

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Economic Affairs Committee  
 2 Representative Steube offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 320.08053 Establishment of Requirements for requests to  
 9 ~~establish~~ specialty license plates.-

10 (1) If a specialty license plate requested by an  
 11 organization is approved by law, the organization must submit  
 12 the proposed art design for the specialty license plate to the  
 13 department, in a medium prescribed by the department, as soon as  
 14 practicable, but no later than 60 days after the act approving  
 15 the specialty license plate becomes a law.

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

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18 subsection (3) are met, whichever occurs later, the department  
19 shall establish a method to issue a specialty license plate  
20 voucher to allow for the presale of the specialty license plate.  
21 The processing fee as prescribed in s. 320.08056, the service  
22 charge and branch fee as prescribed in s. 320.04, and the annual  
23 use fee as prescribed in s. 320.08056 shall be charged for the  
24 voucher. All other applicable fees shall be charged at the time  
25 of issuance of the license plates.

26 (b) Within 24 months after the presale specialty license  
27 plate voucher is established, the approved specialty license  
28 plate organization must record with the department a minimum of  
29 4,000 ~~1,000~~ voucher sales before manufacture of the license  
30 plate may begin ~~commence~~. If, at the conclusion of the 24-month  
31 presale period, the minimum sales requirement has ~~requirements~~  
32 ~~have~~ not been met, the specialty plate is deauthorized and the  
33 department shall discontinue development of the plate and  
34 discontinue issuance of the presale vouchers. Upon  
35 deauthorization of the license plate, a purchaser of the license  
36 plate voucher may use the annual use fee collected as a credit  
37 towards any other specialty license plate or apply for a refund  
38 on a form prescribed by the department.

39 (3) (a) No more than 100 specialty license plates may be  
40 available for issuance at any given time. If the Legislature has  
41 approved more than 100 specialty license plates, the department  
42 may not make any new specialty license plates available for  
43 design, presale, or issuance until a sufficient number of plates

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

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

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

53 320.08056 Specialty license plates.-

54 (8)

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

63 (d) If the department discontinues issuance of a specialty  
64 license plate, all annual use fees currently held or collected  
65 by the department shall be distributed within 180 days after the  
66 date the specialty license plate is discontinued. Of those fees,  
67 the department shall retain an amount sufficient to defray the  
68 applicable administrative and inventory closeout costs  
69 associated with discontinuance of the plate. The remaining funds

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70 shall be distributed to the specified organization or  
71 organizations as provided in s. 320.08058.

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

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

79 320.08056 Specialty license plates.-

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

91 Section 4. Section 320.08062, Florida Statutes, is amended  
92 to read:

93 320.08062 Audits ~~and attestations~~ required; annual use  
94 fees of specialty license plates.-

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

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96 proceeds from the department are responsible for ensuring that  
97 proceeds are used in accordance with ss. 320.08056 and  
98 320.08058.

99 (b) Any organization not subject to audit pursuant to s.  
100 215.97 shall annually attest, under penalties of perjury, that  
101 such proceeds were used in compliance with ss. 320.08056 and  
102 320.08058. The attestation shall be made annually in a form and  
103 format determined by the department. In addition, the department  
104 shall audit any such organization every 2 years to ensure  
105 proceeds have been used in compliance with ss. 320.08056 and  
106 320.08058.

107 (c) Any organization subject to audit pursuant to s.  
108 215.97 shall submit an audit report in accordance with rules  
109 promulgated by the Auditor General. The annual attestation shall  
110 be submitted to the department for review within 9 months after  
111 the end of the organization's fiscal year.

112 (2) (a) Within 120 days after receiving an organization's  
113 audit or attestation, the department shall determine which  
114 recipients of revenues from specialty license plate annual use  
115 fees have not complied with subsection (1). In determining  
116 compliance, the department may commission an independent  
117 actuarial consultant, or an independent certified public  
118 accountant, who has expertise in nonprofit and charitable  
119 organizations.

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

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122 documentation as required in subsection (1), but may resume  
123 distribution of the revenues upon receipt of the required  
124 information.

125 (c) If the department or its designee determines that an  
126 organization has not complied or has failed to use the revenues  
127 in accordance with ss. 320.08056 and 320.08058, the department  
128 must discontinue the distribution of the revenues to the  
129 organization. The department shall notify the organization of  
130 its findings and direct the organization to make the changes  
131 necessary in order to comply with this chapter. If the officers  
132 of the organization sign an affidavit under penalties of perjury  
133 stating that they acknowledge the findings of the department and  
134 attest that they have taken corrective action and that the  
135 organization will submit to a followup review by the department,  
136 the department may resume the distribution of revenues.

137 (d) If an organization fails to comply with the  
138 department's recommendations and corrective actions as outlined  
139 in paragraph (c), the revenue distributions shall be  
140 discontinued until completion of the next regular session of the  
141 Legislature. The department shall notify the President of the  
142 Senate and the Speaker of the House of Representatives by the  
143 first day of the next regular session of any organization whose  
144 revenues have been withheld as a result of this paragraph. If  
145 the Legislature does not provide direction to the organization  
146 and the department regarding the status of the undistributed  
147 revenues, the department shall deauthorize the plate and the

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148 undistributed revenues shall be immediately deposited into the  
149 Highway Safety Operating Trust Fund.

150 (3) The department or its designee has the authority to  
151 examine all records pertaining to the use of funds from the sale  
152 of specialty license plates.

153 Section 5. Except as otherwise expressly provided in this  
154 act, this act shall take effect July 1, 2016.

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157 **T I T L E A M E N D M E N T**

158 Remove everything before the enacting clause and insert:

159 A bill to be entitled

160 An act relating to issuance of specialty license  
161 plates; amending s. 320.08053, F.S.; revising presale  
162 requirements for issuance of a specialty plate;  
163 amending s. 320.08056, F.S.; revising provisions for  
164 discontinuing issuance of a specialty plate; providing  
165 applicability; amending s. 320.08062, F.S.; directing  
166 the Department of Highway Safety and Motor Vehicles to  
167 audit certain organizations that receive funds from  
168 the sale of specialty license plates; providing  
169 effective dates.