license plate as provided in this
159 section. The plate must bear the colors and design approved by
160 the department. The word "Florida" must appear at the top of the
161 plate and the words "Hispanic Achievers" must appear at the
162 bottom of the plate.

163 (b) The proceeds from the license plate annual use fee
164 shall be distributed to National Hispanic Corporate Achievers,
165 Inc., a nonprofit corporation under s. 501(c)(3) of the Internal
166 Revenue Code, to fund grants to nonprofit organizations to
167 operate programs and provide scholarships and for marketing the
168 Hispanic Achievers license plate. National Hispanic Corporate
169 Achievers, Inc., shall establish a Hispanic Achievers Grant
170 Council that shall provide recommendations for statewide grants
171 from available Hispanic Achievers license plate proceeds to
172 nonprofit organizations for programs and scholarships for
173 Hispanic and minority Floridians. National Hispanic Corporate
174 Achievers, Inc., shall also establish a Hispanic Achievers
175 License Plate Fund. Moneys in the fund shall be used by the
176 grant council as provided in this paragraph. All fund received
177 under this subsection must be used in this state.

178 (c) National Hispanic Corporate Achievers, Inc., may retain
179 all proceeds from the annual use fee until documented startup
180 costs for developing and establishing the plate have been
181 recovered. Thereafter, the proceeds from the annual use fee
182 shall be used as follows:

183 1. Up to 10 percent of the proceeds may be used for the
184 cost of administration of the Hispanic Achievers License Plate
185 Fund, the Hispanic Achievers Grant Council, and related matters.

186 2. Funds may be used as necessary for annual audit or



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187 compliance affidavit costs.

188 3. Twenty-five percent of the proceeds shall be used by the
189 Hispanic Corporate Achievers, Inc., located in Seminole County,
190 for grants.

191 4. The remaining proceeds shall be available to the
192 Hispanic Achievers Grant Council to award grants for services,
193 programs, or scholarships for Hispanic and minority individuals
194 and organizations throughout Florida. All grant recipients must
195 provide to the Hispanic Achievers Grant Council an annual
196 program and financial report regarding the use of grant funds.
197 Such reports must be available to the public.

198 Section 32. The amendments to s. 320.08053 shall not apply
199 to organizations which are exempt from the moratorium contained
200 in Section 45 of chapter 2008-176, Laws of Florida, and which
201 have complied with the provisions of s. 320.08053, Florida
202 Statutes (2009).

203 Section 33. The Department of Highway Safety and Motor
204 Vehicles may not establish any new voluntary contributions on
205 the motor vehicle registration form under s. 320.023, Florida
206 Statutes, or the driver's license application form under s.
207 322.081, Florida Statutes, between July 1, 2010, and July 1,
208 2013. However, the Department of Highway Safety and Motor
209 Vehicles may establish a voluntary contribution for an
210 organization that has:

211 (1) Submitted a request to establish a voluntary
212 contribution on a motor vehicle registration application under
213 s. 320.023, Florida Statutes, or a driver's license application
214 under s. 322.081, Florida Statutes, to the Department of Highway
215 Safety and Motor Vehicles before May 1, 2010; and



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216 (2) Submitted a valid financial analysis, marketing
217 strategy, and application fee before September 1, 2010; or

218 (3) Filed a bill during the 2010 Legislative Session to
219 establish a voluntary contribution under s. 320.023, Florida
220 Statutes, or s. 322.081, Florida Statutes.

221 Section 34. Paragraph (i) is added to subsection (15) of
222 section 320.02, Florida Statutes, to read:

223 320.02 Registration required; application for registration;
224 forms.—

225 (15)

226 (i) The application forms for motor vehicle registration
227 and renewal of registration must include language permitting a
228 voluntary contribution of \$1 per applicant, which shall be
229 distributed to the League Against Cancer/La Liga Contra el
230 Cancer. Such contributions shall be distributed by the
231 department to the League Against Cancer/La Liga Contra el
232 Cancer, a not-for-profit organization that provides free medical
233 care to needy cancer patients. The department shall retain all
234 contributions necessary, up to a maximum of \$10,000, to defray
235 the cost of including the voluntary contribution language on the
236 registration forms.

237
238 For the purpose of applying the service charge provided in s.
239 215.20, contributions received under this subsection are not
240 income of a revenue nature.

241 Section 35. Subsection (7) of section 322.08, Florida
242 Statutes, is amended to read:

243 322.08 Application for license; requirements for license
244 and identification card forms.—



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245 (7) The application form for an original, renewal, or
246 replacement a driver's license or identification card ~~duplicate~~
247 ~~thereof~~ shall include language permitting the following:

248 (a) A voluntary contribution of \$1 per applicant, which
249 contribution shall be deposited into the Health Care Trust Fund
250 for organ and tissue donor education and for maintaining the
251 organ and tissue donor registry.

252 (b) A voluntary contribution of \$1 per applicant, which
253 contribution shall be distributed to the Florida Council of the
254 Blind.

255 (c) A voluntary contribution of \$2 per applicant, which
256 shall be distributed to the Hearing Research Institute,
257 Incorporated.

258 (d) A voluntary contribution of \$1 per applicant, which
259 shall be distributed to the Juvenile Diabetes Foundation
260 International.

261 (e) A voluntary contribution of \$1 per applicant, which
262 shall be distributed to the Children's Hearing Help Fund.

263 (f) A voluntary contribution of \$1 per applicant, which
264 shall be distributed to Family First, a nonprofit organization.

265 (g) A voluntary contribution of \$1 per applicant, to Stop
266 Heart Disease, which shall be distributed to the Florida Heart
267 Research Institute, a nonprofit organization.

268 (h) A voluntary contribution of \$1 per applicant, which
269 shall be distributed to the League Against Cancer/La Liga Contra
270 el Cancer, a not-for profit organization.

271
272 A statement providing an explanation of the purpose of the trust
273 funds shall also be included. For the purpose of applying the



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274 service charge provided in s. 215.20, contributions received
275 under paragraphs (b)-(h) ~~(b), (c), (d), (e), (f), and (g)~~ and
276 under s. 322.18(9) are not income of a revenue nature.

277 Section 36. Except as otherwise expressly provided in this
278 act, this act shall take effect September 1, 2010.

279
280 ===== T I T L E A M E N D M E N T =====

281 And the title is amended as follows:

282 Delete line 124

283 and insert:

284 school; amending s. 45 of chapter 2008-176, Laws of
285 Florida; delaying the expiration of the moratorium on
286 the issuance of new specialty license plates by the
287 Department of Highway Safety and Motor Vehicles;
288 amending s. 320.08053, F.S.; removing provisions
289 requiring that an organization seeking authorization
290 to establish a new specialty license plate submit a
291 sample survey of motor vehicle owners to the
292 department; requiring that the department establish a
293 method to issue vouchers allowing the presale of a
294 specialty license plate; requiring that an
295 organization that is approved to issue a specialty
296 license plate record with the department a minimum
297 number of voucher sales in order to proceed with the
298 development of the plate; providing for the purchaser
299 of a voucher to receive a refund or use the voucher to
300 purchase of another license plate if the specialty
301 plate is deauthorized; amending ss. 320.08056 and
302 320.08058, F.S.; conforming provisions to changes made



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303 by the act; creating the Hispanic Achievers license
304 plate; establishing an annual use fee for the plate;
305 providing for the distribution of use fees received
306 from the sale of such plate; providing clarification
307 for certain organizations exempt from the moratorium;
308 prohibiting the Department of Highway Safety and Motor
309 Vehicles from establishing any new voluntary
310 contribution checkoffs on the motor vehicle
311 registration form or the driver's license application
312 form between a specified period; providing an
313 exception; amending s. 320.02, F.S.; requiring the
314 application forms for motor vehicle registration and
315 renewal of registration to include language permitting
316 the applicant to make a voluntary contribution to the
317 League Against Cancer/La Liga Contra el Cancer;
318 amending s. 322.08, F.S.; requiring the application
319 form for an original, renewal, or replacement driver's
320 license or identification card to include language
321 permitting the applicant to make voluntary
322 contributions for certain purposes; requiring such
323 forms to include language permitting the applicant to
324 make a voluntary contribution to the League Against
325 Cancer/La Liga Contra el Cancer; providing for
326 distribution of funds collected from such
327 contributions; providing that such contributions are
328 not considered income of a revenue nature; providing
329 effective dates.