

By Senator Rodriguez

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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 SB ____, 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

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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 SB _____, 2021 Regular
58 Session, is amended to read:

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59 320.08053 Establishment of specialty license plates.-

60 (3)

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

72 Section 3. Subsections (2), (3), and (4) through (18) of
73 section 320.08056, Florida Statutes, as amended by SB _____, 2021
74 Regular Session, are redesignated as subsections (4), (5), and
75 (7) through (21), respectively, new subsections (2), (3), and
76 (6) are added to that section, and paragraphs (b) and (c) of
77 subsection (1), present subsection (3), paragraph (d) of present
78 subsection (6), paragraph (c) of present subsection (11),
79 paragraph (a) of present subsection (13), and present subsection
80 (15) of that section are amended, to read:

81 320.08056 Specialty license plates.-

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

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88 specialty license plates.

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

98 (c) The department shall certify to the Chief Financial
99 Officer an estimate, with a detailed explanation of the basis on
100 which the estimate is calculated, of all reasonable costs to the
101 department associated with the evaluation of competitive sealed
102 proposals received by the department under this subsection and
103 with the implementation and enforcement of a contract entered
104 into under this subsection, including direct, indirect, and
105 administrative costs for the issuance or renewal of specialty
106 license plates under subsection (8) ~~(5)~~.

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

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117 motor vehicle for which a specialty license plate is issued and
118 any additional fee for the issuance of a specialty license plate
119 for that motor vehicle.

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

124 (5)~~(3)~~ Notwithstanding s. 320.06, a specialty license plate
125 marketed and sold by a private vendor must be approved by the
126 department for issuance for a term of 1, 3, 5, or 10 years.
127 Subject to the limitations provided in subsection (14) ~~(11)~~ and
128 s. 320.08053(2)(b), the department may cancel a specialty
129 license plate or require the discontinuation of a specialty
130 license plate design or color combination that is marketed and
131 sold by the private vendor under contract at any time if the
132 department determines that the cancellation or discontinuation
133 is in the best interest of this state or the motoring public.

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

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

143 (d) Unless the amount of an annual use fee is otherwise
144 specified in subsection (10) ~~(7)~~ for a particular specialty
145 license plate, an annual use fee of \$25 for any specialty

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146 license plate that is required to be developed under s.
147 320.08058, plus any amounts necessary to allow the department to
148 recover all reasonable costs to the department associated with a
149 specialty license plate marketed and sold by a private vendor,
150 including evaluation of competitive sealed proposals received by
151 the department, implementation and enforcement of a contract,
152 and any other direct, indirect, and administrative costs.
153

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

162 (14) ~~(11)~~

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

172 (16) (a) ~~(13) (a)~~ A specialty license plate annual use fee
173 collected and distributed under this chapter, or any interest
174 earned from those fees, may not be used for commercial or for-

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175 profit activities nor for general or administrative expenses,
176 except as authorized by s. 320.08058 or to pay the cost of the
177 audit or report required by s. 320.08062(1). The fees and any
178 interest earned from the fees may be expended only for use in
179 this state unless the annual use fee is derived from the sale of
180 United States Armed Forces and veterans-related specialty
181 license plates pursuant to paragraph (9) (d) ~~(6) (d)~~ for the
182 Support Our Troops and American Legion license plates;
183 paragraphs (10) (b), (q), and (v) ~~(7) (b), (q), and (v)~~ for the
184 Florida Salutes Veterans, United States Marine Corps, and
185 Military Services license plates, respectively; and s. 320.0891
186 for the U.S. Paratrooper license plate. This paragraph does not
187 apply to specialty license plates marketed and sold by private
188 vendors.

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

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204 determining the license plate limit in s. 320.08053(3) (b).
205 Specialty license plates created pursuant to this subsection
206 must be ordered directly from the department. This paragraph
207 does not apply to specialty license plates marketed and sold by
208 private vendors.

209 Section 4. Subsection (101) of section 320.08058, Florida
210 Statutes, as amended by SB _____, 2021 Regular Session, is
211 amended to read:

212 320.08058 Specialty license plates.—

213 (101) DIVINE NINE LICENSE PLATES.—

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

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

225 1. Five percent of the proceeds shall be distributed to the
226 United Negro College Fund, Inc., for college scholarships for
227 Florida residents attending Florida's historically black
228 colleges and universities.

229 2. The remaining 95 percent of the proceeds shall be
230 distributed to one of the following organizations as selected by
231 the purchaser of the plate who shall receive a license plate
232 with the logo, graphic, or color associated with the appropriate

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233 recipient organization:

234 a. Alpha Phi Alpha Fraternity, Inc.

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

239 (II) Ten percent shall be distributed to the Florida
240 Federation of Alpha Chapters, Inc., solely for the marketing of
241 the plate.

242 b. Alpha Kappa Alpha Sorority, Inc.

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

247 (II) Ten percent shall be distributed to the Alpha Kappa
248 Alpha Educational Advancement Foundation, Inc., solely for the
249 marketing of the plate.

250 c. Kappa Alpha Psi Fraternity, Inc.

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

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

258 d. Omega Psi Phi Fraternity, Inc.

259 (I) Eighty-five percent shall be distributed to the State
260 of Florida Omega Friendship Foundation, Inc., to promote
261 community awareness and action through educational, economic,

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262 and cultural service activities within this state.

263 (II) Ten percent shall be distributed to the State of
264 Florida Omega Friendship Foundation, Inc., solely for the
265 marketing of the plate.

266 e. Delta Sigma Theta Sorority, Inc.

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

271 (II) Ten percent shall be distributed to the Delta Research
272 and Educational Foundation, Inc., solely for the marketing of
273 the plate.

274 f. Phi Beta Sigma Fraternity, Inc.

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

279 (II) Ten percent shall be distributed to the TMB Charitable
280 Foundation, Inc., solely for the marketing of the plate.

281 g. Zeta Phi Beta Sorority, Inc.

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

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

288 h. Sigma Gamma Rho Sorority, Inc.

289 (I) Eighty-five percent shall be distributed to the Sigma
290 Gamma Rho Sorority National Education Fund, Inc., to promote

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291 community awareness and action through educational, economic,
292 and cultural service activities within this state.

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

296 i. Iota Phi Theta Fraternity, Inc.

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

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

303

304 License plates created pursuant to this subsection shall have
305 their plate sales combined for the purpose of meeting the
306 minimum license plate sales threshold in s. 320.08056(14)(a) ~~s.~~
307 ~~320.08056(11)(a)~~ and for determining the license plate limit in
308 s. 320.08053(3)(b). License plates created pursuant to this
309 subsection must be ordered directly from the department.

310 Section 5. This act shall take effect on the same date that
311 SB ___ or similar legislation takes effect, if such legislation
312 is adopted in the same legislative session or an extension
313 thereof and becomes a law.