

1 A bill to be entitled

2 An act relating to specialty license plates; amending  
3 s. 320.08053, F.S.; revising presale requirements for  
4 issuance of a specialty license plate; amending s.  
5 320.08056, F.S.; establishing annual use fees for  
6 certain specialty license plates; revising provisions  
7 for discontinuing issuance of a specialty license  
8 plate; providing an exception to the requirement that  
9 certain fees and interest be expended only for use in  
10 this state; providing applicability; amending s.  
11 320.08058, F.S.; revising distribution of the proceeds  
12 from the sale of the In God We Trust license plate;  
13 directing the Department of Highway Safety and Motor  
14 Vehicles to create certain specialty license plates;  
15 providing for the distribution of use fees received  
16 from the sale of such plates; amending s. 320.08062,  
17 F.S.; directing the department to audit certain  
18 organizations that receive funds from the sale of  
19 specialty license plates; requiring the department to  
20 report certain specialty license plate information to  
21 the Governor and Legislature; requiring the department  
22 to transition to a revised process for creating  
23 specialty license plates; providing effective dates.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (b) of subsection (2) of section 320.08053, Florida Statutes, is amended to read:

320.08053 Establishment of Requirements ~~for requests to establish~~ specialty license plates.—

(2)

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 4,000 ~~1,000~~ voucher sales before manufacture of the license plate may begin ~~commence~~. If, at the conclusion of the 24-month presale period, the minimum sales requirement has ~~requirements have~~ not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

Section 2. Paragraph (a) of subsection (10) of section 320.08056, Florida Statutes, is amended, paragraphs (ffff), (gggg), and (hhhh) are added to subsection (4), and paragraphs (c), (d), and (e) are added to subsection (8) of that section, to read:

320.08056 Specialty license plates.—

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

53 (ffff) Auburn University license plate, \$25.

54 (gggg) Beat Childhood Cancer license plate, \$25.

55 (hhhh) Florida State Beekeepers Association license plate,  
 56 \$25.

57 (8)

58 (c) A person issued a specialty license plate that has  
 59 been discontinued by the department may keep the discontinued  
 60 specialty license plate for the remainder of the 10-year license  
 61 plate replacement period and must pay all other applicable  
 62 registration fees. However, such person is exempt from paying  
 63 the applicable specialty license plate fee under subsection (4)  
 64 for the remainder of the 10-year license plate replacement  
 65 period.

66 (d) If the department discontinues issuance of a specialty  
 67 license plate, all annual use fees currently held or collected  
 68 by the department shall be distributed within 180 days after the  
 69 date the specialty license plate is discontinued. Of those fees,  
 70 the department shall retain an amount sufficient to defray the  
 71 applicable administrative and inventory closeout costs  
 72 associated with discontinuance of the plate. The remaining funds  
 73 shall be distributed to the specified organization or  
 74 organizations as provided in s. 320.08058.

75 (e) If an organization that is the intended recipient of

76 | the funds pursuant to s. 320.08058 no longer exists, the  
 77 | department shall deposit any undisbursed funds into the Highway  
 78 | Safety Operating Trust Fund.

79 | (10) (a) A specialty license plate annual use fee collected  
 80 | and distributed under this chapter, or any interest earned from  
 81 | those fees, may not be used for commercial or for-profit  
 82 | activities nor for general or administrative expenses, except as  
 83 | authorized by s. 320.08058 or to pay the cost of the audit or  
 84 | report required by s. 320.08062(1). The fees and any interest  
 85 | earned from the fees may be expended only for use in this state  
 86 | unless the annual use fee is derived from the sale of United  
 87 | States Armed Forces and veterans-related specialty license  
 88 | plates pursuant to paragraphs (4) (d), (bb), (ll), (kkk), and  
 89 | (yyy) and s. 320.0891 or out-of-state institution license plates  
 90 | pursuant to paragraph (4) (ffff).

91 | Section 3. Effective July 1, 2020, paragraph (a) of  
 92 | subsection (8) of section 320.08056, Florida Statutes, is  
 93 | amended to read:

94 | 320.08056 Specialty license plates.—

95 | (8) (a) The department must discontinue the issuance of an  
 96 | approved specialty license plate if the number of valid  
 97 | specialty plate registrations falls below 4,000 ~~1,000~~ plates for  
 98 | at least 12 consecutive months. A warning letter shall be mailed  
 99 | to the sponsoring organization following the first month in  
 100 | which the total number of valid specialty plate registrations is

101 below 4,000 ~~1,000~~ plates. This paragraph does not apply to  
102 collegiate license plates established under s. 320.08058(3),  
103 license plates of institutions in the State University System,  
104 Florida Professional Sports Team license plates established  
105 under s. 320.08058(9), or specialty license plates that have  
106 statutory eligibility limitations for purchase.

107 Section 4. Paragraph (b) of subsection (66) of section  
108 320.08058, Florida Statutes, is amended, and subsections (84),  
109 (85), and (86) are added to that section, to read:

110 320.08058 Specialty license plates.—

111 (66) IN GOD WE TRUST LICENSE PLATES.—

112 (b) The license plate annual use fees shall be distributed  
113 to the In God We Trust Foundation, Inc., which may expend a  
114 maximum of 10 percent of the proceeds to offset administrative  
115 costs, promotion, and marketing of the license plate directly  
116 associated with the operations of the foundation. The remaining  
117 proceeds may be used to address the needs of the military  
118 community and the public safety community; provide educational  
119 grants and scholarships to foster self-reliance and stability in  
120 Florida's youth; and provide education in ~~to fund educational~~  
121 ~~scholarships for the children of Florida residents who are~~  
122 ~~members of the United States Armed Forces, the National Guard,~~  
123 ~~and the United States Armed Forces Reserve and for the children~~  
124 ~~of public safety employees who have died in the line of duty who~~  
125 ~~are not covered by existing state law. Funds shall also be~~

126 ~~distributed to other s. 501(c)(3) organizations that may apply~~  
127 ~~for grants and scholarships and to provide educational grants to~~  
128 ~~public and private schools regarding ~~to promote~~ the historical~~  
129 ~~and religious significance of religion in American and Florida~~  
130 ~~history. The In God We Trust Foundation, Inc., shall create an~~  
131 ~~advisory council comprised of persons with knowledge in these~~  
132 ~~program areas to make funding recommendations ~~distribute the~~~~  
133 ~~license plate annual use fees in the following manner:~~

134 ~~1. The In God We Trust Foundation, Inc., shall retain all~~  
135 ~~revenues from the sale of such plates until all startup costs~~  
136 ~~for developing and establishing the plate have been recovered.~~

137 ~~2. Ten percent of the funds received by the In God We~~  
138 ~~Trust Foundation, Inc., shall be expended for administrative~~  
139 ~~costs, promotion, and marketing of the license plate directly~~  
140 ~~associated with the operations of the In God We Trust~~  
141 ~~Foundation, Inc.~~

142 ~~3. All remaining funds shall be expended by the In God We~~  
143 ~~Trust Foundation, Inc., for programs.~~

144 ~~(84) AUBURN UNIVERSITY LICENSE PLATES.~~

145 ~~(a) The department shall develop an Auburn University~~  
146 ~~license plate as provided in this section and s. 320.08053. The~~  
147 ~~plate must bear the colors and design approved by the~~  
148 ~~department. The word "Florida" must appear at the top of the~~  
149 ~~plate, and the words "War Eagle" must appear at the bottom of~~  
150 ~~the plate.~~

151        (b) The Tampa Bay Auburn Club is the lead club on behalf  
152 of the Auburn clubs in this state. The annual use fees from the  
153 sale of the plate shall be distributed to the Tampa Bay Auburn  
154 Club, together with statistics on sales of the license plates  
155 tabulated by county. The Tampa Bay Auburn Club must distribute  
156 to each of the state Auburn clubs on a pro-rata basis the moneys  
157 received from sales in the regions within the respective club's  
158 area for the purpose of awarding scholarships to Florida  
159 residents attending Auburn University. Students receiving these  
160 scholarships must be eligible for the Florida Bright Futures  
161 Scholarship Program pursuant to s. 1009.531 and shall use the  
162 scholarship funds for tuition and other expenses related to  
163 attending Auburn University.

164        (85) BEAT CHILDHOOD CANCER LICENSE PLATES.—

165        (a) The department shall develop a Beat Childhood Cancer  
166 license plate as provided in this section and s. 320.08053. The  
167 plate must bear the colors and design approved by the  
168 department. The word "Florida" must appear at the top of the  
169 plate, and the words "Beat Childhood Cancer" must appear at the  
170 bottom of the plate.

171        (b) The annual use fees from the sale of the plate shall  
172 be distributed to Beat Nb, Inc., which may use a maximum of 10  
173 percent of the proceeds for administrative costs directly  
174 associated with the operation of the corporation and for  
175 marketing and promoting the Beat Childhood Cancer license plate.

176 The remaining proceeds shall be used by the corporation to fund  
177 pediatric cancer treatment and research.

178 (86) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.-

179 (a) The department shall develop a Florida State  
180 Beekeepers Association license plate as provided in this section  
181 and s. 320.08053. The plate must bear the colors and design  
182 approved by the department. The word "Florida" must appear at  
183 the top of the plate, and the words "Save the Bees" must appear  
184 at the bottom of the plate.

185 (b) The annual use fees from the sale of the plate shall  
186 be distributed to the Florida State Beekeepers Association, a  
187 nonprofit corporation, and shall be used to fund outreach and  
188 education to raise awareness of the importance of beekeeping to  
189 Florida agriculture and to fund honeybee research and husbandry.

190 Section 5. Section 320.08062, Florida Statutes, is amended  
191 to read:

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

194 (1)(a) All organizations that receive annual use fee  
195 proceeds from the department are responsible for ensuring that  
196 proceeds are used in accordance with ss. 320.08056 and  
197 320.08058.

198 (b) Any organization not subject to audit pursuant to s.  
199 215.97 shall annually attest, under penalties of perjury, that  
200 such proceeds were used in compliance with ss. 320.08056 and



201 320.08058. The attestation shall be made annually in a form and  
202 format determined by the department. In addition, the department  
203 shall audit any such organization every 2 years to ensure  
204 proceeds have been used in compliance with ss. 320.08056 and  
205 320.08058.

206 (c) Any organization subject to audit pursuant to s.  
207 215.97 shall submit an audit report in accordance with rules  
208 promulgated by the Auditor General. The annual attestation shall  
209 be submitted to the department for review within 9 months after  
210 the end of the organization's fiscal year.

211 (2) (a) Within 120 days after receiving an organization's  
212 audit or attestation, the department shall determine which  
213 recipients of revenues from specialty license plate annual use  
214 fees have not complied with subsection (1). In determining  
215 compliance, the department may commission an independent  
216 actuarial consultant, or an independent certified public  
217 accountant, who has expertise in nonprofit and charitable  
218 organizations.

219 (b) The department must discontinue the distribution of  
220 revenues to any organization failing to submit the required  
221 documentation as required in subsection (1), but may resume  
222 distribution of the revenues upon receipt of the required  
223 information.

224 (c) If the department or its designee determines that an  
225 organization has not complied or has failed to use the revenues

226 in accordance with ss. 320.08056 and 320.08058, the department  
227 must discontinue the distribution of the revenues to the  
228 organization. The department shall notify the organization of  
229 its findings and direct the organization to make the changes  
230 necessary in order to comply with this chapter. If the officers  
231 of the organization sign an affidavit under penalties of perjury  
232 stating that they acknowledge the findings of the department and  
233 attest that they have taken corrective action and that the  
234 organization will submit to a followup review by the department,  
235 the department may resume the distribution of revenues.

236 (d) If an organization fails to comply with the  
237 department's recommendations and corrective actions as outlined  
238 in paragraph (c), the revenue distributions shall be  
239 discontinued until completion of the next regular session of the  
240 Legislature. The department shall notify the President of the  
241 Senate and the Speaker of the House of Representatives by the  
242 first day of the next regular session of any organization whose  
243 revenues have been withheld as a result of this paragraph. If  
244 the Legislature does not provide direction to the organization  
245 and the department regarding the status of the undistributed  
246 revenues, the department shall deauthorize the plate and the  
247 undistributed revenues shall be immediately deposited into the  
248 Highway Safety Operating Trust Fund.

249 (3) The department or its designee has the authority to  
250 examine all records pertaining to the use of funds from the sale

251 of specialty license plates.

252       Section 6. By January 1, 2018, the Department of Highway  
253 Safety and Motor Vehicles shall report to the Governor, the  
254 President of the Senate, and the Speaker of the House of  
255 Representatives the total cost per unit of producing each  
256 specialty license plate listed in s. 320.08056(4), Florida  
257 Statutes. The cost per unit shall include the cost per license  
258 plate, including the cost of the physical license plate,  
259 stamping costs, and the cost associated with inventorying the  
260 license plate. The report shall also provide a calculation of  
261 the break-even point in number of plates for each specialty  
262 license plate.

263       Section 7. (1) The Department of Highway Safety and Motor  
264 Vehicles shall review and make preparations for the transition  
265 from the existing process of creating specialty license plates  
266 to using a new template design that is readily recognizable by  
267 applying to a standard license plate an appropriate logo or  
268 graphic that identifies the specialty license plate. New  
269 specialty license plates must be of the same size and design as  
270 a standard license plate issued by the department, with a  
271 designated area for including a unique design and identifying  
272 number.

273       (2) Upon completion of the review, the department may  
274 begin the process of transitioning by attrition to the new  
275 specialty license plate template design.

276           Section 8. Except as otherwise expressly provided in this  
277 act, this act shall take effect October 1, 2017.