

By Senator Perry

8-01096-20

2020860__

1 A bill to be entitled
2 An act relating to specialty license plates; amending
3 s. 320.08053, F.S.; providing legislative intent;
4 requiring an organization that seeks authorization to
5 establish a certain specialty license plate to submit
6 to the Department of Highway Safety and Motor Vehicles
7 specified information; prohibiting state funds from
8 being used to pay any application fee; providing an
9 exception for collegiate specialty license plates;
10 deleting requirements related to the submission of an
11 art design to the department if the plate is approved
12 by law; requiring the department to establish a
13 certain method to issue a specialty license plate
14 voucher within a specified period after the specialty
15 license plate approval by the department, instead of
16 after the plate becomes law; increasing the minimum
17 number of voucher sales an approved specialty license
18 plate organization must record with the department
19 before manufacture of the license plate may commence;
20 providing requirements for the issuance of certain
21 specialty license plates; prohibiting an out-of-state
22 entity from applying or being approved for a specialty
23 license plate; providing an exception for an out-of-
24 state college or university; authorizing the
25 department to reject certain applications; authorizing
26 the department to recall issued specialty license
27 plates under certain circumstances; requiring the
28 department to adopt certain rules; amending s.
29 320.08056, F.S.; removing an exemption of collegiate

8-01096-20

2020860__

30 license plates from requirements for discontinuing the
31 issuance of certain specialty license plates;
32 authorizing a vehicle owner or lessee who is issued a
33 specialty license plate that has been discontinued by
34 the department to keep the plate for a specified
35 period, subject to certain requirements; providing
36 procedural requirements for the department in
37 discontinuing the issuance of specialty license plates
38 and disbursing certain funds; prohibiting an out-of-
39 state entity from applying for the creation of a
40 specialty license plate; providing an exception for an
41 out-of-state college or university; specifying
42 requirements for an organization that receives
43 proceeds from the sale of an out-of-state college or
44 university specialty license plate; amending s.
45 320.08056, F.S.; increasing, on and after a specified
46 date, the minimum number of specialty plate
47 registrations below which the department must
48 discontinue the issuance of an approved specialty
49 license plate; conforming a provision to changes made
50 by the act; amending s. 320.08062, F.S.; requiring the
51 department to audit certain organizations that receive
52 annual use fee proceeds, subject to certain
53 requirements; creating s. 320.0875, F.S.; authorizing
54 a resident of this state to be issued a Purple Heart
55 special motorcycle license plate under certain
56 circumstances; providing requirements for the plate;
57 authorizing a certain design for the plate; amending
58 s. 320.089, F.S.; creating a Bronze Star special

8-01096-20

2020860__

59 license plate; providing eligibility requirements for
60 the plate; providing requirements for the plate;
61 providing contingent effective dates.
62

63 Be It Enacted by the Legislature of the State of Florida:
64

65 Section 1. Section 320.08053, Florida Statutes, is amended
66 to read:

67 320.08053 Requirements for requests to establish specialty
68 license plates.—

69 (1) (a) It is the intent of the Legislature to establish a
70 process at the Department of Highway Safety and Motor Vehicles
71 for reviewing and approving the creation of a specialty license
72 plate and to authorize the department to approve or deny an
73 application for the establishment of a new specialty license
74 plate under this chapter.

75 (b) An organization that seeks authorization to establish a
76 new specialty license plate for which an annual use fee is to be
77 charged must submit to the department, at a minimum:

78 1. A request for the particular specialty license plate
79 being sought which describes the proposed specialty license
80 plate in specific terms, including the proposed art design for
81 the specialty license plate. The proposed art design must be in
82 a medium prescribed by the department, must conform to the
83 specifications set by the department and this chapter, and must
84 be in substantially final form.

85 2. A marketing strategy outlining short-term and long-term
86 marketing plans for the requested specialty license plate and a
87 financial analysis outlining the anticipated revenues and the

8-01096-20

2020860__

88 planned expenditures of the revenues to be derived from the sale
89 of the requested specialty license plate.

90 (c) State funds may not be used to pay any application fee,
91 except for collegiate specialty license plates authorized under
92 s. 320.08058(3). All applications submitted on or after October
93 1, 2020, must meet the requirements of this section and s.
94 320.08056.

95 ~~(1) If a specialty license plate requested by an~~
96 ~~organization is approved by law, the organization must submit~~
97 ~~the proposed art design for the specialty license plate to the~~
98 ~~department, in a medium prescribed by the department, as soon as~~
99 ~~practicable, but no later than 60 days after the act approving~~
100 ~~the specialty license plate becomes a law.~~

101 (2) (a) Within 120 days following the specialty license
102 plate approval by the department becoming law, the department
103 shall establish a method to issue a specialty license plate
104 voucher to allow for the presale of the specialty license plate.
105 The processing fee as prescribed in s. 320.08056, the service
106 charge and branch fee as prescribed in s. 320.04, and the annual
107 use fee as prescribed in s. 320.08056 shall be charged for the
108 voucher. All other applicable fees shall be charged at the time
109 of issuance of the license 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 2,000 ~~1,000~~ voucher sales before manufacture of the license
114 plate may commence. If, at the conclusion of the 24-month
115 presale period, the minimum sales requirement has ~~requirements~~
116 ~~have~~ not been met, the specialty plate is deauthorized and the

8-01096-20

2020860__

117 department shall discontinue development of the plate and
118 discontinue issuance of the presale vouchers. Upon
119 deauthorization of the license plate, a purchaser of the license
120 plate voucher may use the annual use fee collected as a credit
121 towards any other specialty license plate or apply for a refund
122 on a form prescribed by the department.

123 (3) (a) New specialty license plates that have been approved
124 by the Legislature must be issued in the order they appear in s.
125 320.08058, provided they have met the presale requirement. If
126 the new specialty license plates are not approved by the
127 Legislature, the plates must be issued in the order approved by
128 the department, provided they have met the presale requirement.
129 For any new specialty license plates approved before October 1,
130 2020, specialty license plates approved by the Legislature must
131 be issued before the specialty license plates approved by the
132 department. For any new specialty license plates approved on or
133 after October 1, 2020, specialty license plates approved by the
134 department must be issued before the specialty license plates
135 approved by the Legislature. All other requirements of this
136 section must also be met before a plate is issued. If the next
137 specialty license plate awaiting issuance has not met the
138 presale requirement, the department shall identify the next
139 qualified specialty license plate that has met the presale
140 requirement, proceeding in the order of approval of the new
141 specialty license plates pursuant to this paragraph.

142 (b) If 125 or more specialty license plates have been
143 approved, including those in s. 320.08058 and those approved by
144 the department, the department may not make any new specialty
145 license plates available for design or issuance until a

8-01096-20

2020860__

146 sufficient number of plates are discontinued pursuant to s.
147 320.08056(8) such that the number of plates being issued does
148 not exceed 125.

149 (4) An out-of-state entity may not apply or be approved for
150 a specialty license plate pursuant to this section, with the
151 exception of an out-of-state college or university.

152 (5) The department may reject applications that contain
153 proposed art designs it deems objectionable and applications
154 from entities it deems objectionable. The department may recall,
155 during a registration period, any issued specialty license plate
156 it deems objectionable.

157 (6) The department shall adopt rules necessary for the
158 implementation and administration of this section.

159 Section 2. Present subsection (12) of section 320.08056,
160 Florida Statutes, is redesignated as subsection (14), a new
161 subsection (12) and subsection (13) are added to that section,
162 and subsections (8) and (11) of that section are amended, to
163 read:

164 320.08056 Specialty license plates.—

165 (8) (a) The department must discontinue the issuance of an
166 approved specialty license plate if the number of valid
167 specialty plate registrations falls below 1,000 plates for at
168 least 12 consecutive months. A warning letter shall be mailed to
169 the sponsoring organization following the first month in which
170 the total number of valid specialty plate registrations is below
171 1,000 plates. ~~This paragraph does not apply to collegiate~~
172 ~~license plates established under s. 320.08058(3).~~

173 (b) The department is authorized to discontinue the
174 issuance of a specialty license plate and distribution of

8-01096-20

2020860__

175 associated annual use fee proceeds if the organization no longer
176 exists, if the organization has stopped providing services that
177 are authorized to be funded from the annual use fee proceeds, if
178 the organization does not meet the presale requirements as
179 prescribed in s. 320.08053, or pursuant to an organizational
180 recipient's request. Organizations shall notify the department
181 immediately to stop all warrants for plate sales if any of the
182 conditions in this section exist and must meet the requirements
183 of s. 320.08062 for any period of operation during a fiscal
184 year.

185 (c) A vehicle owner or lessee who is issued a specialty
186 license plate that has been discontinued by the department may
187 keep the discontinued specialty license plate for the remainder
188 of the 10-year license plate replacement period and shall pay
189 all other applicable registration fees. However, such owner or
190 lessee is exempt from paying the applicable specialty license
191 plate use fee under paragraph (3) (d) or subsection (4) for the
192 remainder of the 10-year license plate replacement period.

193 (d) If the department discontinues issuance of a specialty
194 license plate, all annual use fees held or collected by the
195 department must be distributed within 180 days after the date on
196 which the specialty license plate is discontinued. Of those
197 fees, the department shall retain an amount sufficient to defray
198 the applicable administrative and inventory closeout costs
199 associated with discontinuance of the plate. The remaining funds
200 must be distributed to the appropriate organization or
201 organizations pursuant to s. 320.08058.

202 (e) If an organization that is the intended recipient of
203 the funds pursuant to s. 320.08058 no longer exists, the

8-01096-20

2020860__

204 department shall deposit any undisbursed funds into the Highway
205 Safety Operating Trust Fund.

206 (f) Notwithstanding paragraph (a), on January 1 of each
207 year, the department shall discontinue the specialty license
208 plate having the fewest plates in circulation, including license
209 plates exempt from a statutory sales requirement. The department
210 must mail a warning letter to the sponsoring organizations of
211 the 10 percent of the total number of specialty license plates
212 having the fewest valid, active registrations as of December 1
213 of each year.

214 (11) The annual use fees ~~fee~~ from the sale of specialty
215 license plates, the interest earned from those fees, or any fees
216 received by any entity ~~an agency~~ as a result of the sale of
217 specialty license plates may not be used for the purpose of
218 marketing to, or lobbying, entertaining, or rewarding, an
219 employee of a governmental agency that is responsible for the
220 sale and distribution of specialty license plates, or an elected
221 member or employee of the Legislature.

222 (12) An out-of-state entity may not apply for the creation
223 of a specialty license plate pursuant to the requirements of
224 this section and s. 320.08053, with the exception of an out-of-
225 state college or university.

226 (13) An organization that receives proceeds from the sale
227 of an out-of-state college or university specialty license plate
228 created pursuant to this section and ss. 320.08053 and 320.08058
229 must meet the following requirements:

230 (a) Have an established endowment, based in this state, for
231 the purpose of providing scholarships to Florida residents.

232 (b) Use the annual use fees collected and distributed under

8-01096-20

2020860__

233 this chapter, or any interest earned from those fees, for the
234 purpose of awarding scholarships to Florida residents for
235 tuition and other expenses directly related to attending the
236 out-of-state college or university.

237 (c) Ensure that Florida residents who receive a scholarship
238 from the established organization are eligible for the Florida
239 Bright Futures Scholarship Program pursuant to s. 1009.531.

240 (d) Provide documentation to the department that the
241 organization and the department have the consent of the college
242 or university to use an appropriate image on a license plate.

243 Section 3. Effective July 1, 2022, paragraph (a) of
244 subsection (8) of section 320.08056, Florida Statutes, as
245 amended by this act, is amended to read:

246 320.08056 Specialty license plates.—

247 (8) (a) The department must discontinue the issuance of an
248 approved specialty license plate if the number of valid
249 specialty plate registrations falls below 2,000 ~~1,000~~ plates for
250 at least 12 consecutive months. A warning letter shall be mailed
251 to the sponsoring organization following the first month in
252 which the total number of valid specialty plate registrations is
253 below 2,000 ~~1,000~~ plates.

254 Section 4. Paragraph (b) of subsection (1) of section
255 320.08062, Florida Statutes, is amended to read:

256 320.08062 Audits and attestations required; annual use fees
257 of specialty license plates.—

258 (1)

259 (b) Any organization not subject to audit pursuant to s.
260 215.97 shall annually attest, under penalties of perjury, that
261 such proceeds were used in compliance with ss. 320.08056 and

8-01096-20

2020860__

262 320.08058. The attestation shall be made annually in a form and
263 format determined by the department. In addition, the department
264 shall audit any such organization at least every 3 years to
265 ensure that proceeds have been used in compliance with ss.
266 320.08056 and 320.08058.

267 Section 5. Section 320.0875, Florida Statutes, is created
268 to read:

269 320.0875 Purple Heart special motorcycle license plate.-

270 (1) Upon application to the department and payment of the
271 license tax for the motorcycle as provided in s. 320.08, a
272 resident of this state who owns or leases a motorcycle that is
273 not for hire or commercial use shall be issued a Purple Heart
274 special motorcycle license plate if he or she provides
275 documentation acceptable to the department that he or she is a
276 recipient of the Purple Heart medal.

277 (2) The Purple Heart special motorcycle license plate must
278 be stamped with the term "Combat-wounded Veteran" followed by
279 the serial number of the license plate. The Purple Heart special
280 motorcycle license plate may have the term "Purple Heart"
281 stamped on the plate and the likeness of the Purple Heart medal
282 appearing on the plate.

283 Section 6. Paragraph (a) of subsection (1) of section
284 320.089, Florida Statutes, is amended to read:

285 320.089 Veterans of the United States Armed Forces; members
286 of National Guard; survivors of Pearl Harbor; Purple Heart medal
287 recipients; Bronze Star recipients; active or retired United
288 States Armed Forces reservists; Combat Infantry Badge, Combat
289 Medical Badge, or Combat Action Badge recipients; Combat Action
290 Ribbon recipients; Air Force Combat Action Medal recipients;

8-01096-20

2020860__

291 Distinguished Flying Cross recipients; former prisoners of war;
292 Korean War Veterans; Vietnam War Veterans; Operation Desert
293 Shield Veterans; Operation Desert Storm Veterans; Operation
294 Enduring Freedom Veterans; Operation Iraqi Freedom Veterans;
295 Women Veterans; World War II Veterans; and Navy Submariners;
296 special license plates; fee.—

297 (1) (a) Each owner or lessee of an automobile or truck for
298 private use or recreational vehicle as specified in s.
299 320.08(9)(c) or (d), which is not used for hire or commercial
300 use, who is a resident of the state and a veteran of the United
301 States Armed Forces, a Woman Veteran, a World War II Veteran, a
302 Navy Submariner, an active or retired member of the Florida
303 National Guard, a survivor of the attack on Pearl Harbor, a
304 recipient of the Purple Heart medal, a recipient of the Bronze
305 Star, an active or retired member of any branch of the United
306 States Armed Forces Reserve, or a recipient of the Combat
307 Infantry Badge, Combat Medical Badge, Combat Action Badge,
308 Combat Action Ribbon, Air Force Combat Action Medal, or
309 Distinguished Flying Cross, upon application to the department,
310 accompanied by proof of release or discharge from any branch of
311 the United States Armed Forces, proof of active membership or
312 retired status in the Florida National Guard, proof of
313 membership in the Pearl Harbor Survivors Association or proof of
314 active military duty in Pearl Harbor on December 7, 1941, proof
315 of being a Purple Heart medal recipient, proof of being a Bronze
316 Star recipient, proof of active or retired membership in any
317 branch of the United States Armed Forces Reserve, or proof of
318 membership in the Combat Infantrymen's Association, Inc., proof
319 of being a recipient of the Combat Infantry Badge, Combat

8-01096-20

2020860__

320 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air
321 Force Combat Action Medal, or Distinguished Flying Cross, and
322 upon payment of the license tax for the vehicle as provided in
323 s. 320.08, shall be issued a license plate as provided by s.
324 320.06 which, in lieu of the serial numbers prescribed by s.
325 320.06, is stamped with the words "Veteran," "Woman Veteran,"
326 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl
327 Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S.
328 Reserve," "Combat Infantry Badge," "Combat Medical Badge,"
329 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat
330 Action Medal," or "Distinguished Flying Cross," as appropriate,
331 and a likeness of the related campaign medal or badge, followed
332 by the serial number of the license plate. Additionally, the
333 Purple Heart plate may have the words "Purple Heart" stamped on
334 the plate and the likeness of the Purple Heart medal appearing
335 on the plate.

336 Section 7. Except as otherwise expressly provided in this
337 act, this act shall take effect October 1, 2020, but only if SB
338 __ or similar legislation takes effect, if such legislation is
339 adopted in the same legislative session or an extension thereof
340 and becomes a law.