

1 A bill to be entitled
 2 An act relating to fees; amending ss. 320.06 and
 3 320.08053, F.S.; conforming cross-references; amending
 4 s. 320.08056, F.S.; requiring the Department of
 5 Highway Safety and Motor Vehicles to establish fees
 6 for issuance or renewal of specialty license plates
 7 marketed and sold by private vendors; requiring
 8 certain portions of a contract with the private vendor
 9 to be paid with such fees; requiring certain excess
 10 fees to be deposited in the General Revenue Fund;
 11 conforming provisions to changes made by the act;
 12 amending s. 320.08058, F.S.; conforming a cross-
 13 reference; providing a contingent effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (b) of subsection (1) of section
 18 320.06, Florida Statutes, as amended by HB 1267, 2021 Regular
 19 Session, is amended to read:

20 320.06 Registration certificates, license plates, and
 21 validation stickers generally.—

22 (1)

23 (b)1. Except as provided in s. 320.08056(5) ~~s.~~
 24 ~~320.08056(3)~~, registration license plates bearing a graphic
 25 symbol and the alphanumeric system of identification shall be

26 | issued for a 10-year period. At the end of the 10-year period,
27 | upon renewal, the plate shall be replaced. The department shall
28 | extend the scheduled license plate replacement date from a 6-
29 | year period to a 10-year period. The fee for such replacement is
30 | \$28, \$2.80 of which shall be paid each year before the plate is
31 | replaced, to be credited toward the next \$28 replacement fee.
32 | The fees shall be deposited into the Highway Safety Operating
33 | Trust Fund. A credit or refund may not be given for any prior
34 | years' payments of the prorated replacement fee if the plate is
35 | replaced or surrendered before the end of the 10-year period,
36 | except that a credit may be given if a registrant is required by
37 | the department to replace a license plate under s.
38 | 320.08056(14)(a) ~~s. 320.08056(11)(a)~~. With each license plate, a
39 | validation sticker shall be issued showing the owner's birth
40 | month, license plate number, and the year of expiration or the
41 | appropriate renewal period if the owner is not a natural person.
42 | The validation sticker shall be placed on the upper right corner
43 | of the license plate. The license plate and validation sticker
44 | shall be issued based on the applicant's appropriate renewal
45 | period. The registration period is 12 months, the extended
46 | registration period is 24 months, and all expirations occur
47 | based on the applicant's appropriate registration period. A
48 | vehicle that has an apportioned registration shall be issued an
49 | annual license plate and a cab card that denote the declared
50 | gross vehicle weight for each apportioned jurisdiction in which

51 | the vehicle is authorized to operate.

52 | 2. In order to retain the efficient administration of the
53 | taxes and fees imposed by this chapter, the 80-cent fee increase
54 | in the replacement fee imposed by chapter 2009-71, Laws of
55 | Florida, is negated as provided in s. 320.0804.

56 | Section 2. Paragraph (b) of subsection (3) of section
57 | 320.08053, Florida Statutes, as amended by HB 1267, 2021 Regular
58 | Session, is amended to read:

59 | (3)

60 | (b) If the Legislature has approved 150 or more specialty
61 | license plates, the department may not make any new specialty
62 | license plates available for design or issuance until a
63 | sufficient number of plates are discontinued pursuant to s.
64 | 320.08056(14) ~~s. 320.08056(11)~~ such that the number of plates
65 | being issued does not exceed 150. Notwithstanding s.
66 | 320.08056(14) (a) ~~s. 320.08056(11) (a)~~, the 150-license-plate
67 | limit includes license plates above the minimum sales threshold
68 | and those exempt from that threshold.

69 | Section 3. Subsections (2), (3), and (4) through (18) of
70 | section 320.08056, Florida Statutes, as amended by HB 1267, 2021
71 | Regular Session, are renumbered as subsections (4), (5), and (7)
72 | through (21), respectively, paragraphs (b) and (c) of subsection
73 | (1), present subsection (3), paragraph (d) of present subsection
74 | (6), paragraph (c) of present subsection (11), paragraph (a) of
75 | present subsection (13), and present subsection (15) are

76 amended, and new subsections (2), (3), and (6) are added to that
77 section, to read:

78 320.08056 Specialty license plates.—

79 (1) The department is responsible for developing the
80 specialty license plates authorized in s. 320.08053 and shall
81 enter into a contract with an experienced private vendor whose
82 proposal is most advantageous to the state, as determined from
83 competitive sealed proposals that satisfy the requirements of
84 this section, for the exclusive vendor rights to market and sell
85 specialty license plates.

86 (b) A contract entered into with a private vendor shall
87 provide for the department to recover all costs incurred by the
88 department in implementing subsections (2)-(6) ~~(2) and (3)~~.
89 Under the contract, the department may require the private
90 vendor to reimburse the department in advance for up to 50
91 percent of the department's anticipated costs in connection with
92 the contract and the department's anticipated costs in
93 connection with the introduction of a new specialty license
94 plate under the contract.

95 (c) The department shall certify to the Chief Financial
96 Officer an estimate, with a detailed explanation of the basis on
97 which the estimate is calculated, of all reasonable costs to the
98 department associated with the evaluation of competitive sealed
99 proposals received by the department under this subsection and
100 with the implementation and enforcement of a contract entered

101 into under this subsection, including direct, indirect, and
102 administrative costs for the issuance or renewal of specialty
103 license plates under subsection (8) ~~(5)~~.

104 (2) The department shall, by rule, establish fees for the
105 issuance or renewal of specialty license plates that are
106 marketed and sold by a private vendor. Fees must be reasonable
107 and not less than the amounts necessary to allow the department
108 to recover all reasonable costs to the department associated
109 with the evaluation of the competitive sealed proposals received
110 by the department and with the implementation and enforcement of
111 the contract, including direct, indirect, and administrative
112 costs. A fee established under this subsection is in addition to
113 the registration fee and any optional registration fee for the
114 motor vehicle for which a specialty license plate is issued and
115 any additional fee for the issuance of a specialty license plate
116 for that motor vehicle.

117 (3) The portion of a contract with the private vendor
118 regarding the marketing and sale of specialty license plates is
119 payable only from amounts derived from the collection of the fee
120 established under subsection (2).

121 ~~(5)(3)~~ Notwithstanding s. 320.06, a specialty license
122 plate marketed and sold by a private vendor must be approved by
123 the department for issuance for a term of 1, 3, 5, or 10 years.
124 Subject to the limitations provided in subsection (14) ~~(11)~~ and
125 s. 320.08053(2)(b), the department may cancel a specialty

126 license plate or require the discontinuation of a specialty
127 license plate design or color combination that is marketed and
128 sold by the private vendor under contract at any time if the
129 department determines that the cancellation or discontinuation
130 is in the best interest of this state or the motoring public.

131 (6) To the extent that specialty license plate fees
132 collected under this section are in excess of the minimum amount
133 required under subsection (9) or subsection (10), less any fees
134 negotiated with the private vendor, the excess amount shall be
135 deposited in the General Revenue Fund.

136 (9)-(6) Each request for a specialty license plate must be
137 made annually to the department or an authorized agent serving
138 on behalf of the department, accompanied by the following tax
139 and fees:

140 (d) Unless the amount of an annual use fee is otherwise
141 specified in subsection (10) ~~(7)~~ for a particular specialty
142 license plate, an annual use fee of \$25 for any specialty
143 license plate that is required to be developed under s.
144 320.08058, plus any amounts necessary to allow the department to
145 recover all reasonable costs to the department associated with a
146 specialty license plate marketed and sold by a private vendor,
147 including evaluation of competitive sealed proposals received by
148 the department, implementation and enforcement of a contract,
149 and any other direct, indirect, and administrative costs.

150

151 A request may be made any time during a registration period. If
152 a request is made for a specialty license plate to replace a
153 current valid license plate, the specialty license plate must be
154 issued with appropriate decals attached at no tax for the plate,
155 but all fees and service charges must be paid. If a request is
156 made for a specialty license plate at the beginning of the
157 registration period, the tax, together with all applicable fees
158 and service charges, must be paid.

159 (14) ~~(11)~~

160 (c) A vehicle owner or lessee issued a specialty license
161 plate that has been discontinued by the department may keep the
162 discontinued specialty license plate for the remainder of the
163 license plate replacement period provided in subsection (5) ~~(3)~~
164 or s. 320.06, as applicable, and must pay all other applicable
165 registration fees. However, such owner or lessee is exempt from
166 paying the applicable specialty license plate annual use fee
167 under paragraph (9) ~~(6)~~ (d) or subsection (10) ~~(7)~~ for the
168 remainder of the license plate replacement period.

169 (16) ~~(13)~~ (a) A specialty license plate annual use fee
170 collected and distributed under this chapter, or any interest
171 earned from those fees, may not be used for commercial or for-
172 profit activities nor for general or administrative expenses,
173 except as authorized by s. 320.08058 or to pay the cost of the
174 audit or report required by s. 320.08062(1). The fees and any
175 interest earned from the fees may be expended only for use in

176 | this state unless the annual use fee is derived from the sale of
177 | United States Armed Forces and veterans-related specialty
178 | license plates pursuant to paragraph (9)~~(6)~~(d) for the Support
179 | Our Troops and American Legion license plates; paragraphs
180 | (10)~~(7)~~(b), (q), and (v) for the Florida Salutes Veterans,
181 | United States Marine Corps, and Military Services license
182 | plates, respectively; and s. 320.0891 for the U.S. Paratrooper
183 | license plate. This paragraph does not apply to specialty
184 | license plates marketed and sold by private vendors.

185 | (18)~~(15)~~ Notwithstanding s. 320.08058(3)(a), the
186 | department, in cooperation with the independent colleges or
187 | universities as defined in s. 1009.89 or s. 1009.891, shall
188 | create a standard template specialty license plate with a unique
189 | logo or graphic identifying each independent college or
190 | university. Each independent college or university may elect to
191 | use this standard template specialty license plate in lieu of
192 | its own specialty license plate. Annual use fees from the sale
193 | of these license plates shall be distributed to the independent
194 | college or university for which the logo or graphic is displayed
195 | on the license plate and shall be used as provided in s.
196 | 320.08058(3). Independent colleges or universities opting to use
197 | the standard template specialty license plate shall have their
198 | plate sales combined for purposes of meeting the minimum license
199 | plate sales threshold in paragraph (14)~~(11)~~(a) and for
200 | determining the license plate limit in s. 320.08053(3)(b).

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201 Specialty license plates created pursuant to this subsection
202 must be ordered directly from the department. This paragraph
203 does not apply to specialty license plates marketed and sold by
204 private vendors.

205 Section 4. Subsection (101) of section 320.08058, Florida
206 Statutes, as amended by HB 1267, 2021 Regular Session, is
207 amended to read:

208 320.08058 Specialty license plates.—

209 (101) DIVINE NINE LICENSE PLATES.—

210 (a) The department shall develop a Divine Nine license
211 plate as provided in this section and s. 320.08053 using a
212 standard template and a unique logo, graphic, or color for each
213 of the organizations listed in sub-subparagraphs (b)2.a.-i. The
214 plate must bear the colors and design approved by the
215 department, and must include the official logo, graphic, or
216 color as appropriate for each organization. The word "Florida"
217 must appear at the top of the plate, and the words "Divine Nine"
218 must appear at the bottom of the plate.

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

221 1. Five percent of the proceeds shall be distributed to
222 the United Negro College Fund, Inc., for college scholarships
223 for Florida residents attending Florida's historically black
224 colleges and universities.

225 2. The remaining 95 percent of the proceeds shall be

226 distributed to one of the following organizations as selected by
 227 the purchaser of the plate who shall receive a license plate
 228 with the logo, graphic, or color associated with the appropriate
 229 recipient organization:

230 a. Alpha Phi Alpha Fraternity, Inc.

231 (I) Eighty-five percent shall be distributed to the
 232 Florida Federation of Alpha Chapters, Inc., to promote community
 233 awareness and action through educational, economic, and cultural
 234 service activities within this state.

235 (II) Ten percent shall be distributed to the Florida
 236 Federation of Alpha Chapters, Inc., solely for the marketing of
 237 the plate.

238 b. Alpha Kappa Alpha Sorority, Inc.

239 (I) Eighty-five percent shall be distributed to the Alpha
 240 Kappa Alpha Educational Advancement Foundation, Inc., to promote
 241 community awareness and action through educational, economic,
 242 and cultural service activities within this state.

243 (II) Ten percent shall be distributed to the Alpha Kappa
 244 Alpha Educational Advancement Foundation, Inc., solely for the
 245 marketing of the plate.

246 c. Kappa Alpha Psi Fraternity, Inc.

247 (I) Eighty-five percent shall be distributed to the
 248 Southern Province of Kappa Alpha Psi Fraternity, Inc., to
 249 promote community awareness and action through educational,
 250 economic, and cultural service activities within this state.

251 (II) Ten percent shall be distributed to the Southern
 252 Province of Kappa Alpha Psi Fraternity, Inc., solely for the
 253 marketing of the plate.

254 d. Omega Psi Phi Fraternity, Inc.

255 (I) Eighty-five percent shall be distributed to the State
 256 of Florida Omega Friendship Foundation, Inc., to promote
 257 community awareness and action through educational, economic,
 258 and cultural service activities within this state.

259 (II) Ten percent shall be distributed to the State of
 260 Florida Omega Friendship Foundation, Inc., solely for the
 261 marketing of the plate.

262 e. Delta Sigma Theta Sorority, Inc.

263 (I) Eighty-five percent shall be distributed to the Delta
 264 Research and Educational Foundation, Inc., to promote community
 265 awareness and action through educational, economic, and cultural
 266 service activities within this state.

267 (II) Ten percent shall be distributed to the Delta
 268 Research and Educational Foundation, Inc., solely for the
 269 marketing of the plate.

270 f. Phi Beta Sigma Fraternity, Inc.

271 (I) Eighty-five percent shall be distributed to the TMB
 272 Charitable Foundation, Inc., to promote community awareness and
 273 action through educational, economic, and cultural service
 274 activities within this state.

275 (II) Ten percent shall be distributed to the TMB

276 Charitable Foundation, Inc., solely for the marketing of the
277 plate.

278 g. Zeta Phi Beta Sorority, Inc.

279 (I) Eighty-five percent shall be distributed to the
280 Florida Pearls, Inc., to promote community awareness and action
281 through educational, economic, and cultural service activities
282 within this state.

283 (II) Ten percent shall be distributed to the Florida
284 Pearls, Inc., solely for the marketing of the plate.

285 h. Sigma Gamma Rho Sorority, Inc.

286 (I) Eighty-five percent shall be distributed to the Sigma
287 Gamma Rho Sorority National Education Fund, Inc., to promote
288 community awareness and action through educational, economic,
289 and cultural service activities within this state.

290 (II) Ten percent shall be distributed to the Sigma Gamma
291 Rho Sorority National Education Fund, Inc., solely for the
292 marketing of the plate.

293 i. Iota Phi Theta Fraternity, Inc.

294 (I) Eighty-five percent shall be distributed to the
295 National Iota Foundation, Inc., to promote community awareness
296 and action through educational, economic, and cultural service
297 activities within this state.

298 (II) Ten percent shall be distributed to the National Iota
299 Foundation, Inc., solely for the marketing of the plate.

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301 License plates created pursuant to this subsection shall have
302 their plate sales combined for the purpose of meeting the
303 minimum license plate sales threshold in s. 320.08056(14)(a) ~~s.~~
304 ~~320.08056(11)(a)~~ and for determining the license plate limit in
305 s. 320.08053(3)(b). License plates created pursuant to this
306 subsection must be ordered directly from the department.

307 Section 5. This act shall take effect on the same date
308 that HB 1267 or similar legislation takes effect, if such
309 legislation is adopted in the same legislative session or an
310 extension thereof and becomes a law.