

1 A bill to be entitled
2 An act relating to private vendor license plate sales;
3 amending s. 320.06, F.S.; conforming provisions to
4 changes made by the act; creating s. 320.08049, F.S.;
5 requiring the Department of Highway Safety and Motor
6 Vehicles to contract with a private vendor through
7 competitive solicitation by a certain date for a
8 specified purpose; specifying license plates that must
9 and may be marketed and sold through the private
10 vendor; specifying requirements for, and authorized
11 and prohibited provisions in, the contract;
12 prohibiting the private vendor from marketing and
13 selling certain specialty license plates; authorizing
14 the department to temporarily operate the program
15 under certain circumstances; amending s. 320.0805,
16 F.S.; specifying personalized prestige license plate
17 application requirements for multiyear plates;
18 requiring a vendor processing fee for certain
19 personalized prestige license plate applications;
20 requiring the department to authorize persons issued
21 certain multiyear plates to transfer their license to
22 display alphanumeric patterns; authorizing the
23 department to provide by rule for a private vendor to
24 take specified actions relating to auctioning a
25 license to display an alphanumeric pattern; providing

26 | that certain licenses to display alphanumeric patterns
27 | may be transferred; conforming provisions to changes
28 | made by the act; amending s. 320.08053, F.S.;
29 | authorizing the department and the Legislative Budget
30 | Commission to jointly approve certain new specialty
31 | license plates; requiring the department and the
32 | commission to jointly develop a certain review process
33 | within a certain timeframe; authorizing the department
34 | to approve certain new specialty license plates at its
35 | sole discretion; providing that the method for
36 | specialty license plate presales must authorize the
37 | private vendor to conduct presales; specifying the
38 | minimum specialty license plate presale voucher
39 | requirement for plates marketed and sold by a private
40 | vendor; providing applicability; conforming provisions
41 | to changes made by the act; amending s. 320.08056,
42 | F.S.; authorizing the department to approve new
43 | designs and color combinations for certain specialty
44 | license plates; providing that certain design and
45 | color combinations remain the property of the
46 | department; authorizing the department to publicly
47 | publish certain proposed designs or color combinations
48 | in a certain manner; prohibiting the department from
49 | restricting certain background colors, color
50 | combinations, or color plate numbers; providing

51 construction; requiring the department to approve
52 certain plates for issuance for a term within a
53 specified range; authorizing the department to cancel
54 a specialty license plate or require its
55 discontinuation under certain circumstances;
56 authorizing certain specialty license plate
57 organizations to have their plates marketed and sold
58 by the private vendor; requiring that certain paid
59 deposits and fees be credited toward the private
60 vendor; providing that certain dealer and fleet
61 specialty license plates may be ordered directly from
62 the private vendor; specifying requirements for
63 requests for multiyear plates; requiring a vendor
64 processing fee for certain requests; specifying
65 minimum specialty plate registrations for plates
66 marketed and sold by the private vendor; providing
67 applicability; conforming provisions to changes made
68 by the act; amending s. 320.08058, F.S.; conforming a
69 cross-reference; reenacting s. 320.08068(7), F.S.,
70 relating to motorcycle specialty license plates, to
71 incorporate the amendment to s. 320.0805, F.S., in a
72 reference thereto; providing an effective date.

73
74 Be It Enacted by the Legislature of the State of Florida:
75

76 Section 1. Paragraph (b) of subsection (1) of section
 77 320.06, Florida Statutes, is amended to read:

78 320.06 Registration certificates, license plates, and
 79 validation stickers generally.—

80 (1)

81 (b)1. Except as provided in ss. 320.0805(1) and
 82 320.08056(3), registration license plates bearing a graphic
 83 symbol and the alphanumeric system of identification shall be
 84 issued for a 10-year period. At the end of the 10-year period,
 85 upon renewal, the plate shall be replaced. The department shall
 86 extend the scheduled license plate replacement date from a 6-
 87 year period to a 10-year period. The fee for such replacement is
 88 \$28, \$2.80 of which shall be paid each year before the plate is
 89 replaced, to be credited toward the next \$28 replacement fee.
 90 The fees shall be deposited into the Highway Safety Operating
 91 Trust Fund. A credit or refund may not be given for any prior
 92 years' payments of the prorated replacement fee if the plate is
 93 replaced or surrendered before the end of the 10-year period,
 94 except that a credit may be given if a registrant is required by
 95 the department to replace a license plate under s.
 96 320.08056(11)(a) ~~s. 320.08056(8)(a)~~. With each license plate, a
 97 validation sticker shall be issued showing the owner's birth
 98 month, license plate number, and the year of expiration or the
 99 appropriate renewal period if the owner is not a natural person.
 100 The validation sticker shall be placed on the upper right corner

101 of the license plate. The license plate and validation sticker
102 shall be issued based on the applicant's appropriate renewal
103 period. The registration period is 12 months, the extended
104 registration period is 24 months, and all expirations occur
105 based on the applicant's appropriate registration period. Rental
106 vehicles taxed pursuant to s. 320.08(6)(a) may elect a permanent
107 registration period, provided payment of the appropriate license
108 taxes and fees occurs annually. A vehicle that has an
109 apportioned registration shall be issued an annual license plate
110 and a cab card that denote the declared gross vehicle weight for
111 each apportioned jurisdiction in which the vehicle is authorized
112 to operate.

113 2. In order to retain the efficient administration of the
114 taxes and fees imposed by this chapter, the 80-cent fee increase
115 in the replacement fee imposed by chapter 2009-71, Laws of
116 Florida, is negated as provided in s. 320.0804.

117 Section 2. Section 320.08049, Florida Statutes, is created
118 to read:

119 320.08049 Marketing and sale of personalized prestige
120 license plates and specialty license plates through private
121 vendor; contract with department.-

122 (1) By January 1, 2023, the department shall enter into a
123 contract with a private vendor through the competitive
124 solicitation process pursuant to chapter 287, as determined from
125 competitive sealed proposals that satisfy the requirements of

126 this section, for the marketing and sale through the private
127 vendor of personalized prestige license plates under s. 320.0805
128 and specialty license plates under s. 320.08056 issued for a
129 term of 1 to 10 years.

130 (2) Specialty license plates marketed and sold through the
131 private vendor must include specialty license plates approved
132 under s. 320.08053(1)(b) and those created under s. 320.08058 on
133 or after January 1, 2023; and, at the request of the sponsoring
134 specialty license plate organization, must include an existing
135 specialty license plate created in s. 320.08058 before January
136 1, 2023.

137 (3) The department's contract with the private vendor may
138 provide for the vendor to host all or some of the specialty
139 license plates on the vendor's website and process the purchase
140 of personalized prestige license plates and of specialty license
141 plates hosted on the vendor's website. The contract:

142 (a) Must comply with any law generally applicable to a
143 contract for services entered into by the department.

144 (b) Must establish reasonable vendor processing fees to be
145 retained by the private vendor pursuant to ss. 320.0805(2)(d)
146 and 320.08056(6)(e).

147 (c) Must require the private vendor to submit, at least
148 quarterly, to the department periodic accounts that accurately
149 detail all material transactions, including information
150 reasonably required by the department to verify fees collected

151 by the vendor and the remittance of all money payable to the
152 department under the contract.

153 (d) Must allow or require the private vendor to establish
154 an electronic infrastructure, coordinated and compatible with
155 the department's registration system, by which motor vehicle
156 owners may electronically send and receive applications, other
157 documents, or required payments and which, when secure access is
158 necessary, can be electronically validated by the department.

159 (e) Must provide for the department to recover all costs
160 incurred by the department in implementing this section. Under
161 the contract, the department may require the private vendor to
162 reimburse the department in advance for up to 50 percent of the
163 department's anticipated costs in connection with the contract
164 and the department's anticipated costs in connection with the
165 introduction of a new specialty license plate.

166 (f) May not authorize the department to:

167 1. Unreasonably disapprove or limit any aspect of the
168 private vendor's marketing and sales plan;

169 2. Unreasonably interfere with the selection, assignment,
170 or management of the private vendor or the private vendor's
171 employees, agents, or subcontractors; or

172 3. Require the private vendor to market and sell a
173 specialty license plate or personalized prestige license plate.

174 (4) A contract under this section must be for an initial
175 term of at least 5 years from the effective date of the

176 contract. The contract may provide, with the agreement of the
177 department and the private vendor, a second term or subsequent
178 terms at least equal in duration to the initial term of the
179 contract.

180 (5) The private vendor may not market or sell a specialty
181 license plate that competes directly for sales with another
182 specialty license plate unless approved by the department and
183 the sponsoring specialty license plate organization of the other
184 specialty license plate.

185 (6) If the private vendor ceases operations, the program
186 may be operated temporarily by the department under new
187 agreements with sponsoring specialty license plate organizations
188 until another private vendor is selected and begins operations.

189 Section 3. Section 320.0805, Florida Statutes, is amended
190 to read:

191 320.0805 Personalized prestige license plates.—

192 (1) The department shall issue a personalized prestige
193 license plate to the owner or lessee of any motor vehicle,
194 except a vehicle registered under the International Registration
195 Plan or a commercial truck required to display two license
196 plates pursuant to s. 320.0706, upon application and payment of
197 the appropriate license tax and fees. Pursuant to s. 320.08049,
198 the department shall enter into a contract with a private vendor
199 for the right to market and sell personalized prestige license
200 plates issued for a term of 1 to 10 years.

201 (2) Each request for specific numbers or letters or
 202 combinations thereof shall be submitted ~~annually~~ to the
 203 department on an application form supplied by the department.

204 The request must be made annually for a single-year plate or in
 205 the last year of the term for a multiyear plate sold by the
 206 private vendor. The request must be^r accompanied by the
 207 following tax and fees:

208 (a) The license tax required for the vehicle, as set forth
 209 in s. 320.08. For a multiyear plate sold by the private vendor,
 210 the request must include the tax for each of the years of the
 211 term.

212 (b) A prestige plate annual use fee of \$10. For a
 213 multiyear plate sold by the private vendor, the request must
 214 include the annual use fee for each of the years of the term.

215 (c) A processing fee of \$5, to be deposited into the
 216 Highway Safety Operating Trust Fund.

217 (d) For a personalized prestige license plate established
 218 by the private vendor, the vendor processing fee established in
 219 s. 320.08049(3)(b), to be retained by the private vendor.

220 (3) The department shall review each application
 221 requesting a personalized prestige license plate and, if
 222 requested numerals or letters or combinations thereof are
 223 available ~~have not been previously assigned or issued to any~~
 224 ~~other applicant,~~ and if the required tax and fees have been
 225 submitted, the department must ~~shall~~ issue and deliver the

226 requested personalized prestige license plate to the applicant.

227 (4) The department is authorized to reject requests deemed
228 by it to be objectionable, and the department is further
229 authorized to recall, ~~during a registration period,~~ any issued
230 personalized license plate determined by it to be obscene or
231 otherwise objectionable during the term of the plate.

232 (5) Any application rejected by the department shall be
233 returned to the applicant, along with the tax and fees
234 submitted, within 15 days after the receipt of the application.
235 If any personalized license plate is recalled within its term ~~a~~
236 ~~current registration period,~~ the department shall refund the
237 prestige plate use fee ~~of \$10,~~ the special fee of 50 cents, and
238 the portion of the license tax, computed on a monthly basis, for
239 the unused balance of the term ~~registration period.~~

240 (6) A personalized prestige license plate shall be issued
241 for the exclusive continuing use of the applicant, except as
242 provided in paragraph (7) (b) or subsection (10). An exact
243 duplicate of any plate may not be issued to any other applicant
244 during the same term ~~registration period.~~ An exact duplicate may
245 not be issued for any succeeding term ~~year~~ unless the previous
246 owner of a specific plate relinquishes it by failure to apply
247 for renewal or reissuance for 1 year following the last year of
248 the term or by transferring it pursuant to paragraph (7) (b) or
249 subsection (10) issuance.

250 (7) (a) If a vehicle owner who has been issued a

251 personalized prestige license plate acquires a replacement
252 vehicle within the plate term ~~a registration period~~, the
253 department shall authorize a transfer of a prestige license
254 plate to the replacement vehicle in accordance with the
255 provisions of s. 320.0609. There will be no refund of the annual
256 use fee or processing fee.

257 (b) The department shall authorize a person issued a
258 multiyear plate sold by the private vendor to transfer the
259 license to display the alphanumeric pattern to another person.

260 (8)(a) Alphanumeric patterns for personalized prestige
261 license plates shall consist of three types of patterns, ~~plates~~
262 as follows:

263 1. A plate imprinted with numerals only. Such plates shall
264 consist of numerals from 1 to 999, inclusive.

265 2. A plate imprinted with capital letters only. Such
266 plates shall consist of capital letters "A" through "Z" and
267 shall be limited to a total of seven of the same or different
268 capital letters. A hyphen may be added in addition to the seven
269 letters.

270 3. A plate imprinted with both capital letters and
271 numerals. Such plates shall consist of no more than a total of
272 seven characters, including both numerals and capital letters,
273 in any combination, except that a hyphen may be added in
274 addition to the seven characters if desired or needed. However,
275 on those plates issued to, and bearing the names of,

276 organizations, the letters and numerals shall be of such size,
277 if necessary, as to accommodate a maximum of 18 digits for
278 automobiles, trucks, and recreational vehicles and 7 digits for
279 motorcycles. Plates consisting of the four capital letters
280 "PRES" preceded or followed by a hyphen and numerals of 1 to 999
281 shall be reserved for issuance only to applicants who qualify as
282 members of the press and who are associated with, or are
283 employees of, the reporting media.

284 (b) Personalized prestige plates must be of the same
285 material, size, and distinctive color as any license plates
286 authorized by this chapter and issued by the state for any term
287 ~~registration period~~; however, the imprinting of personalized
288 prestige license plates shall be limited solely to the
289 following:

290 1. The letters or numerals or combination of both
291 requested by the applicant must be stamped in large bold letters
292 and numerals, limited to the number of characters based on the
293 specific design of the plate requested by the applicant.

294 2. The word "Florida" must be stamped across the bottom of
295 the plate in small letters, unless the word "Florida" is
296 required to be stamped across the top of the plate according to
297 the specific design of the plate.

298 (9) The annual use fee generated pursuant to this section
299 shall be distributed pursuant to s. 320.20.

300 (10) (a) The department may provide by rule for the private

301 vendor to:

302 1. Sell at auction a license to display a unique
303 alphanumeric pattern on a personalized prestige license plate
304 for a period set by department rule;

305 2. Reserve an unissued alphanumeric pattern from the
306 department for purposes of auctioning a license to display the
307 pattern for a period set by department rule;

308 3. Purchase from a person an unexpired license to display
309 an alphanumeric pattern for purposes of auction by the private
310 vendor; and

311 4. Sell at auction, on behalf of a person with an
312 unexpired license to display an alphanumeric pattern, the
313 person's license.

314 (b) A license to display an alphanumeric pattern purchased
315 under this subsection may be transferred to another person.

316 Section 4. Section 320.08053, Florida Statutes, is amended
317 to read:

318 320.08053 Establishment of specialty license plates.—

319 (1)(a) If a specialty license plate requested by an
320 organization is approved by law or is approved pursuant to
321 paragraph (b), the organization must submit the proposed art
322 design for the specialty license plate to the department, in a
323 medium prescribed by the department, as soon as practicable, but
324 no later than 60 days after the act approving the specialty
325 license plate becomes a law or 60 days after the date of the

326 joint approval under paragraph (b).

327 (b) The department and the Legislative Budget Commission
328 may jointly approve new specialty license plates requested by an
329 organization which will be marketed and sold through a private
330 vendor pursuant to s. 320.08056. Within 90 days after the
331 department enters into the contract with the private vendor
332 under s. 320.08049, the department and the Legislative Budget
333 Commission shall jointly develop a process for the review of a
334 request for a new specialty license plate. The process must
335 provide for the approval or denial of new plate designs within
336 90 days after submission. At its sole discretion, the department
337 may approve new specialty license plates marketed and sold
338 through the private vendor which are not requested by, or do not
339 represent, an organization.

340 (2) (a) Within 120 days after the specialty license plate
341 becomes law or is approved pursuant to paragraph (1)(b), the
342 department shall establish a method to issue a specialty license
343 plate voucher to allow for the presale of the specialty license
344 plate. The method must authorize the private vendor to conduct
345 presales. The processing fee as prescribed in s. 320.08056, the
346 service charge and branch fee as prescribed in s. 320.04, ~~and~~
347 the annual use fee as prescribed in s. 320.08056, and, if
348 applicable, the vendor processing fee prescribed in s. 320.08056
349 shall be charged for the voucher. All other applicable fees
350 shall be charged at the time of issuance of the license plates.

351 (b) Within 24 months after the presale specialty license
 352 plate voucher is established, the approved specialty license
 353 plate organization must record with the department a minimum of:

354 1. Three thousand ~~3,000~~ voucher sales; ~~or~~

355 2. In the case of an out-of-state college or university
 356 license plate, 4,000 voucher sales; or

357 3. In the case of a specialty license plate marketed and
 358 sold by a private vendor, 200 voucher sales,

359
 360 before manufacture of the license plate may commence. If, at the
 361 conclusion of the 24-month presale period, the minimum sales
 362 requirement has not been met, the specialty plate is
 363 deauthorized and the department shall discontinue development of
 364 the plate and discontinue issuance of the presale vouchers. Upon
 365 deauthorization of the license plate or if the plate has met the
 366 presale requirement but has not been issued, a purchaser of the
 367 license plate voucher may use the annual use fee collected as a
 368 credit towards any other specialty license plate or apply for a
 369 refund on a form prescribed by the department.

370 (3) (a) New specialty license plates that have been
 371 approved by law but are awaiting issuance under paragraph (b)
 372 shall be issued in the order they appear in s. 320.08058
 373 provided that they have met the presale requirement. All other
 374 provisions of this section must also be met before a specialty
 375 license plate may be issued. If the next awaiting specialty

376 license plate has not met the presale requirement, the
 377 department shall proceed in the order provided in s. 320.08058
 378 to identify the next qualified specialty license plate that has
 379 met the presale requirement. The department shall cycle through
 380 the list in statutory order.

381 (b) If the Legislature has approved 150 or more specialty
 382 license plates, the department may not issue any new specialty
 383 license plates until a sufficient number of plates are
 384 discontinued pursuant to s. 320.08056(11) ~~s. 320.08056(8)~~ such
 385 that the number of plates being issued does not exceed 150.
 386 Notwithstanding s. 320.08056(11)(a) ~~s. 320.08056(8)(a)~~, the 150-
 387 license-plate limit includes license plates above the minimum
 388 sales threshold and those exempt from that threshold.

389 (c) This subsection does not apply to specialty license
 390 plates approved pursuant to paragraph (1)(b).

391 Section 5. Section 320.08056, Florida Statutes, is amended
 392 to read:

393 320.08056 Specialty license plates.—

394 (1) The department is responsible for developing the
 395 specialty license plates authorized in s. 320.08053 and shall
 396 enter into a contact with a private vendor pursuant to s.
 397 320.08049 for the right to market and sell specialty license
 398 plates.

399 (2)(a) The department may approve new designs and color
 400 combinations for a specialty license plate approved by law which

401 is marketed and sold by the private vendor. Each approved
402 license plate design and color combination remains the property
403 of the department.

404 (b) Each approved license plate design and color
405 combination jointly approved by the department and the
406 Legislative Budget Commission or approved by the department
407 under s. 320.08053(1)(b) remains the property of the department.

408 (c) The department may publish for public comment on its
409 website for up to 10 days a proposed design or color combination
410 for a specialty license plate marketed or sold by the private
411 vendor. The department may not restrict the background color,
412 color combinations, or the color of alphanumeric license plate
413 numbers of such a specialty license plate, except as determined
414 by the department as necessary for law enforcement purposes.

415 (d) Except as otherwise provided by this chapter, this
416 subsection does not authorize the approval of a new design or
417 color combination for a specialty license plate that is
418 inconsistent with the design or color combination specified for
419 the license plate by s. 320.08058, and this subsection does not
420 authorize the private vendor to market or sell a specialty
421 license plate with a design or color combination that is
422 inconsistent with the design or color combination specified in
423 s. 320.08058.

424 (3) Notwithstanding any other law, a specialty license
425 plate marketed and sold by the private vendor must be approved

426 by the department for issuance for a term of 1 to 10 years.
427 Subject to the limitations provided in subsection (11) and s.
428 320.08053(2) (b), the department may cancel a specialty license
429 plate or require the discontinuation of a specialty license
430 plate design or color combination that is marketed and sold by
431 the private vendor under contract at any time if the department
432 determines that the cancellation or discontinuation is in the
433 best interest of this state or the motoring public.

434 (4) An organization to which specialty license plate
435 annual use fees are distributed under s. 320.08058 on or before
436 June 30, 2022, may elect to have its respective specialty
437 license plate marketed and sold by the private vendor after July
438 1, 2022. Any previously paid deposit or fee shall be credited
439 toward the private vendor for the term to which it applies.

440 (5) (a) The department shall issue a specialty license
441 plate to the owner or lessee of any motor vehicle, except a
442 vehicle registered under the International Registration Plan, a
443 commercial truck required to display two license plates pursuant
444 to s. 320.0706, or a truck tractor, upon request and payment of
445 the appropriate license tax and fees.

446 (b) The department may authorize dealer and fleet
447 specialty license plates. With the permission of the sponsoring
448 specialty license plate organization, a dealer or fleet company
449 may purchase specialty license plates to be used on dealer and
450 fleet vehicles.

451 (c) Notwithstanding s. 320.08058, a dealer or fleet
 452 specialty license plate must include the letters "DLR" or "FLT"
 453 on the right side of the license plate. Dealer and fleet
 454 specialty license plates must be ordered directly from the
 455 department unless marketed and sold by the private vendor, in
 456 which case they may be ordered directly from the vendor.

457 (6)-(3) Each request must be made ~~annually~~ to the
 458 department or an authorized agent serving on behalf of the
 459 department. The request must be made annually for a single-year
 460 plate or in the last year of the term for a multiyear plate sold
 461 by the private vendor. The request must be~~7~~ accompanied by the
 462 following tax and fees:

463 (a) The license tax required for the vehicle as set forth
 464 in s. 320.08. For a multiyear plate sold by the private vendor,
 465 the request must include the tax for each of the years of the
 466 term.

467 (b) A processing fee of \$5, to be deposited into the
 468 Highway Safety Operating Trust Fund.

469 (c) A license plate fee as required by s. 320.06(1)(b).

470 (d) Unless the amount of an annual use fee is otherwise
 471 specified in subsection (7) ~~(4)~~ for a particular specialty
 472 license plate, an annual use fee of \$25 for any specialty
 473 license plate that is required to be developed under s.
 474 320.08058. For a multiyear plate sold by the private vendor, the
 475 request must include the annual use fee for each of the years of

476 the term.

477 (e) For a specialty license plate established by the
 478 private vendor, the vendor processing fee established in s.
 479 320.08049(3)(b), to be retained by the private vendor.

480
 481 A request may be made any time during a registration period. If
 482 a request is made for a specialty license plate to replace a
 483 current valid license plate, the specialty license plate must be
 484 issued with appropriate decals attached at no tax for the plate,
 485 but all fees and service charges must be paid. If a request is
 486 made for a specialty license plate at the beginning of the
 487 registration period, the tax, together with all applicable fees
 488 and service charges, must be paid.

489 ~~(7)~~~~(4)~~ The following license plate annual use fees shall
 490 be collected for the appropriate specialty license plates:

491 (a) Challenger/Columbia license plate, \$25, except that a
 492 person who purchases 1,000 or more of such license plates shall
 493 pay an annual use fee of \$15 per plate.

494 (b) Florida Salutes Veterans license plate, \$15.

495 (c) Florida United States Olympic Committee license plate,
 496 \$15.

497 (d) Florida Special Olympics license plate, \$15.

498 (e) Florida educational license plate, \$20.

499 (f) Florida Indian River Lagoon license plate, \$15.

500 (g) Invest in Children license plate, \$20.

- 501 (h) Florida arts license plate, \$20.
- 502 (i) Florida Agricultural license plate, \$20.
- 503 (j) Police Athletic League license plate, \$20.
- 504 (k) Boy Scouts of America license plate, \$20.
- 505 (l) Sea Turtle license plate, \$23.
- 506 (m) Protect Wild Dolphins license plate, \$20.
- 507 (n) Everglades River of Grass license plate, \$20.
- 508 (o) Tampa Bay Estuary license plate, \$15.
- 509 (p) Florida Wildflower license plate, \$15.
- 510 (q) United States Marine Corps license plate, \$15.
- 511 (r) Choose Life license plate, \$20.
- 512 (s) Share the Road license plate, \$15.
- 513 (t) Florida Firefighters license plate, \$20.
- 514 (u) Police Benevolent Association license plate, \$20.
- 515 (v) Military Services license plate, \$15.
- 516 (w) Fish Florida license plate, \$22.
- 517 (x) Save Our Seas license plate, \$25, except that for an
- 518 owner purchasing the specialty license plate for more than 10
- 519 vehicles registered to that owner, the annual use fee shall be
- 520 \$10 per plate.
- 521 (y) Aquaculture license plate, \$25, except that for an
- 522 owner purchasing the specialty license plate for more than 10
- 523 vehicles registered to that owner, the annual use fee shall be
- 524 \$10 per plate.
- 525 (8)~~(5)~~ If a vehicle owner or lessee to whom the department

526 has issued a specialty license plate acquires a replacement
527 vehicle within the owner's registration period, the department
528 must authorize a transfer of the specialty license plate to the
529 replacement vehicle in accordance with s. 320.0609. The annual
530 use fee or processing fee may not be refunded.

531 (9)~~(6)~~ Except as otherwise provided in this section,
532 specialty license plates must bear the design required by law
533 for the appropriate specialty license plate, and the designs and
534 colors must conform to the department's design specifications.
535 In addition to a design, the specialty license plates may bear
536 the imprint of numerals from 1 to 999, inclusive, capital
537 letters "A" through "Z," or a combination thereof. The
538 department shall determine the maximum number of characters,
539 including both numerals and letters. All specialty license
540 plates must be otherwise of the same material and size as
541 standard license plates issued for any registration period. A
542 specialty license plate may bear an appropriate slogan, emblem,
543 or logo in a size and placement that conforms to the
544 department's design specifications. The sponsoring
545 organization's Internet domain name may appear on the plate.

546 (10)~~(7)~~ The department shall annually retain from the
547 first proceeds derived from the annual use fees collected an
548 amount sufficient to defray each specialty plate's pro rata
549 share of the department's costs directly related to the
550 specialty license plate program. Such costs shall include

551 inventory costs, distribution costs, direct costs to the
552 department, costs associated with reviewing each organization's
553 compliance with audit and attestation requirements of s.
554 320.08062, and any applicable increased costs of manufacturing
555 the specialty license plate. Any cost increase to the department
556 related to actual cost of the plate, including a reasonable
557 vendor profit, shall be verified by the Department of Management
558 Services. The balance of the proceeds from the annual use fees
559 collected for that specialty license plate shall be distributed
560 as provided by law.

561 (11) (a) ~~(8) (a)~~ The department must discontinue the issuance
562 of an approved specialty license plate if the number of valid
563 specialty plate registrations falls below 1,000 plates for at
564 least 12 consecutive months, or below 200 plates for at least 12
565 consecutive months in the case of an approved specialty license
566 plate marketed and sold by the private vendor. A warning letter
567 shall be mailed to the sponsoring organization following the
568 first month in which the total number of valid specialty plate
569 registrations is below the required minimum ~~1,000 plates~~. This
570 paragraph does not apply to collegiate license plates
571 established under s. 320.08058(3).

572 (b) The department may ~~is authorized to~~ discontinue the
573 issuance of a specialty license plate and distribution of
574 associated annual use fee proceeds if the organization no longer
575 exists, if the organization has stopped providing services that

576 are authorized to be funded from the annual use fee proceeds, if
 577 the organization does not meet the presale requirements as
 578 prescribed in s. 320.08053, or pursuant to an organizational
 579 recipient's request. Organizations shall notify the department
 580 immediately to stop all warrants for plate sales if any of the
 581 conditions in this section exist and must meet the requirements
 582 of s. 320.08062 for any period of operation during a fiscal
 583 year.

584 (c) A vehicle owner or lessee issued a specialty license
 585 plate that has been discontinued by the department may keep the
 586 discontinued specialty license plate for the remainder of the
 587 10-year license plate term provided in this section or s.
 588 320.06, as applicable, ~~replacement period~~ and must pay all other
 589 applicable registration fees. However, such owner or lessee is
 590 exempt from paying the applicable specialty license plate annual
 591 use fee under paragraph (6) (d) ~~(3) (d)~~ or subsection (7) ~~(4)~~ for
 592 the remainder of the 10-year license plate term ~~replacement~~
 593 ~~period~~.

594 (d) If the department discontinues issuance of a specialty
 595 license plate, all annual use fees held or collected by the
 596 department shall be distributed within 180 days after the date
 597 the specialty license plate is discontinued. Of those fees, the
 598 department shall retain an amount sufficient to defray the
 599 applicable administrative and inventory closeout costs
 600 associated with discontinuance of the plate. All remaining

601 proceeds shall be distributed to the appropriate organization or
602 organizations pursuant to s. 320.08058.

603 (e) If an organization that is the intended recipient of
604 the funds pursuant to s. 320.08058 no longer exists, the
605 department shall deposit any undisbursed proceeds into the
606 Highway Safety Operating Trust Fund.

607 (f) Notwithstanding paragraph (a), on January 1 of each
608 year, the department shall discontinue the specialty license
609 plate with the fewest number of plates in circulation, including
610 license plates exempt from a statutory sales requirement. The
611 department shall mail a warning letter to the sponsoring
612 organizations of the 10 percent of specialty license plates with
613 the lowest number of valid, active registrations as of December
614 1 of each year. This paragraph does not apply to specialty
615 license plates marketed and sold by the private vendor.

616 ~~(12)(9)~~ The organization that requested the specialty
617 license plate may not redesign the specialty license plate
618 unless the inventory of those plates has been depleted. However,
619 the organization may purchase the remaining inventory of the
620 specialty license plates from the department at cost.

621 (13)(a) ~~(10)(a)~~ A specialty license plate annual use fee
622 collected and distributed under this chapter, or any interest
623 earned from those fees, may not be used for commercial or for-
624 profit activities nor for general or administrative expenses,
625 except as authorized by s. 320.08058 or to pay the cost of the

626 audit or report required by s. 320.08062(1). The fees and any
627 interest earned from the fees may be expended only for use in
628 this state unless the annual use fee is derived from the sale of
629 United States Armed Forces and veterans-related specialty
630 license plates pursuant to paragraph (6) (d) ~~(3) (d)~~ for the
631 Support Our Troops, American Legion, and Honor Flight license
632 plates; paragraphs (7) (b), (g), and (v) ~~(4) (b), (g), and (v)~~ for
633 the Florida Salutes Veterans, United States Marine Corps, and
634 Military Services license plates, respectively; and s. 320.0891
635 for the U.S. Paratrooper license plate.

636 (b) As used in this subsection, the term "administrative
637 expenses" means those expenditures which are considered as
638 direct operating costs of the organization. Such costs include,
639 but are not limited to, the following:

640 1. Administrative salaries of employees and officers of
641 the organization who do not or cannot prove, via detailed daily
642 time sheets, that they actively participate in program
643 activities.

644 2. Bookkeeping and support services of the organization.

645 3. Office supplies and equipment not directly utilized for
646 the specified program.

647 4. Travel time, per diem, mileage reimbursement, and
648 lodging expenses not directly associated with a specified
649 program purpose.

650 5. Paper, printing, envelopes, and postage not directly

651 associated with a specified program purpose.

652 6. Miscellaneous expenses such as food, beverage,
653 entertainment, and conventions.

654 (14)~~(11)~~ The annual use fee from the sale of specialty
655 license plates, the interest earned from those fees, or any fees
656 received by any entity as a result of the sale of specialty
657 license plates may not be used for the purpose of marketing to,
658 or lobbying, entertaining, or rewarding, an employee of a
659 governmental agency that is responsible for the sale and
660 distribution of specialty license plates, or an elected member
661 or employee of the Legislature. This subsection does not apply
662 to specialty license plates marketed and sold by the private
663 vendor.

664 (15)~~(12)~~ Notwithstanding s. 320.08058(3)(a), the
665 department, in cooperation with the independent colleges or
666 universities as described in s. 1009.89, shall create a standard
667 template specialty license plate with a unique logo or graphic
668 identifying each independent college or university. Each
669 independent college or university may elect to use this standard
670 template specialty license plate in lieu of its own specialty
671 license plate. Annual use fees from the sale of these license
672 plates shall be distributed to the independent college or
673 university for which the logo or graphic is displayed on the
674 license plate and shall be used as provided in s. 320.08058(3).
675 Independent colleges or universities opting to use the standard

676 | template specialty license plate shall have their plate sales
677 | combined for purposes of meeting the minimum license plate sales
678 | threshold in paragraph (11) (a) ~~(8) (a)~~ and for determining the
679 | license plate limit in s. 320.08053(3)(b). Specialty license
680 | plates created pursuant to this subsection must be ordered
681 | directly from the department. If the independent college or
682 | university elects to use the standard template specialty license
683 | plate, the department shall discontinue the existing specialty
684 | license plate.

685 | (16) ~~(13)~~ For out-of-state college or university license
686 | plates created pursuant to this section, documentation
687 | acceptable to the department that the department has the
688 | college's or university's consent to use an appropriate image on
689 | a license plate shall be on file with the department prior to
690 | development of the out-of-state college or university license
691 | plate.

692 | (17) ~~(14)~~ Before the issuance of vouchers for the presale
693 | of an out-of-state college or university license plate, the
694 | department shall determine whether the state in which the out-
695 | of-state college or university is located has authorized any
696 | license plates for colleges or universities located in this
697 | state. The department may not issue any out-of-state college or
698 | university license plate unless the state in which the college
699 | or university is located has authorized license plates for
700 | colleges or universities located in this state.

701 (18)~~(15)~~ The application form for a specialty license
 702 plate shall provide the applicant the option to instruct the
 703 department to provide his or her name, address, and renewal date
 704 to the sponsoring organization.

705 Section 6. Subsection (101) of section 320.08058, Florida
 706 Statutes, is amended to read:

707 320.08058 Specialty license plates.—

708 (101) DIVINE NINE LICENSE PLATES.—

709 (a) The department shall develop a Divine Nine license
 710 plate as provided in this section and s. 320.08053 using a
 711 standard template and a unique logo, graphic, or color for each
 712 of the organizations listed in sub-subparagraphs (b)3.a.-i. The
 713 plate must bear the colors and design approved by the department
 714 and must include the official logo, graphic, or color as
 715 appropriate for each organization. The word "Florida" must
 716 appear at the top of the plate, and the words "Divine Nine" must
 717 appear at the bottom of the plate.

718 (b) The annual use fees from the sale of the plate shall
 719 be distributed as follows:

720 1. Five percent of the proceeds shall be distributed to
 721 the United Negro College Fund, Inc., for college scholarships
 722 for Florida residents attending Florida's historically black
 723 colleges and universities.

724 2. Ten percent of the proceeds shall be distributed to the
 725 Association to Preserve African American Society, History and

726 Tradition, Inc., solely for the marketing of the plate.

727 3. The remaining 85 percent of the proceeds shall be
728 distributed to one of the following organizations as selected by
729 the purchaser of the plate who, upon fulfilling the requirements
730 of paragraph (c), shall receive a license plate with the logo,
731 graphic, or color associated with the appropriate recipient
732 organization:

733 a. Alpha Phi Alpha Fraternity, Inc.—Eighty-five percent
734 shall be distributed to the Florida Federation of Alpha
735 Chapters, Inc., to promote community awareness and action
736 through educational, economic, and cultural service activities
737 within this state.

738 b. Alpha Kappa Alpha Sorority, Inc.—Eighty-five percent
739 shall be distributed to the Alpha Kappa Alpha Educational
740 Advancement Foundation, Inc., to promote community awareness and
741 action through educational, economic, and cultural service
742 activities within this state.

743 c. Kappa Alpha Psi Fraternity, Inc.—Eighty-five percent
744 shall be distributed to the Southern Province of Kappa Alpha Psi
745 Fraternity, Inc., to promote community awareness and action
746 through educational, economic, and cultural service activities
747 within this state.

748 d. Omega Psi Phi Fraternity, Inc.—Eighty-five percent
749 shall be distributed to the State of Florida Omega Friendship
750 Foundation, Inc., to promote community awareness and action

751 through educational, economic, and cultural service activities
752 within this state.

753 e. Delta Sigma Theta Sorority, Inc.—Eighty-five percent
754 shall be distributed to the Delta Research and Educational
755 Foundation, Inc., to promote community awareness and action
756 through educational, economic, and cultural service activities
757 within this state.

758 f. Phi Beta Sigma Fraternity, Inc.—Eighty-five percent
759 shall be distributed to the TMB Charitable Foundation, Inc., to
760 promote community awareness and action through educational,
761 economic, and cultural service activities within this state.

762 g. Zeta Phi Beta Sorority, Inc.—Eighty-five percent shall
763 be distributed to the Florida Pearls, Inc., to promote community
764 awareness and action through educational, economic, and cultural
765 service activities within this state.

766 h. Sigma Gamma Rho Sorority, Inc.—Eighty-five percent
767 shall be distributed to the Sigma Gamma Rho Sorority National
768 Education Fund, Inc., to promote community awareness and action
769 through educational, economic, and cultural service activities
770 within this state.

771 i. Iota Phi Theta Fraternity, Inc.—Eighty-five percent
772 shall be distributed to the National Iota Foundation, Inc., to
773 promote community awareness and action through educational,
774 economic, and cultural service activities within this state.

775 (c)1. To be eligible for issuance of a Divine Nine license

776 | plate representing an organization listed in sub-subparagraphs
 777 | (b)3.a.-i., a person must be a resident of this state who is the
 778 | registered owner of a motor vehicle and who is a member of the
 779 | applicable organization. The person must also present proof of
 780 | membership in the organization, which may be established by:

781 | a. A card distributed by the organization indicating the
 782 | person's membership in the organization; or

783 | b. A written letter on the organization's letterhead which
 784 | is signed by the organization's national president or his or her
 785 | designated official and which states that the person was
 786 | inducted into the organization.

787 | 2. Proof of membership in an organization listed in sub-
 788 | subparagraphs (b)3.a.-i. is required only for initial issuance
 789 | of a Divine Nine license plate. A person need not present such
 790 | proof for renewal of the license plate.

791 | (d) A Divine Nine license plate:

792 | 1. May be personalized.

793 | 2. May not be transferred between vehicle owners.

794 |

795 | License plates created pursuant to this subsection shall have
 796 | their plate sales combined for the purpose of meeting the
 797 | minimum license plate sales threshold in s. 320.08056(11)(a) ~~s.~~
 798 | ~~320.08056(8)(a)~~ and for determining the license plate limit in
 799 | s. 320.08053(3)(b). License plates created pursuant to this
 800 | subsection must be ordered directly from the department.

HB 555

2022

801 Section 7. For the purpose of incorporating the amendment
802 made by this act to section 320.0805, Florida Statutes, in a
803 reference thereto, subsection (7) of section 320.08068, Florida
804 Statutes, is reenacted to read:

805 320.08068 Motorcycle specialty license plates.-

806 (7) The department may issue personalized prestige plates
807 for license plates authorized in this section. Such plates shall
808 be issued in accordance with applicable provisions contained in
809 s. 320.0805.

810 Section 8. This act shall take effect July 1, 2022.