

1 A bill to be entitled
 2 An act relating to issuance of specialty license
 3 plates; amending s. 320.08053, F.S.; revising presale
 4 requirements for issuance of a specialty plate;
 5 amending s. 320.08056, F.S.; revising provisions for
 6 discontinuing issuance of a specialty plate; providing
 7 applicability; amending s. 320.08062, F.S.; directing
 8 the Department of Highway Safety and Motor Vehicles to
 9 audit certain organizations that receive funds from
 10 the sale of specialty license plates; providing
 11 effective dates.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 320.08053, Florida Statutes, is amended
 16 to read:

17 320.08053 Establishment of Requirements for requests to
 18 ~~establish~~ specialty license plates.—

19 (1) If a specialty license plate requested by an
 20 organization is approved by law, the organization must submit
 21 the proposed art design for the specialty license plate to the
 22 department, in a medium prescribed by the department, as soon as
 23 practicable, but no later than 60 days after the act approving
 24 the specialty license plate becomes a law.

25 (2) (a) Within 120 days following the specialty license
 26 plate becoming law or 120 days after the conditions of

27 subsection (3) are met, whichever occurs later, the department
 28 shall establish a method to issue a specialty license plate
 29 voucher to allow for the presale of the specialty license plate.
 30 The processing fee as prescribed in s. 320.08056, the service
 31 charge and branch fee as prescribed in s. 320.04, and the annual
 32 use fee as prescribed in s. 320.08056 shall be charged for the
 33 voucher. All other applicable fees shall be charged at the time
 34 of issuance of the license plates.

35 (b) Within 24 months after the presale specialty license
 36 plate voucher is established, the approved specialty license
 37 plate organization must record with the department a minimum of
 38 4,000 ~~1,000~~ voucher sales before manufacture of the license
 39 plate may begin ~~commence~~. If, at the conclusion of the 24-month
 40 presale period, the minimum sales requirement has ~~requirements~~
 41 ~~have~~ not been met, the specialty plate is deauthorized and the
 42 department shall discontinue development of the plate and
 43 discontinue issuance of the presale vouchers. Upon
 44 deauthorization of the license plate, a purchaser of the license
 45 plate voucher may use the annual use fee collected as a credit
 46 towards any other specialty license plate or apply for a refund
 47 on a form prescribed by the department.

48 (3) (a) No more than 100 specialty license plates may be
 49 available for issuance at any given time. If the Legislature has
 50 approved more than 100 specialty license plates, the department
 51 may not make any new specialty license plates available for
 52 design, presale, or issuance until a sufficient number of plates

53 are discontinued pursuant to s. 320.08056(8) such that the
 54 number of plates being issued is reduced to fewer than 100.

55 (b) New specialty license plates that have been approved
 56 by law but are awaiting issuance under paragraph (a) shall be
 57 issued in the order they appear in s. 320.08056(4). All other
 58 provisions of this section must also be met before a plate is
 59 issued.

60 Section 2. Paragraphs (c), (d), and (e) are added to
 61 subsection (8) of section 320.08056, Florida Statutes, to read:

62 320.08056 Specialty license plates.-

63 (8)

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

72 (d) If the department discontinues issuance of a specialty
 73 license plate, all annual use fees currently held or collected
 74 by the department shall be distributed within 180 days after the
 75 date the specialty license plate is discontinued. Of those fees,
 76 the department shall retain an amount sufficient to defray the
 77 applicable administrative and inventory closeout costs
 78 associated with discontinuance of the plate. The remaining funds

79 shall be distributed to the specified organization or
 80 organizations as provided in s. 320.08058.

81 (e) If an organization that is the intended recipient of
 82 the funds pursuant to s. 320.08058 no longer exists, the
 83 department shall deposit any undisbursed funds into the Highway
 84 Safety Operating Trust Fund.

85 Section 3. Effective July 1, 2019, paragraph (a) of
 86 subsection (8) of section 320.08056, Florida Statutes, is
 87 amended to read:

88 320.08056 Specialty license plates.-

89 (8) (a) The department must discontinue the issuance of an
 90 approved specialty license plate if the number of valid
 91 specialty plate registrations falls below 4,000 ~~1,000~~ plates for
 92 at least 12 consecutive months. A warning letter shall be mailed
 93 to the sponsoring organization following the first month in
 94 which the total number of valid specialty plate registrations is
 95 below 4,000 ~~1,000~~ plates. This paragraph does not apply to
 96 collegiate license plates established under s. 320.08058(3),
 97 license plates of institutions in the State University System,
 98 or Florida Professional Sports Team license plates established
 99 under s. 320.08058(9).

100 Section 4. Section 320.08062, Florida Statutes, is amended
 101 to read:

102 320.08062 Audits ~~and attestations~~ required; annual use
 103 fees of specialty license plates.-

104 (1) (a) All organizations that receive annual use fee

105 proceeds from the department are responsible for ensuring that
106 proceeds are used in accordance with ss. 320.08056 and
107 320.08058.

108 (b) Any organization not subject to audit pursuant to s.
109 215.97 shall annually attest, under penalties of perjury, that
110 such proceeds were used in compliance with ss. 320.08056 and
111 320.08058. The attestation shall be made annually in a form and
112 format determined by the department. In addition, the department
113 shall audit any such organization every 2 years to ensure
114 proceeds have been used in compliance with ss. 320.08056 and
115 320.08058.

116 (c) Any organization subject to audit pursuant to s.
117 215.97 shall submit an audit report in accordance with rules
118 promulgated by the Auditor General. The annual attestation shall
119 be submitted to the department for review within 9 months after
120 the end of the organization's fiscal year.

121 (2) (a) Within 120 days after receiving an organization's
122 audit or attestation, the department shall determine which
123 recipients of revenues from specialty license plate annual use
124 fees have not complied with subsection (1). In determining
125 compliance, the department may commission an independent
126 actuarial consultant, or an independent certified public
127 accountant, who has expertise in nonprofit and charitable
128 organizations.

129 (b) The department must discontinue the distribution of
130 revenues to any organization failing to submit the required

131 documentation as required in subsection (1), but may resume
132 distribution of the revenues upon receipt of the required
133 information.

134 (c) If the department or its designee determines that an
135 organization has not complied or has failed to use the revenues
136 in accordance with ss. 320.08056 and 320.08058, the department
137 must discontinue the distribution of the revenues to the
138 organization. The department shall notify the organization of
139 its findings and direct the organization to make the changes
140 necessary in order to comply with this chapter. If the officers
141 of the organization sign an affidavit under penalties of perjury
142 stating that they acknowledge the findings of the department and
143 attest that they have taken corrective action and that the
144 organization will submit to a followup review by the department,
145 the department may resume the distribution of revenues.

146 (d) If an organization fails to comply with the
147 department's recommendations and corrective actions as outlined
148 in paragraph (c), the revenue distributions shall be
149 discontinued until completion of the next regular session of the
150 Legislature. The department shall notify the President of the
151 Senate and the Speaker of the House of Representatives by the
152 first day of the next regular session of any organization whose
153 revenues have been withheld as a result of this paragraph. If
154 the Legislature does not provide direction to the organization
155 and the department regarding the status of the undistributed
156 revenues, the department shall deauthorize the plate and the

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157 | undistributed revenues shall be immediately deposited into the
158 | Highway Safety Operating Trust Fund.

159 | (3) The department or its designee has the authority to
160 | examine all records pertaining to the use of funds from the sale
161 | of specialty license plates.

162 | Section 5. Except as otherwise expressly provided in this
163 | act, this act shall take effect July 1, 2016.