

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1074

INTRODUCER: Senator Thompson

SUBJECT: Divine Nine Specialty License Plate

DATE: March 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Pre-meeting
2.			ATD	
3.			FP	

I. Summary:

SB 1074 expands eligibility for the Divine Nine specialty license plates from solely a member of the organization and motor vehicle owners, to also provide eligibility to a member’s immediate relative and motor vehicle lessees. The bill defines “immediate relative” as a spouse, domestic partner, or child of a member.

The bill may have an indeterminate, but likely insignificant, negative fiscal impact on the DHSMV to implement changes made by the bill.

The bill takes effect July 1, 2023.

II. Present Situation:

In 2020, the Legislature authorized the creation of the Divine Nine specialty license plates.¹ The annual use fee for such plates is \$25. The Divine Nine specialty license plates consist of plates authorized for the nine member organizations of the National Pan-Hellenic Council²:

- Alpha Phi Alpha Fraternity;
- Alpha Kappa Alpha Sorority;
- Kappa Alpha Psi Fraternity;
- Omega Psi Phi Fraternity;
- Delta Sigma Theta Sorority;
- Phi Beta Sigma Fraternity;
- Zeta Phi Beta Sorority;

¹ Chapter 2020-181, Laws of Fla., creating s. 320.08058(101), F.S.

² The National Pan-Hellenic Council’s purpose is to foster cooperative actions of its members in dealing with matters of mutual concern and to promote the well-being of its fraternities and sororities. National Pan-Hellenic Council, *About the NPHC*, <https://www.nphcq.com/about> (last visited March 23, 2023).

- Sigma Gamma Rho Sorority; and
- Iota Phi Theta Fraternity.

Each organization's plate has a unique logo, graphic, or colors, as well as distribution specific to the individual organization.³ However, plate sales are combined as one Divine Nine specialty license plate for the purpose of meeting the minimum license plate sales threshold⁴ and for determining the license plate limit^{5,6}.

To be eligible for issuance of a Divine Nine specialty license plate, a person must be a Florida resident, the registered owner of a motor vehicle, and a member of the applicable organization. The person must present proof of membership by providing either a membership card distributed by the organization or a written letter on the organization's letterhead, signed by the organization's national president or his or her designee, which states the person was inducted into the organization.⁷ Proof of membership is only required for the initial issuance of the license plate.⁸

As of February 1, 2023, there are 3,751 active registrations for the Divine Nine specialty license plates.⁹

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., to expand eligibility for issuance of the Divine Nine specialty license plates. The bill provides eligibility to an organization member's immediate relative and to motor vehicle lessees. The bill defines "immediate relative" as a spouse, domestic partner, or child of a member.

For issuance of the plate, the bill requires:

- A member of the organization who is a lessee of a motor vehicle to present, in addition to proof of membership, a lease agreement and the vehicle identification number (VIN) for the motor vehicle being leased.
- An immediate relative of a member of the organization to present a marriage license, domestic partnership agreement, birth certificate, or record of adoption, and proof of the immediate relative's membership.

The bill takes effect July 1, 2023.

³ Section 320.08058(101)(a) and (b), F.S.

⁴ Effective July 1, 2023, DHSMV must discontinue any specialty license plate if the number of valid registrations falls below 3,000 for at least 12 consecutive months. Chapter 2020-181, s. 7, Laws of Fla.

⁵ If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135. Section 320.08053(3)(b), F.S.

⁶ Section 320.08058(101), F.S.

⁷ Section 320.08058(101)(c)1., F.S.

⁸ Section 320.08058(101)(c)2., F.S.

⁹ Email from Patrice DeVore, Senior Legislative Liaison, DHSMV, RE: SB 1074 (March 22, 2023).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may result in increased registrations for Divine Nine specialty license plates, which will have a positive fiscal impact on the recipient organizations.

C. Government Sector Impact:

The bill may have an indeterminate, but likely insignificant, negative fiscal impact on the DHSMV to implement changes made by the bill.

VI. Technical Deficiencies:

The bill's language regarding required proof that the immediate relative is a member of such organization may cause confusion and likely can be simplified to achieve the same intent.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
