

CHAPTER 2021-177

Committee Substitute for Committee Substitute for Senate Bill No. 676

An act relating to specialty and special license plates; amending s. 320.08053, F.S.; authorizing a credit for or refund of the annual use fee if a specified condition is met; providing that the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates until a sufficient number of plates are discontinued; amending s. 320.08056, F.S.; providing an exception to the requirement that specialty license plate annual use fees and interest earned from those fees only be expended in this state; requiring the department to discontinue an independent college or university's existing specialty license plate if the college or university elects to use the standard template specialty license plate; amending s. 320.08058, F.S.; providing legislative intent regarding the Florida Indian River Lagoon license plate; revising the design of such plate; revising distribution and application of annual use fees from the sale of such plates; revising distribution and use of annual use fees from the sale of Wildlife Foundation of Florida license plates; revising distribution of annual use fees from the sale of Divine Nine license plates; providing eligibility requirements for issuance of such plates; authorizing such plates to be personalized; prohibiting the transfer of such plates between vehicle owners; requiring the department to develop specified specialty license plates; providing for the distribution and use of fees collected from the sale of such plates; amending s. 320.0807, F.S.; revising requirements for the issuance of certain special license plates; amending s. 320.089, F.S.; authorizing the department to issue Army of Occupation license plates; specifying qualifications and requirements for such license plates; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 320.08053, Florida Statutes, are amended to read:

320.08053 Establishment of specialty license plates.—

(2)

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 voucher sales, or in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate or if the plate has met the presale

requirement but has not been issued, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

(3)

(b) If the Legislature has approved 150 or more specialty license plates, the department may not ~~issue~~ ~~make~~ any new specialty license plates available ~~for design or issuance~~ until a sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 150. Notwithstanding s. 320.08056(8)(a), the 150-license-plate limit includes license plates above the minimum sales threshold and those exempt from that threshold.

Section 2. Paragraph (a) of subsection (10) and subsection (12) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(10)(a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of United States Armed Forces and veterans-related specialty license plates pursuant to paragraph (3)(d) for the Support Our Troops, ~~and American Legion, and Honor Flight~~ license plates; paragraphs (4)(b), (q), and (v) for the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; and s. 320.0891 for the U.S. Paratrooper license plate.

(12) Notwithstanding s. 320.08058(3)(a), the department, in cooperation with the independent colleges or universities as defined in s. 1009.89 or s. 1009.891, shall create a standard template specialty license plate with a unique logo or graphic identifying each independent college or university. Each independent college or university may elect to use this standard template specialty license plate in lieu of its own specialty license plate. Annual use fees from the sale of these license plates shall be distributed to the independent college or university for which the logo or graphic is displayed on the license plate and shall be used as provided in s. 320.08058(3). Independent colleges or universities opting to use the standard template specialty license plate shall have their plate sales combined for purposes of meeting the minimum license plate sales threshold in paragraph (8)(a) and for determining the license plate limit in s. 320.08053(3)(b). Specialty license plates created pursuant to this subsection must be ordered directly from the department. If the independent college or university elects to use the standard template specialty license plate, the department shall discontinue the existing specialty license plate.

Section 3. Subsections (10), (46), and (101) of section 320.08058, Florida Statutes, are amended, and subsections (112) through (118) are added to that section, to read:

320.08058 Specialty license plates.—

(10) FLORIDA INDIAN RIVER LAGOON LICENSE PLATES.—

(a) Because the Indian River Lagoon system has been targeted by the state as a priority water body for restoration and preservation since the 1987 Surface Water Improvement and Management Act;~~;~~ and because the St. Johns River and South Florida Water Management Districts joined with local, regional, and state partners to create the Indian River Lagoon (IRL) Council by interlocal agreement in 2015 to serve as the host agency for the Indian River Lagoon National Estuary Program; because the program worked with local, state, and federal partners to develop and adopt the Indian River Lagoon Comprehensive Conservation and Management Plan in 2019; because the St. Johns River Water Management District has been distributing funds collected from the plate from Volusia, Brevard, and Indian River Counties to support competitive local cost-share projects in each of these counties administered by the IRL Council, including have jointly developed a management plan that includes water quality improvement, habitat restoration, and public awareness and education;~~;~~ and because the United States Environmental Protection Agency has declared the Indian River Lagoon to be an estuary of national significance;~~;~~ and because coastal lagoon activities relating to saltwater fishing account for a multibillion dollar economic base;~~;~~ and because the Legislature supports the restoration efforts of the Indian River Lagoon National Estuary Program and its partners water management districts, the Legislature intends for the establishes a Florida Indian River Lagoon license plate to provide for the purpose of providing a continuous funding source to support this worthwhile effort and to heighten public awareness of this economically significant resource. Florida Indian River Lagoon license plates must contain the fish “snook,” which has been used as the Indian River Lagoon Surface Water Improvement and Management logo, suspended over seagrass, and must bear the colors and design approved by the department.

(b) The license plate annual use fees are to be distributed annually as follows:

1. The first \$5 million collected annually must be transferred to the IRL Council, which must separately St. Johns River Water Management District. The district shall account for the transferred these funds, and such separate from all other funds received. These funds must be distributed as follows:

a. Based on Florida Indian River Lagoon license plate sales data from each county tax collector for Volusia, Brevard, Indian River, St. Lucie, Martin, and Palm Beach Counties, each county's total number of Florida Indian River Lagoon license plates sold between October 1 and September 30

must represent a percentage of the six-county total, calculated as follows: the total number sold for county A divided by the total number sold for counties A, B, C, D, E, and F is multiplied by 100. The percentage determined for St. Lucie, Martin, and Palm Beach Counties must be totaled, and that total percentage of the statewide Florida Indian River Lagoon license plate revenues must be transferred to the South Florida Water Management District special Indian River Lagoon License Plate Revenue Account and distributed proportionately among St. Lucie, Martin, and Palm Beach Counties. The remaining funds in the IRL Council St. Johns River Water Management District Revenue Account must be divided proportionately between Volusia, Brevard, and Indian River Counties.

b. The IRL Council shall administer Each water management district is responsible for administering projects in Volusia, Brevard, and Indian River its respective Counties from funds derived from funded with the appropriate percentage of license plate revenues. The South Florida Water Management District shall administer projects in St. Lucie, Martin, and Palm Beach Counties.

2. Up to 5 percent of the proceeds from the annual use fee may be used for continuing promotion and marketing of the license plate.

3. Any additional fees must be deposited into the General Revenue Fund. Fees are not to be deposited into the general revenue funds of the IRL Council water management districts.

(c) The application of Florida Indian River Lagoon license plate annual use fees is to be administered by the IRL Council St. Johns River and the South Florida Water Management District Districts for Indian River Lagoon projects and in accordance with their contracting and purchasing policies and procedures, with the following restrictions:

1. An annual amount of the total license plate use fees must be earmarked for each of the six lagoon basin counties, as determined in sub-subparagraph (b)1.a., to be expended in those counties on habitat restoration, including water quality improvement, monitoring, and environmental education projects. At least 80 percent of the use fees must be used for restoration projects, and not more than 20 percent may be used for environmental education and monitoring projects in each county. These project funds may serve as matching funds for other local, state, or federal funds or grants. Unencumbered funds from one year may be carried over to the following year but must be dedicated to a project within 2 years in the form of a contract, an interlocal agreement, or an approved plan by the governing board of the respective district.

2. Florida Indian River Lagoon license plate annual use fees may not be used for administrative salaries or overhead within the IRL Council or the South Florida Water Management District; water management districts, nor for any general coordination fees or overhead that outside of the districts which is not specifically related to a project; ~~nor for any projects that which~~

are considered to be research, studies, inventories, or evaluations; ~~or, nor~~ for administrative salaries or overhead related to environmental education or ongoing regular maintenance. Annual use fees may be used for acquisition of rights-of-way specific to the implementation of restoration or improvement projects, if acquisition expenditures do not exceed 20 percent of a county's appropriation.

3. In Volusia County, project implementation may occur in all estuarine waters extending north to and including the Indian River Lagoon National Estuary Program's Indian River Lagoon-Halifax River planning boundary amendments that include the Tomoka Basin.

4. In Palm Beach County, first priority must be given to projects within the Indian River Lagoon. Second priority must be given to projects within adjacent estuarine waters, including the Loxahatchee River and other tributaries to the Indian River Lagoon.

(d) It is the intent of the Legislature that revenues generated by the Florida Indian River Lagoon license plate annual use fees must not be used as replacement funds for other available funding sources ~~Surface Water Improvement and Management Act funds~~, but must be used solely for the enhancement of the Indian River Lagoon and tributaries in the Indian River Lagoon watershed as defined by the Indian River Lagoon National Estuary Program project boundary defined in the Indian River Lagoon Comprehensive Conservation and Management Plan or as provided in this subsection area.

(46) WILDLIFE FOUNDATION OF FLORIDA LICENSE PLATES.—

(a) The department shall develop a Wildlife Foundation of Florida license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Wildlife Foundation of Florida" must appear at the bottom of the plate.

(b) The annual revenues from the sales of the license plate shall be distributed to the Fish & Wildlife Foundation of Florida, Inc., a citizen support organization created pursuant to s. 379.223. Such annual revenues must be used in the following manner:

1. Seventy-five percent must be ~~encumbered~~ used to fund programs and projects within the state that preserve open space and wildlife habitat, promote conservation, promote hunting and shooting sports, improve wildlife habitat, and establish open space for the perpetual use of the public. Unencumbered funds from one year may be carried over to the following year but must be spent within 2 years after receipt or dedicated to a project within 2 years after receipt in the form of a contract, a grant award, or an approved plan by the governing board of the Fish & Wildlife Foundation of Florida, Inc.

2. Twenty-five percent may be used for promotion, marketing, and administrative costs directly associated with operation of the foundation.

~~(c) When the provisions of subparagraph (b)1. are met, those annual revenues shall be used for the purposes of subparagraph (b)2.~~

(101) DIVINE NINE LICENSE PLATES.—

(a) The department shall develop a Divine Nine license plate as provided in this section and s. 320.08053 using a standard template and a unique logo, graphic, or color for each of the organizations listed in sub-subparagraphs ~~(b) 3.a.i.~~ (b)2.a.i. The plate must bear the colors and design approved by the department, and must include the official logo, graphic, or color as appropriate for each organization. The word “Florida” must appear at the top of the plate, and the words “Divine Nine” must appear at the bottom of the plate.

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

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

2. Ten percent of the proceeds shall be distributed to the Association to Preserve African American Society, History and Tradition, Inc., solely for the marketing of the plate.

~~3.2.~~ The remaining ~~85~~ 95 percent of the proceeds shall be distributed to one of the following organizations as selected by the purchaser of the plate who, upon fulfilling the requirements of paragraph (c), shall receive a license plate with the logo, graphic, or color associated with the appropriate recipient organization:

a. Alpha Phi Alpha Fraternity, Inc.—

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

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

b. Alpha Kappa Alpha Sorority, Inc.—

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

~~(H) Ten percent shall be distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., solely for the marketing of the plate.~~

c. Kappa Alpha Psi Fraternity, Inc.==

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

~~(H) Ten percent shall be distributed to the Southern Province of Kappa Alpha Psi Fraternity, Inc., solely for the marketing of the plate.~~

d. Omega Psi Phi Fraternity, Inc.==

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

~~(H) Ten percent shall be distributed to the State of Florida Omega Friendship Foundation, Inc., solely for the marketing of the plate.~~

e. Delta Sigma Theta Sorority, Inc.==

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

~~(H) Ten percent shall be distributed to the Delta Research and Educational Foundation, Inc., solely for the marketing of the plate.~~

f. Phi Beta Sigma Fraternity, Inc.==

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

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

g. Zeta Phi Beta Sorority, Inc.==

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

~~(H) Ten percent shall be distributed to the Florida Pearls, Inc., solely for the marketing of the plate.~~

h. Sigma Gamma Rho Sorority, Inc.—

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

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

i. Iota Phi Theta Fraternity, Inc.—

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

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

(c)1. To be eligible for issuance of a Divine Nine license plate representing an organization listed in sub-subparagraphs (b)3.a.-i., a person must be a resident of this state who is the registered owner of a motor vehicle and who is a member of the applicable organization. The person must also present proof of membership in the organization, which may be established by:

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

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

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

(d) A Divine Nine license plate:

1. May be personalized.

2. May not be transferred between vehicle owners.

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

(112) FLORIDA STATE PARKS LICENSE PLATES.—

(a) The department shall develop a Florida State Parks license plate as provided in this section and s. 320.08053. The plate must bear the colors and

design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Explore Our State Parks” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida State Parks Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, the mission of which is to preserve, protect, sustain, and grow Florida state parks. Up to 10 percent of the fees may be used for marketing of the plate and costs directly associated with administration of the foundation.

(113) HONOR FLIGHT LICENSE PLATES.—

(a) The department shall develop an Honor Flight license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Honor Flight” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed equally among the Honor Flight Network hubs in this state, each of which is a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 10 percent of the fees may be used for promotion and marketing of the license plate.

2. The remaining fees shall be used to further the Honor Flight Network’s mission of transporting military veterans to Washington, D.C., in order to visit the memorials dedicated to honoring those who have served and sacrificed for the United States.

(114) BISCAYNE BAY LICENSE PLATES.—

(a) The department shall develop a Biscayne Bay license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Protect Biscayne Bay” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to The Miami Foundation, a Florida nonprofit corporation, to be used as follows:

1. Up to 10 percent of the fees may be used for promotion and marketing of the license plate and for direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with administrative costs shall be selected by competitive bid.

2. The remaining fees shall be used to raise awareness and support the mission and efforts of conserving Biscayne Bay. The Miami Foundation Board of Trustees must approve and is accountable for all such expenditures.

(115) DISEASE PREVENTION & EARLY DETECTION LICENSE PLATES.—

(a) The department shall develop a Disease Prevention & Early Detection license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Disease Prevention & Early Detection” must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to The Women’s Breast & Heart Initiative, Florida Affiliate, Inc., a Florida nonprofit corporation, which may use up to 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by The Women’s Breast & Heart Initiative, Florida Affiliate, Inc., to provide increased education and awareness relating to early detection, prevention, and screening of breast and heart issues.

(116) PROTECT MARINE WILDLIFE LICENSE PLATES.—

(a) The department shall develop a Protect Marine Wildlife license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Protect Marine Wildlife” must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Protect Wild Dolphins Alliance, Inc., which may use up to 10 percent of the proceeds for administration, promotion, and marketing of the plate. All remaining proceeds shall be used by the Protect Wild Dolphins Alliance, Inc., to fund its conservation, research, and educational programs that focus on the conservation of Florida’s threatened and protected marine wildlife species.

(117) 30A.COM/SCENIC WALTON LICENSE PLATES.—

(a) The department shall develop a 30A.com/Scenic Walton license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Support Scenic Walton” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Scenic Walton, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to be used to preserve and enhance the beauty and safety of Walton County. Up to 10 percent of the fees may be used for marketing of the plate and costs directly associated with administration of Scenic Walton, Inc.

(118) SUPPORT HEALTHCARE HEROES LICENSE PLATES.—

(a) The department shall develop a Support Healthcare Heroes license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Support Healthcare Heroes” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed annually into the Emergency Medical Services Trust Fund within the Department of Health to provide financial support for prehospital emergency medical services pursuant to s. 401.113.

Section 4. Subsection (5) of section 320.0807, Florida Statutes, is amended to read:

320.0807 Special license plates for Governor and federal and state legislators.—

(5) Upon application by any current or former President of the Senate and payment of the fees prescribed by s. 320.0805, the department may issue a license plate stamped “Senate President” followed by the number assigned by the department or chosen by the applicant if it is not already in use. Upon application by any current or former Speaker of the House of Representatives and payment of the fees prescribed by s. 320.0805, the department may issue a license plate stamped “House Speaker” followed by the number assigned by the department or chosen by the applicant if it is not already in use. ~~The applicant must have served as President of the Senate or Speaker of the House of Representatives prior to January 1, 2021.~~

Section 5. Subsection (7) is added to section 320.089, Florida Statutes, to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; Bronze Star recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; ~~and~~ Navy Submariners; and Army of Occupation Veterans; special license plates; fee.—

(7) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which is not used for hire or commercial use who is a resident of this state and a current or former member of the United States military who was permanently assigned to occupation forces in specific

overseas locations during the Cold War between May 9, 1945, and October 2, 1990, upon application to the department accompanied by proof of active membership or former active duty status during this period at one of these locations and payment of the license tax for the vehicle as provided in s. 320.08, shall be issued a license plate as provided by s. 320.06 which, in lieu of the registration license number prescribed by s. 320.06, is stamped with the words “Army of Occupation” and a likeness of the subject medal, followed by the registration license number of the plate. Proof that the applicant was awarded the Army of Occupation Medal is sufficient to establish eligibility for the license plate.

Section 6. This act shall take effect October 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.